



Bluefield State University

Affirmative Action Plan

Period: May 1, 2022 through April 30, 2023

[Bluefield State College from 5/1/2022 – 6/30/2022; Bluefield State University as of 7/1/2022]

BLUEFIELD STATE UNIVERSITY

AFFIRMATIVE ACTION PLAN for MINORITIES, WOMEN, INDIVIDUALS WITH DISABILITIES and COVERED VETERANS

Period: May 1, 2022 through April 30, 2023

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Date Approved: July 2022

Bluefield State University is an HBCU, AA/EOE/ADA employer, committed to the principle that minorities, women, veterans, and individuals with disabilities are encouraged to apply. The college complies with all applicable federal and state laws designed to promote equal educational and employment opportunities.

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INTRODUCTION

Bluefield State University has prepared this *Affirmative Action Plan* (AAP) for the period of May 1, 2022 through April 30, 2023, reaffirming its commitment to the spirit and letter of affirmative action laws, including those administered by the U. S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) and relevant policies of the West Virginia Higher Education Policy Commission. Through the implementation of this plan, Bluefield State University continues its efforts to comply with appropriate government regulations and to effectively utilize the skills and talents of our employees while contributing to the betterment of community and society.

MISSION STATEMENT

The mission of Bluefield State University, a historically black institution, is to prepare students for diverse professions, informed citizenship, community involvement, and public service in an ever-changing global society by providing an affordable, accessible opportunity for public higher education through certificate, associate, bachelor, and master degree programs.

VISION STATEMENT

Bluefield State University is committed to being the region's leading institution of higher education. Embracing the diversity that shapes our world, the College strives to assist students from all walks of life to achieve their personal and professional goals. Using the expertise of faculty and staff, along with the commitment of its students and alumni, Bluefield State University will continue to strive for excellence in learning, service to the community, and advancements in research. Proficiency in these areas enables the Institution and its graduates to make important contributions at the community, state, national, and global levels.

REAFFIRMING COMMITMENT TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The *Affirmative Action Plan* is designed to incorporate an equal opportunity/affirmative action mechanism into the operational structure of Bluefield State University. Bluefield State University, recognizing that equality of opportunity is a fundamental goal in a democratic society, shares the responsibility for achieving that equality. Bluefield State University, therefore, commits itself, morally and legally, to take affirmative action to recruit and employ excellent candidates and to insure that all present employees receive education, training, compensation, promotion, tenure, transfer and all other benefits of employment without regard to race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status, except where a Bona Fide Occupational Qualification (BFOQ) exists. The University neither affiliates knowingly with, nor grants recognition to, any individual, group, or organization having policies that discriminate on the basis of race, color,

religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status as defined by applicable laws and regulations.

As part of Bluefield State University's commitment to this overall process, it will seek to ensure affirmative action to provide equality of opportunity in all aspects of employment, and that all personnel activities, such as the recruitment, selection, training, compensation, benefits, discipline, promotion, transfer, layoff and termination processes remain free of illegal discrimination and harassment based upon race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status unless prohibited by law.

In our efforts to develop our affirmative action program, we hereby reaffirm and formalize our commitment to the principle of equal employment opportunity. This institution's policy is to ensure equal employment opportunity for all without regard to race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status, or any other non-job-related characteristic. While this document cannot be considered an employment contract between Bluefield State University and its employees, we view the principle of equal employment opportunity as a vital element in the employment process and as a hallmark of good management.

In developing our affirmative action program, we commit ourselves to:

Recruiting, hiring, training, and promoting persons in all job classifications without regard to race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status, or any other non-job-related characteristic.

Ensuring that promotion decisions are in accordance with equal employment opportunity requirements by imposing only valid, job-related requirements for promotional opportunities.

Ensuring that all personnel actions relating to compensation, benefits, terminations, training, and education are administered in a non-discriminatory manner.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

Bluefield State University is an equal opportunity institution, which recruits, employs, trains, and promotes based on merit and business needs. Bluefield State University prohibits discrimination or harassment against employees or applicants on the basis of protected characteristics. The full text of the Bluefield State University Policy No. GA-615 is provided below.

**BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS
POLICY NO. GA-615**

TITLE: EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

SECTION 1: GENERAL

- 1.1 Scope: This rule sets forth Bluefield State College’s Board of Governors’ Equal Opportunity and Affirmative Action Policy.
- 1.2 Authority: WV Code §18B-1-6, §18B-1B-5. See also WV HEPC Title 133 Procedural Rule, Series 40, “Equal Opportunity and Affirmative Action.”
- 1.3 Filing Date: July 21, 2014
- 1.4 Effective Date: June 19, 2014
- 1.5 BSC Policy Monitor: Human Resources

SECTION 2: POLICY STATEMENT

- 2.1. It shall be the policy of Bluefield State College to provide equal employment opportunities to all qualified employees and applicants and to prohibit discrimination or harassment against any such individuals on the basis of protected characteristics. The College considers race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status as protected characteristics and will not permit discrimination or harassment against any employee or applicant for employment on the basis of any such characteristic. The College will conform both to the letter and the spirit of the law and regulations with respect to prohibiting any such discrimination or harassment and will engage in affirmative action to employ, advance in employment and treat all qualified persons without discrimination in any employment practices. Also, the College will adhere to the provisions in its Hiring Policy #42.
- 2.2. The College shall use the principles of equal employment opportunity and affirmative action in making employment decisions.
- 2.3. The scope of this policy prohibiting discrimination and harassment in accordance with the principles of equal employment opportunity and affirmative action extends, but is not limited to, the following: recruitment, employment, promotion, transfer, training, working conditions, wage and salary administration, benefits and the application of all other employment-related policies. These principles of non-discrimination and anti-harassment also apply to the selection and treatment of independent contractors, personnel working on College premises and any other persons or firms doing business with the College.
- 2.4. In furtherance of its policy prohibiting discrimination against individuals on the basis of disability, the College will provide reasonable accommodation in the work place for disabled employees. All inquiries regarding the rights of employees with disabilities, including the right to employment accommodations, should be directed to the ADA

Coordinator/Director of Human Resources.

- 2.5 The College shall take the initiative in developing or modifying its own affirmative action plan to achieve compliance with the equal employment opportunity and affirmative action policies of the West Virginia Higher Education Commission as well as those of the state and federal governments. The president shall, through appropriate means, establish and maintain programs of equal employment opportunity and affirmative action within her/his jurisdiction in accordance with all laws and regulations applicable to the institution. The equal employment opportunity and affirmative action goals of the institution must be integrated into and consistent with other performance goals of the institution.
- 2.6 Bluefield State College shall submit its affirmative action plan to the Chancellor of the Higher Education Policy Commission by July 1 of each year. The Office of Human Resources and its representatives shall work collaboratively with the Assistant to the President for Equity, Diversity and Inclusion, and the management at all levels of the institution, to help facilitate the achievement of equal employment opportunity/affirmative action goals and compliance across the institution.

POLICY STATEMENT DISSEMINATION

Bluefield State University posts copies of the equal employment opportunity notices that comply with federal law in conspicuous places (including, where applicable, electronic websites) available to employees and applicants for employment. The following exemplify the methods and locations Bluefield State University may use in its ongoing efforts to ensure continuing dissemination of its policy and plan, although Bluefield State University may not always use each or any of the below methods, and it may use other methods not listed below:

- A. Applicants will be notified by the EO/AA Employer reference in printed advertisements and position announcement postings.
- B. Employees will receive a copy of the Equal Opportunity and Affirmative Action policy in the Employee Handbook. The equal opportunity and affirmative action policy will be posted on bulletin boards at each campus.
- C. Recruitment sources will be notified of the institution's commitment by the EO/AA reference on position announcement postings.
- D. Vendors/contractors will be notified of the institution's policy statement through the terms and conditions on purchasing orders and requests for quotations.
- E. An EO/AA policy statement concerning employment and services of the institution will be included in publications and printed materials of the university.
- F. A copy of the plan will be filed with the West Virginia Higher Education Policy Commission.
- G. Orientation meetings for new employees and in-house employment-related training include references to Bluefield State University's policy.
- H. Bluefield State University publications, if any, including those with photographs, represent the diversity of the student body and workforce. Examples of diversity may include individuals of diverse age, gender, race, color, national origin, individuals with

disabilities, sexual orientation and/or veteran status, where feasible.

- I. Bluefield State University incorporates by reference the equal employment opportunity and affirmative action clauses into each of its covered Government contracts and subcontracts.

