

In Brief

Updates from the Office of Legal Affairs



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Understanding Electronic Signatures and Legal Requirements



Among the many changes brought about by the Covid-19 pandemic has been an increase in the use of electronic signatures. As both postal services experience delays and individuals find themselves needing to sign documents electronically, electronic signatures have become an easy and convenient way to send and receive a signed document promptly. But did you know that electronic signatures are regulated by both Ohio and Federal law? In this article, we will answer some common questions and explain the legal do's and don'ts of electronic signatures.

What is an electronic signature? Under Ohio and federal law, an electronic signature is defined as an electronic sound, symbol, or process, attached to, or logically associated with, a contract or other record and executed and adopted by a person with the intent to sign the record. This definition is very broad and could encompass a wide variety of practices. For example, some forms ask the signer to click a box to express their agreement to policies or waivers. While this may be a legally sufficient signature, a proper electronic signature needs to be able to be verified as belonging to the individual who provided it. For example, individuals who sign electronic forms should be required to log in with a unique identifier, such as via a portal with a username and password, before signing or accepting to indicate that they

agree to the waiver or policy. One example of an unacceptable electronic signature would be to type a name on a document as a means of signing when there is no unique handwritten signature, or username and password required to access the document. In this circumstance, there is no way to ensure that the person who typed the name is the person to whom the name belongs, which may be a problem if the signature were challenged in court. If you find yourself wondering whether an electronic signature method is advisable, ask yourself - what evidence is there that verifies the identity of the person who signed the document?

When can I use an electronic signature?

Under Ohio and Federal law, individuals can use an electronic signature in most instances where they could use a written signature. Electronic signatures are permitted for most transactions. However, under Ohio and Federal law, electronic signatures cannot be used for certain specified purposes, such as probate documents (wills, codicils, and testamentary trusts); family law documents (adoption agreements or separation and divorce decrees); certain housing notices; hazardous waste transportation documents; documents for the termination of health or life insurance benefits; real estate title documents; investment securities documents; and secured transaction documents.

How can I use an electronic signature?

Many University departments utilize online forms when signatures are needed from a large number of people. As long as the signer needs to login using unique credentials to accept the form, this is a permissible practice. Electronic signatures may not be provided by typing a name or inserting a saved signature image into a document that the individual did not need to provide credentials to access.

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Student Attendance Accommodation Requests: What to Know



An attendance accommodation may be available to students with a disability who have a need to be absent from class due to that disability. During the height of the COVID pandemic, courses at JCU were required to shift to an online learning platform. Although JCU classes have returned to an in-person format, some students are now requesting to attend class remotely when the need arises. Students may need this option because it enables them to receive the benefit of classroom instruction while not having an absence potentially count against their grade. Under several federal laws - Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) - the University is required to consider and typically provide a remote attendance accommodation, unless the accommodation would fundamentally alter the class.

The General Process

When a student with a disability needs an attendance accommodation (either to be absent or to attend remotely), the student must first contact the Student Accessibility Services (SAS) Office. Instructors should encourage students who express a need for an attendance accommodation to reach out to SAS to begin the process. Once the student is registered with SAS, SAS will determine whether the student is eligible to receive accommodations. If a student is eligible for an accommodation, the student

See SAS (page 2)

Revised Anti-Hazing Policy and Training

While JCU has had an anti-hazing policy applicable to students for a number of years, the University is now in the process of updating that policy to comply with Ohio's new Collin's Law, which went into effect in the Fall 2021. Collin's Law, named after Collin Wiant, a freshman at Ohio University who died after a hazing event at a fraternity house, requires mandatory reporting and training for certain individuals. Under the law, criminal hazing has become a more serious crime and is now either a misdemeanor of the second degree or a felony of the third degree. In addition, the failure to report when required is also a misdemeanor. Additionally, universities must publish a report of all hazing violations on their website.

Training: Under the new law, training is required (1) for all students enrolled at JCU, and (2) for all employees and volunteers who advise or coach an organization and who have direct contact with students. Any student who fails to attend such training will not be permitted to participate in any JCU organization, group, or team, and they may also be subject to a fine. Employees who are required to attend the training and fail to do so will not be permitted to advise or coach an organization or team, and they may be subject to appropriate corrective action processes. Volunteers who fail to attend the mandatory training will not be permitted to have any involvement with the student group, team, or organization at JCU. Training requirements must begin this summer.

