

ELECTRONIC SIGNATURES

2.30010 DP
DISTRICT PROCEDURE

INTRODUCTION Federal and state law recognize electronic signatures as legally binding and enforceable. To increase the efficiency of transactions requiring approval or authorization by signature, the District supports use of electronic signatures by persons with signature authority, provided such use meets legal and security requirements.

PURPOSE Consistent with the Electronic Signature Policy, the purpose of this District Procedure is to ensure the District’s use of electronic signatures in lieu of handwritten signatures for official District activities satisfies federal and state law and complies with other applicable Board policies, District procedures, and regulations or guidelines governing signature authority and approval.

APPLICABILITY This Procedure applies to all members of the District community and governs use of electronic signatures when conducting business or other activities on the District’s behalf. This Procedure does not mandate use of electronic signatures or limit the right to conduct transactions on paper. Nor does this Procedure apply when a handwritten signature on a paper record is required by applicable law.

DEFINITIONS Electronic Record: any combination of text, graphics, data, audio, pictorial, or other information in digital form that is created, modified, maintained, archived, retrieved, or distributed by a computer system.

Electronic Signature: a computer data compilation of any sound, symbol, or process attached to or logically associated with a record used or adopted by an individual to be the legally binding equivalent of that individual’s handwritten signature with the intent to affix that signature to approve the record.

Signature Authority: for purposes of this Procedure, signature authority refers to permission given or delegated by law, Board policy, District procedure, or regulation to sign instruments, contracts, and other documents on behalf of the District.

District Community: refers to people affiliated with the District, whether paid or unpaid, such as officers, employees, trustees, students, contractors, affiliates, associates, and volunteers.

Authentication: refers to the assurance that an electronic signature is that of the individual purporting to sign the record or otherwise approving an electronic transaction.

VALIDITY, WHEN AUTHORIZED, APPROVED To the fullest extent permitted by law, the District accepts electronic signatures as legally binding and equivalent to handwritten signatures to signify an agreement.

An electronic signature (a/k/a “e-signature”) on a document that can be authenticated through a traceable audit trail to verify the identity of the signatory is valid and enforceable, provided the District and counterparty have agreed to conduct the transaction by electronic means and all applicable

Board policies, District procedures, regulations and applicable guidelines are followed in regards to signature authority and approval.

An electronic signature is not valid if:

- Applicable law, Board policy or District Procedure, regulation, institutional guideline or process requires a handwritten signature; or
- If the individual does not have signature authority to sign the record to approve the transaction or bind the institution to a contract.

As with hard copy and hand-signed documents, electronic records and transactions utilizing an electronic signature method shall follow the applicable approval process at the campus and District level prior to execution.

Persons with signature authority are equally accountable for properly and appropriately executing documents on behalf of the District whether they sign the document manually or electronically. Persons with signature authority are responsible for activities conducted under their user ID and are expected to take all precautions to safeguard their password and files to prevent inappropriate use. Consistent with the District's Acceptable Use Policy, sharing passwords or other access credentials is prohibited. It is a violation of the Electronic Signature Policy for an individual to affix the signature of another individual, unless he or she has been granted specific, written authority by that individual.

Nothing in this Procedure shall be construed as authorizing an individual to sign on behalf of the District if he or she has not been granted signature authority.

APPROVAL OF
ELECTRONIC
SIGNATURE
METHODS

Because those with signature authority are executing legal documents on the District's behalf, their electronic signatures must use a secure certificate-based electronic signature service or other appropriate service that has been approved by the Information Technology department. Electronic signatures are available only to those with signature authority. District Officers, with the Chancellor's approval, must approve which employees are given appropriate privileges to manage the District's use of electronic signature platforms, including creating and sending documents for signature.

The Information Technology department must pre-approve use of an electronic signature service-based platform to ensure the service has appropriate security procedures that can accurately attribute electronic records or electronic signatures to the individuals who created and signed them and that the service does not result in the storage of confidential or sensitive District records without proper safeguards.

DESIGNATION
OF DISTRICT
TRANSACTIONS

The District reserves the right to designate specific District transactions that are to be conducted as electronic transactions and/or maintained as electronic records, and that are to be fulfilled by an electronic signature under

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this Procedure. A cross-functional team of data/record custodians, Information Technology department members, and department leaders, will assess the potential for replacing a manual process/signature with an electronic process/signature (i.e. "automation") and propose joint recommendations for implementation of automation on a case-by-case basis, subject to formal authorization and approval by the relevant Officer-level data or record custodian.

RETENTION Electronic signatures and the associated data to validate the electronic signature are an integral part of the record. Electronically signed documents must follow the same record retention schedule and record management guidelines established by the Missouri Secretary of State, in accordance with Board policy, District procedures, and other applicable regulations or guidelines. The signature and means to verify it shall be maintained for the full record's life cycle, in accordance with federal and state record retention schedules and District guidelines.

VIOLATION It is a violation of this Procedure for an individual to sign a record using an electronic signature in connection with any official District activity on behalf of another individual unless the latter individual has granted the signing individual specific authority to do so. Individuals shall report any actual or suspected fraudulent activities related to electronic signatures immediately to a manager or supervisor in the appropriate department or division who shall then convey the information to the appropriate District Officer. Employees who falsify electronic signatures or otherwise violate this Procedure are subject to disciplinary action, up to and including termination of employment and criminal prosecution under applicable federal and state laws. Other members of the District community who falsify electronic signatures or otherwise violate this Procedure are subject to appropriate sanctions, including, but not limited to, termination of their relationship with the District and criminal prosecution under applicable federal and state laws.

REFERENCE 2.30010 BP Electronic Signature Board Policy