

## POLICY CONCEPT FORM

<b>Name and UO Title/Affiliation:</b>	Craig Ashford, Assistant General Counsel Greg Shabram, Chief Procurement Officer
<b>Policy Title/# (if applicable):</b>	Electronic Signature of Documents
<b>Submitted on Behalf Of:</b>	
<b>Responsible Executive Officer:</b>	Kevin Reed, Vice President and General Counsel

**SELECT ONE:**  **New Policy**       **Revision**       **Repeal**

*Click the box to select*

**HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT:**  **Yes**       **No**

**If yes, which attorney(s):** Craig Ashford

### GENERAL SUBJECT MATTER

*Include the policy name and number of any existing policies associated with this concept.*

**This policy establishes the circumstances under which the University may make and accept electronic signatures in place of handwritten signatures.**

### RELATED STATUTES, REGULATIONS, POLICIES, ETC.

*List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.*

<https://policies.uoregon.edu/ous-procurement-and-contracting-code>

<https://policies.uoregon.edu/capital-construction-and-contracting>

<https://policies.uoregon.edu/purchasing-and-contracts-personal-or-professional-services-and-goods-and-services>

<https://policies.uoregon.edu/vol-4-finance-administration-infrastructure/ch-6-information-technology/information-security-program>

<https://policies.uoregon.edu/finance-and-business-affairs>

### STATEMENT OF NEED

*What does this concept accomplish and why is it necessary?*

E-signature systems can significantly improve the security and efficiency of processing transactions that require individual signatures. Enacting this policy will allow UO to enjoy the benefits of e-signature systems and allow UO to keep up with current business practices. Implementing an e-signature system would give UO greater control over who can sign documents and improve UO's ability to track documents as they are circulated for signature.

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#### **AFFECTED PARTIES**

*Who is impacted by this change, and how?*

**Anyone authorized to sign contracts on behalf of UO and anyone signing UO documents will be impacted by this policy. Signatories would be able to sign documents from their computer or mobile device in a secure manner.**

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#### **CONSULTED STAKEHOLDERS**

*Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)*

<b>Name</b>	<b>Office</b>	<b>Date</b>
<b>Leo Howell</b>	<b>Information Services</b>	<b>12/15/17</b>
<b>Kelly Wolf</b>	<b>Business Affairs</b>	<b>12/15/17</b>
<b>Analinda Camacho</b>	<b>Sponsored Projects Services</b>	<b>12/15/17</b>
<b>Chuck Williams</b>	<b>Innovation Partnership Services</b>	<b>12/15/17</b>
<b>Mahnaz Ghaznavi</b>	<b>Public Records</b>	<b>12/15/17</b>
<b>Mike Harwood</b>	<b>CPFM</b>	<b>12/15/17</b>

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### Reason for Policy

To authorize the use of electronic signature for documents and records of the University of Oregon.

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### Entities Affected by this Policy

All University academic and auxiliary departments.

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### Web Site Address for this Policy

[Provided by Office of the University Secretary after policy is posted online]

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### Responsible Office

For questions about this policy, please contact Purchasing and Contracting Services at 541.346.2419 or [pcsadmin@uoregon.edu](mailto:pcsadmin@uoregon.edu).

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### Enactment & Revision History

New

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### Policy

#### I. Purpose and Scope

The University of Oregon makes and accepts bona fide electronic signatures as legally binding signatures equivalent to handwritten signatures to signify a binding document if the electronic signature satisfies the requirements of applicable law. This policy establishes the circumstances under which the University may make and accept electronic signatures in place of handwritten signatures.

#### II. Definitions

“Applicable law” is federal, state, and local law as well as University policy, as updated from time to time, applicable to a specific document, electronic signature, and digital signature.

“Document” is any instrument, document, electronic communication, contract, grant, record, or other official act, agreement, or transaction of the University regardless of whether it is created or maintained electronically or physically.

“Electronic record” is a document created, generated, sent, communicated, received, or stored through electronic means.

“Electronic signature” is an electronic mark, sound, process, or other symbol attached to or logically associated with a contract or other electronic record. It must demonstrate an individual’s intent to execute or adopt the electronic record.

