

# Affirmative Action Plan

# --West Virginia State--

# University

(Equal Employment Opportunity AA/EEO)



**Encourages Diversity Initiatives across the University**  
**Per the West Virginia Higher Education Policy Commission**

**Updated in 2011-12**  
**(Originally Developed in 1978)**

## PREFACE TO AFFIRMATIVE ACTION AND DIVERSITY INITIATIVES

West Virginia State University (WVSU) strives to provide learning and working environment that is free of harassment and illegal discrimination at all levels. This higher education institution founded in 1891 maintains a commitment to the principles of Affirmative Action and Equal Employment Opportunity (AA/EEO).

This plan is utilized by all employees of West Virginia State University (WVSU). WVSU developed its first Affirmative Action Plan in 1978 and it has been revised many times since then. This current plan is in keeping with the Equal Opportunity/Affirmative Action Policy and commitment made over many years. There is also support stated for the West Virginia Higher Education Policy Commission's (WVHEPC) Diversity Initiatives that are implemented statewide by the public higher education institutions in the state.

The plan is designed to continue to incorporate an Equal Opportunity/Affirmative Action mechanism into the organizational structure of West Virginia State and any research and development activity. In recognition of diversity, minorities and women are employed in nearly all capacities at the University; and the minority component of the student body, as well as of the employee composition, represents a leadership role in West Virginia.

There is an Affirmative Action Committee at West Virginia State University. The primary function of the Affirmative Action Committee is to recommend policies and procedures to the President of the University which will further the implementation and maintenance of the institution's Affirmative Action Program. In addition, the Committee periodically updates the WVSU Affirmation Action Plan.

An analysis of the work force and student body indicates that WVSU maintains their commitment to the ideals of a democratic society. The Department of Human Resources focuses upon helping maintain an inclusive environment and helping ensure compliance with federal regulations prohibiting discrimination in the workplace.

The University's Collegiate Counseling and Support Services implement diversity initiatives put forth by the West Virginia Higher Education Policy Commission (WVHEPC) and WVSU. The counseling services include an ombudsperson for discrimination/harassment complaints and there is a social issues/peer education component to programming. The Office of Multicultural Affairs may be accessed on the University Web Pages at [www.wvstateu.edu](http://www.wvstateu.edu). In addition, there is an Office of Disability Services and assistance at the University for veterans.

WVSU's history is closely entwined with assisting individuals in regard to equity and fostering an inclusive environment. When the University was founded,

achieving equity through educational and cultural programs and activities served as the focus of the University's mission—a mission which has endured to the present. West Virginia State University is “a living laboratory of human relations.”

# TABLE OF CONTENTS

## Topic Page

PREFACE TO AFFIRMATIVE ACTION

TABLE OF CONTENTS

RESPONSIBLE OFFICES

CHANCELLOR'S IDIVERSITY INITIATIVES STATEMENT

AFFIRMATIVE ACTION PROGRAM - General Guidelines and Procedures

ARTICLE I - Equal Opportunity and Affirmative Action

Institutional Policy

ARTICLE II - Dissemination of Policy and Programs

ARTICLE III - Recruitment and Appointment

ARTICLE IV - Policies Relating to Staff Employment

ARTICLE V - Student Complaint Procedures

ARTICLE VI - Documentation of Personnel Actions

ARTICLE VII - Promotions, Demotions, Layoffs, Recall,

Employment Information

ARTICLE VIII - Employee Complaint Procedures

ARTICLE IX - Consequence of Non-Compliance

ARTICLE X - Release of Information from Personnel

Data Files

EQUAL OPPORTUNITY STATEMENT

AUTHORITY - REGULATIONS

APPENDIX I - Applicable Laws Concerning Discrimination

APPENDIX II - Definition of Affirmative Action Terms

APPENDIX III - Reports

APPENDIX IV - Underutilization Analysis

APPENDIX V - Goals and Timetables

## **RESPONSIBLE OFFICES and OFFICERS**

### **WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

Chancellor.. Dr. Brian Noland

Human Resources Vice Chancellor.. Dr. Shenita Brokenburr

### **WEST VIRGINIA STATE UNIVERSITY**

President ..Dr. Hazo W. Carter, Jr.

Vice President for Administrative Services.. Dr. Cassandra B. Whyte  
and Affirmative Action Committee Chair

Executive Assistant to the President..Dr. Gregory D. Epps

Vice President for Finance.. Mr. Robert Parker

Vice President for Academic Affairs.. Dr. R. Charles Byers

Assistant Vice President for Academic Affairs.. Dr. John Teeuwissen

Vice President for Student Affairs ..Mr. Bryce Casto

Assistant Vice President for Student Affairs.. Mr. Joe Oden

Vice President for Planning and Advancement.. Dr. John M. Berry  
and ADA Committee Chairperson

Assistant Vice President for Planning and Advancement.. Mr. Jonathan Adler

Human Resource Coordinator - R & D Corporation - Vacant

### **AFFIRMATIVE ACTION PERSONNEL**

Director of Human Resources.. Ms. Barbara Rowell

Affirmative Action Officer.. Ms. Barbara Rowell

Multi-Cultural Affairs Specialist .. Mrs. Lakeisha Barron-Brown

Disability Counselor Specialist -Vacant

**West Virginia State University recognizes the Diversity Programming coordinated  
by the West Virginia Higher Education Policy Commission (WVHEPC)**

## **Chancellor's Diversity Initiative**

The Chancellor's Diversity Initiative (CDI) was created in November 2009 by the West Virginia Higher Education Policy Commission. The CDI and its coordinating body, the Diversity Council, is charged with developing a system-wide approach to create and support enhanced policies and strategies for diversity within the state's four-year public colleges and universities as institutions and communities. Recognizing institutional missions, histories, and objectives, the Diversity Council will offer advice and guidance on the development of programs under the initiative and coordinate current and future programs to ensure a diverse postsecondary experience at the state's public colleges and universities.

## **INTRODUCTION**

West Virginia State University (WVSU), recognizing the value of diversity, and compliance with appropriate regulations, adopts a statement of Affirmative Action to reaffirm a continuing commitment to a policy of inclusion and Equal Employment Opportunity.

## **RESPONSIBILITY FOR IMPLEMENTATION**

### **THE PRESIDENT**

The responsibility for assuring equal opportunity within the West Virginia State organization

ultimately rests with the President of WVSU as the chief executive officer of the University

and his or her designees to include the Vice President for Administrative Services, the Affirmative Action Officer, the Multicultural Affairs Office for students, and all supervisory personnel of the University. The President assures the establishment and maintenance of a continuing program to promote equal opportunities throughout the institution. Specifically the President:

- A. Maintains an Affirmative Action Committee to assist in the revision, updating, and monitoring of the Affirmative Action Program and the WV Higher Education Policy Commission Diversity Initiatives
- B. Encourages Equal Opportunity/Affirmative Action meetings/discussions with administrators and supervisory personnel to evaluate progress in implementing the Affirmative Action Program and Diversity efforts and institutional goals and objectives via the Strategic Plan and student and employee programming.
- C. Reviews the actions, periodic reports, and affirmative action recommendations prepared by the administrators and supervisory personnel, ie. Fact Book information
- D. Requires administrative personnel to conduct salary reviews for the purpose of ensuring salary equity when other conditions are equal.
- E. Requires the documentation of recruiting and selecting efforts.
- F. Monitors the appointment, promotion, tenure, transfer, and termination recommendations made by administrators and supervisors to ensure compliance with the Affirmative Action Program and Diversity efforts of the West Virginia Higher Education Policy Commission.
- G. Evaluates administrators and supervisory personnel in part on the basis of their Diversity initiatives reflected in Equal Employment Opportunity/Affirmative Action/Title IX results, compliance, and efforts.

