

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

**Do Not Mark In this Box**

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE October 11, 1991  
ADMINISTRATIVE LAW DIVISION

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Board of Trustees TITLE NUMBER: 128

CITE AUTHORITY: 18B-1-6

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 56

TITLE OF RULE BEING ADOPTED: Social Justice

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS November 11, 1991

Joy Ann Raines

TITLE 128  
INTERPRETATIVE RULE  
UNIVERSITY OF WEST VIRGINIA SYSTEM  
BOARD OF TRUSTEES  
SERIES 56  
POLICY BULLETIN NUMBER 56

SECTION	DESCRIPTION	PAGE NUMBER
1	General	3
2	Social Justice Policy	3
3	Implementation	4
4	Areas of Implementation	5
5	Reports	6
6	Filing of Complaints	6
7	Policy Limitations	6

TITLE 128  
INTERPRETATIVE RULE  
UNIVERSITY OF WEST VIRGINIA SYSTEM  
BOARD OF TRUSTEES  
SERIES 56  
POLICY BULLETIN NUMBER 56

Policy Bulletin Number 56 addresses social justice, what and how it is to be accomplished, and provides guidelines for filing complaints.

TITLE 128  
INTERPRETATIVE RULE  
UNIVERSITY OF WEST VIRGINIA SYSTEM  
BOARD OF TRUSTEES  
SERIES 56  
POLICY BULLETIN NO. 56

**TITLE: SOCIAL JUSTICE POLICY**

**SECTION I. GENERAL**

- 1.1 Scope - This interpretative policy addresses social justice, what and how it is to be accomplished, and provides guidelines for filing complaints.
- 1.2 Authority - West Virginia Code 18B-1-6; West Virginia Human Rights Act of 1967; Title IX of the Civil Rights Act of 1972; Equal Employment Opportunity Commission interpretative guidelines issued in March, 1980; Titles VI and VII of the Civil Rights Act of 1964; Vietnam Era Veterans Readjustment Act; Sections 503 and 504 of the Rehabilitation Act; Executive Order 11246; Immigration Reform and Control Act of 1986; Equal Pay Act; Age Discrimination Act; Americans with Disabilities Act; and Disabled Veterans Act.
- 1.3 Filing Date - October 11, 1991
- 1.4 Effective Date - November 12, 1991

**SECTION 2. SOCIAL JUSTICE POLICY**

- 2.1 The Board of Trustees is committed to bringing about mutual understanding and respect among all individuals and groups at institutions of the University System of West Virginia and to eliminating all forms of discrimination as provided by West Virginia and federal law.
- 2.2 Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, the Board of Trustees promotes an educational system that values cultural and ethnic diversity and understanding; that provides for the preparation of students for full and

meaningful participation in a changing world; and that promotes equitable and fair treatment in every aspect of campus life and employment for all persons regardless of race, color, national origin, sex, age, religion, veteran status, or disability.

### SECTION 3. IMPLEMENTATION

3.1 Each institution shall develop a program for social justice consisting of the following elements:

3.1.1 Activities, including education, which have a goal of eliminating prejudice or discrimination based upon race, color, national origin, sex, age, religion, veteran status or disability from student life and working conditions in the institution.

3.1.2 An appraisal of the institution's educational environment, job structure, and employment practices as they relate to social justice.

3.1.3 Provision for counseling and responding to employees, applicants, and students who charge that they have been discriminated against, and for the informal resolution of such matters before the filing of a formal complaint.

3.2 Responsibility for carrying out the social justice program is assigned as follows:

3.2.1 The presidents of Marshall University and West Virginia University will designate a Social Justice Officer who will be responsible for overseeing the Social Justice program and who shall report to the president. Presidents of the other University of West Virginia System institutions shall designate an administrative officer who will be responsible for overseeing the social justice program as part of his or her other duties and responsibilities.

3.2.1a These institutional officials are expected to carry out the institution's social justice program, as directed by the president, by developing plans, procedures, and regulations necessary to carry out the institution's program, and by examining the operations of the institution at regular intervals to

assure their conformity with this social justice policy.

3.2.2 Each dean, director, unit head and supervisor has the immediate day-to-day responsibility for implementing the social justice policy.

