



WEST VIRGINIA
H I G H E R
E D U C A T I O N
P O L I C Y
C O M M I S S I O N

J. Thomas Jones
Chairman

J. Michael Mullen
Chancellor

July 11, 2002

The Honorable Joe Manchin
Secretary of State
State Capitol
Charleston, WV 25305

FILED

2002 JUL 11 PM 4:05

Dear Secretary Manchin:

Attn: Judy Cooper

WEST VIRGINIA
SECRETARY OF STATE

On behalf of the Higher Education Policy Commission, I am filing rules with technical changes that were approved on June 21, 2002, by the Higher Education Policy Commission. These rules are being transferred from the former University System Board of Trustees (Title 128) and State College System Board of Directors (Title 131) to the Policy Commission (Title 133) with technical changes to reflect the changes made by Senate Bill 653. The rules are as follows:

Title 133, Series 35: Correspondence, Business, Occupational and Trade Schools, which replaces Title 131, Series 3.

Title 133, Series 36: Sports Programs at Community and Technical Colleges, which replaces Title 128, Series 53, and Title 131, Series 53

Title 133, Series 37: Increased Flexibility for Community and Technical Colleges, which replaces Title 131, Series 25

Title 133, Series 38: Employee Leave, which replaces Title 128, Series 35, and Title 131, Series 35

Title 133, Series 39: Classified Employees, which replaces Title 128, Series 31, and Title 131, Series 31

Title 133, Series 40: Equal Opportunity and Affirmative Action, which replaces Title 128, Series 45, and Title 131, Series 45.

The Higher Education Policy Commission also voted at the June 21 meeting to abolish the following rule of the former systems and transfer jurisdiction to the individual institutional governing boards:

Title 128, Series 39, and Title 131, Series 39, Measles & Rubella Immunization.

Sincerely,

J. Michael Mullen
Chancellor

SCANNED

**TITLE 133
PROCEDURAL RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 40
EQUAL OPPORTUNITY and AFFIRMATIVE ACTION**

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes equal opportunity and affirmative action policy.
- 1.2 Authority - West Virginia Code § 18B-1-6
- 1.3 Filing Date - April 3, 1992
- 1.4 Effective Date - April 3, 1992

SECTION 2. GENERAL POLICY

- 2.1 It shall be the general policy of the Higher Education Policy Commission 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 additional authority to allocate specified functions and responsibilities among the institutions under the Higher Education Policy Commission, each institution shall accept primary and long-term responsibility for the development and implementation of equal opportunity/affirmative action policies consistent with all commission, state and federal regulations.
- 2.3 Each institution and the Higher Education Policy Commission 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, 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 a 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. 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 to share information and develop a statewide educational conference on related issues.

2.4.5 Conducting other advisory assignments as directed by the Chancellor.