

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-5.0072 Examination and Assessment of Instruments

SUMMARY OF THE REGULATION: The proposed regulation aligns with Board of Governors (BOG) Regulation 3.005 Examination and Assessments and Section 1008.23, Florida Statutes. Section 1008.23, Florida Statutes exempts 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 establishes parameters that govern access, maintenance, and destruction of instruments and related materials.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <https://floridapoly.edu/university-notices.php>. If you would like a copy of the Proposed Regulation, please contact Sherri Pavlik, Executive Assistant to VP and General Counsel, (863) 874-8412.

AUTHORITY: BOG Regulation 3.005 Examination and Assessments; Section 1008.23, Florida Statutes

NAME OF PERSON INITIATING PROPOSED REGULATION: Melaine Schmiz, Associate General Attorney

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Sherri Pavlik, Executive Assistant to VP and General Counsel, spavlik@floridapoly.edu, (863) 874-8412, 4700 Research Way, Lakeland, Florida 33805, and Fax: (863) 874-8716.

DATE OF PUBLICATION: May 15, 2023

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-5.0072 Examination and Assessment Instruments

- 1) All examination and assessment instruments, including developmental materials and workpapers directly related thereto, that are prepared, prescribed or administered by the University are confidential 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 Board of Governors Regulation 3.005 Examination and Assessment Instruments.
- 2) Examination and assessment instruments that have been completed by a student are student records and subject to the disclosure restrictions in FPU-3.001 Confidentiality of Student Records and Applicant Records and the Family Educational Rights and Privacy Act of 1974, as amended, (“FERPA”).
- 3) This regulation governs the access, maintenance and destruction of examination and assessment instruments and related developmental materials 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 encrypted electronic means or secure storage.
 - b) Third-party contractors responsible for administering or proctoring examinations or assessments must comply with this regulation.
 - c) Examination and assessment instruments are maintained and destroyed in accordance with applicable General Records Schedules and University regulations, policies, and procedures.
 - d) Access to, or authorized disclosure of, examination and assessment instruments to faculty, staff, and students outside of the regular examination or testing process is generally not permitted. However, faculty, in their reasonable discretion or as otherwise directed by the Provost’s office, may share examination and assessment instruments with appropriate University personnel.

Authority: Section 7(d), art. IX, Fla. Const.; Section 1008.23, Florida Statutes. BOG Regulation 3.005 History: New ##