

Administration of Waivers

1. Where possible, an advance notice of the requirement to sign the waiver should be given to all participants. For example, mention of the requirement to sign a waiver could be made in promotional literature distributed or mailed out to potential participants, or it may be announced at an information session regarding a field trip or practicum placement.
2. The waiver should be executed in the presence of specifically designated employees of the University or specific persons contracted to provide instruction for the University. Waivers cannot be executed by the participant at home and then mailed into the University.
3. Specific employees of the University or specific persons contracted to provide instruction for the University should be designated to deal with the administration of waivers and act as witnesses to the execution of the waivers. The witness of the waiver should also be the person who is given charge of the optional course, activity, field trip, practicum placement or event. Bearing in mind that these persons may one day have to appear in court to testify as to the execution of the document, these employees should be mature and responsible individuals. It is not appropriate to have friends, relatives or associates of those signing the waivers act as witnesses.
4. The witness should sign the document beside the signature of the participant and should observe the following before signing the waiver:
 - a) Ensure that the name of the participant, address and telephone number are complete;
 - b) The participant must sign and date the waiver in front of the witness. If the participant has already signed the release before presenting it to the witness, the witness should either confirm the signature or ask the person to sign again;
 - c) Ensure that the participant has not changed or crossed out any of the wording;
 - d) The witness should ask each participant individually, "Have you read and do you understand the waiver?" The participant must respond affirmatively.
 - e) If the participant appears intoxicated or otherwise impaired, the witness should refuse to sign the document and the person's participation in the event or activity postponed.
 - f) Ask the person to verify that they are able to read the English language and have the capacity to read without the aid of glasses.
5. If the participant requests an explanation of the meaning of the document, respond as follows:

"The document you are being asked to sign is a release of liability. It is a legal document. By signing the release you are giving up certain rights, including the right to sue should you be injured during the event or activity. In addition, you could be held responsible to pay for damages or other costs should you or others be injured or there is damage to property".

The witness should not attempt to get into a more elaborate explanation as to the legal effect of the document. Instead, suggest that the participant re-read the document carefully. If the participant still does not understand or is troubled by the language in the waiver referring to negligence of Brock University, direct him or her to the Office of Environment, Health and Safety. **Participants should not be told that the waiver is a routine document nor should they be encouraged or rushed into signing.**
6. All participants must sign waivers to be able to participate. Individuals who refuse to sign a waiver should not be allowed to participate in any aspects of the optional course, activity, field trip, practicum placement or event.
7. Although a waiver may not be enforceable if the participant is under the age of 18, it may be of some legal value and should be duly completed and signed by the participant and the witness.
8. The completed waivers should be kept on file for a minimum period of 10 years.

9. When participants are referred to the Office of Environment, Health and Safety, the following explanation of the waiver should be given:

When the activity is to take place on the premises: Although the University strives to ensure the premises are as safe as modern standards will allow, perfection is not guaranteed and the risk of injury does remain. The University cannot predict what standards a court might impose on it after the fact, or whether those standards could be reasonably achieved.

Regardless of where the activity is to take place: Through the waiver program, the University is trying to limit its exposure to civil claims resulting from its inability to eliminate all risks from the intended activity. Participants who are concerned about indemnification in the event of an injury should be advised to consult with disability and life insurers, as this form of coverage would afford greater certainty of recovery in the case of injury or death.

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