

MEMORANDUM

Date: January 23, 2018

To: FAU Boating and Diving Researchers

From: Dr. Dale Gawlik
Chair, Diving and Boating Safety Committee
Director, Environmental Science Program, & Professor, Department of Biological Sciences

Re: Applicability of the Diving and Boating Release and Waiver of Liability

The Florida Atlantic University (FAU) Diving and Boating Safety Committee (DBSC) is authorized by, and delegated authority by, the FAU Vice President for Research. The principal purpose of the DBSC is to promulgate and administer university policies and procedures with regard to the safety of all scientific diving and boating activities at FAU.

After a thorough review and in consultation with the General Counsel's office and the University Risk Manager, the DBSC wishes to share guidance regarding implementation of the applicability of the FAU Diving and Boating Safety Program "Release and Waiver of Liability" form. This form is no longer required under the below described circumstances.

<http://www.fau.edu/facilities/ehs/info/Diving-Boating-Appendix-B.pdf>

Students are ***not*** required to sign the waiver as long as their participation in the boating and/or diving is part of their current FAU curriculum. Justification and determination of the student participating in the activity required of their FAU curriculum is the responsibility of the accountable FAU faculty member. The student must sign a waiver if their participation in boating and /or diving is other than part of their current FAU curriculum. To be considered a "student", the person must be currently enrolled for course credit at FAU, whether or not the courses being taken are related to their participation in boating or diving activities.

Category I FAU volunteers, and FAU employees are ***not*** required to sign a waiver as long as their participation in the boating and/or diving falls within the scope of their university assigned responsibilities. All others participating in boating and/or diving on FAU boats must be doing so

for FAU purposes, not personal purposes, and sign the Category 2 volunteer waiver and release or the “FAU Diving and Boating Safety Program Release and Waiver of Liability” before participating in any FAU diving and boating occurrence.

FAU recognizes two categories of volunteers; Category 1 volunteers have a significant or recurring presence on campus and/or have significant or recurring interaction with students. Category 2 volunteers are individuals who have a limited presence on campus and/or limited interaction with students. {University policy 6.1] *Refer to policy and form links:*

<http://www.fau.edu/policies/files/6.1%20Volunteers.pdf>

<https://www.fau.edu/leadandserve/pdf/volunteer-registration.pdf>

Registering as a Category 1 volunteer requires personnel to be vetted with Human Resources. If approved, a person is consequently considered the same entitlements as an FAU employee with regard to Workers’ Compensation in the event of injury while engaged in the university sanctioned volunteer activity, thus negating the need for a waiver. Category 2 volunteers will be required to complete the “Volunteer Waiver and Release” applicable to their role. Those other than volunteers or FAU faculty, staff or students will be required to sign the “FAU Diving and Boating Safety Program Release and Waiver of Liability”.

People conducting boating and/or diving activities from boats chartered *by* the university, but operated by the chartering company, are not required to sign a FAU liability waiver but they should follow the operator’s liability processes.

Any questions regarding the applicability of the waiver should be directed to the University Risk Manager for consultation. <http://www.fau.edu/facilities/ehs/contacts.php>