IMPLEMENTATION RESPONSIBILITIES

The responsibility for ensuring equal opportunity and affirmative action within Bluefield State University rests with the President as Chief Executive Officer and his/her delegates, the Vice Presidents, members of the President's Cabinet, deans, and unit heads. The President is the Chief Equal Opportunity and Affirmative Action Officer. The President is responsible for ensuring the establishment, maintenance, coordination and implementation of a positive, continuing program to promote equal opportunities throughout the entire University organization. Persons designated by the President from time to time shall assist in discharging responsibilities as assigned by the Chief Equal Opportunity and Affirmative Action Officer.

The President and members of the President's Cabinet provide leadership and support for affirmative action throughout the University community and elsewhere. They evaluate the progress of all groups, departments and units in implementing the *Affirmative Action Plan* and in meeting goals and timetables; conduct equal opportunity/affirmative action meetings with unit heads as required; review the actions, periodic reports and affirmative action recommendations prepared by the unit heads; require the documentation of recruitment and selection efforts; monitor the appointment, promotion, tenure, transfer, and termination recommendations made by employing supervisors and directors to ensure compliance with the *Affirmative Action Plan*; evaluate supervisors in part on the basis of their equal employment opportunity efforts and results; and take action to prevent harassment of employees placed through affirmative action efforts.

Each Vice President, Cabinet member, director, dean, unit head and all other individuals with supervisory authority have immediate responsibility for carrying out the *Affirmative Action Plan* in the areas in which they have responsibility. Each administrator identifies problem areas and develops appropriate goals and timetables consistent with federal requirements and with the provisions contained within the *Affirmative Action Plan*. Furthermore, line and upper management share responsibility that includes but is not limited to the following:

- Ensuring that appropriate publications and printed materials contain an acceptable EO/AA statement. Draft copies of said publications may be forwarded in advance to the Affirmative Action Officer for guidance and consultation, in support of the institution's *Affirmative Action Plan*.
- Reviewing the qualifications of applicants and employees to ensure qualified individuals are treated in a non-discriminatory manner in hiring, promotion, transfers, and termination actions.
- Making available career counseling, when appropriate.
- Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee and his or her duties.

- Reviewing position descriptions of the jobs within the manager’s area or department to see that they adequately reflect the job(s) to be performed.
- Assisting managers and employees within their respective organizational units, and upper management, in the prevention of discrimination and harassment.

The Vice President for Human Resources serves as the University’s Affirmative Action Officer. The Affirmative Action Officer is designated by the President to assist primarily in developing, implementing and maintaining the Bluefield State University policy of equal opportunity and the procedures that constitute the *Affirmative Action Plan* for employees. The Affirmative Action Officer or his/her designee(s) provides direct assistance to all employing officers in implementing the *Affirmative Action Plan* and its progress; audits periodically the Bluefield State University job profile and employment, promotion and training practices as they relate to equal employment opportunity; provides supervisory and managerial personnel with relevant resource materials; assists in the distribution and communication of the *Affirmative Action Plan* and is responsible for coordinating the posting of required non-discrimination policy notices.

The Chief Financial Officer or his/her designee(s) shall be responsible for notifying vendors and contractors of the institution’s commitment to equal employment and affirmative action through purchase orders or requests for quotations.

Each employee is responsible for bringing to the attention of their immediate supervisor any employment decision which he or she feels conflicts with the letter of the law.

The President of this institution has the ultimate responsibility to ensure that equal employment and affirmative action receive a sufficient level of attention and management support. The President will hold each supervisor accountable for the prompt execution of necessary preventive, corrective, and affirmative actions.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION ADVISORY COUNCIL

The Equal Opportunity and Affirmative Action Advisory Council may be appointed by the President of the institution to serve in an advisory capacity to promote inclusive excellence through a commitment to institutional fairness and equality, non-discriminatory practices, and by celebrating the strengths and achievements of our multicultural community. The Council is committed to creating an atmosphere which promotes equal opportunity for all qualified persons, prohibiting discrimination in employment because of race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status, and taking affirmative action to recruit and employ qualified faculty and staff.

Members of the Council are appointed by and serve at the discretion of the President. The Council is chaired by an appointee of the President and is to include a diverse representation of faculty, classified and non-classified staff and students, as well as the Vice President for Human Resources & Affirmative Action Officer and the Dean of Students.

Specific to the Bluefield State University *Affirmative Action Plan*, the Council may assist in the following areas:

- A. Serving as liaison to the University community, such as to Faculty Senate, Classified Staff Council and Student Government constituents, to reaffirm Bluefield State University's commitment to the principles of equal opportunity and affirmative action and supporting relevant programs and initiatives approved by the President as the Chief Equal Opportunity and Affirmative Action Officer.
- B. Reviewing the *Affirmative Action Plan* for Bluefield State University.
- C. Recommending professional development offerings and opportunities for the purpose of enhancing employee/workforce preparedness for future career opportunities and to advance the mission of the University.
- D. Participating in or leading special projects as may be requested by the President.

APPLICABILITY TO ALL BSC EMPLOYEES

In cooperation with the Office of the President, the Vice Presidents, and Presidential Cabinet, the Affirmative Action Officer or his/her designee(s) has responsibility for monitoring the effectiveness of the equal opportunity/affirmative action policies of Bluefield State University and ensuring compliance with these provisions. These policies apply to all types of employees – faculty, staff, and students.

Faculty (instructional staff) includes all full-time and part-time employees whose specific assignments customarily are made for the purpose of conducting instruction, research or public service as a principal activity, and who hold academic rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any one of these academic ranks.

Staff (non-instructional staff) includes executive, administrative and managerial positions if their principal activity is administrative, professional non-faculty, clerical/secretarial, technical/paraprofessional, skilled crafts and service/maintenance categories.

Student employees are those whose primary role at the University is that of a student. They are employed on a part-time basis in various roles, in jobs that are mostly found on campus.

ORGANIZATIONAL STRUCTURE

See attached organizational chart (Appendix 1).

Employees of Bluefield State University are located at the following locations:

219 Rock Street
Bluefield, WV 24701

167 Dye Drive
Harper Industrial Park
Beckley, WV 25801

IDENTIFICATION OF AREAS FOR DISCUSSION

Bluefield State University's commitment to fully implement this policy and plan include periodic reviews of workforce factors in a number of ways, including performing an analysis of its employment process to determine whether, and where if applicable, impediments to equal employment opportunity exist. These analyses include:

- The workforce by organizational unit and job group of minority or female utilization and distribution;
- Personnel activity to determine whether there are selection disparities;
- Selection, recruitment, and other personnel procedures to determine whether they result in employment or placement disparities of minorities or women; and,
- Any other areas that might impact the success of the affirmative action program. Examples include Bluefield State University's review of:
 - The workforce composition by race and sex to compare it to the availability of these groups;
 - Bluefield State University's applicant flow compared to the availability for the protected groups;
 - A comparison of hires to applicants pertaining to minorities and women;
 - Selection forms, such as applications for employment, to ensure they comply with federal and state employment laws;
 - Training opportunities to ensure they are available to minorities and women without restrictions based on race, color, sex, religion, national origin, sexual orientation or age.

Identification of problem areas, if any, are discussed in next section titled Narrative Discussion of Goals.

NARRATIVE DISCUSSION OF GOALS

The Bluefield State University *Affirmative Action Plan* has 174 employees, including 41 minorities and 84 females. [Note: Actual number of employees may vary each plan year, generally resulting from turnover such as retirements or resignations, and hiring activity.]

A utilization analysis of the employment of minorities and women by job group requires estimating the number of qualified minorities and women available for employment in each job group expressed as the percentage of all qualified persons available for employment in the job group. Where a comparison of availability of minorities and women for job groups to their

percentages in the job group population indicates an underutilization, the University will set goals that are attainable.

For the current plan year, there were no areas of underutilization identified in the job groups. Therefore, there were no placement goals for minorities and/or women in this plan.

Bluefield State University Job Groups

[Note: Actual number of employees in the following job groups may vary from one plan year to the next, generally resulting from turnover such as retirements or resignations, and hiring activity.]

