



E-Signature Policy

LP 5.18

Effective:
5/12/2020

Revised:
5/12/2020

Policy Owner:
Board of Trustees

Policy Administrator:
Human Resources Director

Affected Parties:
Employees

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I Summary

This policy explains when and how Lander University employees may use electronic signatures. This policy applies to all Lander University faculty and staff who desire to use electronic signatures for university business, which includes, but is not limited to, electronic communications, transactions, contracts, forms, and grant applications. The [SC Code of Laws Title 26, Chapter 6](#)¹ enumerates the circumstances in which electronic signatures may be used. Should conflicts arise, this and any other applicable state or federal laws will prevail.

II Definitions

- A. **Electronic signature** (as defined in SC Code of Laws section 26-6-20) is 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.
- B. **Signature authority** is an employee who, by virtue of his or her position in the university, has the ability to execute contracts or memoranda of agreement or otherwise commit financial or physical resources of the university. Only the president (or designee) may contractually obligate the university.

III Procedures for Using Electronic Signatures

- A. Electronic signatures may be used when all parties agree to use them. Lander University may opt out of conducting business electronically at any time.
- B. Lander University may designate certain transactions to be conducted by electronic signature.
- C. In accordance with Section 26-6-10 of the SC Code of Laws, Lander University considers electronic signatures to be the equivalent of manual signatures: they are legally binding, enforceable, and satisfy



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laws that require written records or signatures. Therefore, individuals are accountable for their electronic signatures in the same way they are accountable for their manual signatures.

- D. Lander University employees who desire to use approved electronic signature technology must contact the Information Technology Services' (ITS) department for guidance and approval of electronic signature software.
- E. Once approved, specific electronic signature technology may be used when all parties consent to its use.
- F. Lander University employees must maintain documentation of any transactions conducted using electronic signatures.
- G. Any fraudulent use of electronic signatures, real or suspected, must be reported immediately to the university's General Counsel.
- H. Falsification or inappropriate use of electronic signatures is subject to disciplinary action by Lander University, including termination.

IV Federal and State Laws

- A. This policy does not supersede situations where federal and/or state laws require a manual signature.
- B. Laws that reference electronic signatures:
 - 1. Title 26 Chapter 6 of the SC Code of Laws– Uniform Electronic Transactions Act
 - 2. Title 15 Chapter 96 of the US Code of Laws – Electronic Signatures in Global and National Commerce

¹<https://www.scstatehouse.gov/code/t26c006.php>