

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: WV Council for Community & Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: 18B-2B-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code 18B-1-3(h)(2)

AMENDMENT TO AN EXISTING RULE: YES NO

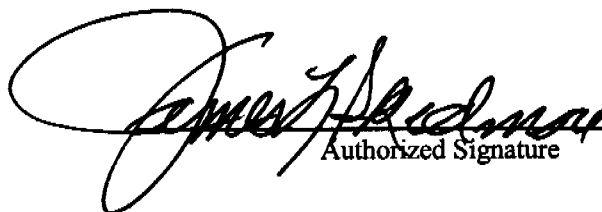
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 40

TITLE OF RULE BEING PROPOSED: Equal Opportunity and Affirmative Action

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 14, 2005


Authorized Signature

TITLE 1335
PROCEDURAL RULE
~~HIGHER EDUCATION POLICY COMMISSION~~

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WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL EDUCATION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 40
EQUAL OPPORTUNITY and AFFIRMATIVE ACTION

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes equal opportunity and affirmative action policy.
- 1.2 Authority - West Virginia Code § 18B-~~4~~2B-6
- 1.3 Filing Date - ~~April 3, 1992~~ November 14, 2005
- 1.4 Effective Date - ~~April 3, 1992~~ December 14, 2005

SECTION 2. GENERAL POLICY

- 2.1 It shall be the general policy of the ~~Higher Education Policy Commission~~ Council for Community and Technical College Education to provide equal opportunity for all qualified persons, 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 Under the ~~commission's~~ Council's additional authority to allocate specified functions and responsibilities among the institutions under the ~~Higher Education Policy Commission~~ Council for Community and Technical College Education, each institution shall accept primary and long-term responsibility for the development and implementation of equal opportunity/affirmative action policies consistent with all ~~commission~~ Council, state and federal regulations.
- 2.3 Each institution and the ~~Higher Education Policy Commission~~ Council for Community and Technical College Education Office shall take the initiative in developing or modifying its own plans to achieve compliance with affirmative action and equal opportunity policies of the ~~commission~~ Council, state, and federal government. The president of each institution shall, through appropriate means, establish and maintain a positive program of equal opportunity and affirmative action within her/his jurisdiction in accordance with specific laws and regulations applicable to her/his 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 representative of minorities and women in the faculty and non faculty 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 The chancellor shall appoint an equal opportunity/affirmative action advisory council consisting of at least one representative from each of the campuses. The council will help facilitate the achievement of equal opportunity/affirmative action compliance across the institutions under the ~~Higher Education Policy Commission~~ Council for Community and Technical College Education. 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 the chancellor where 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 council of the ~~West Virginia Higher Education Policy Commission~~ Council for Community and Technical College Education to share information and develop a statewide educational conference on related issues.
 - 2.4.5 Conducting other advisory assignments as directed by the Chancellor.