- 1A - Executive Leadership - This group consists of 8 employees, of whom 1 is a minority and 1 is a female. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

PRESIDENT
EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL
PROVOST & VICE PRESIDENT FOR ACAD AND STUDENT AFFAIRS
VICE PRESIDENT FOR HUMAN RESOURCES

- 1B - Senior Institutional & Chief Functional Officers - This group consists of 6 employees, of whom 1 is a minority and 4 are females. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

CHIEF TECHNOLOGY OFFICER
DEAN positions
DIRECTOR OF ATHLETICS

- 1C - Institutional Administrators - This group consists of 36 employees, of whom 11 are minorities and 15 are females. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

ASSOCIATE DIRECTOR OF ADMINISTRATIVE COMPUTING
BOOKSTORE MANAGER III
DIRECTOR OF ALUMNI AFFAIRS
DIRECTOR OF COUNSELING
DIRECTOR OF LIBRARY SERVICES
DIRECTOR OF MAINTENANCE
DIRECTOR OF PURCHASING
DIRECTOR OF ACCOUNTING
DIRECTOR, RESEARCH AND SPONSORED PROGRAMS
HEAD COACHES
REGISTRAR

- 2 - Faculty, Instructional - This group consists of 65 employees, of whom 11 are minorities and

32 are females. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

ASSISTANT PROFESSOR OF BIOLOGY
ASSISTANT PROFESSOR OF COMPUTER SCIENCE
ASSISTANT PROFESSOR OF CRIMINAL JUSTICE
ASSISTANT PROFESSOR OF EDUCATION
ASSISTANT PROFESSOR OF ELECTRICAL ENG
ASSISTANT PROFESSOR OF ENGLISH
ASSISTANT PROFESSOR OF ENGR TECH
ASSISTANT PROFESSOR OF HEALTH SERVICES
ASSISTANT PROFESSOR OF MARKETING
ASSISTANT PROFESSOR OF MECHANICAL ENG
ASSISTANT PROFESSOR OF NURSING
ASSISTANT PROFESSOR OF PHYSICS
ASSISTANT PROFESSOR OF POLITICAL SCIENCE
ASSISTANT PROFESSOR OF PSYCHOLOGY
ASSOCIATE PROFESSOR OF BIOLOGY
ASSOCIATE PROFESSOR OF BUSINESS
ASSOCIATE PROFESSOR OF CIVIL ENGINEERING
ASSOCIATE PROFESSOR OF COMPUTER SCIENCE
ASSOCIATE PROFESSOR OF CRIMINAL JUSTICE
ASSOCIATE PROFESSOR OF ECON/BUS LAW
ASSOCIATE PROFESSOR OF ENGLISH
ASSOCIATE PROFESSOR OF FRENCH
ASSOCIATE PROFESSOR OF MECH ENGR
ASSOCIATE PROFESSOR OF NURSING
ASSOCIATE PROFESSOR OF RAD TECH
ASSOCIATE PROFESSOR OF SPEECH
CLINICAL-TRACK ASSISTANT PROF OF NURSING
DIRECTOR/ASSOCIATE DEGREE NURSING PROG
INSTRUCTOR OF NURSING
INSTRUCTOR OF RAD TECH & CLINICAL COORD
LECTURER OF RAD TECH CLINICAL-TRACK
PROFESSOR OF ENGR TECH
PROFESSOR OF BIOLOGY
PROFESSOR OF BUSINESS
PROFESSOR OF CHEMISTRY
PROFESSOR OF CRIMINAL JUSTICE
PROFESSOR OF EDUCATION
PROFESSOR OF ELEC ENGR TECH
PROFESSOR OF ENGLISH
PROFESSOR OF MATH
PROFESSOR OF NURSING
PROFESSOR OF PHYSICS
PROFESSOR OF SOCIOLOGY
VISITING FACULTY

- 3 - Professional - Non Faculty - This group consists of 33 employees, of whom 9 are minorities and 17 are females. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

ACCOUNTANT
ADMIN APPLICATIONS SOFTWARE SPECIALIST
ADMISSIONS COUNSELOR
ASSOCIATE REGISTRAR
ATHLETIC TRAINER
COUNSELOR
EDUCATIONAL OUTREACH COUNSELOR
FINANCIAL AID COUNSELOR
FINANCIAL AID COUNSELOR SR
HUMAN RESOURCES GENERALIST
PROJECT COORDINATOR SR/PAYROLL
STAFF LIBRARIAN
WEB DEVELOPER

- 4 - Office/Clerical Staff & Supervisors - This group consists of 13 employees, of whom 4 are minorities and 13 are females. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

ADMINISTRATIVE ASSISTANT NONEXEMPT
ADMINISTRATIVE ASSOCIATE
ADMINISTRATIVE SECRETARY
ADMINISTRATIVE SECRETARY SENIOR
BOOKSTORE ASSISTANT
EXECUTIVE SECRETARY
PROGRAM ASSISTANT II
PURCHASING ASSISTANT
RECEIVING/INVENTORY ASSISTANT LEAD

- 5 - Technical/Paraprofessional Staff - This group consists of 3 employees, of whom none are minorities and 2 are females. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

INFORMATION SYSTEMS TECHNICIAN
TELECOMMUNICATIONS NETWORK SPECIALIST II
TRANSITIONAL STUDIES LAB SPECIALIST

- 6 – Skilled Craft Staff & Supervisors - This group consists of 3 employees, of whom none are minorities or female. There is no underutilization present at this time for minorities or females. Examples of Job Titles in this job group include:

TRADES SPECIALIST LEAD II

- 7 - Service / Maintenance Staff & Supervisors - This group consists of 7 employees, of whom 4 are minorities and none are female. There is no underutilization present at this time for

minorities or females. Examples of Job Titles in this job group include:

CAMPUS SERVICE WORKER
CAMPUS SERVICE WORKER LEAD
LANDSCAPE WORKER
SUPERVISOR OF CAMPUS SERVICES

Bluefield State University will use alternate recruitment sources when necessary to attract more qualified external applicants. In those instances where statistical adverse impact is indicated, if any, Bluefield State University will take action as outlined in the Development and Execution of Action-Oriented Programs section to monitor and eliminate any problem areas, as well as other similar actions.

Bluefield State University will make good faith efforts to address any current or future underutilization of women or minorities in its workforce using the methods, resources, guidelines, laws, and other general information as outlined in this *Affirmative Action Plan*. All employment decisions at Bluefield State University will be made based on merit. Any hiring quotas, hiring preferences, or employment actions based on race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status, or anything other than qualifications are illegal and prohibited.

DEVELOPMENT AND EXECUTION OF ACTION-ORIENTED PROGRAMS

Bluefield State University has instituted action-oriented programs designed to eliminate any problem areas, should they exist, and to help achieve specific affirmative action goals. Bluefield State University also makes a good-faith effort to remove identified barriers, expand employment opportunities, and produce measurable results. These programs may include items such as:

- Conducting periodic reviews of job descriptions attempting to ensure they accurately reflect job-related duties and responsibilities; Reviewing work specifications and job qualifications to ensure job-relatedness.
- Annually reviewing job qualifications by department and job title for job-relatedness, and using job performance criteria.
- Making job descriptions and qualifications available to recruiting sources and to all members of management involved in the recruiting, screening, selection, and promotion processes.
- Includes the phrase "**AA/EOE/ADA Employer**" or the phrase "**Bluefield State University is an HBCU, AA/EOE/ADA employer, committed to the principle that minorities, women, veterans, and individuals with disabilities are encouraged to apply. The university complies with all applicable federal and state laws designed to promote equal educational and employment opportunities.**" or the phrase "**Bluefield State University is an AA/EOE/ADA Employer**" or other similar phrase on

employment applications, and in internal and external job vacancy advertisements. The scope of Bluefield State University's efforts shall depend upon all of the circumstances.

- Making good-faith efforts to select the most qualified candidates regardless of race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status. Bluefield State University recognizes the duty, should the need arise, to make good faith efforts to remedy any statistically significant underutilization of minorities and women. Accordingly, Bluefield State University commits to evaluating the total selection process to ensure freedom from bias based on race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status.
- Reviewing the job applications and other pre-employment forms to ensure information requested is job-related.
- Evaluating selection methods to ensure that they are job-related and consistent with business necessity.
- Bluefield State University reviews all physical and mental job qualification requirements with line management and supervisors involved in the job selection process to ensure that, to the extent qualifications screen out or tend to screen out qualified individuals with disabilities or Covered Veterans, they are job related and consistent with business necessity and the safe performance of the job.
- Providing assistance, such as training and guidance on proper interviewing techniques and EEO training, to employees, management, and supervisory staff, including, but not limited to, those who are involved in the recruitment, selection, discipline and other related processes, so that personnel actions remain neutral to race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status.
- Reviewing selection techniques and employment standards.
- Job-related training and/or informational opportunities for employees are provided in order to maximize an employee's work potential. Tuition waivers and personnel development funds are available to work towards obtaining a degree or additional degrees, and attending conferences/workshops.

INDIVIDUALS WITH DISABILITIES, DISABLED AND VIETNAM ERA VETERANS

Bluefield State University invites any persons with disabilities and veterans of the armed services to self-identify as such. Submission of this information is always voluntary and refusal to provide it will not result in adverse treatment. Furthermore, this information will be kept confidential to the extent possible. Bluefield State University, to the extent possible, will actively work to recruit persons with disabilities and veterans of the armed forces.

