



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

11/20/2018 10:47 AM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Community And Technical College Education TITLE-SERIES: 135-40

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Equal Opportunity and Affirmative Action

CITE STATUTORY AUTHORITY: §18B-1-6, §18B-1B-5

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

December 20, 2018

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Angela S Kerns – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 135
PROCEDURAL RULE
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION**

**SERIES 40
EQUAL OPPORTUNITY and AFFIRMATIVE ACTION**

§135-40-1. General.

- 1.1. Scope. -- This rule establishes an equal opportunity and affirmative action policy.
- 1.2. Authority. -- West Virginia Code §18B-1-6 and §18B-1B-5.
- 1.3. Filing Date. -- November 20, 2018
- 1.4. Effective Date. -- December 20, 2018

§135-40-2. General Policy.

2.1. It shall be the policy of the West Virginia Council for Community and Technical College Education (Council) to provide equal employment opportunities to all qualified employees and applicants and to prohibit discrimination or harassment against any such individuals on the basis of protected characteristics. The Council considers ethnicity, marital status, race, color, religion, sex/gender, national origin, age, disability, genetic information, sexual orientation, gender identity and veteran status as protected characteristics and will not permit discrimination or harassment against any employee or applicant for employment on the basis of any such characteristic. The Council will conform both to the letter and the spirit of the law and regulations with respect to prohibiting any such discrimination or harassment and will engage in affirmative action to employ, advance in employment and treat all qualified persons without discrimination in any employment practices.

2.2. The scope of this policy prohibiting discrimination and harassment extends, but is not limited to, the following: recruitment, employment, promotion, transfer, training, working conditions, wage and salary administration, benefits, discipline, promotion, transfer, layoff, termination processes, and the application of all other employment-related policies. These principles of non-discrimination and anti-harassment also apply to the selection and treatment of independent contractors, personnel working on Council premises, and any other persons or firms doing business with the Council.

§135-40-3. Institutional Responsibility.

3.1. Under the Council's additional authority to allocate specified functions and responsibilities among the institutions within the jurisdiction of the Council, each institution shall accept primary and long-term responsibility for the development and implementation of equal employment opportunity and affirmative action policies consistent with the Council's guidance and all applicable laws and regulations.

3.2. Each institution and the Council shall take the initiative in developing or modifying its own plans to achieve compliance with the equal employment opportunity and affirmative action policies of the Council as well as those of the state and federal governments. The president of each institution shall, through appropriate means, establish and maintain a positive program of equal employment opportunity

and affirmative action within her/his jurisdiction in accordance with all laws and regulations applicable to the institution. The equal employment opportunity and affirmative action goals of the institution must be integrated into and consistent 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 workforce based on availability within the relevant workforce recruitment markets. The effective pursuit of affirmative action requires not only the adoption of an adequate plan, but also results-oriented procedures designed to ensure the involvement of managers at all levels of each institution.