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### **Release of Liability & Informed Consents**

A Release of Liability, Waiver of Claims, Assumption of Risks and Indemnification Agreement (Release) is a legal contract between two parties; the participant in the event or activity and the organization offering/organizing the event or activity.

The participant's signature creates a binding contract whereby the participant gives away his/her right to sue. The purpose of executing the Release is to require the participant to take responsibility for their own actions and assume the risks that could result in loss, injury or death when voluntarily participating in the event or activity.

An Informed Consent is a legal document used to inform a person about the hazards and potential dangers of a particular event or activity. The legal definition is "Permission to do something which is given with complete knowledge of all relevant facts, such as the risks involved or any available alternatives."

A properly worded and executed Release or Informed Consent Form serves as a reliable and valid legal tool that limits the University's liability, particularly related to risks that are outside the University's control. A good Release clearly identifies what the risks are, and these will vary depending on the activity, type of program, the location or site, age and skill of participants, etc. Both Release of Liability & Informed Consent forms are customized to each activity.

PLEASE NOTE: These guidelines are NOT applicable to the informed consents required for research involving the use of human subjects/participants. Please contact the Faculty of Graduate Studies and Research if you require assistance with an application and documentation for this purpose.

**IN ORDER TO OBTAIN A RELEASE OR INFORMED CONSENT**, please download the Release of Liability/Informed Consent Request Form, complete the form and email it as an attachment to [admin.finservices@smu.ca](mailto:admin.finservices@smu.ca).

[Link to Release of Liability/Informed Consent Request Form](#)

### **Which document do I need?**

**A RELEASE** is required if:

- Participation in the event or activity is optional and
- The participants are 19 years of age or older.

**An INFORMED CONSENT** is required if:

- The participation in the event or activity is mandatory and / or
- The participants are Minors under the age of 19.

### **Administer Releases/Informed Consents**

Print the two-page Releases or Informed Consent in a back-to-back format on one page of paper.

Give advance notice of the requirement to sign the Release or Informed Consent to all participants if possible. Releases and Informed Consents should be provided a minimum of 48 hours prior to the date the activity commences. They must be filled out, signed and returned prior to the individual participating in the activity. This ensures that the participants or their parents/legal guardians have sufficient time to consider the legal implications of signing the Release or the Informed Consent.

### **Who can be a witness?**

Employees of the University may act as witnesses to the execution of the Release or Informed Consent. The only exception is in the case of Informed Consent where the distance of the parents/legal guardians from the University makes it administratively impossible. In this case, the Informed Consents may be signed by the parent/legal guardian and witnessed by a person that is not of their immediate family. Witnesses must print their name and provide their address and telephone number for the form to be complete.

### **How do I administer and witness an Informed Consent or Release?**

Each Release must be witnessed. An employee of the University should be designated to act as witnesses to the signing of the Waiver. Before witnessing the Release or Informed Consent the witness should observe the following points:

Ensure the person is of sound mind and body.

Check picture identification to ensure the person signing the Release/Informed consent is the same as the participant on the Release or the parent/legal guardian on the Informed Consent.

Ensure that all parts of the Waiver have been properly completed.

Ensure that the participant/parent/legal guardian has not changed or crossed out any of the wording on the Release or the Informed Consent.

Ask each participant/parent/legal guardian: "Have you read and do you understand the Release/Informed Consent?" the participant/parent/legal guardian must respond affirmatively.

Ensure that the participant/parent/legal guardian has signed and dated the Release or Informed Consent.

Only after the above points have been confirmed should the witness sign the Release/Informed Consent.

It is recommended that some form of control mechanism or procedure be put in place to ensure that all persons participating in the event or activity have properly executed the Waiver

**What if they ask me to explain the document?**

RELEASE - If the participant requests an explanation of the meaning of the Release, the following explanation should be given:

**"The document you are asked to sign is a Release of Liability and Indemnity Agreement. It is a legal document and by signing the Release and Indemnity, you are giving up certain legal rights, including the right to sue, should you be injured while participating in this activity."**

As the Release is written in clear terms, the witness should not provide further explanation, but should suggest the participant re-read the document and/or consult legal advice.

INFORMED CONSENT - If the participant requests an explanation of the meaning of the Informed Consent they should be encouraged to re-read the document as the document is written in clear terms. If the participant continues to have questions regarding the language in the Informed Consent, they should be directed to consult legal advice.

**What should I do with the Releases/Informed Consents after they are signed?**

Releases and informed consents should be filed by the department and retained for a period of seven years.

**What do I do if there is an accident or incident during the activity?**

Any incidents or accidents that occur during an activity (off-campus or on-campus) must be reported immediately and a Health and Safety Injury/Incident Report must be completed. Please refer to the University's Occupational Health and Safety website for instructions on reporting incidents and injuries.