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I. Introduction

Federal and state laws authorize the acceptance of electronic signatures as legal and enforceable for most transactions. This policy identifies the requirements for the use of electronic signatures by University employees with signature authority.

This policy applies to all members of the University community, including employees, faculty, students, staff and volunteers in connection with University activities. This policy applies to all uses or potential uses of electronic signatures to conduct the official business of the University, including transactions with third-party vendors and contractors. This policy is not binding on affiliates of the University. This policy applies in circumstances where members of the University are seeking to adopt a secure electronic signature service for ongoing use, and in circumstances where a member of the University community is presented a document for electronic signature by an outside third-party.

Employees must have signature authority in order to execute legal documents on behalf of the University. If you are unsure of whether you have signature authority, please see the Policy on Contracts, Signatures and Financial Authority.

This policy does not mandate the use of an electronic signature or otherwise limit the right of a party to conduct a transaction using written signature, nor does it apply to any situation where a written signature is required by law.

II. Definitions

Electronic signature, or “e-signature,” means an electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record. Examples can include a digitized image of a handwritten signature, a code or personal identification number (PIN), and a mouse click on an “I accept” or “I approve” button. For clarity, an electronic signature does not include methods of execution that involve physically signing a paper

document (including those which are produced by printing a document, physically signing it, and then scanning such document into electronic form).

Signature authority – means permission given or delegated to sign instruments, contracts or other documents on behalf of the University in accordance with the Policy on Contracts, Signatures and Financial Authority.

III. Approval of Electronic Signature Methods

Because those with signature authority are executing legal documents on behalf of the University, their electronic signatures must use a secure electronic signature service that has been approved by the IT Security & Policy Committee. A list of pre-approved electronic signature services that meet the requirements of the IT Security & Policy Committee is set forth on Annex A to this Policy. The IT Security & Policy Committee will review electric signature services on an as-needed basis; members of the University community who wish to sign a document on behalf of the University may not do so electronically unless the IT Security & Policy Committee has granted approval of the service. Until approval is secured, University departments are asked to continue to provide their signature in writing. In addition, use of an electronic signature service is available to only those with signature authority for the University in accordance with the Policy on Contracts, Signatures and Financial Authority.

The IT Security & Policy Committee must approve all electronic signature services to ensure that the services have appropriate security procedures that can accurately attribute electronic records or electronic signatures to the individuals that created them. When approving an electronic signature service, the IT Security & Policy Committee will consider whether such service (a) appropriately verifies the identities of the signatories, (b) appropriately demonstrates their intent to sign the applicable document, (c) supports the applicable business purpose and workflow, (d) permits the information to be retrievable in the future and auditable, and (e) is in compliance with University IT standards.

IV. Use of Electronic Signatures

Except as stated in Section V below, when the law or University policy requires a written signature on a document binding the University, you may use an approved electronic signature service. Approved electronic signatures are legally binding and equivalent to handwritten signatures.

V. Exceptions to Use of Electronic Signatures and Electronic Records

You may not use electronic signatures or electronic records when University policies or federal or state laws or regulations do not allow their use. The following are important examples of records that cannot be signed or retained electronically:

- any document providing for the disposition of an individual's person or property upon death or incompetence, or appointing a fiduciary of an individual's person or property, including, without limitation:
 - wills, codicils and trusts;
 - decisions consenting to orders not to resuscitate;
 - powers of attorney and health care proxies;

- any negotiable instruments and other instruments of title wherein possession of the instrument is deemed to confer title, including, without limitation, checks and promissory notes;
- documents required under state statutes, regulations, or other rules of law governing adoption, divorce, or other matters of family law;
- the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A;
- court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;
- notices for cancellation or termination of utility services (including water, heat and power);
- any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials; and
- notices of default, acceleration, repossession, foreclosure or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;
- notices for the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities);
- recall notices of a product, or material failure of a product that risks endangering health or safety; and
- certain banking and lease documents.

If you are unsure whether a document may be signed or retained electronically, you may consult the Office of Counsel.

VI. Electronic Signatures for Internal Non-Legal Approvals

If you would like to use an electronic signature for approving internal documents or workflows, there are no University requirements to use a specific electronic signature application. However, regardless of the application you use, your printed name and the date must appear with your signature.

Annex A: Approved Electronic Signature Methods

The following technologies have been approved for use as electronic signatures:

- DocuSign Electronic Signature
- Adobe Sign