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## **Affirmative Action Program for Minorities and Women**

**West Virginia Higher Education Policy Commission**

**West Virginia Council for Community and Technical College Education**

**Affirmative Action Plan  
for  
Minorities and Women**

**May 1, 2020 through April 30, 2021  
Plan Year**

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**West Virginia Higher Education Policy Commission  
West Virginia Council for Community and Technical College Education**

**AFFIRMATIVE ACTION PLAN  
FOR  
MINORITIES AND WOMEN**

**May 1, 2020 through April 30, 2021  
Plan Year**

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## **Introduction**

West Virginia Higher Education Policy Commission (WVHEPC) has prepared this Affirmative Action Plan (AAP) for the period of May 1, 2020 through April 30, 2021, reaffirming its commitment to the spirit and letter of affirmative action law, including those administered by the U. S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). Through the implementation of this plan WVHEPC continues its efforts to comply with appropriate government regulations and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this plan WVHEPC recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

## **Reaffirming Commitment to Equal Employment Opportunity**

In setting forth this plan WVHEPC reaffirms its belief in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment.

Dr. Sarah Tucker, Chancellor of WVHEPC, designated Patricia Humphries as the Equal Employment Opportunity Administrator (EEO Administrator). Patricia Humphries oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. The EEO Administrator also analyzes WVHEPC's selection process in order to further the principles of equal employment opportunity.

As part of WVHEPC'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 age, ethnicity, disability status, national origin, race, religion, gender, sexual or gender orientation, marital status, and veteran status unless prohibited by law. Regular review by WVHEPC, as described in this AAP, helps to ensure compliance with this policy.

## **Internal Dissemination of EEO Policy**

### **41 C.F.R. § 60-1.42**

WVHEPC posts copies of the equal employment opportunity notices that comply with 41 C.F.R. § 60-1.42(a) in conspicuous places (including, where applicable, electronic websites) available to employees and applicants for employment. The following exemplify the methods and locations WVHEPC may use in its ongoing efforts to ensure continuing dissemination of its policy and plan, although WVHEPC may not always use each or any of the below methods, and it may use other methods not listed below:

1. Internal employee manuals contain the policy statement.
2. The policy statement is posted on bulletin boards accessible to employees.
3. WVHEPC references the policy and progress in its annual report, newspaper, magazine and other publications.
4. Orientation meetings for new employees and in-house employment-related training include references to WVHEPC's policy.
5. WVHEPC publications, if any, including those with photographs, generally feature individuals of diverse age, gender, race, color, national origin, gender identity, and sexual orientation where feasible.
6. Pertinent portions of WVHEPC's Affirmative Action Plan are available during regular business hours for inspection by employees and applicants for employment.

## **External Dissemination of EEO Policy**

### **41 C.F.R. § 60-1.41; 41 C.F.R. § 60-1.5**

1. In solicitations or advertisements for employees placed by or on its behalf, WVHEPC complies with at least one of the following methods regarding the dissemination of its equal employment opportunity clause:
  - a. WVHEPC states expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to age, ethnicity, disability status, national origin, race, religion, gender, sexual or gender orientation, marital status, or veteran status unless prohibited by law. 41 C.F.R. § 1.41(a).
  - b. WVHEPC uses display or other advertising that includes an appropriate insignia prescribed by the Deputy Assistant Secretary, subject to the provisions of 18 U.S.C. § 701. 41 C.F.R. § 1.41(b).

- c. WVHEPC uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to age, ethnicity, disability status, national origin, race, religion, gender, sexual or gender orientation, marital status, or veteran status unless prohibited by law. 41 C.F.R. § 1.41(c).
  - d. WVHEPC uses a single advertisement in which appears in clearly-distinguishable type the phrase “an equal employment opportunity employer.” 41 C.F.R. § 1.41(d). When pictures are included in these media, where feasible, efforts will be made to include pictures of individuals of diverse gender, race, national origin, sexual orientation and age.
- 2. The following exemplify the methods and locations WVHEPC may use in its ongoing efforts to ensure continuing dissemination of its policy and plan, although WVHEPC may not always use all of the below methods, and it may use other methods not listed below:
  - a. WVHEPC notifies subcontractors, suppliers and vendors of the policy about both its obligations to equal employment opportunity and about WVHEPC’s plan.
  - b. WVHEPC advises recruitment sources, minority and female organizations, community agencies, leaders, secondary schools and colleges annually in writing of its commitment to this policy and plan. WVHEPC informs these sources that job applicants will be treated fairly without regard to their age, ethnicity, disability status, national origin, race, religion, gender, sexual or gender orientation, marital status, gender identity, or veteran status.
  - c. WVHEPC communicates with the state employment security office in writing regarding the policy.
  - d. WVHEPC advises prospective employees of the existence of the AAP and makes pertinent portions of it available upon request, during regular business hours.
- 3. In addition, WVHEPC incorporates by reference the equal employment opportunity and affirmative action clauses into each of its covered Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes and such other contracts and subcontracts as required by law, purchase orders, lease agreements, Government contracts, and other covered contracts (and modifications thereof if not included in the original contract) in accordance with 41. C.F.R. § 60-1.4 (a) – (c) (unless exempted under 41 C.F.R. § 60-1.5).

