

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

FILED

1992 APR -3 PM 3: 43

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.

AGENCY: STATE COLLEGE SYSTEM BOARD OF DIRECTORS TITLE NUMBER: 131

AMENDMENT TO AN EXISTING RULE: YES X, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45

TITLE OF RULE BEING AMENDED: EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 352

SECTION 18B-17-3(b), PASSED ON March 7, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 3, 1992

John Raines

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Type of Rule: 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

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

FILED

1991 SEP 27 PM 2:15

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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 NUMBER 45

SECTION NUMBER	DESCRIPTION	PAGE
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2.	GENERAL POLICY	3

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 - September 27, 1991.
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - Repeals 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 an seven (7) member ten (10) 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 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.



KEN HECHLER
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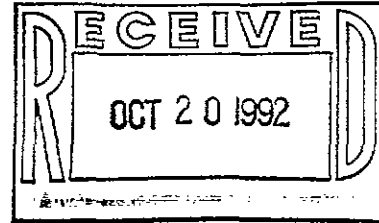
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SECRETARY OF STATE
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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)



TO: JoAnne Raines

AGENCY: Board of Directors

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 15, 1992

THE ATTACHED RULE RECENTLY 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: 45 TITLE: 131 Board of Directors

* 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: Marie Carter

TITLE OF PERSON SIGNING: Assistant to the Chancellor

DATE: 11/12/92

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