## **SPECIAL ASSISTANTS**

Persons designated by the President shall assist him/her in discharging Responsibilities of Equal Opportunity/Affirmative Action and Diversity to maintain an inclusive, educational environment.

### **ADMINISTRATORS AND SUPERVISORY PERSONNEL**

Administrators and all individuals in supervisory capacities have the authority and responsibility of carrying out the Affirmative Action Program in the area in which they have managing responsibility.

- A. Each administrator and each supervisor identifies problem areas and develops strategies to achieve equity with the provisions contained within the Equal Opportunity/Affirmative Action Policy and any applicable diversity initiatives.
- B. Each administrator and each supervisor ensures that annual reports to the President contain any required documentation of affirmative action results achieved as a result of the Strategic Plan objectives and/or programming goals about affirmative action, efforts related to the ADA regulations, and/or multicultural activities.

### **AFFIRMATIVE ACTION OFFICER**

The Affirmative Action Coordinator/Officer reports directly to the Vice President for Administrative Services and to the President of West Virginia State University and has the following responsibilities:

- A. Auditing the effectiveness of institutional equal opportunity/affirmative action practices and recommending policy and procedure changes where necessary.
- B. Receiving identified affirmative action complaints and overseeing the disposition of each complaint as outlined in the complaint procedure of this policy.
- C. Assisting supervisors, where necessary, in developing Equal Opportunity/Affirmative Action/Title IX objectives and in developing plans by which these objectives may be met.
- D. Planning and carrying out means for disseminating information about Equal Opportunity/ Affirmative Action goals and policies, and Diversity Initiatives within and outside the institution.

In carrying out the responsibilities of informing the President, the Affirmative Action Officer:

- A. Familiarizes herself/himself with Equal Opportunity/Affirmative Action/Title IX regulations and disseminates the information.
- B. Sits with the Affirmative Action Committee.
- C. Reviews procedures for recruitment and hiring to insure that they have been developed in accordance with West Virginia State affirmative action policies.
- D. Enlists the help of the office of Assessment and other sources in collecting data to determine how effectively the policy has been carried out during the years.
- E. Reviews with the committee institutional personnel practices, student recruitment enrollment data, and institutional policies and procedures to assure that Equal Opportunity/Affirmative Action/Title IX regulations are being met.

In carrying out his/her responsibilities in the complaint procedure, the coordinator officer:

- A. Receives identified complaints alleging affirmative action violations and reviews them to determine if they do, indeed, involve affirmative action issues.
- B. Processes affirmative action complaints or inclusion concerns according to institutional affirmative action complaint procedures.
- C. Refers complaints which do not pertain to affirmative action matters to the appropriate committee or offices.

In carrying out his/her responsibilities to audit compliance with the policy and help supervisors meet Equal Opportunity/Affirmative Action goals, the Affirmative Action Officer:

- A. Meets with supervisors to acquaint them with Equal Opportunity/Affirmative Action objectives.
- B. Receives a copy for documentation of the any report to the President from administrators and supervisors which document affirmative action results achieved and efforts made in regard to diversity initiatives in regard to students, faculty, or staff.

### **AFFIRMATIVE ACTION COMMITTEE**

The primary function of the Affirmative Action Committee is to recommend policies and procedures to the President which will further the implementation and maintenance of the institution's Affirmative Action Program and continue a culture of diversity.

The Affirmative Action Committee consists of the Affirmative Action Officer, a chairperson or co-chairs of the committee, and members of the faculty, staff and student body appointed by the President. The committee meets at the call of the chairperson or the President. With the exception of the initial appointments, which will be made for staggered terms of from one to three years and appointments to the committee are made for three-year terms.

### Responsibilities of the Affirmative Action Committee

In carrying out its charge of recommending to the President of the University the policies and

procedures which will further West Virginia State's commitment to opportunity in employment and education, the committee:

- A. Familiarizes itself with federal and state laws and regulations and amendments governing equal opportunity.
- B. Reviews proposed changes in West Virginia State's personnel policies and procedures which affect affirmative action and diversity.
- C. Reviews procedures for recruitment and hiring to ensure that they have been developed in accordance with West Virginia State's University's Affirmative Action Plan.

- D. May monitor and encourage internal compliance audits by area to:
1. See that the policies and procedures in this program are being put into practice.
  2. Determine the results that have been achieved.
  3. Make recommendations to the President based on the determination.

E. Reviews institutional policies and procedures to assure that Equal Opportunity/Affirmative Action/Title IX mandates are being followed and makes appropriate recommendations to the President.

F. Performs other related duties requested by the President.

In carrying out its charge it could occasionally conduct informal hearings, the committee:

A. Assists the Affirmative Action Officer in suggesting forms to be provided to the complainant and others involved in the hearing.

B. Evaluates the information presented to the committee about Affirmative Action.

C. Prepares a written recommendation to the President (only as requested).

Responsibilities of the Chair of the Affirmative Action Committee:

A. Familiarizes herself/himself with Equal Opportunity/Affirmative Action regulations;

B. Calls meetings of the Affirmative Action Committee as needed and chairs the sessions in

response to a perceived need or at the request of the Affirmative Action Officer or President;

C. Consults with the President regarding the status of Equal Opportunity/Affirmative Action at West Virginia State University.

## **ARTICLE I**

### **EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION INSTITUTIONAL POLICY**

Initiated in January 1983

#### **A. General Policy**

West Virginia State University is committed to assisting individuals receive equity. When the University was founded in 1891, achieving equity through educational and cultural programs and activities served as the focus of the University's mission—a mission which has endured to the present.

1. Equal opportunity will be provided and discrimination will be prohibited in employment and educational practices and affirmative actions will be taken to advance in education and employment all individuals, without regard to sex, age, race, marital status, religion, color or national origin, or disability. The University also prohibits discrimination against any veteran of the Granada, Lebanon, Panama, Persian Gulf and Vietnam Eras and any other conflicts recognized by the U.S. Government as qualification for veteran's programming.

2. The following Affirmative Action statement shall be part of the Faculty, Staff, and Student handbooks, and all other similar manuals or handbooks devised by West Virginia State:

“West Virginia State is an Equal Opportunity/Affirmative Action institution which does not discriminate against any person because of race, religion, color, national origin, ancestry, sex, age, marital status, or disability. This policy extends to all West Virginia State activities related to the management of its educational, employment, financial, business, and other affairs.”

**A. Specific Policy**

1. West Virginia State does not discriminate against anyone:

- a. Any full-time or part-time employee;
- b. Any administrative, faculty, classified, or non-classified staff person;
- c. Any applicant or candidate for a position;
- d. Any full-time or part-time student;
- e. Attendees in seminars, workshops, programs, sports, or any institutional sponsored activity;
- f. Any applicant for admission or candidates for certification of degrees;
- g. Any resource person (consultants, performers, and other participants);
- h. Persons working in state, federal or other such funded programs; or
- i. Any contractors because of age, race, color, religion, national origin, ancestry, age, disability, or marital status.

2. West Virginia State encourages its employees and students to participate in employment and training programs, councils, community relations boards, and similar organizations dedicated to the furthering of human rights.

3. West Virginia State supports and cooperates with employment training and community development programs.

**B. Policies related to the Handicapped (Persons with Disabilities) and the American Disability Act (ADA)**

In accordance with Public Law 93-516, as amended and otherwise known as the Rehabilitation Act of 1973, West Virginia State agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their mental or physical impairment(s) in all employment practices such as the following:

1. Employment;
2. Upgrading;
3. Demotion and transfer;
4. Recruitment and advertising;
5. Layoff or terminations;
6. Rates of pay and other forms of compensation;
7. Selection for training including outreach and positive recruitment programs.

