

Allegany College of Maryland
USE OF ELECTRONIC SIGNATURES POLICY

Adopted date 8/16/2021
Revised Date 10/3/2022
Approved by Board of Trustees Date 8/16/2021
Implementation Date 8/16/2021
Type of Policy: Operational

BACKGROUND AND PURPOSE

This Policy establishes the requirements for the use of electronic signatures (e-signatures) in lieu of handwritten (i.e., "wet") signatures in connection with execution of documents used to conduct official Allegany College of Maryland (ACM) business. This Policy is intended to promote efficiency and security for document approvals and to facilitate the conduct of business between ACM and other parties.

POLICY

I. SCOPE OF THE POLICY

This Policy applies to all uses of e-signatures in connection with official ACM agreements and other documents (i.e., proposals, grants, contracts, statements, notices, resolutions, memoranda of understanding, licenses, etc.).

This Policy does not mandate the use of e-signatures or otherwise limit the ability of ACM to conduct transactions with handwritten signatures or authorized stamp signatures on paper documents. This Policy does not apply to facsimile signatures used on checks issued by ACM. This Policy also does not apply to agreements or other documents in which a handwritten signature on a paper record is required to comply with applicable law, regulation, or government policy.

II. POLICY STATEMENT

As permitted by State and Federal law or regulation, ACM accepts electronic signatures as legally binding and equivalent to handwritten signatures to signify an agreement. Approved and properly conforming electronic signatures are legally binding and equivalent to wet signatures. An e-signature is any electronic sound, symbol, or process, which is attached to or logically associated with an agreement or other document, and which is executed or adopted by a person with the intent to sign that agreement or document.

Students, employees, and third-parties including but not limited to parents, guarantors, vendors or other persons conducting business with ACM, may use electronic signatures to authorize all designated records and transactions, as may be allowed by College policies and procedures.

Where prohibited by law, regulation, ACM policy, or ACM procedures as determined by the responsible ACM official, e-signatures may not be used. Every effort will be made by ACM to communicate any such prohibition in advance and to request handwritten signatures.

Only ACM employees or designees, with signature authority (i.e., "authorized representatives") may execute agreements on behalf of ACM. Such authorized representatives of ACM may provide an electronic signature, in their official capacities, on agreements or other transactions on behalf of ACM. By providing an electronic signature through an authorized representative, ACM agrees to conduct the transaction by electronic means. For record maintenance purposes, the electronic transaction system used must have the ability for both the sender and the recipient to print or store a fully-executed copy of the electronic record.

III. Exclusions or Special Circumstances

ACM's right or option to conduct a transaction on paper or in non-electronic form shall not be affected by this policy.

IV. Security

This policy does not require a specific method for executing an electronic signature. The employee signing the agreement is responsible for taking steps, in consultation with the Information Technology Department to ensure

that the method chosen is appropriate for the size and type of the transaction. Consideration must, at a minimum, be given to confidentiality, authentication of signatures, and verification that the document signed is, in all respects, identical to the one to which the signer intends to bind ACM.

V. Enforcement

The enforceability, construction, interpretation, and validity of e-signatures will be governed by Maryland law and federal law (including the Maryland Uniform Electronic Transactions Act and the federal Electronic Signatures in Global and National Commerce Act).

It is a violation of this Policy for an individual to submit any ACM document with an e-signature (a) on behalf of another individual (except when using e-signature as an authorized designee for that individual), (b) that is not the person's own e-signature, or (c) that is not authorized. If the validity or authorization of an e-signature is questioned, the person whose e-signature is at issue has the burden to show that the e-signature was valid and/or authorized.

If any e-signature is determined to be invalid or unauthorized, the associated document may not be recognized by ACM as legitimate, or authorized. Individuals who falsify e-signatures or otherwise violate this Policy are subject to disciplinary action and appropriate sanctions under ACM policies and criminal prosecution under applicable federal and state laws.

VI. Administration of Policy

The office of the Dean of Information Technology, in consultation with The Vice President of Finance and Administration, shall be responsible for maintaining this policy.

VII. Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.