

**THE UNIVERSITY OF WEST FLORIDA  
NOTICE OF PROPOSED CREATION OF REGULATION**

**DATE:** February 28, 2023

**REGULATION TITLE AND NUMBER:** UWF REGULATION 3.043 Examinations and Assessments

**PURPOSE AND EFFECT:** This regulation is created to comply with §1008.23, Florida Statutes, and Florida BOG Regulation 3.005.

**SUMMARY:** This regulation includes provisions for protecting examination and assessment instruments from unauthorized access or disclosure; for maintaining the security of the instruments; requiring third-party contractors' compliance with the university regulation; for the destruction of obsolete examination and assessment instruments; and for governing authorized access or disclosure outside of the regular examination or testing process.

**AUTHORITY TO AMEND THE REGULATION:** Section 7(d), art. IX, Fla. Const.; Section 1008.23, Florida Statutes; BOG Regulation 3.005

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:** Michelle Williams, Vice Provost

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AMENDMENT TO THE REGULATION OR CHALLENGE:** Jessica Whittle, Paralegal, Office of the General Counsel at [jwhittle@uwf.edu](mailto:jwhittle@uwf.edu) or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

**THE FULL TEXT OF THE REGULATION:** The full text of the proposed amendment to the regulation is attached below this Notice. The full text of the proposed amendment and existing regulation is also posted on UWF's website: <https://uwf.edu/offices/board-of-trustees/regulations/>



**Number:** UWF/REG-3.043  
**Title:** Examinations and Assessments  
**Responsible**  
**Department:** Office of the Provost

## **I. Purpose**

Section 1008.23, Florida Statutes, requires that all examination and assessment instruments, including developmental materials and workpapers directly related thereto, that are prepared, prescribed, or administered by a university shall be confidential and exempt from disclosure under section 119.07(1), Florida Statutes and section 24(a), Art. 1, Florida Constitution. Florida Board of Governors Regulation 3.005 provides that the access, maintenance, and destruction of these examination and assessment instruments and related developmental materials and workpapers shall be governed by university regulation. This Regulation includes provisions for protecting examination and assessment instruments from unauthorized access or disclosure; for maintaining the security of the instruments; requiring third-party contractors' compliance with the university regulation; for the destruction of obsolete examination and assessment instruments; and for governing authorized access or disclosure outside of the regular examination or testing process.

## **II. Definitions**

“Examination and assessment instruments” include, but are not limited to, examinations, essays, research papers, compositions, homework, projects, quizzes, ePortfolios, and internship performance records, as well as directly related developmental materials and workpapers that are prepared, prescribed, or administered at the University of West Florida.

## **III. General Provisions**

- A. Instructional personnel, including teaching assistants, or any individual authorized to access examination and assessment instruments within the scope of their duties (see below) are responsible for taking all possible precautions to prevent unauthorized access or disclosure of examination and assessment instruments. Such measures include, but are not limited to, use of proctored exams, use of Respondus LockDown Browser, Argonet password secured accounts, key management, office shredders, and secured offices and filing cabinets.

- B. The security of examination and assessment instruments includes utilization of encrypted electronic means or secure storage, as applicable, and adherence to the measures noted above.
- C. At the time of initial contract engagement, interim review, and contract renewal, all third-party contractors responsible for administering or proctoring examination and assessment instruments must affirm that they agree to comply with the terms of this Regulation.
- D. Destruction of obsolete examination and assessment instruments and related materials must comply with records retention schedules applicable to state universities and the university records retention schedules in accordance with the Florida Department of State record retention schedules GS1-SL and GS5, University Policy FIN 03.02-02.14 Records Management and, in the case of digital materials, with University Policy IT-02.02-12.15 Disposal of University Information Tech Hardware, Software, and Devices, as those policies may be amended.
- E. Certain university processes may require access to examination and assessment instruments by non-instructional personnel. Such processes may include, but are not limited to, student grade appeals, grievances, and academic misconduct; advising and admissions decisions; data entry and documentation; progression, graduation, and credentialing decisions; reporting to regulatory authorities; and troubleshooting learning management systems (LMS)/LTI issues.
- F. The following individuals are defined as having permissible access to or authority to disclose examination and assessment instruments to faculty, staff, and students outside of the regular examination or testing process:
  - 1. Staff carrying out role responsibilities in their assigned units, including, but not limited to:
    - a. Deans' Offices
    - b. Department Administrative Offices
    - c. Advising
    - d. Testing
    - e. Office of the General Counsel
    - f. Office of the Registrar
    - g. Information Technology
    - h. Institutional Research
    - i. Institutional Effectiveness
    - j. Center for Teaching, Learning, and Technology
    - k. Records Management
    - l. Student Ombudsperson/Office of the Student Rights and Responsibilities

2. Staff working for a third-party contractor will be allowed access to such records in accordance with this policy and the written agreement between the third-party contractor and the University. A list of third-party contractors is available on Confluence as the Canvas LTI Registry for Publisher and Technology Integration.

**Effective Date:** [date]

**Authority:** Section 7(d), art. IX, Fla. Const.; Section 1008.23, Florida Statutes; BOG regulation 3.005.

**History:** Created [date]

**Last review:** [date]