



Electronic Signatures Policies and Procedures

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I. Introduction

To increase the efficiency of internal transactions that require authorization, the University may require that members of the University community use electronic signatures to conduct certain transactions that previously required handwritten signatures and approvals on paper documents.

This regulation establishes the policies and procedures by which the University designates University transactions for which e-signatures are required and recognizes and authenticates e-signatures.

This regulation also identifies University requirements for the use of electronic signatures, electronic transactions, and electronic records in conducting University transactions.

II. Entities Affected

This regulation applies to all units of the University and all members of the University community. Members of the University community include students and employees, prospective students and employees, patients, business partners, and other individuals who are associated with the University, such as affiliates, and associates (as outlined in the Business Procedure Manual, E-1-0).

III. Definitions

A. Agreement

Agreement means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations and procedures that are given the effect of agreements under

laws otherwise applicable to a particular transaction. (KRS 369.102(1))

B. Authentication

Authentication means the process of securely verifying the identity of an individual prior to allowing access to an electronic University service. Authentication ensures that the user who attempts to perform the function of an electronic signature is in fact who they say they are and is authorized to “sign.”

C. Authorization

Authorization means verifying that an authenticated user has permission to access specific electronic University services and/or perform certain operations.

D. Electronic

Electronic means relating to technology that has electrical, digital, magnetic, wireless, optical or electromagnetic capabilities or similar capabilities.

E. Electronic record or e-record

Electronic record or e-record means a record of information that is created, generated, sent, communicated, received or stored electronically.

F. Electronic signature or e-signature

Electronic signature or e-signature means an electronic sound, symbol or process that is attached to or logically associated with a record and that is executed or adopted with the intent to sign the record.

G. Electronic transaction or e-transaction

Electronic transaction or e-transaction means an action or set of actions that is conducted or performed, in whole or in part, electronically or via electronic records.

H. Information

Information means data, text, images, sounds, codes, computer programs, software, databases or similar items.

I. Non-Repudiation

Non-Repudiation means the inability of either party in a voluntary transaction to reject, disown, or disclaim the validity of that transaction.

J. Record

Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

K. Repudiation

Repudiation means the willful act of either party in a voluntary transaction to reject, disown, or disclaim the validity of that transaction.

L. Security Procedure

Security Procedure means a procedure that is used to verify that an electronic signature, record, or performance is that of a specific person; to determine that the person is authorized to sign the document; and, to detect changes or errors in the information in an electronic record. This includes a procedure that requires the use of algorithms or other codes, identifying words or numbers or encryption, callback or other acknowledgment procedures.

M. Transaction

Transaction means an action or set of actions occurring between two (2) or more persons relating to the conduct of business, commercial, or governmental affairs.

N. Unit

Unit means the University organization conducting business by means of an e-signature such as a college, department, auxiliary, or administrative division.

O. University Transaction

A University Transaction means a transaction conducted in support of the University's teaching, research, or service mission.

IV. Policies on Electronic Signature Use

- A. To the fullest extent permitted by law, the University accepts e-signatures as legally binding and equivalent to handwritten signatures to signify an agreement.
- B. Students shall use electronic signatures to authorize all designated internal records and transactions. Examples include but are not limited to: registering for courses, accepting financial aid awards, paying student bills, obtaining unofficial transcripts, completing electronic forms, etc.
- C. Employees shall use electronic signatures to authorize all designated internal documents. Examples include but are not limited to: submitting grades; viewing personal payroll data; accessing protected data through the administrative computing system and web applications provided by the unit; signing off on timesheets, etc.
- D. Other members of the University Community, upon mutual agreement with the University may use electronic signatures to conduct designated University transactions and to formally acknowledge their agreement to University transactions in which they are parties by affixing an e-signature.
- E. The University's right or option to conduct a University transaction on paper or in non-electronic form shall not affect the University's right, option, or obligation to have documents provided or made available in paper format.

