



PROCEDURES AND GUIDELINES FOR ADMINISTRATION OF WAIVERS

DEFINITIONS

“Association” means The Graduate Students' Association of the University of Calgary.

“Association-approved Event” means an event that has been approved formally by the Association's designated staff with the proper process.

“Departmental Graduate Association (DGA)” means a graduate student organization composed of Active Members in a Department at UCalgary and officially recognized by the Association.

“Event Organizer” means the main person who is in charge of an event or is the representative of the event on behalf of the DGA/GSG/project.

“Communications and Events Coordinator” means the person employed by the Association at a full-time capacity to plan, execute, and evaluate the Association's events or related events. This position reports directly to the VP Student Life and the Executive Director.

“Graduate Student Group (GSG)” means a graduate student organization composed of Active Members linked by a common academic or other interest and officially Ratified by the Board.

“Participant” means a DGA/GSG/student or their guest who is participating in the event or activity named in the waiver.

“Signee” means a DGA/GSG/student or their guest who is signing the waiver, or the parent or guardian who is signing on behalf of a guest who is under the age of 18.

“Waiver” means a legal contract between two parties; the participant in an activity or event and the organization offering the activity or event.

The participant's signature creates a binding contract indicating that the participant will not hold *the Board of Directors of the Association* and the *University of Calgary's Board of Governors* responsible or "liable" for any injuries which the participant may receive as a result of freely engaging in the activity or event.

SCOPE

Any Association-approved Event that has any element of physical or legal risk involved in the activity or event shall abide by the Procedures and Guidelines for Administration of Waivers. The Association shall not hold any responsibilities for any incidents or injuries happened at any Association-affiliated Events that are not approved in writing by the Association.

PROCEDURES

1. If the Association-approved Event is required to distribute waivers by the Communications and Events Coordinator:
 - 1.1. The Event Organizer must receive training from the Communications and Events Coordinator prior to being permitted to administer waivers on behalf of the DGA/GSG/student group and the Association. The Event Organizer must be at least 18 years of age. In the absence of the Event Organizer at the event, a representative from the DGA/GSG/student group must be appointed to take on the role of the administrator of the waiver;
 - 1.2. Blank waiver forms must be provided to the Event Organizer by the Communications and Events Coordinator. The same waiver cannot be used for every activity or event, as the waiver should state specific risks related to the activity or event. The Event Organizer who is acting as the administrator of the waiver is required to specifically explain the nature of the activity or event to the Communications and Events Coordinator so that an appropriate waiver document can be constructed; and
 - 1.3. The Event Organizer is in charge of distributing waiver forms to participants. All completed forms must be returned to the Communications and Events Coordinator for records and storage.
2. Administering waivers
 - 2.1. The Event Organizer must ensure that the participant must be provided with the blank waiver form 72 hours prior to the event taking place and the participant takes the time to read the waiver;
 - 2.2. The administrator of the waiver must ask the participant if he or she “has read and understood the waiver?” and obtain an affirmative reply. It should be impressed upon the signee that a waiver is a legal contract in which the participant agrees that they are voluntarily exposing themselves to the inherent physical risks of the activity and absolving *the Association, its Board of Directors and the University of Calgary’s Board of Governors* from any legal risks (the risk of negligence) which should arise from an individual’s participation in any and all of the activities;
 - 2.3. A waiver must be signed, dated, witnessed and appropriately initialed (further acknowledging that a participant has read the waiver), prior to an individual participating in the activity;
 - 2.4. The administrator of the waiver must ensure that the signature is the proper name of the participant and the name is printed and legible;
 - 2.5. The administrator of the waiver should not make any changes to the waiver or allow a participant to make any changes to the waiver without first consulting with the Communications and Events Coordinator;

- 2.6. The administrator of the waiver must have the waiver signed in front of them and the administrator must witness the participant's signature. Administrators witnessing waivers may not be relatives or family members of the participant they are witnessing;
- 2.7. The administrator of the waiver must ensure that a participant is mentally competent to understand the nature of the waiver. If the administrator believes that an individual is impaired at the time of the signing of the waiver, that individual must not be allowed to engage in the activities in question; and
- 2.8. The administrator of the waiver must ensure that the participant is not rushed, coaxed, and/or coerced to sign the waiver.

GUIDELINES

1. For an ongoing activity throughout the year (i.e. drop-in programs):

A waiver has a maximum “usage” of 1 year. For example, if you have a waiver for a drop-in activity that goes throughout the year, you are required to set up a system to ensure that each participant signs a new waiver at least once a year. If you change any activities in the drop-in program or add activities that were not originally considered when the waiver was built, you must contact the Communications and Events Coordinator (events.gsa@ucalgary.ca) and request an updated waiver. Once completed, all participants must sign the new waiver.

2. Who can be a witness?

An executive of the DGA or GSG, or the organizer of the event is the best choice as they may have to testify in court that they witnessed the signature. However, witnesses can be anyone who is not related to the participant.

3. What if the Participant wants to cross something off the waiver?

The Association do not accept altered Waivers. In order to participate in the activity, they must sign the document with no changes.

4. When I am acting as a witness, what should I look for?

- 4.1. Ensure that you have checked their picture ID and its validity so that you can verify they are the person whose name is on the Waiver
- 4.2. Check that their name and address is complete
- 4.3. Check that the date and the signature are complete
- 4.4. Ask them if they have read and understood the document.
- 4.5. Then go ahead and sign as a witness and complete your date and signature.

5. What if you are asked to explain the Waiver?

Reply as follows: “The document you are asked to sign is a Waiver of Liability and Indemnity Agreement. It is a legal document and by signing it, you are giving up certain legal rights, including the right to sue, should you be injured while participating in this activity.” Do not attempt to get into a more elaborate explanation, but suggest the Participant re-read the document.

6. Accidents: What if a person is injured during the activity?

Contact Campus Security at 403-220-5333. They will initiate emergency response if the accident is significant. The Association may contact you to obtain the original of the signed waiver and the completed Incident Report Form.