

LEHIGH UNIVERSITY  
Risk Management Office Policy Manual

Policy Number: 102  
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Revisions:

INFORMED CONSENT AND WAIVER AND RELEASE OF LIABILITY POLICY

Purpose:

To define the meaning of informed consent and waiver and release of liability, and identify the situations when such documents should be used.

Policy:

INFORMED CONSENT

The *Voluntary Assumption of Risk and Informed Consent Form* is used whenever a student participates in a field trip, event, or activity. This form is used to describe the participant's responsibilities in participating in the activities, identify the risks associated with the activity, and confirm that the participant voluntarily assumes the risks associated with the activity. **The form does not have the student waive his/her rights to recovery for losses caused by the negligence of the University or its employees.**

Informed Consent Forms must be specific to each trip. However, some classes may take frequent trips, such as a geology class. In such cases, an Informed Consent Form about class activities may be appropriate in lieu of a form per trip. Contact the University's Risk Manager for assistance.

WAIVER AND RELEASE OF LIABILITY

The *Waiver and Release of Liability Form* is used when a student, employee or any third party participates in a voluntary field trip, event or activity that is not part of their course work or job duties. The University does not require a student or employee to sign a *Waiver and Release of Liability Form* if the field trip, event or activity is required course work or part of the employee's job duties.

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Applicability: All students  
Cross References:  
*Continuation*

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The *Waiver* includes the information in the *Informed Consent Form*, and adds a release from liability resulting from negligence on the part of the parties released. It also includes an *Indemnity Agreement*, which means that if the participant causes a loss or damage to the parties released (for example, damage to property) or others for which the parties released suffer a loss or damage (i.e., they hurt someone and the University is sued as a result), the participant will reimburse the parties released for those losses or damages. A *Covenant Non-to-Sue Agreement* is included in the *Waiver*, which means that the signer gives up his/her right to bring suit against the parties released.

The *Waiver and Release of Liability Form* must be specific to each trip/activity. A parent or legal guardian must sign the *Waiver and Release of Liability Form* if the participant is under 18 years of age.

## GUIDELINES FOR USE OF THE FORMS

### **How do I know when to use them?**

The University traditionally does not require waivers of liability from its students or members of its community for those activities which are part of the institution's "core" business. This includes required trips for courses, ordinary use of the facilities, and ordinary business.

Informed Consent Forms are used when students or others have the opportunity to voluntarily participate in activities which are not ordinary, usual, or which may present dangers or risks that they may not know about. We want to be sure that students and others participating in these activities know what the risks are and what is expected of them.

Waivers are used when the institution departs from its "core" business as an educational institution. Summer camps, non-educational users of the facilities, and for-profit corporate use of the facilities all fall within legitimate use of waivers and extended waivers. Sometimes, a student group will want to do something so unusual or risky that an extended waiver is beneficial to use, if only for the protection of all the students participating. Winter ice climbing is an example where waivers that include an indemnity agreement and a covenant not-to-sue may be appropriate. Included in the waiver are the institution, employees, students and all other persons involved, so that if one student were to be accidentally hurt by another's acts or failure to act, the student involved cannot be sued.

If you have a question as to the appropriateness of the form to use, feel free to contact the University Risk Management Office.

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Applicability: All students  
Cross References:

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