## **Establishment of Responsibility for Implementation of the Plan**

### **41 C.F.R. § 60-2.17(a)**

#### **A. Identification and Responsibilities of EEO/AA Administrator**

Overall responsibility for WVHEPC's plan rests with the EEO Administrator, Patricia Humphries. Patricia Humphries ensures that the plan complies with all applicable laws, orders and regulations, including but not limited to, Executive Orders 11246, 13496, and their progeny. Specifically, Patricia Humphries or the designated representative's duties include:

1. Developing, maintaining and, where appropriate, modifying WVHEPC's plan to ensure compliance with the EEO/AA law.
2. Developing, and where appropriate, modifying procedures for effectively communicating the plan and its elements both internally and externally.
3. Advising management on EEO/AA progress, reporting potential EEO/AA problem areas, and assisting management in finding equitable solutions, where feasible, to any identifiable EEO/AA problem areas.
4. Evaluating the effectiveness of WVHEPC's plan on a regular basis, and reporting to management.
5. Designing, implementing, and overseeing audit and reporting systems that periodically measure the effectiveness of the total affirmative action program. 41 C.F.R. § 2.17 (d) (1)-(4), identifying need for remedial action, and determining the degree to which objectives have been achieved.
6. Acting as the representative and liaison with any government agencies regarding this plan.
7. Monitoring the policies and procedures with regard to terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
8. Auditing the content of WVHEPC's bulletin board, and electronic policies, as appropriate, to ensure compliance information is posted and up to date.
9. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
10. Serving as a liaison between WVHEPC and organizations, such as minority organizations and women's organizations.
11. Assisting in the investigation, handling and disposition of employee harassment and discrimination complaints.
12. Discussing EEO/AA policies with all personnel, including management, to ensure that WVHEPC's policies and the need for their support are understood at all levels.



13. Reviewing WVHEPC's AAP for qualified women and minorities with all managers and supervisors to ensure the policy is understood and followed in all personnel actions.
14. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, comparable facilities for both sexes, and opportunity for participation in college-sponsored recreational, educational and social activities.
15. Auditing training programs, hiring, and promotion patterns.

**B. Management Responsibilities**

Line and upper management share responsibility for the plan, including but not limited to the following:

1. Assisting in auditing plan progress, including identifying problem areas, formulating solutions, establishing appropriate goals, and developing necessary training programs.
2. Reviewing the qualifications of applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner in hiring, promotion, transfers, and termination actions.
3. Making available career counseling, when appropriate.
4. Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee and his or her duties.
5. Reviewing position descriptions of the jobs in the manager's area or department to see that they adequately reflect the job to be performed.
6. Assisting subordinates and upper management in the prevention of harassment.

## **Identification of Areas for Discussion**

### **41 C.F.R. § 60-2.17(b)**

WVHEPC's commitment to fully implement this policy and plan include periodic reviews of mission critical workforce factors in a number of ways, including performing an in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunity exist. These analyses include:

1. The workforce by organizational unit and job group of minority or female utilization and distribution;
2. Personnel activity to determine whether there are selection disparities;
3. Compensation systems to determine if there are gender-, race-, or ethnicity-based disparities;
4. Selection, recruitment, referral, and other personnel procedures to determine whether they result in employment or placement disparities of minorities or women; and,
5. Any other areas that might impact the success of the affirmative action program. 41 C.F.R. § 2.17 (b)(1)-(5), including, for example, WVHEPC's review of:
  - a. The workforce composition by race and sex to compare it to the availability of these groups;
  - b. WVHEPC's applicant flow compared to the availability for the protected groups;
  - c. A comparison of hires to applicants pertaining to minorities and women;
  - d. Compensation system(s) to determine whether there are gender-, race-, or ethnicity-based disparities;
  - e. Selection forms, such as applications for employment, to ensure they comply with federal and state employment laws;
  - f. Processes to ensure there are no artificially-created barriers or restrictive seniority provisions; and,
  - g. Training opportunities to ensure they are available to minorities and women.

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

## **Narrative Discussion of Goals**

The West Virginia Higher Education Policy Commission plan has 69 employees, including 6 minorities and 47 females. There were no goals for minorities and/or women in this plan.

- 1 - Executive/Administrative/Managerial - This group consists of 19 employees, of whom 1 is a minority and 11 are females. There is no need to set a placement goal at this time for minorities or females.
- 3 - Professional Non-Faculty - This group consists of 34 employees, of whom 2 are minorities and 24 are females. There is no need to set a placement goal at this time for minorities or females.
- 4 - Clerical and Secretarial - This group consists of 3 employees, of whom 1 is a minority and 3 are females. There is no need to set a placement goal at this time for minorities or females.
- 5 - Technical and Paraprofessional - This group consists of 13 employees, of whom 2 are minorities and 9 are females. There is no need to set a placement goal at this time for minorities or females.

