

# Dixie State University Policy

---

## 149 Signature Authority



- I. Purpose and Scope
- II. Definitions
- III. Process
- IV. Use of an Electronic Signature
- V. Electronic Signature Methods and Rules
- VI. Exceptions
- VII. Addenda

### **I. Purpose and Scope**

- 1.1 Statutory authority to sign specific types of proposals, contracts, grants, and agreements on behalf of the University has been delegated by the Utah State Board of Regents and the DSU Board of Trustees. The purpose of this policy is:
  - 1.1.1 To establish responsibilities for the review, approval, and signing of official University documents.
  - 1.1.2 To establish circumstances when an electronic signature may replace a written signature and formulate approval process for electronic signature methods.
  - 1.1.3 To provide protection to the University and to individual University employees from legal liability.
  - 1.1.4 To maintain University compliance with University, State, Federal, and private contract requirements.
- 1.2 This policy applies to all proposals, agreements, documents, and records transacted on behalf of the University which an authorized individual signs or approves when both parties to the transaction agree to conduct it by electronic means.
  - 1.2.1 An agreement or requirement to conduct a transaction by electronic means is only satisfied if the information is provided or delivered in an electronic format capable of being retained, stored, and printed by the recipient at the time of receipt.

## II. Definitions

- 2.1 Authorized Alternate: An individual designated in writing by a University Officer to act in his/her behalf in matters requiring signatures on Official Documents as outlined in this policy. An Authorized Alternate may:
  - 2.1.1 Exercise such authority in the planned or occasional absence of a University officer as a “proxy” for a specific period of time.
  - 2.1.2 Receive a more permanent delegation of authority for one or many particular official documents or category of documents.
- 2.2 Electronic Record: A record created, generated, sent, communicated received, or stored by electronic means.
- 2.3 Electronic Signature: An electronic sound, symbol, or process attached or logically associated with an electronic record insofar as it was executed or adopted by a person with the intent to sign the record. This includes handwritten signatures, replicas or representations thereof, cryptographic protocols, and “accept”, “place order”, and similar Web page buttons.
- 2.4 Official Document: A written agreement or other formal instrument regarding a course of action, the expenditure of University funds, or other contractual obligation that is intended to be binding upon the University. Official documents obligate the University to act, engage, consent, perform, or pay. Typically at least one party to the transaction is external to the University. Official documents may be in the form of contracts, proposals, agreements, statements, notices, resolutions, letters, memorandums, licenses, and other instruments.
  - 2.4.1 All purchases and contracts must conform with DSU Purchasing Policy.
  - 2.4.2 Transactions using University issued credit cards, including e-commerce purchases, are considered official documents, insofar as:
    - 2.4.2.1 Any purchase authorization or agreement is within the scope and authority of the purchaser’s authority to expend those funds for that purchase.
    - 2.4.2.2 The purchaser has exercised due diligence evaluating any vendor and has made a reasonable determination that the vendor is legitimate.
    - 2.4.2.3 The purchaser has exercised due diligence evaluating any Web site and has made a reasonable determination that the site is valid

and secure.

- 2.5 University Officer: The University President or an individual holding a position of Vice- President at the University.

### III. Process

- 3.1 All official documents will be signed by a University officer, an authorized alternate, or as otherwise permitted by University policy.
  - 3.1.1 University policy allows for many business processes, forms, and related documents provide instructions for authorized approvals and signatures to facilitate the processing of routine transactions such as campus orders, purchase requisitions, expense or travel reimbursements, and other documents. These documents are properly handled at the associate vice-president, dean, director, or department chair level.
  - 3.1.2 In general, extra-institutional agreements and contracts, real estate agreements, licensing agreements, letters of appointments, final disposition of employee appeals, contracts of more than one year, grants requiring matching funds or involving indirect costs, banking / finance agreements, procurement above the amount specified in this policy's addendum, and documents involving institutional rights require the signature of a University official. Specific types of documents are listed in Addendum 1.
  - 3.1.3 All grant proposals and applications that involve matching funds or indirect costs require the additional approval of the DSU Executive Director of Budget.
  - 3.1.4 This policy is not intended to supersede other policies or change approval requirements for established, internal business processes.
- 3.2 Official documents will be submitted to the President and/or appropriate Vice-President for review, processing, and signature after any other required approval has been documented.
- 3.3 The University prefers that official documents are signed by a University official whenever possible. In exigent circumstances, an authorized alternate may be delegated. Such authorization must be made in writing and must be retained by the alternate.
  - 3.3.1 An email from the University official acceptably meets this requirement

insofar as it is retained by the authorized alternate.

