

E-SIGNATURES PROTOCOL

Definitions

“E-signature” means a facsimile of the actual signature of an individual that is applied digitally to a document in lieu of a traditional “wet ink” signature. The method of affixing the e-signature may range from a digital reproduction of a signature being pasted into a document to e-signatures provided by third party services providers.

“UBC Signatory” means:

- a) an individual designated as a University signing authority under the University’s signing resolutions; and
- b) any UBC faculty or staff member who, as part of their University duties, signs internal University forms and other documents that require that the faculty or staff member’s signature be valid.

“Delegate” means the individual authorized by a UBC Signatory to affix an E-signature on behalf of that UBC Signatory.

Procedure

The E-signature of a UBC Signatory may be used in place of a “wet ink” signature provided that:

- the UBC Signatory may not designate more than one person as Delegate for the purposes of this Protocol, unless it is reasonably necessary to do so;
- the E-signature is kept in a secure location;
- only the UBC Signatory and the UBC Signatory’s Delegate(s) may affix the E-signature on behalf of that UBC Signatory;
- the UBC Signatory has considered the document and determined that it is appropriate to sign the document in accordance with:
 - the applicable signing resolution in the case of agreements with third parties; or
 - applicable University rules and procedures in the case of internal documents;
- the UBC Signatory affixes the E-signature or instructs a Delegate via email to affix the E-signature to the document;
- if a Delegate affixes the E-signature, the Delegate retains that email in UBC’s files in the event that it becomes necessary to confirm that the use of the E-signature in any given instance was authorized by the UBC Signatory; and
- If a UBC Signatory has designated more than one person as Delegates for the purposes of this Protocol, the records required to be kept under this Protocol must be stored in a single location.

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Restrictions

Some documents, especially those used for government purposes, require a high degree of formality. In some cases, a signature must be accompanied by a physical seal. In some cases, a seal may not be required but an original ink signature is and neither an E-signature nor even a facsimile copy can be used.

The use of an E-signature is not appropriate in the following cases:

- on documents prepared with a witness block or that require notarization – a witness or a notary cannot witness the signature on an agreement unless they were actually present for the signing and saw the signatory sign the document;
- on documents where the other party has refused to accept an E-signature from UBC – if a UBC Signatory applies an E-signature where the other party has made it clear that it would not accept alternatives to a wet ink signature, the agreement may be found to not be valid if an E-signature was used; and
- on documents that are excluded from the scope of the British Columbia *Electronic Transactions Act*, namely:
 - Wills;
 - trusts created by Wills;
 - powers of attorney, to the extent that they concern the financial affairs or personal care of an individual;
 - documents that create or transfer interests in land and that require registration to be effective against third parties; and
 - other provisions, requirements, information or records prescribed in the regulations under the *Act*.

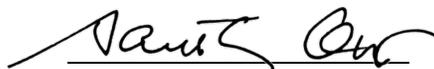
If a UBC Signatory is uncertain as to whether the use of an E-signature is appropriate, the UBC Signatory should contact the Office of the University Counsel (university.counsel@ubc.ca).

As it is very easy for anyone to generate a digital facsimile of a physical signature to be used fraudulently, anyone who is not confident that an e-signature is legitimate should not rely upon it without seeking direct confirmation from the person whose E-signature purports to have been used.

Signed at Vancouver this 29th day of September, 2020.



Chair of the Board



President