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

## **Development & Execution of Action-Oriented Programs**

### **41 C.F.R. § 60-2.17(c)**

WVHEPC has instituted action-oriented programs designed to eliminate any problem areas, should they exist, in accordance with § 60-2.17(b), and to help achieve specific affirmative action goals. WVHEPC also makes a good-faith effort to remove identified barriers, expand employment opportunities, and produce measurable results. These programs may include items such as:

1. Conducting periodic reviews of job descriptions attempting to ensure they accurately reflect job-related duties and responsibilities.
2. Annually reviewing job qualifications by department and job title for job-relatedness, and using job performance criteria.
3. Making job descriptions and qualifications available to recruiting sources and to all members of management involved in the recruiting, screening, selection, and promotion processes.
4. Making good-faith efforts to select the most qualified candidates. WVHEPC recognizes the duty, should the need arise, to make good faith efforts to remedy any statistically significant underutilization of minorities and women. Accordingly, WVHEPC commits to evaluating the total selection process to ensure decisions are made in a nondiscriminatory manner through:
  - a. Reviewing the job applications and other pre-employment forms to ensure information requested is job-related;
  - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
  - c. 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 nondiscriminatory; and
  - d. Reviewing selection techniques and employment standards.
5. WVHEPC employs appropriate methods to attempt to improve recruitment and increase the flow of qualified minorities and women applicants in its recruiting process, including a number of the following actions:
  - a. Including the phrase, "Equal Opportunity/Affirmative Action Employer" in printed employment advertisements;
  - b. Placing help-wanted advertisements, when appropriate, in local minority news media and women's interest media;

- c. Disseminating information on job opportunities to organizations representing minorities, women, and employment development agencies when job opportunities occur;
  - d. Encouraging all employees to refer qualified applicants;
  - e. Actively recruiting in secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments where underutilization exists in such areas, and
  - f. Requesting employment agencies to refer qualified minorities and women.
  - g. WVHEPC considers using special employment programs designed to deal with underutilization. Business conditions and other feasibility matters remain the key factor in any decision to develop/implement such programs.
  - h. Whenever feasible and appropriate, WVHEPC participates in job fairs, career days, youth-motivation programs and other programs that foster exposure for qualified minorities and women.
  - i. WVHEPC encourages minorities and women to participate in college-sponsored activities and programs.
  - j. WVHEPC utilizes various community organizations and schools as referral sources.
6. WVHEPC reviews promotion criteria and procedures so that job qualifications form the basis for the promotional decisions without regard age, ethnicity, disability status, national origin, race, religion, gender, sexual or gender orientation, gender identity, marital status, or veteran status. WVHEPC monitors promotion rates for minorities and women and, when necessary, may employ one or more of the following procedures:
- a. Maintaining an inventory of current minority and women employees to determine special job-related talents, skills and experience.
  - b. Providing job training, job-related courses or certificate programs.
  - c. Reviewing work specifications and job qualifications to ensure job-relatedness.
  - d. Reviewing promotion decisions for possible impact on women or minorities.
  - e. Conducting career counseling, where appropriate, during performance evaluations.
  - f. Informing employees about educational programs and other opportunities available to improve their employment prospects.
  - g. Reviewing seniority practices for possible impact on women and minorities.
  - h. Reviewing college-sponsored social and recreational activities to ensure non-discriminatory participation and availability.

- i. Ensuring that all employees are given equal opportunity for promotion. This is achieved by:
  - 1. Generally posting or otherwise announcing most promotional opportunities.
  - 2. All vacant and newly created positions will be posted. Ensure all positions are posted on WVHEPC's intranet or sent by electronic email to employees. There may be simultaneous internal and external posting of these positions.
  - 3. Offering counseling to assist employees in identifying promotional opportunities, training and educational programs to enhance promotions and opportunities for job rotation or transfer; and
  - 4. Evaluating job requirements for promotion.
- j. The Chancellor has flexibility to appoint his/her immediate staff.

## **Internal Audit and Reporting System**

### **41 C.F.R. § 60-2.17(d)**

- 1. Patricia Humphries, WVHEPC's EEO/AA Administrator, maintains an internal audit system to attempt to oversee WVHEPC's Affirmative Action Plan and assess progress. The EEO Administrator is responsible for ensuring that the formal AAP documents are developed and prepared and for the effective AAP implementation; however, responsibility is likewise vested with each department manager and supervisor, depending upon the specific responsibility. The audit system is designed and implemented to measure the effectiveness of the total affirmative action program [41 C.F.R. § 2.17 (d)(1)-(4)], including:
  - a. Monitoring records of all personnel activity, including: referrals, placements, transfers, promotions, terminations, and compensation, at all levels, to ensure the nondiscriminatory policy is carried out,
  - b. Requiring internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained,
  - c. Reviewing reports at all levels of management; and
  - d. Advising top management of the program's effectiveness and submitting recommendations to improve unsatisfactory performance. 41 C.F.R. § 2.17 (d) (1)-(4).
- 2. WVHEPC reviews various employment decisions, such as job referrals, hiring decisions, transfers, promotions, and terminations. WVHEPC maintains summary data where necessary and feasible, and conducts regular reviews at least annually.

3. There is no "de facto" (in practice without being officially established) segregation. Further, WVHEPC ensures that facilities, as broadly defined in 41 C.F.R. § 60-1.8, provided for employees are provided in such a manner that segregation on the basis of age, ethnicity, disability status, national origin, race, religion, gender, gender identity, sexual or gender orientation, marital status, or veteran status cannot result, provided that separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to ensure privacy between the sexes.
4. WVHEPC complies with required records retention provisions set forth in 41 C.F.R. §60-1.12 and elsewhere in the applicable OFCCP regulations, and maintains a) employment applications (generally for two years); b) summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants, where necessary and feasible, and conducts regular reviews at least annually; c) applicant flow showing the name, race, sex, date of application, job title, interview status, and the action taken for all individuals applying for job opportunities, and the relevant applicant/hire decisions; d) summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification; e) and records pertaining to its compensation system.
5. Provide needed reports to managers and supervisors regarding the results of the audit as well as WVHEPC's overall progress in the area of EEO/AA. Any recommended actions should be made as well. Reports shall be made to senior management on at least an annual basis.

