

Electronic Signatures

Questions concerning electronic signatures are becoming more frequent as the use of electronic signatures increases. Below are a few frequently asked questions and answers that we wanted to make available to you to reference at your institutions in the event that you are asked about this topic.

Are Electronic Signatures acceptable for waivers and releases?

Electronic signatures are acceptable for waivers and releases, unless there is a provision in the applicable regulations prohibiting them. The waiver or release should provide in the text that electronic signature is a valid method of signing.

Are electronic signatures acceptable for forms that require signatures to be notarized?

Many of the same rules would still apply with electronic signatures as with a paper document such as the signer must appear before the notary public and the notary public must positively identify the signer, they must electronically sign the document in your presence. At this time, it is recommended that you continue the same practice of using an original signature on a paper record for notary signatures.

Would an email acknowledgement work as a signature?

An email acknowledgement can function as an acknowledgement signature; however, if either law or long established policy/tradition requires an actual signature then an electronic signature is preferable to an emailed acknowledgement.

Is there a level of electronic authentication that is recommended? For example if electronic signatures are disputed- what is the expectation by the courts for us to prove that individual did “sign” a form or agree to some stipulation in a contract.

Wis. Stats. 137.11(8) defines “electronic signature” as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” A communication meeting that criteria and conveying the individual’s intent to sign would suffice for an electronic signature. It is recommended that an approach be used that clearly signals an electronic signature like “s/Jane Doe.

Please communicate with System or campus legal counsel if you have further questions regarding electronic signatures.