The American with Disabilities Act (ADA) of the 1990's is followed in regard to all programs and facilities.

### **C. Policies Related to Vietnam Era Veterans (et al)**

West Virginia State University will take affirmative action in the employment of qualified Vietnam Era veterans as well as all other Veterans to include Granada, Lebanon, Panama, the Persian Gulf, Afghanistan, Iraq and from any officially recognized veterans from national conflicts not listed here.

## **ARTICLE II**

### **Dissemination of Policy and Programs**

#### **A. Internal Dissemination**

1. The following affirmative action statement shall be a part of The Faculty Handbook, The WVSC Staff Handbook, The Student Handbook (The Buzz), and all other similar manuals or handbooks devised by the institution:

“West Virginia State is an Equal Opportunity/Affirmative Action institution and does not discriminate against any person because of race, religion, color, national origin, ancestry, sex, age, marital status, or disability.”

In 1983, the policy was amended to extend the policy to include “activities related to the management of its educational, employment, financial, business, and other affairs.”

2. Posters publicizing the policy of Equal Opportunity/Affirmative Action may be posted in all University buildings which are open to the public and on the University web pages.

3. Information regarding the institution’s nondiscriminatory policies and its progress of affirmative action shall be communicated periodically (and at least once each academic year) to the entire University community through media such as, but not limited to, department brochures, the Intercom, and The Yellow Jacket. Furthermore, the statement, “West Virginia State is an Equal Opportunity/Affirmative Action Employer,” shall appear on West Virginia State publications.

4. All persons responsible for recruiting and recommending professional personnel, for recruiting and admitting students, and for recruiting and selecting operational personnel shall be informed of their continuing obligations under affirmative action and shall be reminded of such responsibilities at least annually.

5. The West Virginia State Affirmative Action Plan is provided to each administrator and each member of the supervisory staff by viewing the University Web site..

6. Periodic meetings will be held by the President, or his/her designee, with the administrative staff to review the West Virginia State Affirmative Action Plan as related to the Strategic Plan. These persons, in turn, inform their supervisory staff and those responsible for employment decisions to ensure full understanding of the policy as well as of the specified requirements of Executive Order 11246 and other state and federal regulations.

#### **B. External Dissemination**

1. Affirmative action will receive consideration in all entertainment, cultural, and consultant agreements, and other contracts initiated by the institution.
2. The Equal Opportunity/Affirmative Action clause is incorporated in all West Virginia State purchase orders, leases, contracts, and agreements covered by Executive Order 11246 and originating at West Virginia State.
13. West Virginia State disassociates itself from any organization or group that discriminates on the basis of race, religion, color, national origin, ancestry, sex, age, marital status, or disability or that denies equal employment opportunity.
4. Prospective employees are informed of the West Virginia State's Equal Opportunity/ Affirmative Action Plan.
5. All institutional publications relating to recruitment and notices of employment opportunities shall include the phrase: "An Equal Opportunity/Affirmative Action Employer."

## **ARTICLE III**

### **Recruitment and Appointment**

#### **A. General Policies**

1. West Virginia State shall develop an up-to-date list of recruiting sources most likely to yield female and minority applicants and to assure obtaining applicants of all races, religions, colors, national origins, ancestries, sexes, ages, marital status, or disabilities such as [higheredjobs.com](http://higheredjobs.com) and other reputable sources..
2. With the exception of transfers, all open positions, both professional and operational, shall be appropriately publicized and advertised within and outside the institution. Should there be a change in West Virginia personnel law or WV Higher Education Policy Commission policies applicable to human resources, those procedures may supersede this policy if it has not been updated:
  - a. All openings shall be posted on the web site and possibly on appropriate bulletin boards within University buildings if applicable.
  - b. Professional positions will potentially be advertised in national media, as affordable, and according to West Virginia Higher Education Policy Commission hiring regulations.
  - c. Notices of openings in professional positions may be circulated to other colleges, universities and other agencies known to greater diversity enrollments.
  - d. Notices of openings shall be circulated among the institutional community via the University web site.
  - e. Notices of operational staff openings shall be communicated to local employment agencies, if applicable.
  - f. Advertisements may be placed in local newspapers to expand the applicant pool for the operational staff beyond the institutional community and web site
3. After posting and advertising, the positions will be kept open for a suitable period to allow opportunity for applying.
  - a. Positions being advertised in national media will be kept open a for sufficient time to allow persons in other geographic areas to apply.

b. Positions advertised locally will be kept open for at least seven working days after they have been posted.

c. Where there is a bona fide emergency or when an appointment is short term or temporary, the President may allow an exception to this practice .

4. Records must be kept of all applicants and all search efforts.

## **B. Faculty**

1. Underutilization of females and minorities, as measured by the availability of such persons, will be identified and disproportions will be corrected where, if, and when possible.

a. Announcements of all faculty position openings are disseminated as widely as practical by department chairs, the Vice President for Academic Affairs, or his/her designee. The requirements for each position are fully and accurately described.

b. Persons responsible for the recruitment of faculty should make contact with colleges and universities and other centers with predominately minority and women students for the purpose of recruiting candidates.

c. Faculty members representing the various disciplines are encouraged to help identify prospective minority and women faculty members when attending meetings of professional and academic societies.

d. Search committees, whenever possible, should include minority groups and women in their pools of candidates.

e. Supervisory personnel responsible for recruitment of faculty are requested to seek assistance from current minority and women staff members in the pursuit of minority and female applicants.

f. All resumes and employment applications are properly accepted, recorded, evaluated, and responded to by those charged with the responsibility for recruiting faculty.

g. Standards for the recruitment and selection of faculty include, but are not limited to, educational attainment; scholarly achievements; experience; leadership and management ability; where appropriate, technological ability; and other related criteria.

h. When two or more candidates are judged to have relatively equal qualifications, and meet hiring process guidelines as well, the person who will contribute most to achieving affirmative action and diversity objectives must be hired.

## **2. Promotion Criteria**

Faculty promotion criteria include, but are not limited to effectiveness and excellence in teaching, scholarship, services, professional stature, and other criteria as determined by the Board of Governors and recommended to the President of the University by the Personnel Committee and academic administrators. (See West Virginia State University's Faculty Handbook for exact information.) The goal is to be non-discriminatory in regard to promotions.

## **3. Compensation**

a. All appointments shall be within the West Virginia State University Board of Governors guidelines regarding faculty promotion and tenure policies and procedures, including rank, salary and fringe benefits.

b. West Virginia State policies governing application of merit criteria in evaluating individual performance and the awarding of annual increases are determined within policies established by the West Virginia State University Board of Governors, the WV HEPC, and state code.

### **C. Administration**

To the extent that female and other minority persons are under represented in administrative positions, steps will be taken to correct this disparity.

#### **1. Staff Recruitment**

Letters of confirmation will be sought from recruitment sources and private and public employment agencies, stating that applicants are recruited to West Virginia State without regard to race, religion, color, national origin, ancestry, sex, age, marital status, orientation, or disability.

a. Job announcements proclaiming West Virginia State as an “Equal Opportunity/Affirmative Action Employer” are placed regularly in professional journals, newspapers, and the media without regard to sex specifications in the listings.

b. All West Virginia State departments will receive job announcements covering all position openings via e-mailings and/or web information as technology is updated.

c. Any prospects recruited directly by the employing supervisor must be referred to the Human Resources Office for pre-employment evaluation prior to any decision by the supervisor.

d. Any person responsible for hiring decisions should attempt to identify prospective minority and women staff members while attending professional meeting and conventions.

e. Application forms will not request information regarding sex or race.