## **Guidelines for Prevention of Sex Discrimination**

### **41 C.F.R. § 60-20.1 et seq.**

WVHEPC supports the promotion and ensuring of equal employment opportunity of its employees and applicants without regard to sex, and endorses and complies with the following policy statements.

1. WVHEPC employment advertisements do not express a sex preference nor does WVHEPC place advertisements in columns designated "males" or "females," unless sex is a bona fide occupation obligation. 41 C.F.R. §60-20.2(a).
2. Employees of both sexes at WVHEPC shall have an equal opportunity to any available job that he or she is qualified to perform, unless sex is a bona fide occupation obligation. 41 C.F.R. §60-20.2.
3. WVHEPC maintains gender-neutral personnel policies that expressly indicate that there shall be no gender discrimination against employees. The terms and conditions of any written collective bargaining agreements shall not be inconsistent with these guidelines. 41 C.F.R. §60-20.3(a).
4. WVHEPC makes no distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment. 41 C.F.R. §60-20.3(c).
5. WVHEPC will not make any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex, or deny employment to women with young children unless it has the same exclusionary policies for men, or terminate

the employment of an employee of one sex in a job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex. 41 C.F.R. § 60.20.3(d).

6. WVHEPC has policies and practices to ensure appropriate physical facilities to both sexes. 41 C.F.R. § 60-20.3(e).
7. WVHEPC will not deny a female employee the right to any job she is qualified to perform in reliance on a State “protective” law regarding, for example, prohibiting women from performing work such as a bartender, or for working at jobs requiring more than a certain number of hours or lifting above a certain weight. 41 C.F.R. § 60-20.3(f).
8. WVHEPC endorses and complies with the 1978 Pregnancy Discrimination Act, as it amended Title VII of the Civil Rights Act of 1964. WVHEPC applies any leave of absence policy uniformly, regardless of sex. 41 C.F.R. § 60-20.3(g).
9. WVHEPC must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age. 41 C.F.R. § 60-20.3(h).
10. WVHEPC's seniority lines and lists must not be based on sex. 41 C.F.R. § 60-20.4.
11. WVHEPC's wage schedules are not related to or based on the sex of an employee. 41 C.F.R. § 60-20.5(a). Further, WVHEPC does not discriminatorily restrict one sex to certain job classifications, and instead must take steps to make jobs available to all qualified employees in all classifications without regard to sex. 41 C.F.R. § 60-20.5(b).
12. When appropriate, WVHEPC makes affirmative efforts to increase the number and percentage of women in the workforce, including, but not limited to the following:
  - a. WVHEPC recruits women and encourages existing women employees to apply for positions historically labeled by society as "traditionally male".
  - b. WVHEPC guarantees equal, gender-neutral access to training and tuition reimbursement programs, including management training, and other types of workplace training programs.
  - c. WVHEPC informs management of its affirmative action responsibilities. 41 C.F.R § 60-20.6.



## **Policy with Respect to Religion/National Origin**

### **41 C.F.R. § 60-50.1 et seq.**

Pursuant to the guidelines prohibiting discrimination on the basis of religion or national origin, 41 C.F.R. § 60-50.1, et seq., WVHEPC hereby reaffirms that it does not discriminate against employees, or applicants for employment, because of religion or national origin. WVHEPC takes affirmative action to seek to ensure that employees or applicants for employment are treated without regard to their religion or national origin in all aspects of the terms and conditions of employment, such as upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay (or other forms of compensation), and selection for training.

WVHEPC has reviewed its employment practices and determined that its employees, including those who belong to religious or ethnic groups, have received fair consideration for job opportunities. Based upon its review, and depending upon the circumstances, WVHEPC will undertake appropriate actions, which may include one or more of the following activities:

1. Issuing a policy directive to employees reaffirming the WVHEPC's obligation to provide equal employment opportunity without regard to religion or national origin. This policy will be communicated in such a manner as to foster understanding, acceptance, and support among executives, managers, supervisors, and other employees, and to encourage such persons to take the necessary action to aid WVHEPC in meeting its obligations.
2. Developing internal procedures to seek to ensure that WVHEPC's obligation to provide equal employment opportunity, without regard to religion or national origin, is being fully implemented. Specifically, employment activities are reviewed by the EEO Administrator.
3. Informing management annually of its commitment to equal employment opportunity, without regard to religion or national origin.
4. Enlisting the assistance and support of recruitment sources for this commitment.

WVHEPC acknowledges its responsibility to make reasonable accommodations for the religious observances and practices of its existing or prospective employees under the terms of Title VII of the Civil Rights Act of 1964. An accommodation for religious purposes will be denied should WVHEPC determine that it would have to suffer undue hardship. During this accommodation evaluation, the following factors will continue to be considered by WVHEPC:

1. Business necessity;
2. Financial costs and expenses; and
3. Resulting personnel problems.

## **Organizational Profile**

Contractors and subcontractors are required to include in their AAPs an organizational profile of their workforce using either a “workforce analysis” or “organizational display” that provides detailed data reflecting staffing patterns within the establishment. 41 C.F.R. § 60-2.11. An organizational profile shows the staffing pattern within a contractor’s establishment. This profile assists an employer in identifying where, in the workforce of its site which is the subject of this AAP, women or minorities are underrepresented or concentrated. A workforce analysis is used in this AAP, which lists each job title from the lowest paid to the highest paid within each department or similar organizational unit.