V. E-signature Transaction Approval and Responsibilities

- A. For enterprise-level transactions (see AR 10:2), the principal University administrators, data custodians, and enterprise application system owners shall assess the potential for replacing a manual process/signature with an electronic process/signature (i.e., "automation") and propose joint recommendations for implementation of automation, subject to approval by the Provost, appropriate executive vice president or vice president. Joint recommendations under this paragraph are subject to formal authorization by the relevant executive data custodian. Once a process for a University transaction is approved and automated, it is automatically subject to the provisions of this policy.

- B. For all other transactions, the transaction to be enabled by e-signatures shall be evaluated by the unit, in conjunction with the office of Information Technology. (This includes any existing implied or explicit e-signatures in use prior to the adoption of this policy.) For risk assessment and review purposes, similar types of transactions may be grouped together under one agreement. Implemented e-signatures shall be reviewed periodically for appropriateness, and continued applicability.

VI. Implementation and Security Procedures

- A. Electronic signatures may be implemented using various methodologies depending on the risks associated with the transaction, and all relevant state, federal, and university regulations. Examples of transaction risks include: fraud, non-repudiation, and financial loss. The quality and security of the electronic signature method shall be commensurate with the risk and needed assurance of the authenticity of the signer.
- B. The e-signature methodology shall be commensurate to the assurances needed for the risks identified. In addition, specifications for recording, documenting, and/or auditing the electronic signature as required for non-repudiation and other legal requirements shall also be determined by the unit.
- C. The University shall adopt security procedures for e-signatures, e-transactions and e-records that are practical, secure, and balance risk and cost. It is not the intent of this regulation to eliminate all risk, but rather to provide a process for undertaking an appropriate analysis prior to approving the use of e-signatures, e-transactions or e-records for specific University transactions; and, based on such analysis, to designate those University transactions in which e-signatures, e-transactions and e-records shall be required in place of handwritten documents.
- D. The security requirements for a University transaction include, but are not limited to, [password policies](#), [secure transmission policies](#), [access control policies](#) and other relevant Administrative Regulations, as well as pertinent federal and state regulations.
- E. The level of security that an electronic signature methodology employs shall adhere to the standards outlined in Business Procedure (Q-1-6 Electronic Signatures).

VII. Violations and Sanctions

- A. It is a violation of this regulation for an individual to sign a University transaction on behalf of another individual, unless he or she has been granted specific authority by that individual.
- B. Individuals shall report any suspect or fraudulent activities related to electronic signatures immediately to any manager or supervisor in the appropriate department, college, or division.
- C. Employees who falsify electronic signatures or otherwise violate this regulation are subject to disciplinary action, up to and including termination of employment and criminal prosecution under applicable federal and state laws.
- D. Students who falsify electronic signatures or otherwise violate this regulation are subject to disciplinary action under the Student Code of Conduct and criminal prosecution under applicable federal and state laws.
- E. Other members of the University community who falsify electronic signatures or otherwise violate this regulation are subject to appropriate sanctions, including but not limited to termination of the relationship and criminal prosecution under applicable federal and state laws.

References and Related Materials

The Electronic Signatures Act: 15 USC Chapter 96 ; <http://www.gpo.gov/fdsys/pkg/PLAW-106publ229/content-detail.html>

Family Educational Rights and Privacy Act (FERPA): 34 CFE Part 99; Final Rule;
<http://www2.ed.gov/legislation/FedRegister/finrule/2004-2/042104a.pdf>

E-authentication Guidance for Federal Agencies: OMB M04-04;
<http://www.whitehouse.gov/omb/memoranda/fy04/m04-04.pdf>

The Kentucky Uniform Electronic Transactions Act: KRS 369.101-120; <http://www.lrc.ky.gov/KRS/369-00/CHAPTER.HTM>

Kentucky State Electronic Signature Recordkeeping Guidelines;
<http://kdla.ky.gov/records/Documents/Electronic%20Signature%20Recommendation%20Version%201.pdf>

NIST Electronic Authentication Guidelines: 800-63; http://csrc.nist.gov/publications/nistpubs/800-63/SP800-63V1_0_2.pdf

University of Kentucky Business Procedures Manual: E-1-0;
<http://www.uky.edu/EVPFA/Controller/files/BPM/E-1-0.pdf>

Revision History

This is a new Administrative Regulation.

For questions, contact: [Office of Legal Counsel](#)