#### **2. Pre-employment Testing**

a. Standardized and job-related tests (of office skills) are administered by the Human Resources Office to prospective clerical employees.

b. No other testing will be done by any other unit for a job unless approved by the Human Resources Office. The WVSU Department of Public Safety does conduct required testing for the specific police officer requirements.

#### **3. Interviewing Procedures**

a. Applicants are referred by the Human Resources Office to employing supervisors for interviews.

b. Employing supervisors are required to evaluate applicants who have been referred to them by Human Resources Office before making a final decision.

#### **4. Reference Evaluation**

Employing supervisors are required to procure all reference checks on applicants. This might be oral, written, and telephone reference checks concerning applicants. The WVSU Department of Human Resources will help accomplish any criminal background checks for potential employees.

#### **5. Placement and Referrals**

- a. All selection and promotion decisions are based solely upon an individual's qualifications for the position, with minority members and women given preference where their qualifications are judged equal and under-representation exists.
- b. If an apparently qualified minority group or women applicant is passed over for an initial appointment or promotion, the person responsible for the decision is required to submit a written justification for the decision to the Human Resources Office of West Virginia State University and to the Affirmative Action Coordinator.

## **ARTICLE IV**

### **Policies Relating to Staff Employment**

**WV Senate Bill 330 is to be referenced in regard to any updates to this and will be followed:**

#### **A. Compensation**

##### **1. Equal Pay for Equal Work**

- a. Employees performing substantially equal work receive equal pay and other compensation. Salaries do not differ because of any difference in race, religion, color, national origin, ancestry, sex, age, marital status, orientation, or disability.
- b. To promote salary equity in all state (non-teaching) rank and job classifications, West Virginia State University continues to develop and revise job specifications that are strictly responsibilities of the job; makes available or notifies of location of available Mercer Classification information; develops and evaluates all position descriptions and jobs specifications for new positions before an opening is posted; and makes sure that the requirements of the Equal Pay Act of the Fair Labor Standard Act are met.

#### **B. Job Description Analysis**

The Human Resources Office, in cooperation with administrators and supervisors, conducts analyses of staff positions to ensure that minimum job qualifications accurately reflect position functions and are consistent for the same position throughout the institution.

#### **C. Employee Performance Training**

1. At least once annually, a supervisor will review with each subordinate his or her job description and review key areas on which the employee's performance is appraised. (There is a probationary period of 6 months with closer review.)
2. Job rating results recorded for each employee will be used by the supervisor for job performance counseling, transfer, promotion and discharge recommendations, training and development, and ways that will maximize employee potential.

#### **D. Additional Policies**

1. The Human Resources Office will develop and keep current applicant and current operational employee files from which applications or information related to employee educational backgrounds, skills, and experience level will be made available for hiring or promotion.
2. Information relating to the receipt and disposition of applications will be kept for a minimum of one year.

3. Job training, counseling, and developmental programs will be provided to the extent feasible.
  - a. West Virginia State employees may apply for tuition wavers each year.
  - b. The Human Resources Office will develop and coordinate training programs for the operational staff.

## **ARTICLE V**

### **Student Complaint Procedures**

(Compatible with Employee Procedures)

#### **A. General Policies**

1. West Virginia State will make a particular effort to recruit and retain a critical mass of minority students and adhere to the WVHEPC diversity initiatives.
2. All financial aid available at West Virginia State will be provided to all eligible students regardless of race, religion, color, sex, national origin, ancestry, sex, age, marital status, orientation, or disability.
3. All support services, counseling, tutoring, etc. and all disciplinary procedures will be provided to all students regardless of race, religion, color, national origin, ancestry, sex, age, marital status, orientation, or disability.
4. All athletic activities, intercollegiate and intramural, shall be operated in accordance with nondiscriminatory concepts as set forth in Title IX of the Educational Amendments of 1972. Specific guidelines will be developed respectively by the director of athletics, the Department of Health and Human Performance, and the Office of Student Services and will become a part of the affirmative action effort.

#### **B. Student Complaint Procedure - Counselor**

(WVSU Web Pages should also be consulted to check on current assistance from Office of Multicultural Affairs and also Disability Services). At any stage of the pre-Complaint Procedure, a member of the counseling staff will be available as a human relations counselor to serve in an advisory or mediating role for a student with an affirmative action or Title IX complaint. A student who for any reason prefers not to discuss the complaint directly with the person (s) involved or who finds the pre-complaint procedure inappropriate for the situation may take his/her case initially to the previously mentioned human relations counselor. He or she will determine the nature of the complaint, discussing it with the person immediately in charge and may arrange a meeting of all involved parties. After the meeting, the human relations counselor will write a brief report on the disposition of the complaint which all parties will sign. The human relations counselor is available in the same fashion at each stage of the complaint procedure, which is explained next, up to the point at which the complaint is taken to the Affirmative Action Coordinator/Officer.

#### **Pre-Complaint Procedure**

The student should begin the procedure at the point at which the problem originated by bringing it to the attention of the person immediately in charge. It is expected that the problem will be resolved at that point and the decision immediately communicated to the student. If the student is not immediately informed of the decision, it must be communicated

to him/her within five (5) days (exclusive of weekends and holidays) after the problem has been brought to the attention of the person in charge.

#### Complaint Procedure

1. If no satisfactory resolution to the problem is found at the pre-complaint step, the student may:

a. Appeal to the department chair or program director if the complaint originated in an academic unit;

b. Appeal to the Vice President for Student Affairs (or designee) after meeting with a counselor, if the complaint originated in a student services unit. (Any new grievance procedures in *The Buzz Student Handbook* supersede this listing in a related policy.)

2. In the case of a complaint which originates in an academic area, the student may appeal to the dean, if no satisfactory resolution to the problem results from the appeal to the department chair.

3. If no satisfactory resolution to the problem is reached by the dean, the student may appeal to the Vice President for Academic Affairs or his/her designee.

4. If no satisfactory resolution is reached by the Vice President for Academic Affairs or his/her designee, in the case of an academic matter, or the Vice President for Student Affairs. If the complaint originated in a student services unit, the student may appeal to the Affirmative Action Coordinator/Officer after working with the Multicultural Affairs Counselor, the Disabilities Counselor, and/or the Judicial Affairs Officer.

The President or the Affirmative Action Coordinator/Officer will review the complaint to determine if it does, indeed, involve an affirmative action or Title IX issue. If the coordinator/officer agrees that an affirmative action or Title IX issue is involved, he/she may:

a. Examine the evidence and make a recommendation for disposition of the case to the President; or

b. Recommend to the President that an informal hearing be held before the Judicial Affairs Committee, or much less frequently, the Affirmative Action Committee for the purpose of reviewing the problem and formulating an opinion for the President's consideration.

5. If the President agrees with the recommendation made to him/her by the Judicial Affairs Committee or the Affirmative Action Coordinator/Officer or Committee, he/she will adopt this recommendation and inform the student of it.

6. If the President does not agree with the findings of the Judicial Affairs Committee, or the Affirmative Action Coordinator/Officer or Committee, he/she will formulate an independent decision and inform the student of it.

