

TITLE: Usage of Electronic Signatures
NUMBER: 236
APPROVED BY BOARD OF TRUSTEES: June 13, 2018

PURPOSE

The purpose of this policy is to allow for electronic signatures at Whatcom Community College by methods that provide reasonable assurance for the integrity, authenticity, and nonrepudiation of electronic documents; that are practical, secure, balance risk and cost, streamline administrative processes, and comply with applicable laws.

DEFINITIONS

Term	Definition
Electronic signature	An electronic process, symbol, or sound attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Examples may include, but are not limited to: 1) The act and the resulting record of initiating or approving an electronic record in a college system (e.g., enterprise resource systems); or 2) The act and the resulting record of using special electronic signature software or systems (e.g., electronic signature platforms, point-of-sale electronic signature pads, biometric systems) to sign an electronic record.
Authentication	The assurance that the electronic signature is that of the person purporting to sign a record or otherwise conducting an electronic transaction.
Authorization	When an individual has verified permission and the requisite authority to sign a record (electronically or otherwise), access specific electronic college services, and/or perform certain operations, including executing agreements to bind the college.
Electronic record	A record created, generated, sent, communicated, received, or stored and signed by electronic means



BACKGROUND

RCW 19.360 states that the legislature “intends to promote electronic transactions and remove barriers that might prevent electronic transactions with governmental entities.” Unless otherwise provided by law or agency rule, state agencies may use and accept electronic signatures with the same force and effect as that of a signature affixed by hand. Where “writing” is required by statute, an electronic record may be used, and whenever the term “mail” is used, the term includes the use of email or other electronic system, if authorized by agency rule or policy.

Agency electronic signature rules and policies must be consistent with policies established by the Washington State Office of the Chief Information Officer (OCIO); this Electronic Signature Policy follows the Electronic Signature Guidelines published by the OCIO in April 2016.

POLICY

I. Electronic Signature Use

- A. The use and acceptance of electronic signatures and electronic submissions of records shall be consistent with the guidance and requirements put in place by the Washington State Office of the Chief Information Officer (OCIO).
- B. Transactions may be approved for electronic signatures based on the following five factors:
 - 1. An analysis of the need for signatures.
 - 2. An analysis of the risks inherent in the process.
 - 3. A description of the processes and methods proposed.
 - 4. A list of specific groups or people that can or cannot use the process and alternative opt-out procedures.
 - 5. A description of the impact to privacy and consistency with existing privacy policies.
- C. The college may designate specific college transactions to be executed by electronic signature.
 - 1. Employees, including student employees, may be required to use an electronic signature for transactions with the college or to conduct college business.
 - 2. External parties (individuals, including students, and entities not employed by the college) may be required to use an electronic signature to conduct business with the college, unless otherwise mutually agreed.
- D. An electronic signature may be accepted in all situations when the requirement of a signature or approval is stated or implied, except when law or regulation specifically requires a hand-written signature.

- E. To the fullest extent permitted by law, the college recognizes an electronic signature as legally binding.
 - F. When a college policy, rule, procedure, standard, law, or regulation requires or requests that a record have the signature of a responsible person, that requirement or request is met by an electronic signature, except when law or regulation specifically requires a hand-written signature.
 - G. An electronic signature may not be valid if the individual did not have the authorization to sign an electronic record.
 - H. An electronic signature must employ a college-approved authentication method at the time of signature.
- II. Specific methods and transactions for electronic signatures must be approved on a case by case basis by the Vice President of Administrative Services in consultation with the Director for Business and Finance and the Director for Information Technology.
- III. Falsification
- A. Falsification of electronic records or electronic signatures is prohibited.
 - B. It is a violation of this policy for an individual to sign as if they were another individual.
- IV. Violations
- A. Employees who falsify electronic signatures or otherwise violate this policy are subject to disciplinary action, including but not limited to termination of employment and/or potential criminal prosecution under applicable federal, state, and local laws.
 - B. Students who falsify electronic signatures or otherwise violate this policy are subject to disciplinary action under the Student Rights and Responsibilities (Student Conduct Code) and/or potential criminal prosecution under applicable federal, state, and local laws.
 - C. Other individuals and entities to whom this policy applies who falsify electronic signatures or otherwise violate this policy are subject to appropriate sanctions, including but not limited to termination of the relationship and/or potential criminal prosecution under applicable federal, state, and local laws.

REFERENCES

[RCW 19.360](#)

[OCIO Electronic Signature Guidelines](#)

[DES Use of Electronic Signatures and Submissions Policy](#)