## Workforce Analysis

**Plan Date: 05/01/2020**

**West Virginia Higher Education Policy Commission**

*Administrative Services Division*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Senior IT Systems Administrator	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0		
Director of Administrative Services	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0		
Executive Vice Chancellor for Administration	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0		
Summary of Administrative Services Division		3	2	2	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

*Commission Office*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Director of Communications	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
<b>Summary of Commission Office</b>		1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

**West Virginia Higher Education Policy Commission**

*Commission Office and WV Council for Community and Technical College Education*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Interim Chancellor for WVHEPC and Chancellor for WV Council of Community &	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
<b>Summary of Commission Office and WV Council for Community and Technical College Education</b>		1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	

# Workforce Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Division of Academic Affairs

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Executive Administrative Assistant	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Director of Academic Progarmming	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Director of Statewide Academic Initiatives	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Director of Erma Byrd Center	1	1	0	0	0	0	0	0	0	0	1
			1	0	1	0	0	0	0	0	
Vice Chancellor for Academic Affairs	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Summary of Division of Academic Affairs		5	1	1	0	0	0	0	0	0	1
			4	3	1	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

## Division of Finance and Facilities

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Grant Resources Associate	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Accounting Assistant II	4	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Program Coordinator	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Accountant Senior	3	2	1	1	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Budget Officer	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Senior Director of Facilities	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Director of Procurement	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Director of Finance and Grants Compliance	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Vice Chancellor for Finance	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
<b>Summary of Division of Finance and Facilities</b>		10	3	3	0	0	0	0	0	0	0
			7	7	0	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

## Division of Financial Aid

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Administrative Associate	4	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Administrative Assistant Senior	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
FinanAid Manager	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Statewide Coordinator	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Financial Aid Counselor	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
WV Invests Grant Program Administrator	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
WV Educational Loan Program Administrator	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Senior Director of Financial Aid	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
<b>Summary of Division of Financial Aid</b>		8	2	2	0	0	0	0	0	0	0
			6	6	0	0	0	0	0	0	



## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

*Division of Health Sciences*

Lines of Progression: NO

[illegible]

# Workforce Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Division of Human Resources

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Human Resources Representative Senior	3	1	0	0	0	0	0	0	0	0	1
			1	0	1	0	0	0	0	0	
Program Coordinator Senior	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Director of Classification and Compensation	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Vice Chancellor for Human Resources	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Summary of Division of Human Resources		4	1	1	0	0	0	0	0	0	1
			3	2	1	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

## Division of Policy and Planning

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Institutional Research Analyst Senior	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Senior Programmer/Developer	5	2	1	0	0	0	1	0	0	0	1
			1	1	0	0	0	0	0	0	
Senior Research and Policy Analyst	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Senior Programmer and Data Analyst	5	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Post Doctoral Research and Policy Analyst	5	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
WV Statewide Longitudinal Education Data Project Manager	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Director of Information Systems	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Senior Director of Research and Policy	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
<b>Summary of Division of Policy and Planning</b>		9	5	4	0	0	1	0	0	0	1
			4	4	0	0	0	0	0	0	

# Workforce Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Division of Science and Research/EPSCoR

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Cyber Infrastructure Coordinator	5	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Communications Manager	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
First2 WV Network Program Coordinator	3	1	0	0	0	0	0	0	0	0	1
			1	0	1	0	0	0	0	0	
Education, Outreach and Diversity Manager	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Manager, Fiscal and Administrative Services	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Senior Director, Division of Science and Research	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Summary of Division of Science and Research/EPSCoR		6	1	1	0	0	0	0	0	0	1
			5	4	1	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

*Division of Student Affairs*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Coordinator of Access and Success Programs	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Coordinator of Technology and Digital Outreach	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Communications Specialist	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
coordinator of WV GEAR UP Transistion and First Year Programs	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Coordinator of Curriculum and Professional Development	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Coordinator of Research and Evaluation	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Assistant Director for WV GEAR UP	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Senior Director of Student Services	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
<b>Summary of Division of Student Affairs</b>		8	2	2	0	0	0	0	0	0	0
			6	6	0	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

## *Division of Student Affairs, Veterans' Education and Training*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Program Manager	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Director of Veterans' Education and Training Programs	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
<b>Summary of Division of Student Affairs, Veterans' Education and Training</b>			2	2	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	

# Workforce Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Legal Division

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Office Administrator	5	1	0	0	0	0	0	0	0	0	1
			1	0	1	0	0	0	0	0	
General Counsel	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Summary of Legal Division		2	0	0	0	0	0	0	0	0	1
			2	1	1	0	0	0	0	0	

## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

*West Virginia Center for Nursing*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Administrator, West Virginia Center for Nursing	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Summary of West Virginia Center for Nursing		1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	