7. If the student is not satisfied with the decision communicated to him/her by the President, he/she may appeal to the West Virginia State University Board of Governors by addressing the question to their Chairperson. (See *The Buzz Student Affairs Handbook* for any updates)

8. If the student remains dissatisfied with the decision of the West Virginia State University Board of Governors, he/she may contact the specified agencies responsible for the enforcement of the particular equal rights law or regulation in question. Relevant agencies telephone numbers are as follows:

EEOC 1-412-644-3444

CIVIL LIBERTIES 1-304-345-9246

NAACP 1-304-342-4600

HUMAN RIGHTS 1-304-558-2616

## **ARTICLE VI**

### **Documentation of Personnel (Human Resources) Actions**

A. The qualifications of each applicant are judged in comparison to the standards established for the position. Consideration is given to past experience and recommendations of previous supervisors and of persons sufficiently knowledgeable to evaluate potential and performance.

B. When qualified minority or women applicants or prospective promotes are passed over, the person responsible for the final selection or decision is required to document

the reason for the decision and file said documentation with the Human Resources Office.

C. Reports of hiring to the President of the University and records of personnel decisions

and actions are kept for a minimum of two years.

## **ARTICLE VII**

### **Promotions, Demotions, Layoffs, Recall, Transfers and Tenure**

For the purpose of promotions, demotions, layoffs, recall, leaves, transfers and tenure, an employee's qualifications, ability to do the work, service and whatever other usual stipulations shall be potential considerations. Decisions to promote, demote, layoff, recall, transfer, or grant tenure that may at some time be determined shall be considered without regard to race, color, national origin, ancestry, sex, age, marital status or disability.

## **ARTICLE VIII**

### **Employee Complaint Procedures**

#### **Affirmative Action Officer**

At any stage of the complaint procedure, a complainant who for any reason prefers not to discuss a complaint directly with the person (s) involved or who finds the first section of the complaint procedure inappropriate for the situation may take his/her case initially to the Affirmative Action Officer, who will determine the nature of the complaint, discuss it with the person immediately in charge, and arrange a meeting of all involved parties. After a meeting of this sort, the Affirmative Action Officer

will write a brief report on the disposition of the complaint which all parties will sign or will refer the complainant back into the regular complaint path.

#### Pre-Complaint Procedure

1. If an employee, applicant, or candidate for a position has a question or complaint related to affirmative action, ADA or Title IX, that person should begin the procedure at the point at which the problem originated by bringing it to the attention of the person immediately in charge.
2. It is expected that the problem will be resolved at that point and the decision immediately communicated to the complainant. If the complainant is not immediately informed of the decision, it must be communicated to him/her within five days (exclusive of weekends and holidays) after the problem has been brought to the attention of the person in charge.

#### Complaint Procedures

1. If the employee, applicant, or candidate for a position is dissatisfied with the decision of the person immediately in charge of the area in which the problem arose, he/she may appeal to the Affirmative Action Coordinator/Officer who will review the complaint to determine if it does, indeed, involve an affirmative action issue. If the Affirmative Action Coordinator/Officer agrees that an affirmative action issue is involved, he/she may:
  - a. Refer the employee back to the standard complaint/appeal path;
  - b. Examine the evidence and make a recommendation for disposition of the case to the President of the University; or
  - c. Recommend to the President that an informal hearing be held before the committee for the purpose of reviewing the problem and formulating an opinion for the President's consideration.
2. If the President agrees with the recommendation made to him/her by the coordinator/officer, vice president, dean, or the Affirmative Action Committee, he/she will adopt the recommendation and inform the complainant.
3. If the President does not agree with the recommendation of the coordinator/officer, vice president, dean or the Affirmative Action Committee, he/she will form an independent decision and inform the complainant.
4. If the complainant does not agree with the decision communicated to him/her by the President, he/she may appeal to the West Virginia State University Board of Governors by addressing the question to the Chairperson of the Board.
5. If the complainant remains dissatisfied with the decision of the Board of Directors, he/she may contact the specific agencies responsible for the enforcement of the particular equal rights law or regulation in question.

## **ARTICLE IX**

### **Consequence of Non-Compliance**

A. Any West Virginia State employee found to be guilty of a pattern of discriminatory practices against students, other employees, or applicants shall be subject to disciplinary action.

B. Employees shall be in violation of both federal and state laws if the responsible persons fail to carry out the provisions of the program.

## **ARTICLE X**

### **Release of Information from Personnel Data Files**

To prevent the invasion of privacy, it is the policy of West Virginia State to control carefully the release of data compiled from the personnel files on the nature and composition of its employees, including such items as ratings, race, sex, age, names, and salaries except required by official regulations. While designated persons have access to information from personnel and payroll records for the preparation of reports and analyses, and in some forms as public information, the release of these data, with the exception of employee names in a specified form, shall be restricted to the agencies responsible for monitoring Equal Employment Opportunity/Affirmative Action programs under compliance procedures. Any exceptions to the above policy without permission subjects the individuals involved to disciplinary action.

### **Internal Auditing Procedures**

Utilizing a fall census day, the Office of Institutional Assessment reviews the work force at West Virginia State each year to determine the race-sex balance in the institution's employment. Categories used are those defined by EEO. The data are tabled, reproduced, and made available to members of the University community.

Because the data also indicate the numbers of women and minorities in various faculty ranks as well as staff categories, the employment audit highlights any clustering of protected classes in job families or professional or instructional levels. Supervisors can, therefore, readily determine the overall impact of personnel decisions regarding hiring, promotions, etc., and can initiate appropriate actions where necessary.

Job Classifications and pay schedules are regularly reviewed to try to ensure that women and minorities are being compensated in direct relationship to the work being done. Any perceived inequities are called to the attention of the President and adjustments are made as soon as is feasible.

## **EQUAL OPPORTUNITY STATEMENT**

Recognizing that equality of opportunity is a fundamental goal of a democratic society, West Virginia State University commits itself morally and legally to the practice of affirmative action to recruit women, minorities, veterans, and persons with disabilities as applicants for vacant positions and to a policy of nondiscrimination in hiring, in employment benefits, and in the provision of services.

## **AUTHORITY - REGULATIONS**

West Virginia Code 18B-1-6, West Virginia Human Rights Act of 1967, Title VI and VII of the Civil Rights Act of 1964, Sections 503 and 504 of the Rehabilitation Act, Executive Title IX of the Civil Rights Act of 1972, Executive Order 11246 as Amended by 11375, Immigration Reform and Control Act of 1986, Equal Pay Act of 1963 as Amended by Education Amendment in 1972, Age Discrimination Act of 1967, Americans with Disabilities Act, Vietnam Era Veterans Readjustment Act, and Disabled Veterans Act and Privacy Act of 1974. Any new regulations that are passed prior to updating of this plan will be considered applicable as the ones just noted above.

## **APPENDIX I**

### **APPLICABLE LAWS CONCERNING DISCRIMINATION\***

Title VI of Civil Rights Act of 1964

**COVERAGE:** All institutions receiving federal monies by grant, loan, or contract other than a contract of insurance or guaranty.

**WHAT IS PROHIBITED:** Discrimination against students or others on the grounds of race, color, or national origin.

**ENFORCEMENT:** Office for Civil Rights, Department of Health, Education, and Welfare

Washington, D.C. 20201

Telephone: (202) 619-0257

Title VII of Civil Rights Act of 1964

(as amended by the Equal Employment Opportunity Act of 1972)

**COVERAGE:** All business, industry, and labor organizations and institutions having fifteen (15) or more employees.

**WHAT IS PROHIBITED:** Discrimination in employment (including hiring promotions, fringe benefits, training, and all other conditions of employment) on the basis of race, color, religion, national origin, or sex.

**ENFORCEMENT:** Equal Employment Opportunity Commission, 2401 E. Street, N.W.

Washington, D.C. 20506

Telephone: (202)-663-4264

\*Adapted from material supplied by the West Virginia Human Rights Commission.