Disabilities - In the screening of all applicants and promotional candidates, all job qualification

requirements must be job related and all information obtained from medical examinations and pre-employment inquiries, if any, be used in accordance with only job-related standards.

Disabled and Vietnam Era Veterans - This plan implements all applicable provisions of the Vietnam Era Veterans Readjustment Act of 1974, as amended, 38 U.S.C. 4212, requiring Bluefield State University to refrain from discrimination in employment against disabled veterans and veterans of the Vietnam Era, recently separated veterans, and other protected veterans. In compliance with VEVRAA, Bluefield State University will list job openings with the State workforce agency job bank or the local employment service delivery system. This law is administered by the Office of Federal Contract Compliance Programs, U.S. Department of Labor.

Accommodations - In considering business necessity and financial cost and expenses, to the extent possible, Bluefield State University will eliminate any physical or other barriers that prevent or impede the employment or advancement of disabled individuals. In instances where needed, Bluefield State University will provide reasonable accommodations to enable those with disabilities to be considered for a job opening.

Compensation - In offering employment or promotions to individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension or other benefit the applicant or employee receives from other sources.

Professional Consultations - Bluefield State University will seek professional guidance as needed from local, state or area rehabilitation agencies and from any of the institution's faculty experienced in the evaluation and/ or placement of individuals with disabilities.

Determination of Disability - Bluefield State University, in requiring a determination of employee's disability, may require the employee to provide medical documentation of the impairment(s) or, in the alternative, may require the employee to undergo a medical examination at the institution's expense. Requests for accommodations pursuant to the Americans with Disabilities Act (ADA) must be made through the Office of Human Resources.

BENCHMARKS REGARDING PROTECTED VETERANS

The purpose of establishing benchmarks is to create a quantifiable method by which Bluefield State University can measure its progress toward achieving equal employment opportunity for protected veterans, in accordance with the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). The benchmark is not a rigid and inflexible quota which must be met, nor is it considered either a ceiling or a floor for the employment of particular groups. This benchmark is not a quota. The hiring benchmark is set by Bluefield State University on an annual basis by establishing a benchmark equaling the national percentage of veterans in the civilian labor force, which will be published and updated annually on the OFCCP Web site. Bluefield State University documents the hiring benchmark it has established each year and will retain these records for a period of three (3) years.

The current benchmark for protected veterans is set at 5.5%, which matches the national percentage of veterans in the civilian labor force as identified on the OFCCP website at

https://www.dol.gov/agencies/ofccp/vevraa/hiring-benchmark?utm_campaign=&utm_medium=email&utm_source=govdelivery.

Current Protected Veteran Statistics

BSU Total Employees	174
BSU Total Protected Veterans	4
BSU Percentage of Current Protected Veterans	2.3%
BSU Total External Hires	38
BSU Total Protected Veteran Hires	2
BSU Percentage of Protected Veteran Hires	5.3%

Bluefield State University will continue to implement additional recruitment efforts to attract qualified applicants, including protected veterans, for all job openings.

PROTECTED VETERANS THREE YEAR DATA COLLECTION

BSU documents the following information pertaining to applicants and protected veteran hires on an annual basis and maintains them for a period of three years:

Protected Veterans 3-Year Data	5/01/19 – 4/30/20	5/01/20 – 4/30/21	5/01/21 – 4/30/22
Applicants who self-identify as protected veteran	1	8	4
Total Job Openings	10	38	46
Total Jobs Filled	10	38	46
Total Applicants for All Jobs	113	364	153
Total Protected Veteran Applicants Hired	0	2	2
Total External Applicants Hired	10	37	38

UTILIZATION GOAL REGARDING INDIVIDUALS WITH DISABILITIES

On March 24, 2014, the U.S. Department of Labor’s Office of Federal Contract Compliance Programs implemented regulatory changes to Section 503 of the Rehabilitation Act of 1973, as amended. Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities, and requires employers to take affirmative action to recruit, hire, promote, and retain these individuals.

Bluefield State University has created a quantifiable method referred to as a utilization goal by which Bluefield State University can measure its progress toward achieving equal employment opportunity for individuals with disabilities, in accordance with Section 503 of the Rehabilitation Act of 1973, as amended. The utilization goal is not a rigid and inflexible quota which must be met, nor is it considered either a ceiling or a floor for the employment of particular groups. This goal is not a quota. The utilization goal will be set by Bluefield State University on an annual basis by establishing a benchmark equaling the federally established nationwide goal for qualified individuals with disabilities, which will be published and updated annually on the OFCCP Web site. Bluefield State University will document the utilization goal for individuals with disabilities it has established each year and will retain these records for a period of three (3) years.

The current utilization goal for individuals with disabilities is set at 7%, which matches the national utilization goal as established and identified by OFCCP on their website at <https://www.dol.gov/ofccp/regs/compliance/section503.htm>.

Current Individuals with Disabilities Statistics

BSU Total Employees	174
BSU Total Individuals with Disabilities	12
BSU Percentage of Current Individuals with Disabilities	6.9%
BSU Total External Hires	38
BSU Total Individuals with Disabilities Hires	3
BSU Percentage of Individuals with Disabilities Hires	7.9%

Bluefield State University will continue to implement additional recruitment efforts to attract qualified applicants, including individuals with disabilities, for all job openings.

INDIVIDUALS WITH DISABILITIES THREE YEAR DATA COLLECTION

BSU documents the following information pertaining to applicants and individuals with disabilities hires on an annual basis and maintains them for a period of three years:

Individuals with Disabilities 3-Year Data	5/1/19 – 4/30/20	5/1/20 – 4/30/21	5/1/21 – 4/30/22
Applicants who self-identify as Individual with Disability	1	7	7
Total Job Openings	10	38	46
Total Jobs Filled	10	38	46
Total Applicants for All Jobs	113	364	153
Total Individuals with Disabilities Applicants Hired	1	4	3
Total External Applicants Hired	10	37	38

Bluefield State University will continue to implement additional recruitment efforts to attract qualified applicants, including individuals with disabilities, for all job openings.

EQUAL OPPORTUNITY FOR STUDENTS

Bluefield State University strives to provide educational opportunities for minorities, women, individuals with disabilities and veterans in the undergraduate student body which reflect the interest, individual merit, and availability of such individuals. The institution attempts to ensure equality of opportunity and treatment in all areas related to student admissions, instruction, accommodations, financial assistance, programs, employment, placement, and other services without regard to race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status.

Admissions - Efforts will be made to recruit minorities and women. Staff involved in reviewing applications are aware of the Equal Opportunity Policies regarding admissions and those admission regulations in Title IX of the Education Amendments of 1972 and Title VII (section 799A) and Title VIII (Section 845) of the Public Health Service Act which prohibits discrimination in admissions based on sex. The Equal Opportunity and Affirmative Action Policy is disseminated in information and publications sent to prospective students. Admission Committees include minority and women faculty. Students are advised that the full range of opportunities at Bluefield State University are open to them without regard to race, color, religion, creed, political belief or affiliation, sex, national origin, age, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status, and disability as defined within the meaning of the law. Counseling services are available through the university.

Student Employment Services - Students are considered for employment on campus without regard to race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, or veteran status.

Student Financial Assistance - Financial Aid, scholarships, fellowships, work-study programs, and similar intern or practitioner training arrangements are provided on an equal opportunity basis. Eligible minority, women, individuals with disabilities and veteran students are encouraged to participate in scholarship, loan, and work-study programs as appropriate.

Student Support Services - The Dean of Students Office encourages minority, women, individuals with disabilities and veteran employees of Bluefield State University to provide supportive services for minority, women, individuals with disabilities and veteran students by serving as advisors, tutors, and informal resources personnel.

Student Housing – University housing opportunities are provided on an equal opportunity basis. Landlords participating in the Bluefield State University off-campus housing programs must submit a non-discriminatory pledge to the Coordinator of off-campus housing before their housing may be listed.

SUMMARIES OF NON-DISCRIMINATION LAWS, GUIDELINES, & EXECUTIVE ORDERS

In combating discrimination and the potential continuing effects of past discrimination, one of the first steps is to understand the equal opportunity laws and regulations which protect citizens. Cited below are summaries of major laws, guidelines, and executive orders which serve as the basis for the Bluefield State University *Affirmative Action Plan*.

