

Allegany College of Maryland
SIGNATURE AUTHORITY POLICY

Adopted date 8/16/2021
Revised Date 10/3/2022
Approved by Board of Trustees Date 8/16/2021
Implementation Date 8/16/2021
Type of Policy: Operational

BACKGROUND AND PURPOSE

The Education Article of the Maryland Annotated Code provides authority to a Board of Trustees to establish and operate a community college. Section 16-103 of the Education Article, provides the Board of Trustees authority to exercise general control over the college, to exercise appropriate governance for the college, and to adopt reasonable rules, regulations, policies, and bylaws to carry out these functions. Included as specific Board powers in the Maryland Code are the ability to enter into any agreement on behalf of the College, and the power for acquisition and disposal of college assets and property, as necessary for the operation of the College.

Pursuant to Section 16-104 of the Education Article, the College President is responsible for the conduct of the community college and for the administration and supervision of its departments. The College President has authority to sign all legal contracts and other documents on behalf of the Board of Trustees and the College, except for purchases, leases, or disposals of real property.

This Policy establishes the requirements for the authority to sign legal contracts or other official documents on behalf of Allegany College of Maryland (hereafter, the College) and on behalf of the Allegany College of Maryland Board of Trustees (hereafter, the Board).

POLICY

I. SCOPE OF THE POLICY

This Policy applies to all uses of signatures in connection with all official Allegany College of Maryland agreements and other legal documents (i.e., proposals, grants, contracts, statements, notices, resolutions, memoranda of understanding, licenses, etc.) that obligate the College in any manner.

II. POLICY STATEMENT

Pursuant to this Policy, the Board authorizes the College President to delegate signature authority on behalf of the College as follows:

- In matters pertaining to instruction and student affairs, the President delegates general signature authority to the Senior Vice President of Instruction and Student Affairs.
- In matters pertaining to obligating the College to financial commitments, the President delegates general signature authority to the Vice-President of Finance and Administration.
- In matters relating to grants, public relations, and fund-raising/the Foundation, the President delegates general signature authority to the Vice-President of Advancement & Community Relations/the Executive Director of the ACM Foundation.
- The President further allows these official authorized College representatives to delegate signature authority as necessary to allow for continuance of general and regular college operations. Any unusual (non-standard agreements for new or special projects and purchases), or large dollar contracts and agreements (over \$25,000 and up to \$50,000) must have the signature of the President, or specific pre-approval by the President before the authorized representative can sign a document on behalf of the College.

In addition to agreements or action items issued by the Board as part of their official Board meetings and duties which are signed by the Board Chairman or Board Vice-Chairman, only the College President and authorized Allegany College of Maryland employees or official designees, with pre-authorized signature authority (i.e., "authorized representatives") may execute and sign agreements on behalf of the College. Authorized signatories for the College including those authorized representatives mentioned elsewhere in this policy may use a

traditional wet/handwritten signature, or may utilize a facsimile or an electronic signature, in their official capacities to represent the College, on agreements or other transactions on behalf of the College.

III. Enforcement

The enforceability, construction, and interpretation of this policy will be governed by Maryland law. It is a violation of this Policy for an individual to submit any College document with a signature on behalf of the College that is not authorized, or on behalf of another individual (except when using signature as an authorized designee for that individual) that is not the person's own signature, or that is not authorized. If the validity or authorization of a signature is questioned, the person whose signature is at issue has the burden to show that the signature was valid and/or authorized.

If any signature is determined to be invalid or unauthorized, the College may choose to not recognize the agreement or associated document as legitimate or authorized by the College. Individuals who falsify signatures or who falsely claim to have authority to sign a document on behalf of the College are subject to employee disciplinary action and appropriate sanctions under College human resources policies, as well as possible criminal prosecution under applicable federal and state laws.

IV. Administration of Policy

The office of the Vice President of Finance and Administration, shall be responsible for maintaining this policy.

V. Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.