



**TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**

SECTION: Information Technology
AREA: Computer and Information Technology
SUBJECT: Electronic Signature Policy

NUMBER: 04.06.31

1. POLICY STATEMENT:

- 1.1 This Policy identifies Texas Southern University (“University”) requirements for the use of electronic signature(s) (“E-Signature”), electronic transactions, and electronic records in conducting the University’s business operations and transactions.

2. PURPOSE AND SCOPE:

- 2.1 This Policy applies to all faculty and staff of the University community and governs all uses of E-Signature in connection with University-related transactions between the University and any affiliate or third party, each of whom has agreed to conduct transactions by electronic means.
- 2.2 This Policy does not mandate the use of E-Signature or otherwise limit the rights of parties to conduct transactions on paper, nor does this Policy apply when a handwritten signature on a paper record is required by applicable law.
- 2.3 This Policy is in accordance with the Uniform Electronic Transactions Act. TEX. BUS. & COM. CODE, § 322.001 *et seq.*

3. DEFINITIONS:

- 3.1 Agreement: The bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.
- 3.2 E-Signature: An electronic sound, symbol or process, attached to or logically associated with an electronic record and used by a person with the intent to sign such record.

- 3.3 Approved E-Signature Method: A method by which the identity of the applicable signatory and his/her intent to use an E-Signature has been verified. In other words, one which: i) includes the ability to verify the identity of the signatory; ii) supports the applicable business purpose and workflow; and iii) permits the information to be retrievable in the future and auditable.
- 3.4 Approved E-Signature Use: Approved by OIT to utilize within a business function that requires E-Signature.
- 3.5 Examples of software that qualifies as an Approved E-Signature Use: DocuSign and Adobe Sign.

4. POLICY PROVISIONS:

- 4.1 Office of Information Technology (“OIT”) is responsible for all E-Signature methods. At the time of adoption of this Policy, the only approved methods are Adobe Sign and DocuSign. Other Methods may be used only with express authorization of OIT.
- 4.2 An E-Signature is not valid if:
 - 4.2.1 Applicable law, regulation, or University policy or process requires a handwritten signature; or
 - 4.2.2 The individual does not have signature authority to sign the record to approve the transaction.
- 4.3 Use of an E-Signature: Subject to the limitations and supplemental approvals required by this Policy, when a University document (*e.g.*, correspondence, policy, *etc.*) requires that such record be executed by a responsible person, the execution may be evidenced by an E-Signature obtained using an Approved E-Signature Method.
- 4.4 If an individual acting on behalf of the University has any questions regarding the use of an E-Signature, such individual should consult with OIT.

5. PROCEDURES:

- 5.1 All Approved Electronic Signature Methods must be reviewed and adopted by OIT. In turn, Office of General Counsel (“OGC”) may provide guidance regarding compliance with this Policy and all applicable laws and regulations and appropriate for the circumstances in which the E-Signature is obtained.

- 5.2 When approving a method, OIT will consider whether such method: i) appropriately verifies the identities of the signatories, ii) appropriately demonstrates their intent to sign the applicable record, and iii) compliance with OIT security standards.
- 5.3 The following classes of University-related transactions are deemed Approved E-Signature Use:
- All documents through the Legal Management System.
- 5.4 All other E-Signature uses must be approved by OIT prior to use. When reviewing requests for approval, OIT will consider the sensitivity, value and operational importance of the circumstances in which the E-Signature will be used.
- 5.5 E-Signature Methods or Uses may be approved for particular electronic records, particular classes of electronic records, or particular entities of the University.
- 5.6 OIT has the authority to revoke approval for any Method or Use if it is deemed that such Method or Use is no longer appropriate. They may, in their discretion, require that records signed using a Method that is no longer approved be signed again using an Approved Method.

6. ACCEPTANCE OF ELECTRONIC SIGNATURES FROM THIRD PARTIES:

- 6.1 The University accepts an E-Signature as legally binding between parties each of which has agreed to conduct transactions by electronic means. TEX. BUS. & COM. CODE, § 322.005(b).
- 6.2 In general, when the University enters into a contract, or is a signatory to another type of document, in each case with a third party, the University and such third party should consent to the use and acceptance of E-Signature. It is prudent to obtain some written evidence from the third party that it has agreed to the use of E-Signature. However, obtaining such evidence may not be possible and consent may be implied by the parties' conduct.
- 6.3 If the University is party to a contract, if possible, the terms of the contract should evidence the use and acceptance of E-Signature. For example, the following language may be added to a contract:

“The parties agree and consent to the use of electronic signatures solely for the purposes of executing the Agreement or any related transactional document. Such electronic signature shall be deemed to have the same full and binding effect as a handwritten signature.”

7. RETENTION:

- 7.1 If a law (*e.g.*, Texas Public Information Act) requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which: i) accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and ii) remains accessible for later reference. TEX. BUS. & COM. CODE, § 322.012(a).
- 7.2 E-Signature and the associated data to validate the E-Signature are an integral part of the record. Electronically-signed documents must follow the same record retention as those using handwritten signatures in accordance with the University Records Retention Schedule as submitted to the Texas State Library & Archives Commission. *See* MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES, Number (04.05.01), Records Management Program.

8. VIOLATIONS AND SANCTIONS:

- 8.1 All individuals with signature authority are responsible for activities conducted under their user identification and are expected to take all precautions to safeguard their password and files to prevent inappropriate use. Sharing of passwords or other access is prohibited. *See* MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES, Number 04.06.17, Password Security Policy.
- 8.2 It is a violation of this Policy for an individual to sign a record using an E-Signature Method in connection with any official University activity on behalf of another individual. *See* MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES, Number 02.05.06, Fraud Policy.
- 8.3 Individuals shall report any actual or suspected fraudulent activities relating to E-Signature immediately to Department of Internal Audit, Assurance & Compliance Services. *See* MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES, Number (09.01.01), Internal Audit Policy.

9. NON-COMPLIANCE:

- 9.1 Confirmed violations of this Policy will result in consequences commensurate with the offense, up to and including termination of employment, appointment, or other relationships with University. Individuals may also be subject to criminal prosecution under applicable federal and state laws.

- 9.2 Depending on individual's classification as faculty or staff, the University will abide by its applicable policies and procedures for non-compliance of this Policy. *See* MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES, Number 02.05.03, Discipline and Termination Policy; and the FACULTY MANUAL.

REVIEW AND RESPONSIBILITIES:

Responsible Party: Office of Information Technology

Review: Every three years, on or before July 1

APPROVAL:


Kenneth Huewitt (Oct 14, 2020 11:11 CDT)

Mr. Kenneth Huewitt, Interim President



Dr. Mario Berry, Vice President for Information Technology

Effective Date: October 14, 2020