

Electronic Signatures

Original Implementation: April 18, 2020

Last Revision: None

Federal and state statutes provide that a record or signature may not be denied legal effect or enforceability solely because it is in electronic form. The purpose of this policy is to establish guidelines for the use of electronic signatures, approvals, and records, to the fullest extent permitted by law, using secure and practical methods.

This policy applies to all members of the university community, including, but not limited to faculty, staff, students, affiliates and volunteers. It 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 does not mandate the use of electronic signatures or otherwise limit the rights of parties to conduct transactions on paper. This policy does not apply where a handwritten signature is required by applicable law. The policy does not apply to facsimile signatures used on checks issued by the university.

I. Definitions

For the purposes of this policy, the university adopts the following definitions:

- A. Electronic means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- B. Electronic record means a record created, generated, sent, communicated, received or stored by electronic means.
- C. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- D. Signature authority means the permission given or delegated to enter and make contracts, purchases, and agreements of any character on behalf of the university.
- E. Approved electronic signature method is one that has been approved by Information Technology Services in accordance with this policy and all applicable state and federal laws.

II. Approval of Electronic Signature Methods

The final approval of any electronic signature method will be by Information Technology Services (ITS). ITS must approve all electronic signature methods to ensure that (i) the services have appropriate security procedures that can accurately attribute electronic records or electronic signatures to the individuals that created them; (ii) the services do not result in the remote storage of confidential or sensitive university records without appropriate safeguards; and (iii) the services comply with the requirements of all applicable legislation, including, but not limited to 1 TAC § 203.44.

ITS must also approve, in consultation with the General Counsel, all requests to use the secure, authenticated electronic signature application to create and send documents for signature.

III. Use of Electronic Signatures

Except as stated in Section IV, when applicable law or university policy requires a written signature on a document binding the university, an electronic signature will meet the requirement and will be accepted as legally binding and equivalent to a handwritten signature when an approved electronic signature service is used and signed by an employee with signature authority under university policy 1.3 (Contracting Authority).

IV. Exceptions to Use of Electronic Signatures

Electronic signatures cannot be used when university policy or federal or state laws or regulations do not allow their use. The following are important examples of documents that cannot be signed electronically. This list is not exhaustive:

- A. Wills, codicils and testamentary trusts;
- B. Promissory notes;
- C. Any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials;
- D. Notices involving mortgages or leases that could lead to the loss of a primary residence;
- E. Notices of the cancelation or termination of health insurance, health benefits, or life insurance benefits.

V. Accountability

Employees with signature authority are equally accountable for properly and appropriately executing documents on behalf of the university whether they sign the document manually or electronically.

Cross Reference: Tex. Educ. Code §51.9336; Uniform Electronic Transactions Act, Tex. Bus. Code Ch. 322; 1 Tex. Admin. Code Ch. 203; Contracting Authority (1.3)

Responsible for Implementation: Chief Information Officer

Contact for Revision: Chief Information Officer

Forms: None

Board of Committee Assignment: Academic and Student Affairs