

Electronic Signature Usage Guideline

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Purpose

This guideline document provides an appropriate business process for the use of electronic signatures, for both incoming and outgoing documents. Electronic Signatures can achieve increased operational efficiencies and improve the University's compliance with legislative and regulatory requirements.

Scope

These guidelines apply to staff, students, associates, and contractors at Federation University.

Electronic signatures (also known as e-signatures) are equivalent to a handwritten signature and are considered legally binding in the right circumstances. An electronic signature may take the form of an electronic sound, symbol, or process, but must comply with the following:

- The signer must perform an action to signify agreement or approval. This may include one or more actions, such as clicking a checkbox, typing a name into a text box, or importing a graphic representation of a handwritten signature.
- The signer's first and last name must be visible and legible.
- The time and date of the electronic signature must be captured, stored, and available for retrieval along with the electronic record.

Risk reduction

Signatories and those accepting electronic signatures are expected to minimise the risks associated with electronic signature usage. These risks can be mitigated by:

- authenticating the identity and authority of signatories;
- ensuring good records of all signed correspondence and application of version control to contracts and agreements;
- confirming that foreign laws permit electronic signatures if the contract or agreement is with a foreign party;
- stating in the contract or agreement that the parties can use electronic signatures;
- ensuring that the signed copy includes the full contents of the contract or agreement and its attachments/ annexures (i.e. not just signing a single signature page);
- providing a written instruction if you intend to allow someone else to apply an e-signature on your behalf.
- reviewing and authorising execution of each and every agreement (i.e., don't extend a blanket authorisation on your behalf)

The University can also accept contracts and agreements signed electronically by other parties as long as the risks are managed properly.

This Guideline does not make any changes to existing Delegations of Authority, including who may sign contracts or agreements. Any person with existing delegated authority to sign contracts and agreements under the University's Delegations of Authority may do so electronically.

The University's governance documents continue to apply.

Individuals who falsify e-signatures may be subject to disciplinary action, as applicable in the Student or [Staff Code of Conduct](#).

Using electronic signatures

Federation University does not endorse any specific commercial products that enable collection of electronic signatures.

The following table identifies the types of e-signatures supported by the university.

	Method	Steps
More robust	Graphical representation of a signature, such as a signature directly onto an electronic device.	One of these methods is likely to be robust for most purposes.
	Encrypted codes (issuing a unique code or encryption key to a user and then requiring the user to enter the code when signing the relevant document by ticking a box and/or entering their name).	
	Use of an electronic signature program or software	
	Ticking a box in an online form.	A combination of one or more of these methods may be required for a higher risk application.
	Sending or receiving an email if it's from an email address that is verified to belong to a particular person	

	Completing a step in an electronic workflow	A single method may be sufficient for lower risk
	An ink-based signature that is scanned into an electronic format and cut and pasted into a document	applications, or for actions occurring within a secure system.
	A telephone conversation	These methods are not sufficiently robust for application to contractual requirements and must not be used.
Least robust	A text message	

Adapted from: Factsheet - Using electronic signatures, Victorian Government

Where

Restrictions and Exceptions to electronic signature usage

All contracts and agreements can be signed electronically, except for the following:

1. Legal proceedings
2. Documents requiring Personal service
3. Wills or Powers of Attorney
4. Documents requiring witnessing (unless witness signing is built in to electronic signature software workflow)

Contracts over the value of \$100,000 must be signed in person unless the Legal Office otherwise advises, to ensure adequate review process had been covered and risk is appropriately managed.

If you have any questions or concerns about which documents can, and cannot, be signed using an electronic signature, please contact the Legal Office via ServiceNow.

Legislative context

- Federation University Australia Act 2010
- The Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)
- Higher Education Standards Framework (Threshold Standards) 2021
- The National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisations (RTOs) 2015
- Electronic Transactions (Victoria) Act 2000
- Electronic Transactions (Victoria) Regulations 2010
- Other Federal and State Government Legislation as relevant

Records management

Documentation signed using a digital signature must be saved in accordance with university [Records Management Procedure](#).

Supporting documents

- [Operations Governance Policy](#)

- [Corporate Governance Policy](#)
- [Finance Governance Procedural Manual - Procurement of Goods & Services, Corporate Purchasing Card, Travel, and Motor Vehicles](#)

Responsibility

- The Vice-Chancellor and President (as the Approval Authority) is responsible for monitoring the implementation, outcomes and scheduled review of this guideline.
- The Chief Operating Officer (as the Document Owner) is responsible for maintaining the content of this guideline.

Promulgation

The [Electronic Signature Usage Guideline](#) will be communicated throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Communication distribution Associate Deans at each School / key University staff for scholarships.
3. Notification to Institutes/Schools/Federation TAFE.
4. Reference in documentation relating to individual e.g. weblinks, brochures.

Implementation

The [Electronic Signature Usage Guideline](#) will be implemented throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Staff induction sessions.
3. Training sessions.

Glossary