Accommodations of Special Religious Holidays - Recognizing that some employees may observe religious holidays not included on the list of Bluefield State University recognized holidays, the College, in accordance with legal guidelines, will consider such needs by granting reasonable time off to employees as long as it does not cause undue operational problems and hardships within the division or unit. Time off granted to administrators and classified employees for the observance of special days shall be charged to annual leave or to accumulated compensatory time off credits.

Age Discrimination in Employment Act (ADEA) makes it illegal for employers to discriminate against any person on the basis of their age exceeding 40 years. Administration of the Act originally was the responsibility of the Wage and Hour Division of the Department of Labor, but in July 1979, this responsibility was transferred to the Equal Employment Opportunity Commission.

Americans with Disabilities Act, Title I, covers employment provisions prohibiting discrimination in any terms or conditions of employment for qualified individuals with a disability.

Equal Pay Act of 1963, as amended by Education Amendment of 1972 (Higher Education Act), prohibits discrimination in salaries (including almost all fringe benefits) on the basis of sex. Employees performing essentially equal work receive equal pay and other compensation. Salaries do not differ because of any difference in race, color, age, religion, sex, sexual orientation, or national religion, disability, or familial status. The Equal Pay Act is administered by the Equal Employment Opportunity Commission.

Executive Order 11246, as amended by Executive Order 11375 in 1967, as amended by Executive Order 11478, Executive Order 13665 and Executive Order 13672 in 2014, prohibits discrimination in employment decisions (including the hiring, upgrading, salaries, fringe benefits, training and other conditions of employment) on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin by institutions with federal contracts over \$10,000 over a 12-month period. Also prohibits federal contractors and subcontractors from, under certain circumstances, taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or the pay of their co-workers. Executive Order 11246 embodies two concepts: Non-discrimination and Affirmative Action.

Non-discrimination requires the elimination of all existing discriminatory conditions, whether purposeful or inadvertent. A contractor (College) must carefully and systematically examine all of its employment policies to be sure they do not, if implemented as stated, operate to the detriment of any person on the grounds of race, color, religion, sex, sexual orientation, gender identity or national origin. A contractor also must ensure that the practices of those responsible in matters of employment, including all supervisors, are non-discriminatory.

Affirmative Action requires that a contractor do more than ensure employment neutrality with regard to race, color, religion, sex, sexual orientation, gender identity or national origin. Affirmative action requires the employer to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer. The premise of the affirmative action concept of the Executive Order is that unless positive action is undertaken to overcome the effects of systemic institutional forms of exclusion and discrimination, benign neutrality in employment practices will tend to perpetuate the status quo indefinitely.

Executive Order 11246, effective February 20, 1973, requires that positive action be taken to ensure equal employment opportunities for members of various religious and ethnic groups, primarily, but not exclusively, of Eastern, Middle, and Southern European ancestry such as Italians, Greeks, Slavs, Jews, and Catholics. The guidelines are administered by the Office of Federal Contract Compliance Programs, U.S. Department of Labor.

Immigration Reform and Control Act of 1986 protects an alien lawfully in the United States and legally employable under Immigration and Naturalization Service regulations in the same manner as United States Citizens from discrimination in employment and equal opportunity to programs.

Public Law 93-516, as amended and otherwise known as the Rehabilitation Act of 1973, states that government contractors must agree to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination

based upon their mental or physical impairment(s) in all employment practices, such as employment, upgrading, demotion and transfer, recruitment and advertising, layoff or termination, rates of pay and other forms of compensation, and selection for training including outreach and position recruitment programs.

The regulations define the term 'disabled individuals' as any person who: (1) has a physical or mental impairment(s) which substantially limits one or more major life activities, including communication, ambulation, self-care, socialization, education, vocational training, employment, transportation, or adapting to housing – especially those life activities that affect employability; (2) has a record of such impairment(s), even if they are completely recovered from a previous physical or mental impairment(s); or (3) is perceived by employers or supervisors as having such impairment(s), whether or not such impairment(s) exists.

The successful disabled applicant, as with all applicants, must possess sufficient work capacity to match the job duties and requirements consistent with his or her interests, capabilities, and limitations. The Rehabilitation Act is administered by the Office of Federal Contract Compliance Programs, U.S. Department of Labor.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by educational programs receiving federal funds. This legislation provides coverage for students and others, and it relates directly to the availability of activities, services and curriculum to all persons affiliated or seeking affiliation with the institution. It is administered by the Office of Civil Rights.

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination in employment (including the hiring, upgrading, salaries, fringe benefits, training and all other conditions of employment) on the basis of race, color, religion, national origin, or sex. It is administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 (Higher Education Act) prohibits sex discrimination against students or others in educational programs or activities. Patterned after Title VI of the Civil Rights Act, Title IX states that no person shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. It is administered by the Office of Civil Rights, US Department of Education.

Title XII (Section 799a) and Title VIII (Section 845) of the Public Health Service Act, as amended by the Comprehensive Health Manpower Training Act and the Nurse Training Amendments Acts of 1971, prohibit sexually discriminatory admission of students to federally assisted health personnel training programs and sexually discriminatory practices affecting employees who work directly with students or prospective students in such programs. It is administered by the Office of Civil Rights, US Department of Education.

West Virginia Human Rights Act of 1967 as amended is the public policy of the State of West Virginia to provide all of its' citizens equal opportunity for employment and equal access to places of public accommodations without regard to race, religion, color, national origin, ancestry, sex, age, blindness, disability or familial status. Non-discrimination also extends to

conditions of hiring, tenure, compensation, training, etc. The West Virginia Human Rights Act is administered by the West Virginia Human Rights Commission.

Vietnam Era Veterans Readjustment Act of 1974 requires all federal contractors, including higher education institutions, to refrain from discrimination in employment against disabled veterans and veterans of the Vietnam Era, disabled veterans, recently separated veterans, and other protected veterans. This law is administered by the Office of Federal Contract Compliance Programs, U.S. Department of Labor.

ADDITIONAL REFERENCES

The following West Virginia Higher Education Policy Commission Rule and Bluefield State University policies further affirm Bluefield State University's commitment to equal opportunity and affirmative action, and prohibiting discrimination or harassment. Bluefield State University policy references may be excerpted. For complete policy language, please visit the Bluefield State University "Policies" webpage at <https://www.bluefieldstate.edu/resources/board-governors/policies>.

WVHEPC SERIES 40: EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

TITLE 133 PROCEDURAL RULE WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 40 EQUAL OPPORTUNITY and AFFIRMATIVE ACTION

§133-40-1. General.

- 1.1. Scope. This rule establishes equal opportunity and affirmative action policy.
- 1.2. Authority. West Virginia Code '18B-1-6 and §18B-1B-5.
- 1.3. Filing Date. October 7, 2013.
- 1.4. Effective Date. -- December 1, 2019.
- 1.5. Repeal of Former Rule. -- Repeals and replaces Title 133, Series 40 which had an effective date of November 7, 2013.

§133-40-2. General Policy.

- 2.1. It shall be the policy of the West Virginia Higher Education Policy Commission (Commission) to provide equal employment opportunities to all qualified employees and applicants and to prohibit discrimination or harassment against any such individuals on the basis of protected characteristics. The Commission considers race, color, religion, sex/gender, national origin, ancestry, age, blindness, disability, pregnancy, genetic information, sexual orientation, gender identity, veteran or military status or other category that is protected under federal, State, or local anti-discrimination laws as protected characteristics and will not permit discrimination or harassment against any employee or applicant for employment on the basis of any such characteristic. The Commission will conform both to the letter and the spirit of the law and regulations with respect to prohibiting any such discrimination or harassment and will encourage and support voluntary affirmative action where necessary to ensure that institutions employ, advance in employment and treat all qualified persons without discrimination in any employment practices.
- 2.2. The scope of this policy prohibiting discrimination and harassment extends, but is not limited to, the following: recruitment, employment, promotion, transfer, training, working conditions, wage and salary administration, benefits, discipline, promotion, transfer, layoff, termination processes, and the application of all other employment-related policies. These principles of non-discrimination and anti-harassment also apply to the selection and treatment of independent contractors, personnel working on Commission premises, and any other persons or firms doing business with the Commission.
- 2.3. Under the Commission's and Council's additional authority to allocate specified functions and responsibilities among the institutions within the jurisdiction of the Commission and Council, each institution shall accept primary and long-term responsibility for the development and implementation of equal employment opportunity and where necessary, affirmative action policies consistent with the Commission's guidance and all applicable laws and regulations.
- 2.4. Each institution and the Commission shall take the initiative in developing or modifying their own plans to achieve compliance with the equal employment opportunity and affirmative action policy of the Commission as well as those of the State and federal governments. The president of each institution shall, through appropriate means, establish and maintain a positive program of equal employment opportunity and affirmative action within her/his jurisdiction in accordance with all laws and regulations applicable to the institution. The equal employment opportunity and affirmative action goals of the institution must be integrated into and consistent with other performance goals of the institution. The realistic goals and timetables of each institution shall be vigorously pursued to achieve a proportional representation of minorities and women in the workforce based on availability within the relevant workforce recruitment

markets. The effective pursuit of affirmative action requires not only the adoption of an adequate plan, but also results-oriented procedures designed to ensure the involvement of managers at all levels of each institution.

