

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED REGULATION

REGULATION NO.: FIU-2507

REGULATION TITLE: Examinations and Assessments

SUMMARY: The purpose of this new regulation is to document that Florida International University(FIU)'s examinations and assessments are confidential and/or 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 (Sunshine Law).

This new regulation references FIU's processes related to 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.

FIU specifically defines examinations and assessments as any "instrument" that contributes to the final grade of an academic course, or required for program admission, placement, certification, or graduation.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the proposed Regulation, please contact Eli Deville, Departmental Administrator, Office of the General Counsel, devillee@fiu.edu, 305.348.2103.

AUTHORITY: Board of Governors Regulation 3.005.

NAME OF PERSON INITIATING PROPOSED REGULATION:

Dr. Elizabeth Bejar, Interim Provost, Executive Vice President and Chief Operating Officer, and Senior Vice President, Division of Academic and Student Affairs

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:

Eli Deville, Departmental Administrator, Office of the General Counsel,
Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199
Email: devillee@fiu.edu | Phone: 305.348.2103 | Fax: 305.348.3272

DATE OF PUBLICATION: January 23, 2023

THE FULL TEXT OF THE REGULATION IS PROVIDED BELOW:

FIU-2507 Examinations and Assessments

1. All examination and assessment instruments, including developmental materials, answer keys and workpapers directly related thereto, that are prepared, prescribed or administered by Florida International University are confidential and/or 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 (Florida Board of Governors Regulation 3.005).
2. Definitions:
 - a. An examination or assessment instrument is any item that contributes to the final grade of an academic course, or required for program admission, placement, certification, or graduation.
 - i. Examination and assessment instruments refer 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 covered in Regulation 108 Access to Student Education Records.
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 the utilization of secure identity authentication systems.
 - b. The University's Division of Information Technology maintains the security of such instruments through the encrypted electronic learning management systems (LMS) via access controls provided to the university community. Academic Units/Faculty who store printed instruments must utilize secure locked storage.
 - c. The University requires third-party contractors responsible for administering or proctoring examinations or assessments instruments to comply with this regulation. Agreements with such third-party contractors shall include terms specifying FIU's requirements for security standards, contractor's confidentiality obligations, destruction of the instruments, etc.
 - 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; this does not preclude internal requests however, access may be authorized on a case-by-case basis or established department procedures, and or pursuant to UFF-BOT Collective Bargaining Agreement.

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