## Workforce Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

*WV Council for Community and Technical College Education*

Lines of Progression: NO

Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Executive Assistant to the Chancellor	5	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Manager, Financial Aid Information Systems	3	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Project Director	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Director of Financial Aid for Community and Technical College Systems	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Project Director, AIM Grant	1	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Vice Chancellor, WV Council for Community and Technical College Education	1	1	1	1	0	0	0	0	0	0	0
			0	0	0	0	0	0	0	0	
Summary of WV Council for Community and Technical College Education		6	3	3	0	0	0	0	0	0	0
			3	3	0	0	0	0	0	0	

# Workforce Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

WV Higher Education Policy Commission Office											
Lines of Progression: NO											
Title	EEO	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Executive Secretary to the Chancellor	4	1	0	0	0	0	0	0	0	0	1
			1	0	0	0	0	0	0	1	
Board and Operations Coordinator	3	1	0	0	0	0	0	0	0	0	0
			1	1	0	0	0	0	0	0	
Summary of WV Higher Education Policy Commission Office		2	0	0	0	0	0	0	0	0	1
			2	1	0	0	0	0	0	1	

# Workforce Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Summary	69	22	21	0	0	1	0	0	0	6
		47	42	4	0	0	0	0	1	

## **Job Group Analysis**

Contractors and subcontractors are required to include in their AAPs a “job group analysis” by combining jobs at the establishment with similar content, wage rates, and opportunities to form job groups. 41 C.F.R. § 60-2.12. The job group analysis is a contractor’s first comparison of the representation of minorities and women in its workforce with the estimated availability of minorities and women to be employed. The job group is created by first sorting the various jobs at the establishment into job groups, which is a collection of jobs in an organization with similar job content (field of work and/or skill level), similar promotional opportunities, and similar compensation. The job groups then are developed to fit the unique characteristics of each organizational unit, taking into account the size, type, and complexity of the work performed. Contractors, after combining the job titles for the job group analysis, must then separately provide the percentage of minorities and the percentage of women they employ in each job group.

## Job Group Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

## 1 - Executive/Administrative/Managerial

Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Statewide Coordinator	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Assistant Director for WV GEAR UP	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Director of Erma Byrd Center	1	0	0	0	0	0	0	0	0	1
		1	0	1	0	0	0	0	0	
Director of Veterans' Education and Training Programs	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Director of Procurement	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Project Director	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Director of Finance and Grants Compliance	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Director of Financial Aid for Community and Technical College Systems	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Project Director, AIM Grant	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Senior Director of Financial Aid	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Vice Chancellor, WV Council for Community and Technical College Education	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
General Counsel	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	

# Job Group Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial										
Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Senior Director of Student Services	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Vice Chancellor for Human Resources	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Senior Director, Division of Science and Research	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Vice Chancellor for Finance	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Executive Vice Chancellor for Administration	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Vice Chancellor for Academic Affairs	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Interim Chancellor for WVHEPC and Chancellor for WV Council of Community &	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
<b>Summary of 1 - Executive/Administrative/Managerial</b>	19	8	8	0	0	0	0	0	0	1
		11	10	1	0	0	0	0	0	

## Job Group Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

### 3 - Professional Non-Faculty

Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Program Coordinator	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Human Resources Representative Senior	1	0	0	0	0	0	0	0	0	1
		1	0	1	0	0	0	0	0	
Accountant Senior	2	1	1	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Program Coordinator Senior	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
FinanAid Manager	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Financial Aid Counselor	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Coordinator of Access and Success Programs	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Coordinator of Technology and Digital Outreach	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Communications Specialist	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
coordinator of WV GEAR UP Transistion and First Year Programs	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Board and Operations Coodinator	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Communications Manager	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	

## Job Group Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

### 3 - Professional Non-Faculty

Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
First2 WV Network Program Coordinator	1	0	0	0	0	0	0	0	0	1
		1	0	1	0	0	0	0	0	
Program Manager	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Coordinator of Curriculum and Professional Development	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Coordinator of Research and Evaluation	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Education, Outreach and Diversity Manager	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
WV Invests Grant Program Administrator	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Budget Officer	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Manager, Financial Aid Information Systems	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Senior IT Systems Administrator	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Director of Behavioral Health Programs	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
WV Educational Loan Progam Administrator	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Director of Classification and Compensation	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	



# Job Group Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

3 - Professional Non-Faculty										
Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
WV Statewide Longitudinal Education Data Project Manager	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Director of Academic Progarmming	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Director of Communications	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Director of Statewide Academic Initiatives	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Manager, Fiscal and Administrative Services	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Director of Information Systems	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Senior Director of Research and Policy	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Director of Administrative Services	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Senior Director of Facilities	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
<b>Summary of 3 - Professional Non-Faculty</b>	34	10	10	0	0	0	0	0	0	2
		24	22	2	0	0	0	0	0	

# Job Group Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

4 - Clerical and Secretarial										
Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Administrative Associate	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Accounting Assistant II	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Executive Secretary to the Chancellor	1	0	0	0	0	0	0	0	0	1
		1	0	0	0	0	0	0	1	
Summary of 4 - Clerical and Secretarial	3	0	0	0	0	0	0	0	0	1
		3	2	0	0	0	0	0	1	

