



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: ~~EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION~~

Type of Rule: X Legislative          Interpretive          Procedural

STATE COLLEGE SYSTEM OF WV  
 Agency BOARD OF DIRECTORS Address 1018 Kanawha Blvd., E.  
Suite 700

Charleston, WV 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 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: July 8, 1991

Signature of Agency Head or Authorized Representative

John R. Rau

TITLE 131  
LEGISLATIVE RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 45  
POLICY BULLETIN NUMBER 45

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

TITLE 131  
LEGISLATIVE RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 45  
POLICY BULLETIN NUMBER 45

Policy Bulletin Number 45 allows the State College System to establish an Equal Opportunity -- Affirmative Action Advisory Council to help facilitate the achievement of Equal Opportunity--Affirmative Action compliance across the State College System. The Council has the opportunity and authority to consult and cooperate with the University 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 131  
LEGISLATIVE RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
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 45, dated June 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 State College System Board of Directors ~~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 State College System of West Virginia ~~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 with affirmative action and equal opportunity policies of the board, state, and federal government, 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 a seven (7) member~~ ten-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 institution. The council will help facilitate the achievement of Equal Opportunity - - Affirmative Action compliance in each board institution across the State College System of West Virginia. 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 University of West Virginia 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.



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

GASTON CAPERTON  
GOVERNOR

July 11, 1991

Ken Hechler  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Hechler:

In the absence of a Secretary of Education and the Arts, I hereby grant consent as required pursuant to WV Code §5F-2-2 for the promulgation of an amended legislative rule by the Board of Directors of the State College System of West Virginia relating to Equal Opportunity and Affirmative Action (CSR 131, Series 45).

A copy of the rule is attached.

Very truly yours,

*Thomas A. Heywood*  
Thomas A. Heywood  
Senior Executive Assistant

TAH/ljs

Attachment

cc: Paul Marion  
John Thralls  
David Mohr  
Jo Ann Raines