



Release, Waiver and Indemnity Agreement GA-UA-PR3

Responsible Officer: Vice President for Administration and Campus Operations

Sponsoring Department: Administration and Campus Operations

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Errors or changes to: aim@uta.edu

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PROCEDURE OBJECTIVE

This procedure provides guidelines for completing release, waiver, and indemnity agreements for participants in programs and activities that are sponsored or co-sponsored by UT Arlington.

RATIONALE

Programs or activities sponsored or co-sponsored by UT Arlington could directly or indirectly result in injury to participants who are not regularly associated with UT Arlington, or to UT Arlington employees or students participating in such activities. The risk of injury is particularly high in programs requiring physical or athletic exertion.

In order to protect UT Arlington and UT Arlington employees sponsoring or co-sponsoring such programs from claims of liability, a "Release and Indemnification Agreement" should be used by the sponsoring department and completed by each participant in the program or activity.

SCOPE

All UT Arlington departments and registered organizations sponsoring or co-sponsoring programs and activities

WEBSITE ADDRESS FOR THIS PROCEDURE

<http://www.uta.edu/policy/procedure/13-3>

RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

UT System Administration Policies and Standards	Other Policies and Standards
Regents' Rules and Regulations Rule 80104, Use of Facilities	<i>Reservation of a Room or Space on University Property (HOP STU 5-200)</i>
Regents' Rules and Regulations Rule 80105, Joint Sponsorship of the Use of Property or Buildings	
Regents' Rules and Regulations Rule 80106, Special Use Facilities	
Regents' Rules and Regulations Rule 80107, Filming Motion Pictures or Television Productions	
Regents' Rules and Regulations Rule 80108, Use of Facilities for Weddings	
Regents' Rules and Regulations Rule 40501, Speech and Assembly	

CONTACTS

If you have any questions about UT Arlington Procedure 13-3, *Release, Waiver, and Indemnity Agreement*, contact the following departments:

Subject	Office Name	Telephone Number	Email/URL
All topics in Procedure	Vice President for Administration and Campus Operations	(817) 272-2102	jhall@uta.edu
Website access	Administrative Information Management	(817) 272-0222	aim@uta.edu http://www.uta.edu/aim

DEFINITIONS

N/A

RESPONSIBILITIES

Sponsoring Department or Organization

- Obtains signed agreement from all participants prior to the program or activity date
- Allows time for the signer to read and understand the information on the agreement

Office of the Vice President for Administration and Campus Operations

- Provides additional information and answers questions regarding use of the agreement

PROCEDURES

Section I. Determination of Need for Agreement

- A. Agreements will not be needed for summer camps sponsored by university departments when proof of liability and medical coverage have been provided to the Office of the Vice President for Administration and Campus Operations.
- B. Special events can expose the institution to risk either directly or indirectly. Examples are fundraisers graduations, concerts, sporting/athletic events, political events, conferences, camps, film/TV production, etc.
 1. Regents' *Rules and Regulations* rules 80104 – 8010 provide guidelines for the use of various university facilities, and rule 40501, speech and assembly, address requirements for certain special events. See Related Statutes, Policies, or Standards for rule titles and links.
 2. If the event involves participants that will be registering for the event, e.g. fun runs, senior games, it may be appropriate to include a waiver agreement with the registration form.
 3. Waivers can also be used for event sponsors when no formal agreement between the university and an event sponsor exists.

Section II. Completion of Agreement

In order to protect UT Arlington and UT Arlington employees sponsoring or co-sponsoring such programs from claims of liability, a "Release and Indemnification Agreement" should be used by the sponsoring department and completed by each participant in the program or activity.

- A. Signed releases should be obtained from all participants prior to the program or activity date.

- B. Consider these legal issues when using release agreements to limit or negotiate liability exposure.
1. Allow time for the signer to read and understand the information on the agreement.
 2. The party signing the release must have sufficient understanding of the nature and consequences of their actions. The right to bring a claim for damages is being abandoned in return for the privilege received.
 3. The party signing must have an opportunity to read the document fully
 4. The release, which is a contract, must be supported by mutual consideration in order to be enforceable.
 - a. All parties to the release must derive some benefit from the contract and the release must clearly identify those benefits. For instance, a release agreement may be used when university facilities are used by various groups for programs or volunteer activities. In the space provided, the release agreement should clearly state the consideration or benefit to the participant (e.g. use of university facilities and/or training or education offered by the program) for relinquishing the right to sue for damages.
 - b. Even when there is an exchange of consideration a court may invalidate a release as against public policy. This most often occurs when there is a disparity of bargaining power between the parties or when there is an attempted exemption from liability for gross negligence.
 5. Fraud or undue influence by either party will void a release.

Section III. Retention of Agreement

Retain agreements in departmental files until the end of the fiscal year plus 3 years and then shred them or have them shredded securely. When the official record copies are shredded, complete a disposition log and forward it to Business Affairs Administrative Information Management.

Section IV. Resources

Questions regarding the use of the Release and Indemnification Agreement should be forwarded to the Office of the Vice President for Administration and Campus Operations at 22102.

- *Release and Indemnification Agreement for Minors* ([Form 15-13](#))
- *Release and Indemnification Agreement for Adult Students* ([Form 15-15](#))
- *Release and Indemnification Agreement for Adults* ([Form 15-16](#))

APPENDICES

N/A