HIRING PROCEDURES

BLUEFIELD STATE COLLEGE BOARD OF GOVERNORS POLICY NO. HR-713

POLICY NO. HR-713: RECRUITMENT AND HIRING POLICY SECTION 1. GENERAL

1.1 Purpose: The purpose of this policy is to assure that Bluefield State College employs the highest quality of faculty, staff and administrators to accomplish its mission.

1.2 Scope: This policy establishes the hiring procedures of faculty, non-classified employees and classified employees for regular positions within Bluefield State College.

SECTION 2. HIRING PROCEDURES

2.1 Because the success of Bluefield State College is directly dependent on the quality of its employees, the recruitment and hiring for all positions at Bluefield State College, below that of the President, shall be the responsibility of the President who is responsible to the Board of Governors for the success of the College. The President or his or her designee shall retain the sole responsibility for the hiring of the College's full and part-time employees in compliance with state and federal hiring requirements.

2.2 The President shall by executive order issue a procedure or procedures for the hiring of all full-time and part-time regular vacancies to provide Bluefield State College the most qualified person for each position while promoting equal employment opportunity to all qualified individuals. Such hiring procedures may vary between different types of positions, and may exclude such types of positions as employees who report directly to the president, adjunct faculty, visiting faculty, interim positions, temporary employees, independent contractors, casual employees, and student employees. Such procedures shall not preclude the President or his or her designee from promoting an interim position to a fulltime position or from affirmatively recruiting a qualified person for a position.

2.3 Procedures - Relevant hiring procedures, resources and forms shall be posted electronically on the Bluefield State College, Office of Human Resources website.

Effective Date: November ____, 2020.

COMPLAINT PROCEDURES

BLUEFIELD STATE COLLEGE POLICY NO. HR-711: GRIEVANCE PROCEDURE

SECTION 1. GENERAL

1.1 Scope – This policy applies to all full-time and part-time regular employees of Bluefield State College. Temporary and student employees are not covered under this policy.

1.2 Authority – West Virginia Code §6C-3-4(b)

1.3 Filing Date –December 27, 2007

1.4 Effective Date –February 21, 2008

SECTION 2. DEFINITIONS

2.1 **Days:** Working days exclusive of Saturday, Sundays, or official holidays.

2.2 **Representative:** Any employee organization, fellow employee, legal counselor or other person or persons designated by the grievant as the grievant’s representative.

2.3 **Burden of Proof:** The grievant bears the burden of proving his or her case by a preponderance of the evidence, except in disciplinary matters, where the burden of proof is on the employer to prove that the action taken was justified. The preponderance standard generally requires proof that a reasonable person would accept as sufficient that a contested fact is more likely true than not.

SECTION 3. POLICY

3.1 Employees are entitled to review of concerns in a fair and expeditious manner to obtain resolution at the lowest possible administrative level. Employees have the statutory right to pursue resolution of work-related disputes alleging: inappropriate policy or law application; discrimination; harassment; favoritism; or, adverse affect to classroom instruction, job performance, or health or safety of students or employees; or reprisal, as defined by State law. Grievance issues do not include: any pension matter or other issue relating to retirement systems; any matter relating to public employees insurance; or any other matter in which authority to act is not vested in the employer.

3.2 An employee may have the assistance from a representative in the preparation and presentation of the grievance. Designated representatives may be present at any grievance-related meetings, or disciplinary meetings with the employee.

3.3 Grievances must be filed and responded to within the specified time lines* unless extended by mutual written agreement of the parties. All grievance responses will be written, dated, provide decision and rationale, and transmitted to the grievant and designated

representative in a timely manner. If the grievant is denied the requested relief, the decision must also include the name of the person at the next level to whom an appeal may be made.

3.4 Upon timely request in a grievance, an employee shall be allowed to intervene and become a party to a grievance at any level, when that employee claims the ruling in a grievance may substantially and adversely affect his or her rights or property and his or her interest is not adequately represented by the existing parties.

3.5 An employee may withdraw a grievance at any time by written notice to the level at which the grievance is currently at and a copy to Human Resources Office. The grievance may not be reinstated by the grievant unless reinstatement is granted by the grievance evaluator at the level where the grievance was withdrawn.

3.6 No reprisals shall be taken by an employer against a grievant, witness, representative, or other participant in the grievance procedure.

3.7 The grievant and/or the employee selected by a grievant to represent him or her in the processing of a grievance, are to be granted necessary time off during working hours for the grievance procedure without loss of pay and without charge to annual leave for a maximum of four hours for each person per grievance. This time is in addition to the time spent in grievance conferences and hearings. The day and time to use such leave is discretionary with the employer since his or her first responsibility is the work assigned by the employer as a public employee.

3.8 Grievance conference(s) and hearing(s) at Level I shall be conducted at the employee's work site or on other premises mutually agreeable to both parties. Conferences and hearings shall be held during regular working hours when the College normally conducts its external and internal business, with the understanding that conference(s) and hearing(s) might continue beyond normal working hours and that such time is not compensable.

*For specific forms, time lines and procedures see Procedural Rule WV Public Employee Grievance Board Series 1 at <http://pegboard.state.wv.us/> or the Bluefield State University Office of Human Resources.

HARASSMENT PREVENTION

BLUEFIELD STATE COLLEGE BOARD OF GOVERNORS POLICY 3

TITLE: HARASSMENT

SECTION 1. GENERAL

- 1.1 Scope: The purpose of this policy is to prescribe a work and educational environment where illegal harassment based on race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status, and protected activity (i.e., opposition to

prohibited discrimination/harassment or participation in the complaint process) or status explicitly defined as protected under applicable state and federal law as well as nondiscriminatory hostile workplace harassment does not occur. This policy shall cover all Bluefield State College employees including executive, administrative, faculty, classified, non-classified, temporary, students, student workers, independent contractors, and volunteers.

- 1.2 Authority: West Virginia Code § 18B-1-6; Office for Civil Rights of the U.S. of the Department of Education on the interpretation of the following: Title IX of the Education Amendments of 1972 and US Equal Employment Opportunity Commission (U.S.-EEOC) interpretative guidelines issued in March, 1980; and subsequent federal court decisions on the subject of sexual harassment.
- 1.3 Effective date: August 20, 2015
- 1.4 Filing date: October 28, 2015
- 1.5 BSC Policy Monitor: Assistant to the President for Equity, Diversity, and Inclusion

SECTION 2. POLICY

- 2.1 It is the policy of the Bluefield State College Board of Governors that the work and educational environment will be free from all forms of harassment of any employee, student, applicant for employment, student workers or contracted employee. Illegal harassment in any manner or form is expressly prohibited.

SECTION 3. RESPONSIBILITIES

- 3.1 This policy extends to employees while engaged in any work-/service-related activity during the performance of Bluefield State College business. Work-/service-related activities include, but is not limited to, conducting work/service, representing the State or the agency, receiving awards, speaking as a State or agency representative, and participating in activities when invited as a result of Bluefield State College service.
It is the responsibility of Bluefield State College to provide educational opportunities to create this environment and to take immediate and appropriate action when alleged harassment is reported.
 - 3.1.1 Further, this prohibition applies to independent contractors and volunteers while engaged in any Bluefield State College work-/service-related activity.
 - 3.1.2 The college takes workplace harassment seriously.
 - 3.1.2.1 Any employee found to be in violation of this policy will be subject to appropriate disciplinary action up to and including termination of employment.
 - 3.1.2.2 Any student found to be in violation of this policy will be subject to appropriate disciplinary action up to and including expulsion.
 - 3.1.2.3 Any employee or student found to have knowingly and willfully made false accusations against another employee or student will be subject to appropriate disciplinary action up to and including

termination of employment or expulsion.

- 3.2 Employees have the responsibility to:
 - 3.2.1 Refrain from all forms of harassment;
 - 3.2.2 Promptly report allegations or observations of harassment to their immediate supervisors or to the Office of Equity, Diversity, and Inclusion;
 - 3.2.3 Fully cooperate in and not interfere with any employer-authorized investigation;
 - 3.2.4 Not retaliate against those who participate in the complaint and/or investigation process;
 - 3.2.5 Ensure complaints are made in good faith and;
 - 3.2.6 Participate in required training.

