

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #7

Do Not Mark In This Box  
Filing Date

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE July 3, 1991  
ADMINISTRATIVE LAW DIVISION

Effective Date

July 3, 1991

NOTICE OF AN EMERGENCY RULE

AGENCY: University System of WV Board of Trustees TITLE NUMBER: 128

CITE AUTHORITY: 18B-1-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45

TITLE OF RULE BEING AMENDED Equal Opportunity And Affirmative Action

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

TITLE OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Amendments to existing rule will add veteran status to the prohibition of employment discrimination.

Use Additional Sheets if Necessary.

  
Signature

FISCAL NOTE FOR PROPOSED RULES

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THIS DATE July 3, 1997  
ADMINISTRATIVE LAW DIVISION

Rule Title: Equal Opportunity And Affirmative Action

Type of Rule:  Legislative  Interpretive  Procedural

Agency University System of WV Board of Trustees Address 1018 Kan. Blvd., E.  
Charleston, WV 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

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4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: 5-3-91

Signature of Agency Head or Authorized Representative



FILED IN THE OFFICE OF  
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DATE: June 24, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

EMERGENCY RULE TITLE: Equal Opportunity and Affirmative Action

1. Date of filing: July 3, 1991
2. Statutory authority for promulgating the emergency rule:  
18B-1-6
3. Date of filing of proposed legislative rule: July 3, 1991
4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?  
Yes, PB 45
5. Has the same or similar emergency rule previously been filed and expired?  
No
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.  
Allows the University of West Virginia System to  
establish an Equal Opportunity -- Affirmative Action  
Advisory Council to help facilitate the achievement of  
Equal Opportunity -- Affirmative Action compliance across  
the University System.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

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8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The Council has the opportunity and authority to consult and  
and cooperate with the State College System's Equal Opportunity--  
Affirmative Action Advisory Council and to develop a statewide  
educational conference on related issues. The Policy's revisions  
also add veterans status to the prohibition of employment  
discrimination.

TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 45  
POLICY BULLETIN NUMBER 45

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SECTION NUMBER	DESCRIPTION	PAGE
1.	GENERAL	3
2.	GENERAL POLICY	3

TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 45  
POLICY BULLETIN NUMBER 45

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Policy Bulletin Number 45 allows the University of West Virginia System to establish an Equal Opportunity -- Affirmative Action Advisory Council to help facilitate the achievement of Equal Opportunity -- Affirmative Action compliance across the University System. The Council has the opportunity and authority to consult and cooperate with the State College System's Equal Opportunity -- Affirmative Action Advisory Council and to develop a statewide educational conference on related issues. The Policy's revisions also adds veterans status to the prohibition of employment discrimination.

TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 45  
POLICY BULLETIN NO. 45

FILED IN THE OFFICE OF  
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TITLE: EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

SECTION 1. GENERAL

- 1.1 Scope. - This rule establishes equal opportunity and affirmative action policy.
- 1.2 Authority. - W. Va. Code 18B-1-6
- 1.3 Filing Date. -
- 1.4 Effective Date. -
- 1.5 Repeal of Former Rule - Revises and Replaces Board of Regents Policy Bulletin Number 52, dated January 8, 1976.

SECTION 2. GENERAL POLICY

- 2.1 ~~Based upon board authority (outlined in the West Virginia Code article twenty-six, chapter eighteen) to hire personnel, purchase materials, make studies and reports, enter into contracts and carry out other functions;~~ It shall be the general policy of the University of West Virginia Board of Trustees Board of Regents to provide equal opportunity for all qualified persons and to prohibit discrimination in employment because of race, sex, age, color, religion, national origin, veterans status or handicap, and to take affirmative action to recruit and employ qualified faculty and staff.
- 2.2 ~~Allocation of specific functions and responsibilities to each board institution.~~ Under the board's additional authority to allocate specified functions and responsibilities among the institutions in the University of West Virginia System State colleges and universities; each board institution shall accept primary and long-term responsibility for the development and implementation of

Equal Opportunity--Affirmative Action policies consistent with all board, state and federal regulations.

2.3 ~~Responsibility for the development and implementation of Equal Opportunity Affirmative Action plans.~~ Each board institution and the chancellor's office Central Office of the State College & University Systems of West Virginia shall take the initiative in developing or modifying its own plans to achieve compliance based on a (proposed) model plan developed and updated in the ~~Office of the Chancellor.~~ The president of each institution shall, through appropriate means, establish and maintain a positive program of equal opportunity and affirmative action within his/her jurisdiction in accordance with specific laws and regulations applicable to his/her particular institution. The equal opportunity - - affirmative action goals must be integrated with other performance goals of the institution. The realistic goals and timetables of each institution shall be vigorously pursued to achieve a proportional representation of minorities and women in the faculty and nonfaculty ranks based on their availability. The effective pursuit of affirmative action requires not only the adoption of an adequate plan, but also result-oriented procedures which ensure the involvement of managers at all levels of each institution. Institutional affirmative action plans are to be submitted to the chancellor by July 1 of each year.

2.4 ~~Duties of Equal Opportunity Affirmative Action Advisory Council:~~ The chancellor shall appoint an seven (7) member Equal Opportunity - - Affirmative Action Advisory Council from among the colleges and universities for the purpose of providing guidance to consisting of at least one representative from each of the campuses. The council will help facilitate the achievement of Equal Opportunity - - Affirmative Action compliance in each board institution across the University of West Virginia System. Under the chancellor, the advisory council shall be responsible for, but not necessarily limited to, the following specific duties and responsibilities:

2.4.1 Conducting periodic reviews of institutional Equal Opportunity - - Affirmative Action plans and programs, providing any assistance that may be required to improve programs and realize objectives.

2.4.2 Consulting from time to time with the chancellor, presidents of institutions, and/or their assistants on Equal Opportunity - - Affirmative Action matters.

- 2.4.3 Reviewing copies of Equal Employment Opportunity reports of all institutions (EEO-6 and others) submitted to federal agencies responsible for enforcement of laws and regulations and providing consultation to ~~institutions~~ the chancellor where indicated appropriate or as requested.
- 2.4.4 Helping assure that current information affecting Equal Opportunity - - Affirmative Action is disseminated to institutions. The Equal Opportunity - Affirmative Action Advisory Council has the opportunity and authority to consult and cooperate with the Equal Opportunity - Affirmative Action Advisory Council of the State College System to share information and develop a statewide educational conference on related issues.
- 2.4.5 Conducting other advisory assignments as directed by the chancellor.

## FISCAL NOTE

As filed, Policy Bulletin Number 45 does not appear to have additional fiscal impact upon the University System.