## Job Group Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

## 5 - Technical and Paraprofessional

Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Grant Resources Associate	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Office Administrator	1	0	0	0	0	0	0	0	0	1
		1	0	1	0	0	0	0	0	
Administrative Assistant Senior	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Executive Administrative Assistant	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Institutional Research Analyst Senior	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Executive Assistant to the Chancellor	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Senior Programmer/Developer	2	1	0	0	0	1	0	0	0	1
		1	1	0	0	0	0	0	0	
Senior Research and Policy Analyst	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Senior Programmer and Data Analyst	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Post Doctoral Research and Policy Analyst	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	
Administrator, West Virginia Center for Nursing	1	0	0	0	0	0	0	0	0	0
		1	1	0	0	0	0	0	0	
Cyber Infrastructure Coordinator	1	1	1	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	

# Job Group Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

5 - Technical and Paraprofessional										
Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Summary of 5 - Technical and Paraprofessional	13	4	3	0	0	1	0	0	0	2
		9	8	1	0	0	0	0	0	

# Job Group Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Title	Total	Male Female	White	Black	Hispanic	Asian	Native Hawaiian	Indian	Two or More	Minority
Summary	69	22	21	0	0	1	0	0	0	6
		47	42	4	0	0	0	0	1	

## **Availability Analysis**

Contractors and covered Federal subcontractors, after aggregating individual jobs into job groups, are then required to determine the availability of women and minorities for those job groups. 41 C.F.R. § 60-2.14. “Availability” is a percentage estimate of the women and minorities who have the skills required to perform the jobs within the job groups. To determine the availability percentages, contractors are required to consider two factors: 1) factors reflecting the availability outside the contractor’s workforce (such as people in the immediate labor area or reasonable recruitment area); and, 2) factors affecting the availability inside the contractor’s own workforce (such as people who are qualified and available by transfer, promotion, or training). Contractors typically rely on the most current U.S. Census data to develop their external availability factors, and on their own workforce numbers to develop their internal availability factors. Both external and internal factors must be considered, but contractors may “weight” each of the two factors according to each factor’s relevance to the job group in question. Such weighting is included in the following availability statistics for each job group.

After a contractor has formulated job groups and determined the minority and female availability percentages for each job group, it must then compare the actual utilization of minorities and women in each job group with their estimated availability, and identify those job groups where the percentage of women and/or minorities employed is less than would reasonably be expected given their availability. 41 C.F.R. § 60-2.15.

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

## 1 - Executive/Administrative/Managerial

Factor	Description	<u>Raw Statistics</u>			<u>Weighted Factor</u>		Source of Statistics	Reason for Weighting
		Minority	Female	Weight	Minority	Female		
<b>1</b>	The percentage of minorities or women with requisite skills in the RRA. The RRA is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the positions in question.	<b>18</b>	<b>54</b>	<b>95</b>	<b>17</b>	<b>52</b>	2010 Census EEO Special File for appropriate Occupational Titles. See supporting documents.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>2</b>	The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. Trainable refers to those employees that, with reasonably provided training, become qualified during the AAP year.	<b>6</b>	<b>71</b>	<b>5</b>	<b>0</b>	<b>4</b>	Incumbent work force for those Job Groups that constitute "feeders" to this Job Group.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>Job Group Size: 19</b>		<b>100</b>						
		<b>Final Availability (%)</b>			<b>17</b>	<b>55</b>		

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial				
Factor 1: External Availability				
External Availability from the RRA				
Census Areas for RRA		Value		
	United States	30		
	Census Codes used for RRA		Raw Statistics (%)	
			Minority	Female
				Value
0020	General and operations managers	19	29	1
0120	Financial managers	24	54	4
0136	Human resources managers	28	59	1
0150	Purchasing managers	21	45	1
0230	Education administrators	25	64	9
0430	Miscellaneous managers, including funeral service managers a	22	35	2
2100	Lawyers, and judges, magistrates, and other judicial workers	14	33	1
	West Virginia	70		
	Census Codes used for RRA		Raw Statistics (%)	
			Minority	Female
				Value
0020	General and operations managers	4	28	1
0120	Financial managers	3	63	4
0136	Human resources managers	9	53	1
0150	Purchasing managers	0	26	1
0230	Education administrators	5	56	9
0430	Miscellaneous managers, including funeral service managers a	6	33	2

RRA = Reasonable Recruitment Area



# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial				
Factor 1: External Availability				
2100 Lawyers, and judges, magistrates, and other judicial workers		4	28	1
Ohio	70	Raw Statistics (%)		
	Census Codes used for RRA	Minority	Female	Value
0020 General and operations managers		9	29	1
0120 Financial managers		12	53	4
0136 Human resources managers		13	63	1
0150 Purchasing managers		11	41	1
0230 Education administrators		16	60	9
0430 Miscellaneous managers, including funeral service managers a		11	31	2
2100 Lawyers, and judges, magistrates, and other judicial workers		9	30	1
Pennsylvania	70	Raw Statistics (%)		
	Census Codes used for RRA	Minority	Female	Value
0020 General and operations managers		9	27	1
0120 Financial managers		11	52	4
0136 Human resources managers		14	59	1
0150 Purchasing managers		11	40	1
0230 Education administrators		15	63	9
0430 Miscellaneous managers, including funeral service managers a		11	33	2
2100 Lawyers, and judges, magistrates, and other judicial workers		8	32	1

