

WEST VIRGINIA  
SECRETARY OF STATE  
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ADMINISTRATIVE LAW DIVISION

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Form #3A

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE OVERSIGHT COMMISSION ON  
EDUCATIONAL ACCOUNTABILITY

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

CITE AUTHORITY: 18B-1-6

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45

TITLE OF RULE BEING AMENDED: Equal Opportunity & Affirmative Action

IF NO, SERIES NUMBER OF RULE BEING FILED PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A  
PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR  
FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE OVERSIGHT COMMISSION  
ON EDUCATIONAL ACCOUNTABILITY FOR THEIR REVIEW.

Signature

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

<b>SECTION NUMBER</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
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**TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 45  
POLICY BULLETIN NUMBER 45**

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

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.