

The Function of University Waivers

Nancy Kim writes in *ContractsProf Blog* about university liability waivers and how they seem to be very different from regular liability waivers.

“First, they are presented in a conspicuous way and require a much more deliberate act of consent (it’s not simply a click to a link that nobody reads). The wording is clear and the student has to do something conscious that takes time, such as inputting their student ID number. The language does not mess around about the legal effect of the “manifestation,” unlike the typical wrap contract where users click without even knowing what they are doing. The students also have a choice – I think all universities that are planning to open are allowing their students to opt-out and study from home. (If not, then the waivers are coercive, IMHO). In other words, students don’t have to sign them if they want to stay enrolled and continue their studies.”

Read the article.