

NOTICE OF PROPOSED REGULATION

Date: January 23, 2023

REGULATION TITLE:
Confidentiality of Examination and Assessment Instruments

REGULATION NO.:
UCF-2.030

SUMMARY OF PROPOSED REGULATION:

This proposed regulation implements the requirements of BOG Regulation 3.005 Examination and Assessment of Instruments 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 regulation addresses access, maintenance, and destruction of examination and assessment instruments. Provisions are included for protecting the instruments from unauthorized access or disclosure, maintaining the security of the instruments, ensuring third-party contractors' compliance with the university regulation, destroying obsolete instruments, and for governing authorized access or disclosure outside of the regular examination process.

AUTHORITY: BOG Regulations 1.001 and 3.005

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION:

Timothy Letzring, Vice Provost for Academic Affairs

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:

Regulations Administrator
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION:

UCF-2.030 Confidentiality of Examination and Assessment Instruments

(1) All examination and assessment instruments, including developmental materials, answer keys and workpapers directly related thereto, that are prepared, prescribed or administered by the University of Central Florida 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 and Florida Board of Governors Regulation 3.005.

(2) Definition: This regulation applies to any examination or assessment "instrument" that contributes to the final grade of an academic course, or which is required for program admission, placement, certification, or graduation. Examination and assessment instruments refers only to the actual "instrument" and not student examination responses. When an "instrument" is completed by a student, it becomes "an education record" and is considered confidential and exempt from public disclosure pursuant to state and federal law protecting education records.

(3) This regulation governs the access, maintenance and destruction of examination and assessment instruments and related developmental materials, answer keys, and workpapers for all University academic units, testing centers, technology services, and online curriculum management systems.

- (a) The University protects the security and confidentiality of examination and assessment instruments from unauthorized access or disclosure through the utilization of secure identity authentication systems and, where applicable, physical safeguards.
- (b) UCF IT Information Technology maintains the security of such instruments through encrypted electronic systems provided to the University Community. Academic Units/Faculty who store printed instruments must utilize locked storage.
- (c) The University requires third-party contractors responsible for administering or proctoring examinations or assessments instruments to comply with the security provisions of this regulation. Agreements with third-party contractors must include provisions to address the security/confidentiality and destruction of the examination and assessment instruments as well as other sensitive or restricted data or documentation.
- (d) The University adheres to the minimum requirements of the General Records Schedule for Universities for the destruction of obsolete examination and assessment instruments and related materials, which may be amended from time to time.
- (e) The academic unit, office or faculty in general will not grant access to, or authorize disclosure of, examination and assessment instruments to faculty, staff and students outside of the regular examination or testing; however, access may be authorized on a case-by-case basis and or pursuant to UFF-BOT Collective Bargaining Agreement.
- (f) The University administration reserves the right to require production or disclosure of an examination or assessment instruction for business reasons, which may include compliance, legal, or investigative purposes.

Authority: BOG Regulations 1.001 and 3.005. History–New _____-23.