The JCU Anti-Hazing Task Force is currently working on developing the training module and plan for educating those required to receive anti-hazing training. More information will be provided as this plan progresses, so stay tuned for details on any training session that you may be required to complete. In addition, an updated Anti-Hazing Policy is posted for community comment through April 13, 2022, found [here](#).

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It is also permissible to use an electronic signature service like Adobe Sign for requesting and providing electronic signatures. These services provide for greater identity verification, automatically generate secure records of who signed and when, and encrypt the signatures so that they cannot be removed or backdated. A limited number of Adobe Sign licenses are available through Information Technology Services. University personnel with signatory authority or another legitimate university business purpose may request access to Adobe Sign.

University Signatory Authority Just like a written signature, electronic signatures fall under JCU's Contract Approval & Signatory Policy, which can be found [here](#). Under this policy, only university personnel with proper signatory authority may sign contracts, agreements, or other binding documents on behalf of the University. The only University personnel with signatory authority are those listed in the Signature Delegations list, which can be found [here](#). As a reminder, University personnel should never utilize another person's signatory authority on their behalf.

For more information on electronic signatures, please contact the [Office of Legal Affairs](#).



JCU's Signatory Policy

When a contract or agreement must be signed for your department, you may ask: "Am I able to sign a legally binding document for the University?"

The answer lies in the [Contract Approval & Signatory Authority Policy](#) and [Signature Delegations chart](#). The Signature Delegations chart indicates the specific University employees who have authority to sign contracts on behalf of the University and the total amount the individual has authority to contract for. A contract or agreement signed without University authority may be deemed as invalid and not enforceable. Any individual who intentionally signs a contract or agreement without authority could be subject to corrective action.

The Signature Delegation chart is updated regularly, and can be found on the [Office of Legal Affairs](#) and [Human Resources](#) websites. Be sure to check it frequently so you can feel confident that any contracts or agreements that may come across your desk are executed properly.

Please feel free to contact The Office of Legal Affairs with any questions you may have about JCU's signatory policy and procedures.

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will receive a Letter of Accommodation (LOA). The student should present the LOA to the instructor teaching the course and discuss with the instructor whether the requested attendance accommodation is reasonable for that class.

The law requires institutions to engage in an interactive process with students on a case-by-case basis to determine whether an attendance accommodation is reasonable or whether it will fundamentally alter the nature of the course. For example, for lecture-based classes, an attendance accommodation is likely to be deemed reasonable. However, an attendance accommodation may be a fundamental alteration for a class involving labs, dance, music, or where the course grade is heavily dependent on in-class participation and group interaction during class such that a long-term remote accommodation would not be feasible.

If the requested accommodation would cause a fundamental alteration in the nature of the course, then the student and instructor should discuss whether there is a reasonable alternative that can be implemented in that situation. In the event the student and instructor are unable to reach an agreement regarding the attendance accommodation, the instructor should consult with SAS to assist with a resolution.

What Should Instructors Do When They Receive a LOA from a Student?

Faculty members presented with a LOA from a student should consider doing the following:

- Review the document to see what type of accommodation SAS has indicated the student is eligible for.

- Consider whether the requested attendance accommodation is reasonable to provide for your class.
- Engage in an open discussion with the student about the course requirements, review the SAS Attendance Accommodation Policy and Guidelines with the student, and discuss whether the requested accommodation can be implemented in your course.
- If the specific accommodation the student has requested is not feasible, discuss with the student any reasonable alternatives.
- If an agreement can be reached, complete the SAS Class Attendance Accommodation Agreement, which both you and the student will sign.
- If you believe that no accommodation can be made without fundamentally altering the essential nature of your course, please immediately contact SAS for further consultation. SAS works closely with instructors to evaluate these situations and help make a determination as to reasonable accommodations that can be provided in compliance with the law, while ensuring that the accommodation is not a fundamental alteration.
- Faculty can discuss any questions about attendance accommodations with SAS.