- 3.3 Supervisors at every level are of primary importance in the implementation and enforcement of this policy and have the responsibility to:
 - 3.3.1 Monitor the work environment to ensure that it is free of harassment;
 - 3.3.2 Promptly refer allegations of harassment to the Office of Equity, Diversity, and Inclusion;
 - 3.3.3 Assist with any investigations as requested by the Office of Equity, Diversity, and Inclusion;
 - 3.3.4 Ensure that complainants, falsely accused individuals, and/or persons interviewed regarding complaints suffer no adverse impact in their employment;
 - 3.3.5 Ensure that all employees within their respective areas participate in appropriate training and;
 - 3.3.6 Communicate this policy to all of their respective employees.

SECTION 4. DEFINITIONS

- 4.1 “Protected Category” means a category under which an individual falls or is perceived to fall that is protected under federal, state, or local anti-discrimination laws, including race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status.

- 4.2 Discrimination - Discrimination is conduct that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a program or activity based upon an individual’s race, color, religion, creed, political belief or affiliation, sex, national origin, age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status.

- 4.3 Workplace Harassment Definition - Workplace harassment is any unwanted or undesirable conduct that demeans or shows hostility toward another person at the workplace. Workplace Harassment may include but is not limited to:
 - 4.3.1 Hostile Work Environment, which consists of harassment based on race, color, religion, creed, political belief or affiliation, sex, national origin,

age, mental or physical disability, genetic information, sexual orientation, marital status, gender identity and expression, and veteran status, and protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process), or status explicitly defined as protected under applicable state and federal law.

4.3.2 Bullying, which consists of outrageous behavior that deliberately causes extreme physical and/or emotional distress. Such conduct involves the repeated unwelcome mistreatment of one or more employees/students often involving a combination of intimidation, humiliation, and sabotage of performance which may include, but is not limited to:

- a. Unwarranted constant and destructive criticism;
- b. Singling out and isolating, ignoring, ostracizing, coercing, etc.;
- c. Persistently demeaning, patronizing, belittling, and ridiculing; and/or;
- d. Threatening, shouting at, and humiliating, particularly in front of others.

4.3.3 Cyber-bullying, which involves the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others.

4.4 Sexual Harassment Definition (EEOC: N-915-050) - Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

4.4.1 submission to such conduct is an explicit or implicit condition of employment;

4.4.2 submission to or rejection of such conduct is used as the basis for employment decisions; or

4.4.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work or educational environment.

4.4.4 Quid Pro Quo Sexual Harassment: Meaning “this for that” or “something for something,” a type of illegal sexual harassment in which the satisfaction of a sexual demand is used as the basis of a tangible employment action.

4.5 “Intimidation” means implied threats or acts that cause imminent fear of harm in another on the basis of actual or perceived membership in a Protected Category.

4.6 “Retaliation” means any adverse employment action taken against a person who complained about harassment, supported a complainant involving harassment, or who participated in the investigation of a claim of harassment because of that person’s participation in filing the complaint of harassment, supporting a complainant involving harassment, or for participating in the investigation of a claim of harassment.

- 4.7 “Hostile Environment” means an environment created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive and objectively offensive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.

SECTION 5. FILING OF COMPLAINTS

- 5.1 The filing of complaints of workplace harassment should be directed to the Office of Equity, Diversity, and Inclusion. If the complaint is against the Office of Equity, Diversity, and Inclusion, the complaint should be directed to the Office of Human Resources.
- 5.2 The filing of complaints of harassment by or about students should be directed to the Office of the Vice President for Student Affairs and Enrollment Management.

SECTION 6. ADDITIONAL RESOURCES

- 6.1 While an individual alleging illegal harassment has a duty to promptly file complaints with their immediate supervisor and the Office of Equity, Diversity, and Inclusion, the individual also has the right to file such complaints with:
- 6.1.1 The United States Department of Education Office of Civil Rights is responsible for enforcing Title IX. Additional information about Title IX and the Office of Civil Rights’ complaint procedure which may be utilized in addition to the procedures set forth in this policy, is available at:
- Office of Civil Rights
U.S. Department of Education
100 Penn Square East, Suite 515 Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Fax: 215-656-8605;
TDD: 877-521-2172 Email: OCR_Philadelphia@ed.gov
Website: <http://www2.ed.gov/>
- 6.1.2 Additional information about federal anti-discrimination/harassment/retaliation laws and complaint procedures may be directed to:
- United States Equal Employment Opportunity Commission
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Telephone: 866-408-8075
Fax: 215-440-2606
TTY: 800-669-6820
Website: <http://www.eeoc.gov/>
- 6.1.3 Additional information about State anti-discrimination/harassment and retaliation laws and complaint procedures is available from:

The West Virginia Human Rights Commission

1321 Plaza East – Room 108A
Charleston, WV 25301
Telephone: 304-558-2616
Toll Free: 888-676-5546
Fax: 304-558-0085
Website: <http://www.hrc.wv.gov/Pages/default.aspx>

6.1.4 Additional information on the prevention and elimination of unlawful employment discrimination in the state of West Virginia:

State of West Virginia Equal Employment Opportunity Office
500 Dee Drive
Charleston, WV 25311
Telephone: 304-558-0400
Fax: 304-558-3861
<http://www.eeo.wv.gov/>

FACULTY PROMOTION, TENURE, EVALUATION AND GRIEVANCE PROCEDURES

BLUEFIELD STATE COLLEGE POLICY NO. FC-403: ACADEMIC FREEDOM, PROFESSIONAL RESPONSIBILITY, PROMOTION, AND TENURE

SECTION 1. GENERAL

1.1 Scope - This policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment or dismissal of faculty, and grievance procedures for matters pertaining to faculty.

1.2 Authority - W. Va. Code § 18B-1-6, §18B-1B-4 and §18B-7-4

1.3 Filing Date – November 16, 2006

1.4 Effective Date – June 20, 2013

SECTION 7. PROMOTION IN RANK

7.1. Within the following framework, the baccalaureate college shall maintain, in cooperation with the faculty or duly-elected representatives of the faculty, guidelines and criteria for promotion in rank for tenured, tenure-track, clinical-track, and non-tenure track faculty:

7.1.1. There shall be demonstrated evidence that promotion is based upon a wide range of criteria, established in conformance with this document and appropriate to the mission of the institution. Examples include, but are not limited to: excellence in teaching; publications and research; professional and scholarly activities and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college, or department; significant service to the community; experience in higher education and at the

institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; continued professional growth; and service to the people of the State of West Virginia. Ultimate authority regarding the application of guidelines and criteria relating to promotion shall rest with the President.

7.1.2. There shall be demonstrated evidence that, in the process of making evaluations for promotions, there is participation of persons from several different groups, such as: peers from within and without the particular unit of the institution, supervisory administrative personnel such as the department/division chairperson, and students.

7.1.3. There shall be no practice of granting promotion routinely or solely because of length of service, or of denying promotion capriciously.

7.1.4. The institution shall provide copies of its institutional guidelines and criteria for promotion to the Policy Commission and shall make available such guidelines and criteria to its faculty.

7.2. Promotion shall not be granted automatically, but shall result from action by the institution, following consultation with the appropriate academic units.

SECTION 9. TENURE

9.1. Tenure is designed to ensure academic freedom and to provide professional stability for the experienced faculty member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system. Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional duties and responsibilities. Tenure applies to those faculty members who qualify for it and is a means of making the profession attractive to persons of ability. The College shall maintain, in cooperation with the faculty or duly-elected representatives of the faculty, guidelines and criteria for the award of tenure. There shall be demonstrated evidence that tenure is based upon a wide range of criteria such as: excellence in teaching; publications and research; professional and scholarly activity and recognition; accessibility to students; adherence to professional standards of conduct; effective service to the institution, college and department; significant service to the community; experience in higher education and at the institution; possession of the earned doctorate, special competence, or the highest earned degree appropriate to the teaching field; continued professional growth; and service to the people of the State of West Virginia. Ultimate authority regarding the application of guidelines and criteria relating to tenure shall rest with the President.

9.2. In making tenure decisions, careful consideration shall be given to the tenure profile of the institution, projected enrollment patterns, staffing needs of the institution, current and projected mission of each department/division, specific academic competence of the faculty member, and preservation of opportunities for infusion of new talent. The President and academic officers shall be mindful of the dangers of losing internal flexibility and institutional accountability to the citizens of the State as the result of an overly tenured faculty.

9.3. Tenure shall not be granted automatically, or solely because of length of service, but shall result from action by the institution, following consultation with appropriate academic units.