### **III. Electronic Signature Policy**

#### **A. Scope of Policy**

- I. This policy applies to all University employees, officers, agents, and other individuals representing the University.
- II. This policy governs all use of electronic signatures with respect to all University documents.

#### **B. Authorization to Use Electronic Signature**

- I. The University authorizes its employees to make, accept, and use electronic signatures to the extent permitted by applicable law.
- II. A University document executed by electronic signature by an authorized representative of the University is a valid and binding signature to the same extent as a handwritten signature. This policy does not supersede any requirement of applicable law to obtain a handwritten signature in specific circumstances.
- III. The University reserves the right to designate specific University transactions that must be conducted through electronic transactions, maintained as electronic records, or signed by electronic signature.
- IV. Any individual executing a document by electronic signature on behalf of the University must be authorized to sign documents on behalf of the University to the same extent required for documents executed by handwritten signature as described in University policy.

- V. Any document executed by electronic signature without authorization is subject to the same rules and processes as all other unauthorized agreements under applicable law.

**C. Electronic Signature Committee**

- I. The University will establish an Electronic Signature Committee that will determine electronic signature and digital signature requirements, authorized methods, and authorized software for use by University employees.
- II. The Electronic Signature Committee will include the University's Records Manager, the Chief Information Security Officer, other representatives of the University's Information Services department ("IS"), Purchasing and Contracting Services department ("PCS"), Business Affairs department ("BA"), Design and Construction department ("DC"), and other departments as necessary or beneficial.
- III. Authorized employees executing an agreement using an electronic signature method must comply with all requirements established by the Electronic Signature Committee, including use of approved methods and software.

**D. Selection of Appropriate Level of Electronic Signature Methods**

- I. The Electronic Signature Committee will establish varying levels of security, identity authentication, document authentication, and sophistication for electronic signature required for different categories of documents signed by electronic signature. This includes, but is not limited to, the degree of confidence regarding (1) the ability to accurately attribute the document or electronic signatures to the individuals that created them, (2) the authenticity and integrity of the document, and (3) the demonstration of the signatories' intent to sign the document.
- II. The Electronic Signature Committee will determine the appropriate level security, identity authentication, document authentication, and sophistication of electronic and digital signature required for each category of University documents based on the following considerations: (1) the value of the document, (2) the importance and sensitivity of the document, (3) whether notary is required, (4) the subject matter of the document, and (5) any other relevant information.

- III. The Electronic Signature Committee will select electronic signature requirements, methods, and software based on the following considerations: (a) requirements of applicable law, including, but not limited to, requirements of the Oregon Revised Statutes and Oregon Administrative Rules, requirements of the Oregon Department of Administrative Services and Information Resources Management Services Division, guidance published by the United States Office of Management and Budget, and the guidance published by the National Institute of Standards and Technology (e.g., Digital Signature Standard); (b) best industry practices; (c) flexibility; (d) scalability; (e) cost; (f) efficiency; (g) ease of use; (h) effectiveness; and (i) any other relevant information.
- IV. The Director of PCS may, when necessary, after consultation with University stakeholders and consideration of all the circumstances and available options, authorize individuals signing a document on behalf of the University to use an alternative method or software for executing a document by electronic signature.

**E. Storage of Documents Containing Electronic Signatures**

- I. All documents executed by electronic signature must be maintained in a manner that ensures that the document accurately reflects the agreement between the signers and can be reproduced when necessary.
- II. Documents executed by electronic signature will be kept in accordance with the University's general record retention policies and procedures.
- III. Creating and retaining documents with electronic signatures meets all requirements for preservation of documents with handwritten signatures to the extent permitted by applicable law.

**F. Exceptions to Use of Electronic Signature**

Unless otherwise determined by the Electronic Signature Committee, electronic signatures may not be used for: (1) any document that requires a notarized signature, (2) any purchase or sale of real property, (3) any document whose value exceeds \$5,000,000, and (4) any other document that may not be signed by electronic signature under applicable law.

[Purchasing and Contracting Services Policies and Procedures](#)