3.2.3 All employees are expected to set the tone and help create an environment for positive change and results within the social justice area.

#### SECTION 4. AREAS OF IMPLEMENTATION

4.1 The Social Justice Officer is authorized to carry out the institution's program as authorized by the president in the following areas:

4.1.1 Developing plans, procedures, and regulations necessary to carry out the institution's program. Specifically, an acceptable social justice plan will be developed with assistance and support from persons recommended by the president to assist in carrying out the programs:

4.1.2 Evaluating the operations of the institution at regular intervals to assure their conformity with the Social Justice Policy. Require such reports as deemed appropriate from all divisions of the institution:

4.1.3 Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this section and improve the institution's program for social justice and assisting the institution's administration in arriving at solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution.

4.1.4 Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the University of West

Virginia System; and

- 4.1.5 Providing for the prompt receipt, investigation, disposition, and rendering of a written recommendation to the president of general allegations made by organizations or third parties of systematic discrimination.

## SECTION 5. REPORTS

- 5.1 In the annual report to the chancellor, each president will include a report on the institution's efforts in the area of social justice which shall be reviewed by the Social Justice Committee. Such annual reports will include what was accomplished; short term (one year) goals; long term goals; and the financial commitment utilized to achieve the goals.

## SECTION 6. FILING OF COMPLAINTS

- 6.1 Each institution and the Central Office of the State College and University Systems shall assure that procedures are available for applicants, students and employees for the handling of social justice complaints and assume appropriate dissemination of information concerning it to faculty, staff and students. Each campus shall designate (a) liaison person (s) who shall receive training as a facilitator and report to the president.

## SECTION 7. POLICY LIMITATIONS

- 7.1 Nothing in this policy bulletin should be construed to extend "protected class" status or give rise to a cause of action beyond that otherwise provided by law.

## FISCAL NOTE

As filed, Policy Bulletin Number 56 does not appear to place additional financial burden upon the University System.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Social Justice Policy

Type of Rule: Legislative  Incorporative  Procedural

UNIVERSITY OF WEST VIRGINIA  
 Agency: BOARD OF TRUSTEES Address 1018 Kanawha Blvd., E.  
Suite 700

Charleston, West Virginia 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs and Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Governments.

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: July 8, 1991

Signature of Agency Head or Authorized Representative

John Raut



KEN HECHLER  
Secretary of State

WILLIAM H. HARRINGTON  
Chief of Staff

MARY P. RATLIFF  
Deputy Secretary of State

JUDY COOPER  
Director, Administrative Law

A. RENEE COE  
Deputy Secretary of State

STATE OF WEST VIRGINIA

DONALD R. WILKES  
Director, Corporations

CATHERINE FREROTTE  
Executive Assistant

SECRETARY OF STATE  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

(Plus all the volunteer  
help we can get)

Telephone: (304) 558-6000  
Corporations: (304) 558-8000

TO: Steelhammer  
Pam Stillhammer

AGENCY: Board of Trustees

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 21, 1992

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 56 TITLE: 128 Board of Trustees

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Pamela G. Steelhammer

TITLE OF PERSON SIGNING: Assistant to the Chancellor

DATE: November 25, 1992

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

**TITLE 128  
INTERPRETIVE RULE  
UNIVERSITY OF WEST VIRGINIA SYSTEM  
BOARD OF TRUSTEES**

**SERIES 56  
SOCIAL JUSTICE**

**§128-56-1. General.**

1.1. Scope. -- This interpretative policy addresses social justice, what and how it is to be accomplished, and provides guidelines for filing complaints.

1.2. Authority. -- W. Va. Code §18B-1-6; West Virginia Human Rights Act of 1967; Title IX of the Civil Rights Act of 1972; Equal Employment Opportunity Commission interpretative guidelines issued in March, 1980; Titles VI and VII of the Civil Rights Act of 1964; Vietnam Era Veterans Readjustment Act; Sections 503 and 504 of the Rehabilitation Act; Executive Order 11246; Immigration Reform and Control Act of 1986; Equal Pay Act; Age Discrimination Act; Americans with Disabilities Act; and Disabled Veterans Act.

