



<b>Operational Area:</b>	Administration and Operations
<b>Responsible Executive:</b>	General Counsel
<b>Responsible Office:</b>	General Counsel's Office
<b>Effective:</b>	April 1, 2022

## Electronic Signatures

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### I. Introduction

- A. **Authority:** Colorado Revised Statutes (C.R.S.) § 23-54-102, *et seq.* (2022) authorizes the Trustees of Metropolitan State University of Denver ("MSU Denver" or "University") to establish rules and regulations to govern and to operate the University and its programs. The MSU Denver Trustees retain authority to approve, to administer, and to interpret policies pertaining to University governance. The MSU Denver Trustees authorize the MSU Denver President to approve, to administer, and to interpret policies pertaining to University operations.
- B. **Purpose:** This policy specifies what constitutes a valid, electronic signature to conduct official business at MSU Denver and what methods and tools are required. This policy does not determine signature authority or departmental process.
- C. **Scope:** This policy applies to all individuals who are affiliated with the University, whether paid or unpaid, including but not limited to faculty, staff, students, affiliates and volunteers.



**President's**  
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### II. Roles and Responsibilities

- A. **Responsible Executive:** General Counsel
- B. **Responsible Administrator:** Deputy General Counsel
- C. **Responsible Office:** General Counsel's Office
- D. **Policy Contact:** Deputy General Counsel, Office of General Counsel, 303-615-0099
- E. **Additional Roles and Responsibilities:**
  - 1. The **Office of General Counsel** is responsible for providing guidance when documents require handwritten signatures to be legally valid.
  - 2. The **Office of Information Technology Services** is responsible for vetting the security of electronic signature applications, assessment of possible integrations with other systems, and the procurement process for software and/or services associated with electronic signature solutions.
  - 3. The **Office of the Registrar** is responsible for verifying student signatures.
  - 4. The **Office of Human Resources** is responsible for verifying employee signatures.

### III. Definitions

For the purposes of this policy, the following definitions apply:

- A. **"Electronic Record"** means any combination of text, graphics, data, audio, pictorial, or other information represented in digital form that is created, modified, maintained, archived, retrieved, or distributed by a computer system.



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- B. **"Electronic Signature"** means a computer data compilation of any symbol or series of symbols executed, adopted, or authorized by an individual to be the legally binding equivalent of the individual's handwritten signature. As used herein, it also includes a digital image or facsimile of an ink signature (i.e., an image placed in a record) if it comes from the signer's MSU Denver email account or is generated by the signer within an approved authentication system, such as MSU Denver password or third-party system.
- C. **"Signature Authority"** means permission given or delegated to sign instruments, contracts, receipts or other documents on behalf of the University.

### IV. Policy Statement

- A. Electronic signatures made in accordance with this policy are as valid as paper-and-ink signatures for all official, business transactions and records of the University, unless a paper-and-ink signature is required by law, applicable standard, or special requirement for a transaction, or by an external party that declines to use or accept electronic signatures.
- B. To be considered valid and acceptable at MSU Denver, an electronic signature must:
  - 1. Include the ability to verify the identity of the signer;
  - 2. Support the applicable business purpose and workflow; and
  - 3. Permit the information to be retrievable in the future and auditable.
- C. An electronic signature may be made on a record using a non-approved program if the signature is received from an external source (such as a vendor or contracting party) and required to be executed using that program, subject to approval by the Office of Information Technology Services.



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- D. Student Records. For all FERPA-protected records, under §99.30, the electronic consent must:
1. Establish a reasonable way to identify the requester and authenticate the identity of the particular eligible student or parent as the source of the electronic message of record requesting access or consenting to the disclosure of education records.
  2. Attribute the electronic signature to the unaltered message or document to prevent repudiation by the sender.
  3. Verify the integrity of the signed message or document in transmission and upon receipt.
  4. Document and record the signed electronic message.
- E. Exceptions to Use of Electronic Signatures
1. Individuals may not use electronic signatures or electronic records when MSU Denver policies or federal or state laws or regulations do not allow their use. The following are important examples of records that may not be signed or retained electronically:
    - a. promissory notes;
    - b. any document required to accompany any transportation or handling of hazardous materials, pesticides or other toxic or dangerous materials; and
    - c. notices of the cancelation or termination of health insurance, health benefits, or life insurance benefits.
  2. If you are unsure whether a document may be signed or retained electronically, please consult the Office of General Counsel.

## V. Related Information

- A. MSU Denver Signature Authority Policy
- B. Colorado Uniform Electronic Transactions Act, C.R.S. § 24-71.3-101, *et. seq.*
- C. Security Provisions of the Federal Trade Commission's Financial Services Act
- D. U.S. E-Sign Act (ESIGN, Pub.L. 106-229, 114 Stat. 464, enacted June 30, 2000, 15 U.S.C. ch. 96)
- E. U.S. Family Educational Rights and Privacy Act (FERPA)



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### VI. History

- A. **Effective:** April 1, 2022
- B. **Review Schedule:** This policy will be reviewed every five years or as deemed necessary by University leadership.

### VI. Approval

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Janine Davidson, Ph.D.  
*President, Metropolitan State University of Denver*

N/A

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*Chair, Board of Trustees, Metropolitan State University of Denver*