- 3.3.2 The individual designated as an authorized alternate will sign his/her own name and not the name of the University officer who made the designation.
- 3.4 If an employee or other individual who does not have signatory authority to bind the University to a contract or agreement, the University is not bound by that contract or agreement and is not obligated to conform to its terms. An employee who binds the University to a contract or agreement outside of his/her signatory authority may be:
  - 3.4.1 Subject to employee discipline, including termination.
  - 3.4.2 Held responsible for misappropriation of University property and/or resources.
  - 3.4.3 Held personally liable for the performance of the contract or agreement.
  - 3.4.4 Obligated to ensure the performance of the contract or agreement and adherence to all laws, rules, and/or regulations related to the contract or agreement, including State and Federal tax laws which may include tax liability.
  - 3.4.5 Referred for criminal prosecution.

#### **IV. Use of an Electronic Signature**

- 4.1 When a University policy requires that a written document or electronic record must have the signature of a responsible individual, that requirement is met when the electronic record has associated with it an electronic signature using an approved electronic signature method.
- 4.2 When an external legal requirement requires that written document or electronic record must have the signature of a responsible individual, that requirement is met when the electronic record has associated with it an electronic signature using an approved electronic signature method that complies with Utah state law and/or Federal regulation.

#### **V. Electronic Signature Methods and Rules**

- 5.1 Except when superseded by Utah Board of Regents policy, Utah State Code, or Federal regulation, the University reserves the right to enact procedures and rules that:

- 5.1.1 Identify specific transactions that the University is willing or unwilling to conduct by electronic means.
  - 5.1.2 Specify the manner and format in which electronic records of official documents must be created, generated, sent, communicated, received, and stored, as well as the systems established for these purposes.
  - 5.1.3 Stipulate the type of electronic signature method, determine the manner and format in which the electronic signature must be affixed to the electronic record, and identify the criteria for any individual using an electronic signature.
  - 5.1.4 Require appropriate control processes and procedures in order to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
  - 5.1.5 Determine acceptable, required, and/or reasonable attributes for electronic records for corresponding non-electronic records as needed, including requiring that non- electronic records of records signed with an electronic signature include a notation of the individual electronically signing the record and the date it was signed.
  - 5.1.6 Restrict or exclude a specific electronic method or protocol deemed inappropriate, unsecure, or unsafe.
  - 5.1.7 Limit the use of electronic signatures (i.e. approved only for use by specific department(s), approved to be used only with particular records, or approved for use only on a specific type of record). Such limitations are binding on all University personnel and any other use of an electronic signature method will be considered an invalid use and a violation of this policy.
- 5.2 Any individual or entity that makes inappropriate or illegal use of an electronic signature as defined by this policy, Utah state law, and/or Federal regulation, is subject to sanctions up to and including suspension, termination, and/or criminal prosecution.

## **VI. Exceptions**

- 6.1 Exceptions to this policy may only be authorized by the University President in special or exigent circumstances that make strict compliance impracticable. Any exception to this policy must be properly executed in a written document, including noting the special or exigent circumstance, to be retained.

## VII. Addenda

- 7.1 Addendum 1: [Signature Authority for Official University Documents](https://files.dixie.edu/sites/hr/pl/policy/149a.docx?Web=1)  
(<https://files.dixie.edu/sites/hr/pl/policy/149a.docx?Web=1>)
- 7.2 Addendum 2: Responsibility for Official Documents.
- 7.3 Addendum 3: List of Electronic Signature Methods Excluded or Limited to Specific Use(s) by the Vice-President of Administrative Services.

---

Policy Owner: General Counsel

History:

Approved 3/20/15