

## TRIP RELEASE GUIDELINES

Educational programs that are located off-campus, either within the United States or Internationally, are vulnerable to various legal issues. These guidelines will help allocate risks and responsibilities among the parties involved, inform parties, and may help limit a student's permitted assumptions about a program or event to those that are clearly articulated and within a written document. Many of these precautions can be achieved through the use of written agreements and detailed orientations.

### **I. GENERAL GUIDELINES ON RELEASE FORMS FOR TRIPS**

#### **A. Before starting**

1. Generally, all agreements and other materials should be as specific as possible to the particular program and destination involved, addressing issues like specific health and safety risks and anticipated activities and travels
2. It is wise to conduct *periodic* health and safety risk assessments, and develop and maintain emergency response procedures.
3. Determine criteria for an individual's removal from the program that take into account the participant's behavior, health and safety factors.
4. In the participant application process, consider factors like disciplinary history that may affect the safety of the individual or group.
5. Sometimes, the University may be bound to representations that were not expressed in an explicit agreement, but were made in catalogs, brochures, pamphlets, advertising, applications, or letters. These implied obligations arise when a student has paid money in reliance on what the University represented it would provide.
6. Keep in mind that the University...
  - a) cannot guarantee or assure the safety of participants or eliminate all risks.
  - b) cannot supervise and control *all* of participants' decisions, choices and activities.
  - c) cannot prevent participants from engaging in illegal or otherwise dangerous activities.
  - d) cannot assume responsibility for actions or events that are not part of the program or trip, or those that are due to the participant's failure to disclose pertinent information.

#### **B. What the Materials Need to Address**

1. **Cost.** What is included and excluded from the represented cost. Efforts should be made to make clear that items not expressly included are excluded.
2. **Risks.** Ensure that risks and other known dangers are fully disclosed in the materials and that the student (and parent/guardian of minor student) signs a waiver, release, and assumption of risks covering the specified risks or dangers. Thus, it is very important to provide orientation materials describing the program or trip and also outlining any risks including specific travel advisories associated with a specific location,

local customs, and the costs to the student. The more information provided to the student, the more likely a release or waiver will be upheld. It is equally important to be sure that the student or parent/guardian of a minor student reads and understands the risks and waiver before signing.

3. **Special Health & Safety Risks.** Any known health or safety risk, especially those associated with the particular destination should be disclosed in the program/trip materials and discussed fully with the participants.
4. **Transportation and Accommodation.** The University's responsibilities, if any, to provide transportation and living accommodations should be clearly detailed. A University disclaimer may also be helpful with regard to transportation and accommodation. For example, such a disclaimer may state, "Unavoidable and unforeseen changes may occur, but the University will make reasonable efforts to secure the best alternative transportation or living accommodations available."
5. **Conditions of Participation.** The various conditions that a student must meet before participating in the trip or event should be made clear to them. Some examples include:
  - a) Verification of the student's awareness of health or other risks particular to the program or site;
  - b) Verification of student's acknowledgement that unknown health/safety risks may inhere in the trip or event;
  - c) Student acknowledgement of and agreement to abide by policies, procedures, rules and regulations;
  - d) Student academic responsibilities, e.g., attendance and maintaining academic standards;
  - e) Student behavioral responsibilities;
  - f) Student's acceptance of full responsibility for independent travel during free time;
  - g) Indemnification;
  - h) Waiver, Release, and assumption of risk;

**C. Orientation Should Focus on the Responsibilities of the Participants**

1. An orientation should be held to discuss the planned itinerary, behavioral expectations, and transportation details.
2. Participants should be responsible for their personal preparation for the program and participate fully in orientations.
3. Participants should consider their physical and mental health, and other personal circumstances when applying for or accepting participation in a trip, event, or program, and make available accurate and complete physical and mental health information and any other personal data that is necessary in planning a safe and healthy experience.
4. Participants should understand and comply with the terms and conditions of participation, codes of conduct, and emergency procedures.
5. Participants should provide emergency contact information.

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**D. Legal Aspects to Consider – Contracts**

1. **Minors.** In the event the trip or program will involve minors, their parent or legal guardian should sign all of the documents and agreements. Deleted: f
2. **Waivers/Releases and Assumption of Risk.** It is very important to give students ample time to read the release and to provide a representative that can answer any questions that a participant might have about the program, travel location or release. In the alternative provide the name of someone who can answer their questions. Include a declaration that the student has read and understands the release. Reasonable care should also be taken in planning any trip, and the risks and precautions should be formally informed of the potential risks involved. Even though the participating student assumes the risk, the University and its officers, employees etc. must exercise prudent and reasonable care because the student cannot assume the risk of negligent conduct. Please note that releases and waivers are not always upheld by the courts. Thus, it is very important that proper safety procedures are in place and that the relevant information regarding travel and risks associated with a destination are communicated to the participants. Deleted: (this sentence is awkward)
3. **Medical Release Agreement.** Students should certify that they are in good physical and mental health or that they do not suffer from a condition that may prevent them from participating in the program. Additionally, students should either agree to disclose medical conditions or disabilities that may affect fitness for the program or require special accommodations, or agree to authorize a physician to release such information or provide an assessment of the student’s overall fitness for the program.
4. **Medical Treatment Authorization.** If the student is a minor, a medical treatment authorization form should be executed so that medical decisions can be made on behalf of the minor in the event of emergency.

**E. Insurance Issues.** Insurance coverage should be discussed with the Treasurer’s office. DePaul’s insurance coverage will not cover any occurrences caused by non-DePaul students or employees.

**F. Other Factors to Consider**

1. **Required for Credit.** If the trip or event is for credit or is a required element of a course, offer alternative projects or activities to show students who are unable to participate because they (or the parents/guardians of minor students) choose not to sign the Acknowledgement of Risk and Consent for Treatment form.
2. **Length or Duration of Stay**
3. **International Travel Considerations**
  - a) **National Differences.** Significant cultural, legal, or political differences of all destinations under the program should be disclosed with significant details to participating students. This information is important because it will help students avoid surprise, mistakes, and disputes while interacting with others in a different culture.

- b) **Specific Travel Advisories.** The advisories issued by the United States Department of State or World Health Organizations for the particular destination should be communicated to the student as this material will help the student make an informed decision about the risk he/she will be assuming when traveling abroad.
- c) **Independent Travel, Transportation and Accommodations.** Special release forms should be prepared for students who will be arranging their own separate travel accommodations or who will be staying for an extended time.

## II. WEB RESOURCES

- A. USC Center for Global Education; Study Abroad Safety Handbook  
<http://www.usc.edu/dept/education/globaled/studentsabroad/>
- B. U.S. State Department – Travel Warnings & Consular Information Sheets  
[http://travel.state.gov/travel\\_warnings.html](http://travel.state.gov/travel_warnings.html)
- C. NAFSA, Association of International Educators  
<http://www.nafsa.org>
- D. Guidelines for Responsible Study Abroad: Health and Safety  
<http://secussa.nafsa.org/safetyabroad/goodpractices2003.html>