The updated Attendance Accommodation Policy will be reviewed by the University Committee for Educational Policies (UCEP) and posted for public comment.

If you have any questions regarding this policy, please contact the [SAS Office](#).

Electric Scooters

Rentable electric scooters, or e-scooters, owned by companies like Bird and Lime, have soared in popularity in recent years. A report released by the National Association of City Transportation Officials (NACTO) found that Americans took about 86 million trips on e-scooters in 2019, a growth of 123% from the year before. This boon may be in part because e-scooters are convenient and relatively inexpensive transportation, requiring easy access to their use via mobile apps. Additionally, e-scooter advocates argue that they play a role in reducing air pollution and overall greenhouse gas emissions by limiting the need for cars in cities and neighborhoods.

But while scooters may be an efficient way to get around, they are not without their dangers. According to the Consumer Product Safety Commission, e-scooters resulted in an estimated 50,000 emergency department visits and at least 27 fatalities between 2017 and 2019, with injuries and deaths on the rise year over year. What's more, a study by the Insurance Institute for Highway Safety found that e-scooter riders sustained more injuries per mile than bicyclists and were twice as likely to be injured because of potholes, pavement cracks, lampposts, and signposts.

In the midst of these competing issues, local governments are taking action to regulate and pilot e-scooter use. University Heights City Council recently implemented an e-scooter pilot program and ordinance, with the goal of slowly introducing e-scooters to the University Heights community while providing guidelines for use that the City says are designed to keep riders, drivers, and pedestrians safe. The City's pilot program will begin in the next few weeks and will run for a number of months. Here are five major takeaways from the City's ordinance to keep in mind regarding e-scooter use in or around University Heights.

- 1) E-scooters are considered motor vehicles under the ordinance, the same designation given to cars, buses, and the like. This means that e-scooters cannot legally be ridden on the sidewalks except to park. Instead, the ordinance states that riders must stick to the far right side of roadways and follow all traffic rules unless otherwise directed by law enforcement.
- 2) E-scooters are only allowed on certain roads. These include: Cedar Road, Fairmount Boulevard, South Taylor Road, South Green Road, Warrensville Center Road, and Meadowbrook Boulevard. What's more, these scooters will have "geofencing technology" so that the scooters will not run outside of these designated areas.
- 3) E-scooter vendors have put in place a three-hour limit for use of e-scooters. That means riders have three hours to return the scooter to a rebalancing station. All of the streets listed above will have these stations except for Meadowbrook.
- 4) The ordinance places many safety regulations on e-scooter operation. For instance, e-scooters may be operated only between the hours of 7AM and 7PM and may only be operated by riders over the age of 16. Additionally, scooters cannot be driven over 15 miles per hour, cannot be driven by more than one person, and cannot be driven recklessly.

The pilot program has authorized a small-scale introduction of the e-scooter program. The program authorizes 20 total scooters in the City, split between several different e-scooter vendors for the entire City. This number could grow depending on the success and popularity of the program.

In response to the these new e-scooter trends, John Carroll

University is currently reviewing the issue of e-scooters on campus sidewalks and roadways. In the meantime, due to pedestrian safety and congestion issues, JCUPD advises that riders will not be permitted to operate e-scooters on University property or internal JCU sidewalks.

For use off-campus, members of the JCU community will want to keep the City of University Heights ordinance in mind. For questions about e-scooters, please contact [JCUPD](#) or the [Office of Legal Affairs](#).



Do you need a contract reviewed by the Office of Legal Affairs?

Please submit contracts in need of review by the Office of Legal Affairs using a [Contract Intake Form](#). Doing so creates a workflow that tracks the contract review process and captures important information on the University's contracts.

In general, the contract review process works as follows:

- 1) Contract intake form is completed online,
- 2) Contract request is assigned to an attorney,
- 3) Contract is reviewed/drafted by the assigned attorney,
- 4) Reviewed contract is shared with University officers who need to approve and sign it.

Please also submit a copy of the fully signed contract to the Office of Legal Affairs for University record-keeping.

For more information regarding contract approval and review and the University contract signatory process, please visit the [Contract Approval and Review](#) page on the Office of Legal Affairs website.

