

## Guidelines for Administering Waivers and Indemnity Agreements

- If you cannot find the waiver or indemnity agreement (“**document**”) you’re looking for, complete the [Custom Waiver / Indemnity Agreement Request Form](#) online. Any proposed deviation from these guidelines requires advance approval from Institutional Compliance.
- Documents should be a single page, printed in colour and back-to-back if necessary. The yellow box with red border is an industry standard for documents that increases the likelihood of them being upheld in court. Alternatively, documents may be signed and witnessed electronically as long as the college’s [Guidelines for the Use of E-signatures](#) are met.
- The need to sign a document must be communicated to the person, preferably in writing, (a) before non-refundable\* fees are paid and (b) before the person registers in the activity. Consistency is important; the same communication should be made to everyone.
- Documents must be completed (a) before non-refundable\* fees are paid and (b) before the person participates in the activity (registration may occur before the document is signed, although it is preferable for registration to occur after).
- Documents may be completed on the day of the activity, but the document must be provided to the person far enough in advance so that they have time to review it.
- Summer camp indemnity agreements are to be executed in front of a college employee or a person who is not a family member of the participant. All other documents are to be executed in front of a college employee. (If this will not be possible for your situation, contact Institutional Compliance in advance for advice.)
- When witnessing a document, a college employee must:
  - 1) check the person’s photo identification to confirm their identity and age (at least 18)
  - 2) ensure that the document has been legibly completed – signed, initialed, and dated
  - 3) witness the document (if the employee did not see the person sign, the employee must ask “Is this your signature?” and receive an affirmative response before witnessing)
- If asked what a waiver is for, a college employee should respond “The waiver is a legal document. By signing this waiver, you are giving up certain legal rights, including the right to sue, relating to [the activity].” Any further questions should be directed to Institutional Compliance.

An example of acceptable practice: During a field trip information session, students are told they will need to sign a waiver. One week before the trip, fees are due and waivers are emailed; students are told the fee is refundable if they do not sign the waiver. Before boarding the bus, waivers are completed.

- If asked what an indemnity agreement is for, a college employee should respond “The indemnity agreement is a legal document for the college’s protection.” Any further questions should be directed to Institutional Compliance.
- Although documents are to be kept for 10 years and do not technically expire (see the retention information on each document), individuals should be asked to complete documents annually (e.g. a person may be asked to sign a new document when they renew their fitness membership each year). This ensures that the college is not relying on an indemnity agreement for more than a year after the participant turns 18, and also demonstrates ongoing agreement to the terms of the document. Document language may be updated periodically as well.

*\* A fee is considered non-refundable if the person would not receive a full refund, or was not told that the fee would be fully refunded, if they refuse to sign the document.*