Title IX Educational Amendments of 1972

(Higher Education Act)

**COVERAGE:** Federally assisted education programs.

**WHAT IS PROHIBITED:** Discrimination against students and employees on the basis of sex.

**ENFORCEMENT:** Office for Civil Rights

Department of Health, Education, and Welfare

Washington, D.C. 20201

Telephone: (202)-619-0257

Section 504

(The Rehabilitation Act of 1973, As Amended)

**COVERAGE:** Any institution receiving federal financial assistance from the Department of Health, Education, and Welfare and each program or activity that receives or benefits from such assistance.

**WHAT IS PROHIBITED:** Discrimination against any handicapped person (person with disability) who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

**ENFORCEMENT:** Office for Civil Rights, Department of Health, Education, and Welfare

Washington, D.C. 20201

Telephone: (202)-619-0257

EXECUTIVE ORDER 11246

(as amended by 11375)

**COVERAGE:** All institutions with federal contracts over \$10,000.00

**WHAT IS PROHIBITED:** Discrimination in employment covering all conditions of employment, hiring, promotions, fringe benefits, and training on the basis of race, color, religion, national origin, or sex.

**ENFORCEMENT:** Office of Federal Contract Compliance

Employment Standard Administration

Department of Labor

Washington, D.C. 20210

EQUAL PAY ACT OF 1963

(as amended by Educational Amendment of 1972)

**COVERAGE:** All businesses which pay employees minimum wage are prohibited from discriminating on the basis of sex in determining wages for workers. The Education Amendments of 1972 extended the Equal Pay Act's sex discrimination provision to include executive, administrative, and professional workers (to include outside salespeople).

**WHAT IS PROHIBITED:** The Act forbids pay differentials on the basis of sex.

**ENFORCEMENT:** Administrator, Wage and Hour Division, U.S. Division

U.S. Department of Labor

Constitution Avenue and 14th Street, N.W

Washington, D.C. 20201

Telephone: (202) 219-8305

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

**COVERAGE:** All employers having fifteen (15) or more employees.

**WHAT IS PROHIBITED:** Employers are prohibited from discriminating in advertising, hiring, testing, promotions, and all terms and conditions of employment, on the basis of age against anyone at least 40 years old, but less than 65. "To refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her compensation terms, conditions, 40 or privileges of employment because of such individual's age."

**ENFORCEMENT:** Employment Standards Administration  
Wage and Labor Division  
U.S. Department of Labor  
Washington, D.C. 20210  
Telephone: (202)-219-8305

**WEST VIRGINIA HUMAN RIGHTS ACT**

**COVERAGE:** Employment, housing, and public accommodations State of West Virginia.

**WHAT IS PROHIBITED:** Discrimination based on race, religion, color, origin, ancestry, age (40-65)\*, sex, or blindness.

**ENFORCEMENT:** West Virginia Human Rights Commission  
Professional Building, 2nd Floor  
1036 Quarrier Street, Charleston, West Virginia 25301  
Telephone: 558-2616

\*Age is not included under housing provisions.

## **APPENDIX II**

### **DEFINITION OF AFFIRMATIVE ACTION TERMS\***

**Action-Oriented Programs** Pursuant to the regulations, a section of the Affirmative Action

Plan which identifies programs to be initiated to help eliminate areas of underutilization identified by recruiting qualified females, minorities, veterans, and the handicapped.

**Adverse Impact** A substantially different rate of selection in hiring, promotion, transfer, training, or in other employment decisions which works to the disadvantage of members of a racial, ethnic, or sex group.

**Affected Class** One or more employees, former employees, or applicants who have been denied employment opportunities or benefits because of discriminatory practices and/or policies by the contractor, its employees, or agents. Evidence of the existence of an effected class requires:

(1) identification of the discriminatory practices, (2) identification of the effects of the discrimination and (3) identification of those suffering from the effects of discrimination.

**Affirmative Action** Those results-oriented actions which a contractor by virtue of its contracts must take to ensure equal employment opportunity. Where appropriate, it includes goals to correct underutilization, to correct problem areas, and to provide, if required, relief such as back pay, retroactive seniority, make-up goals and timetables, etc.

**Affirmative Action Clauses** included in federal contracts and subcontracts detailing the affirmative action requirements for disabled veterans, Vietnam era veterans, and handicapped workers.

**American Indian or Alaskan Native** A person with origins in any of the original peoples of North American and who maintains cultural identification through tribal affiliation or community recognition.

\*West Virginia Division of Personnel, 1994

**Applicant** A person who files a formal application or by some other means (resume, letter, request, etc.) indicates a specific desire to be considered for employment.

**Applicant Flow Data** A statistical compilation of employment applicants showing the specific numbers of each racial, ethnic, and sex group who applied for each job title (or group of job titles requiring similar qualifications) during a specified time period.

**Asian or Pacific Islander** A person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Republic, and Samoa.

**Availability** The percentage of minorities or women who have skills required for entry into a specific group within the contractor's labor or recruitment area.

**Black, not of Hispanic Origin** A person with origins in any of the black racial groups of Africa who is also not of Hispanic origin.

**Bona Fide Occupational Qualification (BFOQ)** Employment in particular jobs may be limited to persons of a particular sex, religion, or national origin if the employer can show that sex, religion, or national origin is an actual qualification of performing the job.

**Business Necessity** Justification for an otherwise prohibited employment practice based on a contractor's proof that (1) the otherwise prohibited employment practice is essential for the safety and efficiency of the business and (2) no reasonable alternative with a lesser impact exists.

**Career Counseling** Discussion between contractor and an employee or a group of employees to plan a course of training and advancement for the employee or group.

**Conciliation Agreement** A written agreement between a contractor and the OFCCP which details the contractor's commitment to resolve identified deficiencies in its Affirmative Action Plan.

**Confidentiality Statement** Notice to the OFCCP that the Affirmative Action Plan being submitted contains confidential business information which, if released, could damage the contractor. Lists the contractor's position that the plan is free from Freedom of Information Act requests and emphasizes that the contractor does not consent to the release of any information whatsoever.

**Construction Contract** Any contract for the construction, rehabilitation, alternation, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term includes supervision, inspection, and other onsite functions incidental to actual construction.

**Contracting Agency** Any department, agency, establishment, or instrumentality in the executive branch of the government, including any wholly owned government

corporation, which enters into contracts. With respect to federally assisted construction contracts, this term also includes the grant or aid recipient.

**Corporate Initiative** Term used to describe the process which multi-establishment contractors use to determine, at the corporate level, who will fill the key positions at the

outlying establishments. According to the OFCCP, these positions must be included in the

corporate AAP because they are filled from the corporate level, and the next logical promotional opportunity for persons in those jobs is most likely at the corporate headquarters.

These are usually the top positions within a plant or satellite office outside of the corporate

facility and are looked at by OFCCP investigators to determine whether key personnel at multiestablishment facilities should be included within the corporate office's Affirmative Action

Plan.

**Deficiency** Noncompliance with a requirement of Executive Order 11246, Section 503 of the

Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veteran Readjustment Assistance

Act of 1974, including implementing rules, regulations, or orders.

**Disabled Veteran** A person entitled to compensation under laws administered by the Veterans

Administration for a disability or a person whose discharge or release from active duty was for

a disability incurred or aggravated in the line of duty.

**Disparate treatment** Differential treatment of employees or applicants on the basis of their

race, color, religion, sex, national origin, handicap, or veteran's status (including, for example,

the situation where applicants or employees of a particular race or sex are required to pass tests

or meet educational requirements, etc., which similarly situated contemporary applicants or

employees of another race or sex were not required to take or meet.)