9.4. Tenure may be granted at the time of the appointment by the President, following consultation with appropriate academic units.

9.5. Tenure may be attained only by faculty who hold the rank of Assistant Professor or above.

9.6. A faculty member who has been granted tenure shall receive yearly renewals of appointment unless dismissed or terminated for reasons set out in Sections 12, 13, or 14 below.

SECTION 10. TENURE-TRACK STATUS

10.1. When a full-time faculty member is appointed on other than a clinical-track, or non-tenured-track or tenured basis, the appointment shall be tenure-track.

10.2. During the tenure-track period, the terms and conditions of every reappointment shall be stated in writing, with a copy of the agreement furnished the individual concerned.

10.3. The maximum period of tenure-track status normally shall not exceed seven years. Before completing the penultimate year (the "critical year") of a tenure-track appointment, any non-tenured faculty member shall be given written notice of tenure, or offered a one-year written terminal contract of employment. During the tenure-track period, faculty members may be granted a tenured appointment before the sixth year of service, such an appointment is to be based upon criteria established by the institution and copies provided to the Policy Commission.

10.3.1 Institutions may establish policies to accommodate unusual situations, such policies to be approved by the Governing Board and reported to the Policy Commission.

10.4. During the tenure-track period, contracts shall be issued on a year-to-year basis, and appointments may be terminated at the end of the contract year. During said tenure-track period, notices of non-reappointment may be issued for any reason that is not arbitrary, capricious, or without factual basis. Any documented information relating to the decision for non-retention or dismissal shall be provided promptly to the faculty member upon request.

10.5. For those appointed on or before March 8, 2003 after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the tenure-track faculty member shall be notified in writing of the decision:

10.5.1 By letter post-marked and mailed at least no later than December 15 of the second academic year of service; and

10.5.2. By letter post-marked and mailed at least one year before the expiration of an appointment after two or more years of service in the institution.

10.6. For those appointed after March 8, 2003, after the decision regarding retention or non-retention for the ensuing year has been made by the institution's president or designee, the

tenure-track faculty member shall be notified in writing of the decision by letter postmarked and mailed no later than March 1.

10.7. Notice of non-retention shall be mailed "Certified Mail-Return Receipt Requested."

10.8. Failure to provide timely notice of non-retention to tenure-track faculty would lead to the offer of renewal of appointment for an additional year, but would not prejudice further continuation after that additional year.

10.9. Faculty appointed at times other than the beginning of the academic year may request to have those periods of appointment equal to or greater than half an academic year considered as a full year for tenure purposes only. Tenure-track appointments for less than half an academic year may not be considered time in probationary status.

10.10. Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by requesting a statement of reasons and then filing a grievance as provided in Section 15 of this policy. The request for a statement of reasons shall be in writing and mailed to the President or designee within ten working days of receipt of the notice of non-retention.

SECTION 11. FACULTY EVALUATION

11.1. All faculty shall receive a yearly written evaluation of performance directly related to duties and responsibilities as defined by the institution.

11.2. Evaluation procedures shall be maintained and published with other faculty personnel policies and a copy sent to the Policy Commission and filed in the Central Office. Such procedures must be multidimensional and include criteria such as peer evaluations, student evaluations, and evaluations by immediate supervisors.

SECTION 15. FACULTY GRIEVANCE PROCEDURE

15.1. A faculty member wishing to grieve or appeal any action of the institution or Governing Board may utilize the procedures set out in W. Va. Code §29-6A.

SECTION 16. INFORMAL PROCEDURES FOR CONFLICT RESOLUTION

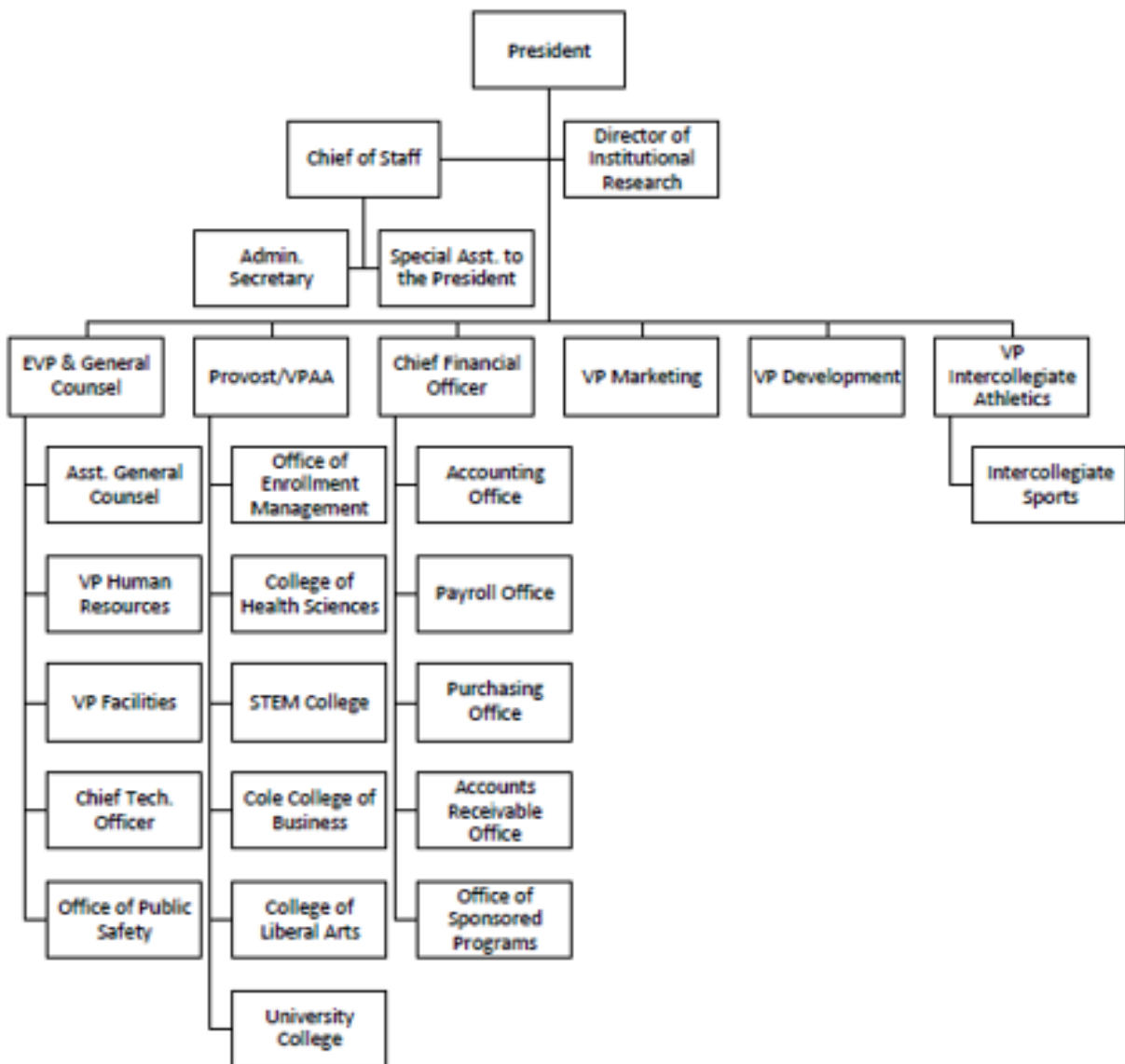
16.1. The President may provide alternative procedures to those set out in West Virginia Code §29-6A for the resolution of conflicts.

DISCLAIMER

For the purposes of this report, the term "Bluefield State University" includes any of its divisions or subsidiaries. This *Affirmative Action Plan* contains information and data which is based on confidential, trade secret, commercial, and private information of Bluefield State University which is protected from disclosure by the Office of Federal Contract Compliance Programs

pursuant to the Trade Secrets Act, 18 U.S.C. § 1905. The release of this information could cause substantial harm to Bluefield State University or its employees within the meaning of the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552(b)(3), (4), and (7) and the Trade Secrets Act. FOIA protects information in this document from mandatory disclosure to FOIA requestors. See, e.g., *Chrysler v. Brown*, 441 U.S. 281 (1979). Furthermore, release of any trade secret, confidential statistical or commercial information would be arbitrary and capricious in violation of the Administrative Procedure Act. See, e.g., *CNA Financial Corp. v. Donovan*, 830 F.2d 1132, 1144 (D.C. Cir.), cert. denied, 485 U.S. 977 (1988).

APPENDIX 1: ORGANIZATIONAL CHART



Note: The Bluefield State University Organizational Chart may be subject to change with or without notice.