

	<p>Electronic Signature and Electronic Records Policy</p> <p>Issued: June 1, 2017</p>	<p>Responsible Administrative Unit: Administration and Operations</p> <p>Policy Contact: Vicki Nichol, Assoc. VP of Administration vnichol@mines.edu</p>
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1.0 BACKGROUND AND PURPOSE.

Use of electronic signatures increase efficiency of various internal and external transactions that require signature or authorization. This policy establishes and governs the process for using electronic signatures and authorizations for official Colorado School of Mines (“Mines”) business transactions, as well as the standards for use, maintenance, and retention of *Electronic Signatures* and *Electronic Records*. This policy applies to all members of the Mines community.

2.0 POLICY.

Mines permits the use of *Electronic Signatures* for both *External* and *Internal Transactions* to conduct the official business of Mines in accordance with the procedures set forth below.

- 2.1 Where Mines’ policies, or applicable laws, regulations, and rules require a signature, that requirement is met if the document contains an *Electronic Signature* by an *Authorized Signatory*.
- 2.2 Where Mines’ policies, or applicable laws, regulations and rules require a written document, that requirement is met if the document is an *Electronic Record*.
- 2.3 If a law or regulation prohibits a transaction from occurring electronically, the transaction must occur in the manner specified by that law or regulation.
- 2.4 This Policy shall be construed in a manner consistent with the Colorado Uniform Electronic Transactions Act. If there is a conflict between the law and its regulations and this policy, the law or regulation shall control.

3.0 PROCEDURES.

3.1 *External Transactions*

- 3.1.1. *Electronic Signatures* utilized in connection with an *External Transaction* must be generated and received through a *CCIT Approved Authentication Process and Application* (e.g., Mines’ ESM Solutions database).
- 3.1.2. Each party to an *External Transaction* must agree to conduct the transaction electronically. Agreement may be implied from the circumstances.
- 3.1.3. Only an *Authorized Signatory* may execute an *External Transaction* on behalf of Mines.
- 3.1.4. The *Authorized Signatory* shall not allow any person other than themselves to provide an *Electronic Signature* to any document.

3.2 *Internal Transactions*

Electronic Signatures utilized in connection with an *Internal Transaction* must be generated and received through a *CCIT Approved Authentication Process and Application*.

- 3.3 Maintenance of *Electronic Records* – Record Keeping
- 3.3.1. All *Electronic Records* shall be retained pursuant to the Colorado Records Retentions Schedule for Higher Education or any Mines’ document retention policy or schedule, and must remain accessible throughout the retention period.
- 3.3.2. All records associated with the official file of *External* and *Internal Transactions* shall be saved in one format, either in an electronic format and retained as *Electronic Records*, or in a paper or hard copy format and retained as paper records, depending on the primary method of document retention established by the Department responsible for retaining the official file. The official file cannot be a mix of both formats, and all official files must be stored in the same format.
- 3.4. Identification of *CCIT Approved Authentication Process and Application*
- 3.4.1. CCIT, in consultation with Legal Services, will review and authorize the use of software applications, systems, and processes to facilitate the use of *Electronic Signatures* in both *Internal* and *External Transactions*.
- 3.4.2. CCIT shall adopt a process for a Mines’ employees or departments to petition CCIT to review software applications, systems and processes used to generate and receive *Electronic Signatures*.
- a. Petitions should include a full explanation of the proposed technology to demonstrate that it meets the *Trustworthiness* requirements, security requirements, and any additional applicable requirements established by CCIT;
- b. CCIT shall have 60 days from receipt of the petition to review and to accept or reject the petition. If such time passes without acceptance by CCIT, such petition shall be considered denied; and,
- c. If CCIT finds, after consultation with Legal Services, that the petitioner’s proposed methodology meets the *Trustworthiness* requirement, security requirements, and any additional applicable requirements commensurate to risks of fraud, nonrepudiation and financial loss associated with the transaction, CCIT will authorize the use of such software applications, system or process and will notify the petitioner of such approval.
- 3.4.3. CCIT shall maintain a list of all *CCIT Approved Authentication Processes and Applications*.

4.0 COMPLIANCE/ENFORCEMENT.

All Mines’ employees shall comply with the policy or be subject to discipline under their respective employment handbook, code of conduct, or policies.

5.0 HISTORY & REVIEW CYCLE.

Issued June 1, 2017. This policy will be reviewed at least every 2 years by the Responsible Administrative Unit.

6.0 DEFINITIONS.

- 6.1 *Authorized Signatory*: a Mines’ employee who has been delegated, pursuant to policies promulgated by the Board of Trustees for the Colorado School of Mines, the authority to legally bind Mines to the terms of an *External Transaction*.

- 6.2 *CCIT Approved Authentication Process and Application*: a software application, system and process approved by Mines' CCIT Department and Legal Services for *Electronic Signatures* to ensure a level of *Trustworthiness* appropriate for the transaction.
- 6.3 *Electronic Record*: a record created, generated, sent, communicated, received, or stored in an electronic or computerized format.
- 6.4 *Electronic Signature*: a computer data compilation of any symbol or series of symbols, and specifically including an electronic script signature, associated with a record that is executed, adopted, or authorized by an individual and intended to be the legally binding equivalent of the individual's handwritten signature. Scanned, copied, or facsimiles of documents containing a handwritten signature shall not be considered *Electronic Signatures*.
- 6.5 *External Transaction*: any legally binding agreement or contract between Mines and an individual, entity, business, or government agency.
- 6.6 *Internal Transaction*: any internal work-flow or approval process that require a signature or approval on a Mines form, document, memo, or other similar format to indicate an individual's agreement or compliance with the language or terms contained therein.
- 6.7 *Trustworthiness*: an *Electronic Record* containing an *Electronic Signature* generated with authentication, integrity, and nonrepudiation.

7.0 RESOURCES.

Colorado Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101 to 121

Colorado Rules Regarding Electronic Transactions by Colorado Governmental Agencies, 8 CCR 1501-9

Colorado Records Retention Schedule for Higher Education

[BOT Contract Approval Policy](#)

BOT Executive Authority Delegation Policy

BOT Authorized Agent Indemnification Policy

BOT Contractual Indemnification Policy

KEY WORDS:

Document Retention

Contracts

Signature