**Dissemination (Internal and External)** Pursuant to E.O. 11246 regulations, that section of

the plan which spells out what the contractor will do both internally and externally to disseminate the contractor's EEO Policy.

**EEO/AA Coordinator** Term given to the contractor's representative in charge of coordinating and implementing the Affirmative Action Program.

**EEO-1 Category** A listing of nine (9) general categories of employees whom an employer must use in the availability analysis of the Affirmative Action Plan to categorize its employees for purposes of statistical analysis.

**EEO Policy** Written policy statement to be included at the outset of an Affirmative Action Plan which, pursuant to the regulations, sets forth what the EEO coordinator will do to ensure equal opportunity for applicants and employees. Statement is signed by the facility's highest ranking official affirming commitment to equal employment opportunity.

**EEO-1 Report** The Equal Employment Opportunity Employment Information Report- an annual report filed with the Joint Reporting Committee (composed of OFCCP and EEOC) by employers subject to E.O. 11246 or to Title VII of the Civil Rights Act of 1964, as amended. This report details the race, ethnic and sex composition of an employer's work force by job category.

**Equal Opportunity Clause** The seven subparagraphs contained in Section 202 of Executive Order 11246, as amended, and required to be part of all contracts covered by the Executive Order. Pursuant to 41 CFR 60-1.4 (e) and 60-4.9, the clause is part of all covered contracts

whether or not the clause is physically incorporated into the contract and whether or not the contract is written.

**F.O.I.A.** Freedom of Information Act (5 U.S.C. 552). For purposes of affirmative action plans, contractor maintains such documents are exempt from F.O.I.A. requests because they constitute personnel files, disclosure of which may constitute unwarranted invasion of personal privacy.

**Female Seeking Employment** The total population of females in a particular labor area.

**Front Pay** Compensation provided an individual or group which begins when a remedy for alleged discrimination is agreed to and ends when the individual group attains its "rightful place."

**Glass Ceiling** Popular phrase for the inability of females and minorities to advance to higher level positions within corporate American. (Subject of OFCCP efforts to increase utilization of females and minorities in upper level positions and break the barrier, "glass ceiling").

**Goals for Non-Construction Contractors** A contractor established employment target for minorities or women where the contract has identified underutilization of, or other employment problems, relating to, minorities or women in certain job categories. The contractor agrees to make a good faith effort to achieve its goals. Goals are expressed as both numbers and percenta They are not quotes.

**Good Faith Efforts** Those actions required by 41 CFR Ch. 60 and those the contractor may

develop to achieve compliance with the contract's equal opportunity and affirmative action clauses.

**Government Contract** A written or unwritten agreement or modification thereof between a contracting agency and any person or firm for the furnishing of supplies or services or for the use of real or personal property, including lease agreements.

**Handicapped Individual** Any person who (1) has a physical or mental impairment that substantially limits one or more of his or her major life activities, (2) has a record of such impairment, and (3) is regarded as having such an impairment. A

handicap is “substantially limiting” if it is likely to cause difficulty in securing, retaining, or advancing in employment.

**Hire** A worker permanently added to a contractor’s payroll for the first time.

**Hispanic** A person of Mexican, Puerto Rican, Cuban, South American, or other Spanish Culture or origin, regardless of race.

**Impact Ratio Analysis** A ratio between two selection rates for minorities or women compared against whites or males to determine whether employment actions (e.g., hires, promotions, and terminations) have an adverse impact on minorities and females. Generally, a selection rate for minorities or women which is less than 80% of the selection rate for nonminorities or men for a positive personnel decision (e.g., hiring) and a selection rate greater than 120% for a negative decision (e.g., firing) may indicate a problem.

**Internal Job Feeder Group (s)** A job group (s) which can logically promote into a higher level job group. A line of progression which employees may ideally follow to advance within the organization. Used as a step in the 8-factor analysis of the Availability Analysis.

**Internal Review Procedure** A procedure by which an employer can adequately address and resolve a complaint of employment discrimination made by a female, minority, handicapped individual, disabled veteran, or veteran of the Vietnam era.

**Internal Training** Formal programs of internal skills training classes for employees, to provide the necessary skills so that they may progress to a higher job group.

**Invitation to Self-Identity** An invitation by the contractor extended to all employees and applicants for employment who believe they are covered by section 402 of VEVRA or 503 of The Rehabilitation Act to identify themselves as handicapped or disabled for purposes of making reasonable accommodations and taking affirmative action on their behalf. All information obtained in response to such an invitation shall be kept confidential in accordance with 41 CFR 60-741.50© or 60-250.5©.

**Job Description** A written statement detailing the duties of incumbents in a particular job title.

**Job Group** One or more positions having similar context, wage rates, and promotional opportunities.

**Job Groupings** Elements of an Affirmative Action Plan; those groupings of employees logically connected by similar work duties, similar rates of pay, and similar promotional opportunities.

**Job Group Analysis** A statistical analysis, providing a horizontal view of the organization, cutting across department or organizational unit lines which provides a breakdown by salary range, sex, and race of persons within that particular job group and provides a total percentage of females and minorities within the organization which comprises that group.

**Job Group Percent** That percentage of total females and minorities within the organization in a particular job group.

**Labor Area** The geographic area from which employees may reasonably commute to the contractor's facility.

**Logs** Records of all applicants, new hires, transfers, promotions, training undertaken, and terminations which must be kept by a contractor for purpose of analysis and audit of affirmative action plans.

**Mandatory Job Listing** The provision under Section 402 of the Vietnam Era Veteran Readjustment Assistance Act which requires covered employers to list suitable job openings paying under \$25,000 per year with the local office of the State Employment Service.

**Minorities** All persons classified as black (not of Hispanic origin), Hispanic, Asian, or Pacific Islander, American Indian, or Alaskan native.

**Noncompliance** Failure to follow the conditions set forth in a contractor's equal opportunity or affirmative action clauses and the regulations applicable through those clauses.

**Organizational Unit** A group of closely related jobs or functions (for example, a department, division, branch, or section) functioning as a single unit.

**Outreach** Steps a contractor will take to attract qualified female, minority, veteran, and handicapped individuals for possible employment with the contractor.

**Pre-employment Medical Examination** An evaluation by the employer of the health status of applicants made through written questionnaires or examinations by company-designated physicians as part of the hiring process.

**Prior Year's Results** That portion of an affirmative action plan which compares employee numbers by job group, sex, and race with that of the previous year to determine if other progress has been made.

**Progression Line Charts** Lists of job titles in a broad job family, generally starting with the less difficult, lower-paying jobs and progressing to the more difficult, higher-paying jobs.

**Progression Sequences** A hierarchy of job titles through which an employee may progress in following a career path or ladder. Such sequences generally begin with lower-paying job titles and ascend, through immediate job titles, to higher-paying job titles.

**Promotion** Any personnel action resulting in movement to a position affording higher pay or greater rank and/or provides for greater skill or responsibility or the opportunity to attain such.

**Qualified Disabled Veteran** A disabled veteran, as defined in the regulations, capable of performing a particular job with reasonable accommodation of his or her disability.

**Qualified Handicapped Individual** An individual with a disability as defined in 41 CFR 60-741.2 capable of performing a particular job with reasonable accommodation of his or her ability.

**Reasonable Accommodation** Alterations, adjustments, or changes in the job, the workplace, and/or term or condition of employment which will enable an other qualified disabled individual or disabled veteran to perform a particular job successfully, as determined on a case by case basis depending on the individual circumstances.

**Recruitment Area** The area from which the contractor usually seeks or would reasonably seek to hire workers for a particular job group or groups.

