

COLLEGE of CHARLESTON

OFFICIAL POLICY

11.5.1	ELECTRONIC, INCLUDING DIGITAL, SIGNATURE POLICY	06/02/2020
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Policy Statement

Consistent with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 *et. seq.*, South Carolina Uniform Electronic Transaction Act, S.C. Code Ann. §§ 26-6-10 *et. seq.*, and its related standards, and all other applicable federal, state or international law, electronic signatures, including digital signatures, may be used, (subject to and in accordance with the above-referenced laws and College Procedures and Guidelines), to conduct College of Charleston (“College”) business as set forth within this policy.

Policy Manager and Responsible Department or Office

Business Affairs, Office of Legal Affairs, Information Technology

Policy

I. General

This policy is intended to promote efficiency and save resources by encouraging the appropriate and lawful use of electronic signatures and records at the College of Charleston (“College”) in accordance with legal and security requirements, along with College Procedures and Guidelines.

The College supports and may require the use of electronic signatures, including digital signatures, when conducting College business. The College may, at its discretion, elect to opt out of conducting business electronically with any party or in any transaction, for any reason or no reason, in the sole discretion of the College. The College shall not accept any electronic or digital signature where prohibited by applicable law, regulation or College policy, guidelines or process. This policy also

requires that the College establish Procedures regarding the security and use of electronic signatures, including digital signatures, in connection with College transactions.

II. Definitions

For purposes of this policy, the following definitions apply:

Authentication: The assurance that an electronic signature, including digital signatures, is that of the individual purporting to sign a record or otherwise approving an electronic transaction.

Digital Signature: the most secure type of electronic signature that is used in cases where the highest level of security is required.

Electronic Signature: 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.

Record: a record created, generated, sent, communicated, received or stored and signed or approved by electronic means.

Signature Authority: specific delegated authority given to an individual under [College Policy 2.3.1.1 – Authority to Contract and Required Review of Contracts](#) to execute contracts, legal documents, records and/or procurements (electronically or by hand) on behalf of the College.

III. Use of Electronic Signatures, Including Digital Signatures

When a signature, approval or authorization is required for a College transaction, the Executive Vice President of Business Affairs shall designate the transaction as an appropriate electronic transaction, after conducting a risk-benefit analysis in consultation with the Office of Legal Affairs and Information Technology, to ensure that the electronic signature method and user authentication protocol is appropriate to establish the level of assurance needed for the degree of risk identified in the analysis. For approving internal documents or workflows, other types of electronic signatures are adequate so long as an appropriate audit trail and authentication is maintained.

For transactions with a high level of risk, using only the institutionally supported and approved digital signature solution may be required.

IV. Validity

To the fullest extent permitted by law, subject to and in accordance with the requirements of all applicable state, federal and international laws and regulations, the College accepts electronic signatures as legally binding. An electronic signature is not valid if:

- (1) applicable law, regulation or College policy, procedures, guidelines or process prohibits the use of an electronic signature; or

(2) the individual does not have signature authority or a valid written delegation of authority from the President to sign the record to approve the transaction.

Only certain College officials have signature authority to sign contracts, agreements and similar documents which commit the College to a contract and/or bind the College. For more information, see [College Policy 2.3.1.1 - Authority to Contract and Required Review of Contracts, Policy 2.3.1.1](#)

V. Exceptions to Use of Electronic Signatures and Records

You may not use electronic signatures when College policies, procedures or guidelines prohibit such use or applicable federal, state or international laws or regulations do not allow their use. The following, while not an exclusive list of exceptions, are important examples of records that are excluded from this policy under South Carolina Code Ann. § 26-6-30:

- In connection with an order for prescription drugs;
- Wills, codicils and testamentary trusts governed by law;
- Certain sections of the Uniform Commercial Code;
- Cancel or termination of utility services (including water, heat and power);
- Default, acceleration, repossession, foreclosure, eviction or the right to cure under a credit agreement secured by a primary residence of an individual or a rental agreement for a primary residence of an individual;
- Recall of a product or material failure of a product, that risks endangering health or safety;
- Any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials; and
- Notices of the cancelation or termination of health insurance, health benefits or life insurance benefits.

If you are unsure whether a document may be signed or retained electronically, you must consult the Office of Office of Legal Affairs prior to execution.

VI. Retention

Electronic signatures and the associated data to validate the electronic signatures are an integral part of the record. Electronically signed records and documents must follow the same record retention requirements as those using handwritten signatures. The signature and means to authenticate and verify it need to be maintained for the full records life cycle. For more information on the College's record retention schedules, contact the Office of the Registrar.

VII. Responsibilities

All individuals using electronic signatures 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. Sharing of passwords or other access tokens is strictly prohibited.

It is a violation of this policy:

- for an individual to affix a signature of another individual, unless he or she has been granted specific, written authority by that individual; or
- to falsify an electronic signature.

Individuals are expected to report any actual or suspected fraudulent activities under this policy immediately to any manager or supervisor in the appropriate department, school/college or other applicable unit or through other appropriate channel such as the Office of Legal Affairs.

Nothing in this policy is intended to authorize any individual to sign on behalf of the College if he or she has not been granted such signature authority, or a lawful written delegation thereof, under [College Policy 2.3.1.1](#) The presence of an electronic signature does not mean that the signatory was authorized to sign or approve on behalf of the College in the absence of an appropriate and legally-binding written delegation of signature authority.

Departments/Offices Affected by the Policy

This policy applies to all College members, including but not limited to, all Trustees, Officers, Faculty, Staff, Volunteers and Students.

Procedures Related to the Policy

Procedures and Guidelines for Electronic Signatures

Related Policies, Documents or Forms

[College Policy 2.3.1.1 – Authority to Contract and Required Review of Contracts](#)

Issue Date: 6/2/2020

Date of Policy Review: 6/2/2020

Next Review Date: 6/2/2025

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 11.5.1

President or
Chairman, Board of Trustees

A handwritten signature in blue ink that reads "Andrew Hsu". The signature is written in a cursive style with a large initial 'A'.

Date: 6/2/2020