



Item: AS: A-4

Tuesday, February 14, 2023

**SUBJECT: APPROVAL OF NEW REGULATION 7.010, EXAMINATIONS
AND ASSESSMENTS**

PROPOSED Board ACTION
Approval of new Regulation 7.010.

BACKGROUND INFORMATION

FAU Regulation 7.010 was developed in accordance with Florida Statute 1008.23 and Board of Governors Regulation 3.005 to protect postsecondary examination and assessment instruments and directly related developmental materials and workpapers from disclosure to the public under Florida's public records laws. The proposed new regulation is summarized as follows:

1. Indicates all examination and assessment instruments as exempt from disclosure under section 119.07(1), Florida Statutes, and section 24(a), Article I, Florida Constitution, as provided in section 1008.23, F.S.
2. Protects examination and assessment instruments from unauthorized access or disclosure through encrypted electronic means or secure storage.
3. Requires all third-party contractors responsible for administering or proctoring examination or assessments to comply with this proposed new regulation.
4. Implements the destruction of obsolete examination and assessment instruments, and related materials according to applicable records retention schedules and University regulations and policies.
5. Defines permissible access to, or authorized disclosure of, examination and assessment instruments to faculty, staff, and students outside of the regular examination or testing process.

IMPLEMENTATION PLAN/DATE

The proposed new Regulation will be implemented and effective upon adoption by the Board of Trustees.

FISCAL IMPLICATIONS

There are no fiscal implications to this proposed Board action.

Supporting Documentation: **Proposed New Regulation 7.010, Examinations and Assessments**

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Prepared with: **Office of the Provost**

Florida Atlantic University

Regulation 7.010 Examinations and Assessments

- (1) All examination and assessment instruments, including developmental materials and workpapers directly related thereto, that are prepared, prescribed or administered by the University are exempt from disclosure under section 119.07(1), Florida Statutes, and section 24(a), Article I, Florida Constitution, as provided in section 1008.23, Florida Statutes.
- (2) The security and confidentiality of examination and assessment instruments shall be protected against unauthorized access or disclosure, through encrypted electronic means or secure storage.
- (3) All third-party contractors responsible for administering or proctoring examinations or assessments shall be required to comply with this regulation.
- (4) Destruction of obsolete examination and assessment instruments and related materials shall be implemented pursuant to applicable records retention schedules and University regulations and policies.
- (5) Access to, or authorized disclosure of, examination and assessment instruments to faculty, staff and students outside of the regular examination or testing process shall be permitted by faculty in their reasonable discretion and/or as otherwise directed by the Provost's office or required by applicable law and may be shared with other school officials who have legitimate educational interests in the information.

Specific Authority Section 7(d), art. IX, Fla. Const.; BOG Regs. 1.001 and 3.005; Section 1008.23, Florida Statutes. History: New xx-xx-2023.