**Regarded as Handicapped** An individual who has no physical or mental impairment or whose impairment does not substantially limit major life activities, but who is treated by a contractor as having such a limitation.

**Relevant Labor Market Areas** Geographic area used to determine availability.

**Requisite Skills** that make a person eligible for consideration for a particular job.

**Sex Nondiscriminatory Policy** A formal written policy, disseminated to the organization, which sets forth the contractor's commitment to sexual nondiscrimination.

**Skills Inventory** A list of individuals within the contractor's organization and their skills, listed to encourage maximum utilization of skills of applicants or employees.

**Standard Deviation** A statistical analysis to measure predicted fluctuations from the expected selection, promotion or termination rate.

**Statistical Underutilization** Underutilization for a particular job group which is quantifiable, but which equates to a number less than one whole person.

**Subcontract** A contract from a prime contractor to another for supplies or services required for the performance of a government contract or federally assisted construction contract.

**Substantially Limits** Where a disability affects an individual's employability to such a degree that he/she is likely to have difficulty in securing, retaining, or advancing in employment.

**Supplier Certification** Required under E.O. 11246, Veterans and 503 regulations, this letter is sent by a contractor to all suppliers requiring certification from the suppliers that they will abide by E.O. 11246, VEVRA, and 503. This is done annually through a certification letter which the subcontractor completes and returns to the prime contractor.

**Support Data** Statistical data, documentation, and other materials regarding employment practices; generally used in development, support and/or justification of an affirmative action program.

**Systematic Discrimination** Employment policies or practices, which, though often neutral on their face, serve to differentiate or to perpetuate a differentiation in terms or conditions of employment of applicants or employees because of their race, color, religion, sex, national origin, disability, or veteran's status. Systematic discrimination normally relates to a recurring practice rather than to an isolated

act of discrimination and may include failure to remedy the continuing effects of past discrimination. Intent to discriminate may or may not be involved.

**Termination** Cessation of the employment relationship between the contractor and a particular employee, either voluntarily or involuntarily.

**Terms and Conditions of Employment** All aspects of an employee's relationship with his or her employer and fellow employees, including compensation, fringe benefits, physical environment, work-related rules, work assignments, training and education, and opportunities to serve on committees and decision-making bodies.

**Training Institutions** Schools or institutions external to the contractor from which the contractor may reasonably recruit qualified applicants.

**Transfer** Movement from one position or function to another while retaining the same salary and status—not to be confused with promotion.

**Underutilization** Employment of members of a race, ethnic, or sex group in a job or job group at a rate below their availability. The concept of underutilization includes any numerical disparity and is not limited by the 80% rule applicable to concepts such as adverse impact. Underutilization for contractors subject to E.O. 11246 is determined by conducting a job group analysis.

**Utilization Analysis** A statistical comparison of the availability of minorities and females in

the workforce to a percentage of minorities and females at the contractor's location. Used to determine underutilization based upon availability in the workforce.

**Vestibule Training** Informal orientation provided by the contractor for the benefit of new employees.

**Veteran of the Vietnam Era** A person who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released with other than a dishonorable discharge; or who was discharged or released from active duty which was performed between August 5, 1964, and May 7, 1975; and who was so discharged or released within 48 months preceding an alleged violation of the Vietnam Era Veteran's Readjustment Assistance Act of 1974, the Affirmative Action Clause, or the regulations pursuant to the Act.

**White, Not of Hispanic Origin** A person with origins in any of the original peoples of Europe, North Africa, or the Middle East who is not of Hispanic origin.

**Willful Violation** An act committed by a contractor who could be expected to know its consequences or failure to act where a reasonable person would be expected to understand the results of such failure.

**Workforce Analysis** A chart which profiles the composition of the workforce by department or other organizational unit. Provides a vertical view of the organization, usually by department, and demonstrates lines of progression from one position to a higher position, including salary range, total number of employees, and a statistical breakout by male, female, and racial group.

## **APPENDIX III REPORTS**

A. The office of Institutional Assessment will prepare an annual Employee Information Report, EEO-6, which is filed with the Equal Opportunity Employment Commission in Washington, D.C., as required by law. The EEO-6 considers gender, race, occupational utilization by occupational categories.

B. Administrators and supervisors will prepare annual reports of the degree to which the affirmative action goals and objectives of their units have been met.

C. The Affirmative Action/Title IX Coordinator will coordinate the preparation of an annual report of the institutional progress in implementing the Affirmative Action Plan.

D. Vice presidents and deans will report to the President regarding success with a uniform objective regarding the Americans with Disabilities Act (ADA).

#### **APPENDIX IV**

##### **UNDERUTILIZATION ANALYSIS**

An analysis of West Virginia State University's work force indicates that a commitment to the ideals of a democratic society is maintained by employing a significant number of minorities and women in nearly all capacities. Over half of the full-time staff are female, and more than 34 percent of the women are Black or another minority, such as Hispanic, Asian, or American Indian (Native American). More than 46 percent of full-time faculty are female, with 19 percent of the full-time faculty being Black or other minority. A review of the institution's employment of Blacks indicates that there is no technical underutilization of this group at WVSU. The basis for this determination is their numerical presence in the work force either within the institution and in the availability pool in the state of West Virginia. However, WVSU sees its responsibility to this segment of the population in a "historical perspective" and strives to maintain an appreciable component of Blacks among its students, staff, and faculty through continuing recruitment efforts. Approximately 14% of the students at WVSU are African American and 52% are female. In any situation of possible occupational category underutilization, as vacancies occur or new employment opportunities arise, positions are widely advertised and efforts are made to hire along affirmative action lines.

**Goals and Objectives:**

**Program Element:**

Job Structuring and Upward Mobility

**Issue Statement:**

To eliminate barriers and achieve Affirmative Action/Equal Opportunity goals, the University has designed and implemented programs to develop employees and further career advancement opportunities.

**Objectives:**

- Periodic classification plan reviews to correct inaccurate position descriptions and to ensure that positions are allocated to the appropriate classification;
- Consistency to ensure that all qualification requirements are closely job related;
- Offer career guidance to employees;
- Offer guidance for lower grade employees who are underutilized or who demonstrate potential for advancement;

**Responsible Officials:**

Executive Staff, Directors, and the Affirmative Action Officer

**Accomplishments to Date:**

- Classification System is implemented on a statewide basis for public higher education institutions
- Mentoring by supervisors is encouraged to assist lower level employees learn skills that might help them become upwardly mobile
- Career development advice or assistance in moving into the supervisory ranks can be obtained working with the Department of Human Resources.
- Student Ombudsman and counseling can be sought for student questions in regard to appropriate treatment as a student in the area of Student Affairs
- Employees and students are encouraged to participate in the career development and networking events sponsored by Career Services and by Academic Department personnel.

**Action Items (Initiatives):**

- Increase employee understanding of Agency diversity initiatives, Affirmative Action/Equal Employment Opportunity objectives and professional development training opportunities.
- Improve communication with employee groups and organizations to assess career development and training needs.
- Establish a schedule of career counseling and guidance activities for the underrepresented employees.
- Schedule in-person meetings with female and minority employees in underrepresented categories if they request discussion and career advice

- Human Resources will communicate with supervisors of female and minority employees on an on-going basis to insure their commitment to mentoring and coaching.

Supervisors will attempt to address any complaints of discrimination quickly and fairly according to the procedures of this Affirmative Action/Equal Opportunity Employment Plan.

**Conclusion:**

West Virginia State University will continue its commitment to providing an environment that is safe and encouraging of equal opportunity for all who live, study and work as part of this long-standing institution of higher education.