



# Fact Sheet The UC Waiver of Liability

University of California, Santa Barbara

## WHY DOES UC REQUIRE THE USE OF WAIVERS?

University policy requires the use of waivers for certain activities. Waivers are designed to protect the University and its employees from legal liability for injuries that may occur to individuals who participate in voluntary or required activities. Waivers are valid legal contracts under California law. Their use is not optional. The absence of a waiver where one was required will subject the campus and responsible department to increased scrutiny in the event non-compliance creates financial exposure. The campus could be asked to make a contribution towards the resolution of a claim or settlement of a lawsuit if a waiver should have been used and was not.

## WHAT KIND OF WAIVER SHOULD YOU USE?

The [UC Waiver - Elective/Voluntary Activities](#) must be signed by individuals (including students) participating in UC activities that are not required for a degree or academic program. These include elective field trips, study abroad, outreach and recreational programs for children. This is the most strongly-worded waiver, releasing the University and its employees from all liability, even that caused by the negligence of the University or its employees. If there is insufficient space on the waiver to accurately and completely describe the activities for which the waiver is designed, the [UC Waiver - Description of Activities Attachment](#) can be used to accommodate additional information.

The [UC Waiver - Facilities Use \(Athletic\)](#) should be signed by individuals or groups using University sports facilities, equipment, and services. The [UC Waiver - Facilities Use \(non-Athletic\)](#) should be signed by individuals or groups using University labs, conference rooms, and other facilities, equipment, and services as appropriate. When it is more practical than collecting individual waivers, the [UC Waiver - Group Attachment](#) can be used as an attachment to the Facilities Use Waivers.

The [UC Waiver - Required Activities](#) is for on or off-campus activities required for a degree and supervised by academic personnel. This waiver does not release the University from responsibility for losses that arise as a result of the negligence of the University or its employees.

See [UC Waiver Matrix](#) for activities that require the use of a waiver, and the type of waiver that should be used.

## HOW DO YOU DESCRIBE AN ACTIVITY OR EVENT IN A WAIVER?

Any activity for which a waiver is required should be described as accurately and concisely as possible on the waiver itself. The class name and number, a brief description of the activity, the destination, and the date should, at the very minimum, be included. If transportation is involved, it should be mentioned, e.g. "including roundtrip bus transportation".

## WHO SHOULD SIGN THE WAIVER?

If waivers are required, all participants (or their parents, if they are minors) must sign the waiver. It must be signed before individuals can participate. Anyone who does not sign the waiver cannot participate in the activity.

## WHO IS RESPONSIBLE TO SEE THAT WAIVERS ARE USED?

It is the responsibility of the department sponsoring the activity or event that requires a waiver to make certain that it is used appropriately.

## WHO IS RESPONSIBLE FOR RETAINING WAIVERS?

The Department responsible for the activity that requires a waiver is responsible for making certain waivers are used as required, that they are retained and recoverable, and destroyed at the expiration of the statute of limitations. Waivers should be stored in a manner that allows their easy recovery. If space becomes a problem, departments can microfilm or store them electronically.

## HOW LONG MUST DEPARTMENTS RETAIN WAIVERS?

Waivers must be retained by the department sponsoring the activity until the applicable statute of limitations has expired following the final participation of the student or individual in the activity or at the facility. The statute of limitations is the time frame during which the plaintiff may file a suit for damages. Though under California law the statute of limitations for personal injury is two years, since injuries may not be realized or reported at the time of occurrence, waivers must be retained for at least three years after the conclusion of the participation in the activity for which the waiver was required. Waivers and releases signed by a parent or legal guardian on behalf of a minor must be retained for at least three years after the activity ends or until the minor turns 20, whichever is longer.

## CAN MINORS SIGN WAIVERS?

Waivers cannot be signed by minors. A parent or legal guardian must sign the waiver for participants under 18.

## FORMS

[UC Waiver - Elective/Voluntary Activities](#)  
[UC Waiver - Elective/Voluntary Activities \(Spanish\)](#)  
[UC Waiver - Required Activities](#)  
[UC Waiver - Facilities Use \(Athletic\)](#)  
[UC Waiver - Facilities Use \(non-Athletic\)](#)  
[UC Waiver - Group Attachment](#)  
[UC Waiver - Description of Activities Attachment](#)