

Release and Waiver Forms

Overview

The use of Releases and Waivers is standard practice for many organizations that engage in activities that carry a certain degree of risk. Many, if not all, universities view the use of Releases/Waivers as essential. At their core, these documents are legal agreements in which one party transfers the risk of injury or property damages from one party to another. Properly administered, a Release can protect an organization, as well as its employees, from legal responsibility for injuries that occur when a participant is engaging in an activity that carries risk of injury regardless of anything the University might do to prevent such an injury from happening. Indeed, many activities that students desire to engage in carries certain risks, and that risk is arguably a higher one when it occurs off-campus or as part of an activity that the University itself doesn't control.

University departments or programs that sponsor activities involving risk of injury or damage to property should regularly utilize Releases/Waivers, not only because they serve to minimize the University's legal exposure, but because it can also be used as a tool to inform participants of the dangers associated with certain activities. Properly worded, a Release/Waiver by its very nature can put the participant on notice that the activity carries the risk of injury. To the extent possible, individuals coordinating the activities should do everything possible to discuss the Release/Waiver with program participants and the reasons why they are being asked to sign such a document.

Release/Waiver Forms

To access the forms below, please log in to [MyCSU](#) and go to the Forms tab within the Faculty/Staff section.

- CSU General Release and Waiver of Liability
- CSU Group Liability Waiver
- CSU Release, Waiver of Liability and Covenant Not to Sue - Student
- CSU Foundation Release/Waiver and Statement of Responsibility re: International Travel Experience
- CSU Foundation Release/Waiver and Statement of Responsibility re: Domestic Travel Experience

Limitation of Liability

Getting a program participant to sign a Release/Waiver is just one component of minimizing the University's legal exposure. Although a Release/Waiver is a binding legal document when properly executed by a participant (or if a minor, then the participant's parent or guardian), the University remains responsible for conducting its activities and events in a manner that reasonably protects the health and safety of all participants.

Accordingly, the following risk control measures are recommended:

- Refraining from scheduling activities that carry an unreasonable degree of harm to participants.
- Consulting with and obtaining approval for activities from an individual who is at the Director level or above.
- Ensure facilities and equipment are in proper working order.
- Ensure staff is trained in how to respond to emergency situations.
- When using outside parties or vendors to carry out activities, ensure that a contract is in place and that it contains an indemnity/hold harmless language.

Elements

Release/Waivers drafted by OLAEC contain the following essential elements:

- A space or section to describe the activity.
- A release of liability and waiver of the right to sue if any loss results from participation in the activity.

- An express assumption of risk where the participant acknowledges understanding the nature of the activity and the risks involved, and chooses voluntarily to accept those risks.
- A provision where the participant agrees not to hold the University responsible for any loss that may result from participation in the activity where such activity occurs as a result of the inherent dangerousness of the activity itself or due to the negligence or wrongful conduct of a third-party.

For participants under the age of 18, a parent or guardian must provide consent for their child to participate in an activity. By signing the Release/Waiver, the parent or guardian acknowledges that he or she understands the risks and agrees not to hold the University responsible for any harm that results from the risks listed therein. However, the University may not be protected if a loss occurs due to a risk not listed on the consent or has nothing to do with the activity; it is, thus, important to identify accurately the precise activity in which the student will be engaged.