1.3. Filing Date. -- October 11, 1991

1.4. Effective Date. -- November 12, 1991

**§128-56-2. Social Justice Policy.**

2.1. The Board of Trustees is committed to bringing about mutual understanding and respect among all individuals and groups at institutions of the University System of West Virginia and to eliminating all forms of discrimination as provided by West Virginia and federal law.

2.2. Consistent with its comprehensive mission, and in recognition that the development of human potential is a fundamental goal in a democratic society, the Board of Trustees promotes an education system that values cultural and ethnic diversity and understanding; that provides for the preparation of students for full and meaningful participation

in a changing world; and that promotes equitable and fair treatment in every aspect of campus life and employment for all persons regardless of race, color, national origin, sex, age, religion, veteran status, or disability.

**§128-56-3. Implementation.**

3.1. Each institution shall develop a program for social justice consisting of the following elements:

3.1.1. Activities, including education, which have a goal of eliminating prejudice or discrimination based upon race, color, national origin, sex, age, religion, veteran status or disability from student life and working conditions in the institution.

3.1.2. An appraisal of the institution's educational environment, job structure, and employment practices as they relate to social justice.

3.1.3. Provision for counseling and responding to employees, applicants, and students who charge that they have been discriminated against, and for the informal resolution of such matters before the filing of a formal complaint.

3.2. Responsibility for carrying out the social justice program is assigned as follows:

3.2.1. The presidents of Marshall University and West Virginia University will designate a Social Justice Officer who will be responsible for overseeing the Social Justice program and who shall report to the president. Presidents of the other University of West Virginia System institutions shall designate an administrative officer who will be responsible

for overseeing the social justice program as part of his or her other duties and responsibilities.

3.2.1.a. These institutional officials are expected to carry out the institution's social justice program as directed by the president, by developing plans, procedures, and regulations necessary to carry out the institution's program, and by examining the operations of the institution at regular intervals to assure their conformity with this social justice policy.

3.2.2. Each dean, director, unit head and supervisor has the immediate day-to-day responsibility for implementing the social justice policy.

3.2.3. All employees are expected to set the tone and help create an environment for positive change and results within the social justice area.

#### **§128-56-4. Areas of Implementation.**

4.1. The Social Justice Officer is authorized to carry out the institution's program as authorized by the president in the following areas:

4.1.1. Developing plans, procedures, and regulations necessary to carry out the institution's program. Specifically, an acceptable social justice plan will be developed with assistance and support from persons recommended by the president to assist in carrying out the programs;

4.1.2. Evaluating the operations of the institution at regular intervals to assure their conformity with the Social Justice Policy. Require such reports as deemed appropriate from all divisions of the institution;

4.1.3. Proposing and encouraging changes in course content and curriculum, student life programs, personnel programs and administrative procedures designed to eliminate discriminatory practices which are covered by this section and improve the institution's program for social justice and assisting the institution's administration in arriving at

solutions to problems. Changes in curriculum shall be approved by the faculty through the curriculum approval process of the institution;

4.1.4. Encouraging and providing assistance to faculty in broadening course content and offerings to reflect the social justice goals of the University of West Virginia System; and

4.1.5. Providing for the prompt receipt, investigation, disposition, and rendering of a written recommendation to the president of general allegations made by organizations or third parties of systematic discrimination.

#### **§128-56-5. Reports.**

5.1. In the annual report to the chancellor, each president will include a report on the institution's efforts in the area of social justice which shall be reviewed by the Social Justice Committee. Such annual reports will include what was accomplished; short term (one year) goals; long term goals; and the financial commitment utilized to achieve the goals.

#### **§128-56-6. Filing of Complaints.**

6.1. Each institution and the Central Office of the State College and University Systems shall assure that procedures are available for applicants, students and employees for the handling of social justice complaints and assume appropriate dissemination of information concerning it to faculty, staff and students. Each campus shall designate (a) liaison person(s) who shall receive training as a facilitator and report to the president.

#### **§128-56-7. Policy Limitations.**

7.1. Nothing in this policy bulletin should be construed to extend "protected class" status or give rise to a cause of action beyond that otherwise provided by law.