

DOCUMENT SIGNING DELEGATIONS POLICY

SCOPE

This policy applies to all Monash University staff exercising a delegated power to sign documents on behalf of the University.

POLICY STATEMENT

This policy articulates the principles and rules that apply to exercising document signing delegations, so that delegators and delegates understand their duties and accountabilities, in the signing of all documents on behalf of Monash University (the University).

1. General principles

- 1.1 Delegations of duties, powers, and functions will:
 - reflect the University's organisational structure and operating model;
 - be reviewed at intervals to ensure they are consistent with Monash University legislation, are appropriate, documented and observed; and,
 - be recorded in instruments that are accessible to staff.
- 1.2 Delegations attach to the position occupied, not to the occupant of the position.
- 1.3 A person acting in a position or occupying it temporarily has the authority delegated to the position unless otherwise specified.
- 1.4 Where the exercise of a delegation involves financial value limits, the total amount is the basis of determining who has the requisite delegation.
- 1.5 The total amount must not be split into smaller amounts nor split across time periods for the purpose of fitting within a lower financial value limit.
- 1.6 Delegation of the power to sign documents on behalf of the University includes the authority to sign a variation or amendment to the terms of a document.
- 1.7 Delegates are to sign documents by digital means through Monash University authorised systems, where available, and where this meets relevant legal requirements, as advised by the Office of the General Counsel, and as set out in the Requirements for Using DocuSign.
- 1.8 Delegates who act outside approved delegations, including exceeding their position's financial value limits, may be subject to disciplinary action.

2. Rules applying to delegators

- 2.1 The delegator retains ongoing responsibility for decisions or actions taken under delegation.
- 2.2 Delegators are responsible for ensuring that:
 - the delegate has sufficient competency, authority, and capacity to make decisions taken under delegation; and,
 - details of the delegation or sub-delegation, including limits and requirements, are recorded in writing in an appropriate instrument.
- 2.3 The person or body making the delegation may at any time vary or terminate the delegation, or may take a decision in place of the delegate.

3. Rules applying to delegates

- 3.1 Delegates are expected to act diligently and in good faith, and in the interests of the University.
- 3.2 Delegates are accountable to the University for decisions and actions taken in the exercise of their delegations.
- 3.3 Delegations apply to a delegate's area of responsibility and approved financial value limit, unless stated otherwise.
- 3.4 Delegates must act in accordance with:
- any applicable legislation and compliance requirements (internal and external);
 - any applicable industrial awards or agreements;
 - any specific conditions or requirements of their delegation; and,
 - Monash University policies, procedures and codes of conduct.
- 3.5 If in the opinion of the delegate there are special or unusual circumstances that justify or require a decision to be taken at a more senior level, the delegate must refer the matter to the delegator for decision.
- 3.6 A delegation must not be exercised if the person holding the delegated authority has a conflict of interest.
- 3.7 A delegation that involves expenditure of Monash University funds may only be exercised if:
- the expenditure is within the position's financial delegation value limit as approved by the Vice-Chancellor from time to time; and,
 - the expenditure is within the relevant annual budget, unless explicitly authorised otherwise.
- 3.8 A delegate may appoint a person or group, such as a committee, to advise about the exercise of a delegation, but the delegate remains responsible for making the decision.
- 3.9 A delegate may not sub-delegate unless expressly permitted to do so by the instrument or other formal means of creating the delegation.
- 3.10 A delegate must complete a User Declaration Form before accessing the system for the first time.

4. Administration

- 4.1 Delegations may be recorded:
- in an approved instrument of delegations; or,
 - in terms and conditions set in employment contracts.
- 4.1.1 The Monash University Delegations Co-ordinator in the Office of the General Counsel is responsible for ensuring that the instruments are accessible to staff, current, and reviewed by the appropriate delegator at least annually.
- 4.2 A delegator must seek the advice of the Office of the General Counsel before making or changing a formal instrument of delegation.
- 4.3 The [Requirements for Using DocuSign](#) contain further information about digital signatures and use of DocuSign.

DEFINITIONS

| | |
|-------------------|--|
| Delegate | The person exercising the delegated or sub-delegated power to sign documents on behalf of the University. |
| Delegator | The person delegating or sub-delegating specified powers to sign a document on behalf of the University. |
| Delegation | A delegation made pursuant to the Monash University Act 2009 (Vic). |
| Documents | Contracts, agreements and other documents. |
| Sign | Entering into an agreement in a written form whether by hand; or by electronic means through use of: a) the University approved electronic signing software b) other authentication mechanisms that enable the creator of the message to attach a code that acts as a signature. |

GOVERNANCE

| | |
|----------------------------------|---|
| Supporting procedures | N/A |
| Supporting schedules | N/A |
| Associated policies | Information Technology Acceptable Use Policy Information Technology Acceptable Use Procedure |
| Policy owner | Office of the General Counsel |
| Legislation mandating compliance | N/A |
| Category | Operational |
| Approval | Vice-Chancellor's Executive Committee 29 May 2019 MEETING 6 / AGENDA ITEM 9 |
| Endorsement | Chief Operating Officer 28 May 2019 |
| Date effective | 29 May 2019 |
| Review date | 1 December 2019 |
| Version | 2.0 |
| Content enquiries | ogc@monash.edu or phone: (03) 990 20117 OGC intranet website has information about when you can sign by electronic means and what constitutes an electronic signature. |