

## Releases of Liability

While most frequently referred to as “releases of liability,” releases typically include several elements. These include not only an agreement to refrain from suing in the event of property damage or personal injury suffered during an individual’s participation in specified activities but also an agreement to assume the risks of the activities concerned and to repay the University for any losses suffered by it as a result of the participant’s activities. Since they are contractual in nature, releases must be signed by a parent or guardian of a participant if the participant is under 19 years old.

Releases should be considered in situations when there will be participation in activities sponsored or supported by the University that raise a reasonable likelihood of serious personal injury or damage to property. Examples of such activities include participation in sports camps, sports such as martial arts and rock climbing, trips to attend sporting events in other cities, and “team building” activities involving physical challenges.

In order to be effective, releases must include a recitation of the activities involved that is sufficiently detailed to put the signer on notice of the hazards of the activities concerned. For instance, a release describing the activities as “a trip to Nashville” would not be sufficiently detailed to provide notice of the hazards. Describing the activities as “round trip travel (with no overnight stay) by chartered bus between the campus and Florence, Alabama to attend a basketball game on the campus of the University of North Alabama” would be sufficiently detailed.

The Office of Counsel can assist in assessing whether a release is needed for certain activities and, if so, assist in its preparation.