RRA = Reasonable Recruitment Area

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial				
Factor 1: External Availability				
	Kentucky	70		
	Census Codes used for RRA		Raw Statistics (%)	
			Minority	Female
				Value
	0020 General and operations managers		7	27
	0120 Financial managers		6	56
	0136 Human resources managers		9	61
	0150 Purchasing managers		9	39
	0230 Education administrators		12	66
	0430 Miscellaneous managers, including funeral service managers a		7	34
	2100 Lawyers, and judges, magistrates, and other judicial workers		6	31
	Virginia	70		
	Census Codes used for RRA		Raw Statistics (%)	
			Minority	Female
				Value
	0020 General and operations managers		22	29
	0120 Financial managers		26	57
	0136 Human resources managers		28	61
	0150 Purchasing managers		22	51
	0230 Education administrators		26	68
	0430 Miscellaneous managers, including funeral service managers a		21	35
	2100 Lawyers, and judges, magistrates, and other judicial workers		15	37

RRA = Reasonable Recruitment Area

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial				
Factor 1: External Availability				
	Maryland	70	Raw Statistics (%)	
	Census Codes used for RRA		Minority	Female
				Value
0020 General and operations managers			28	34
0120 Financial managers			32	57
0136 Human resources managers			44	66
0150 Purchasing managers			37	51
0230 Education administrators			38	65
0430 Miscellaneous managers, including funeral service managers a			33	42
2100 Lawyers, and judges, magistrates, and other judicial workers			20	38
	North Carolina	70	Raw Statistics (%)	
	Census Codes used for RRA		Minority	Female
				Value
0020 General and operations managers			17	28
0120 Financial managers			18	56
0136 Human resources managers			26	59
0150 Purchasing managers			16	44
0230 Education administrators			29	68
0430 Miscellaneous managers, including funeral service managers a			18	34
2100 Lawyers, and judges, magistrates, and other judicial workers			13	32

RRA = Reasonable Recruitment Area

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial					
			Raw Statistics (%)		Weighted Factor (%)
			Minority	Female	Value
Final Statistics for External Availability			18	54	95
Factor 2: Internal Availability					
			Raw Statistics (%)		Weighted Factor (%)
Source Description			Minority	Female	Value
3 - Professional Non-Faculty			6	71	1
			Raw Statistics (%)		Weighted Factor (%)
			Minority	Female	Value
Final Statistics for Internal Availability			6	71	5

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

## 3 - Professional Non-Faculty

Factor	Description	<u>Raw Statistics</u>			<u>Weighted Factor</u>		Source of Statistics	Reason for Weighting
		Minority	Female	Weight	Minority	Female		
<b>1</b>	The percentage of minorities or women with requisite skills in the RRA. The RRA is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the positions in question.	<b>5</b>	<b>53</b>	<b>85</b>	<b>4</b>	<b>45</b>	2010 Census EEO Special File for appropriate Occupational Titles. See supporting documents.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>2</b>	The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. Trainable refers to those employees that, with reasonably provided training, become qualified during the AAP year.	<b>18</b>	<b>80</b>	<b>15</b>	<b>3</b>	<b>12</b>	Incumbent work force for those Job Groups that constitute "feeders" to this Job Group.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>Job Group Size: 34</b>		<b>100</b>						
		<b>Final Availability (%)</b>			<b>7</b>	<b>57</b>		

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

3 - Professional Non-Faculty				
Factor 1: External Availability				
External Availability from the RRA				
Census Areas for RRA		Value		
	West Virginia	1		
	Census Codes used for RRA		Raw Statistics (%)	
			Minority	Female
				Value
0100	Administrative services managers	9	20	3
0110	Computer and information systems managers	9	36	3
0230	Education administrators	5	56	5
0420	Social and community service managers	10	61	1
0430	Miscellaneous managers, including funeral service managers a	6	33	1
0630	Human resources workers	2	68	1
0640	Compensation, benefits, and job analysis specialists	3	88	1
0740	Business operations specialists, all other	1	59	11
0800	Accountants and auditors	7	60	2
0820	Budget analysts	7	79	1
0840	Financial analysts	0	69	1
1105	Network and computer systems administrators	14	16	1
2550	Other education, training, and library workers	9	61	3

RRA = Reasonable Recruitment Area

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

3 - Professional Non-Faculty					
			Raw Statistics (%)		Weighted Factor (%)
			Minority	Female	Value
Final Statistics for External Availability			5	53	85
Factor 2: Internal Availability					
			Raw Statistics (%)		Weighted Factor (%)
Source Description			Minority	Female	Value
3 - Professional Non-Faculty			6	71	1
4 - Clerical and Secretarial			33	100	1
5 - Technical and Paraprofessional			15	69	1
			Raw Statistics (%)		Weighted Factor (%)
			Minority	Female	Value
Final Statistics for Internal Availability			18	80	15

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

## 4 - Clerical and Secretarial

Factor	Description	<u>Raw Statistics</u>			<u>Weighted Factor</u>		Source of Statistics	Reason for Weighting
		Minority	Female	Weight	Minority	Female		
<b>1</b>	The percentage of minorities or women with requisite skills in the RRA. The RRA is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the positions in question.	8	93	70	6	65	2010 Census EEO Special File for appropriate Occupational Titles. See supporting documents.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>2</b>	The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. Trainable refers to those employees that, with reasonably provided training, become qualified during the AAP year.	33	100	30	10	30	Incumbent work force for those Job Groups that constitute "feeders" to this Job Group.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>Job Group Size: 3</b>		100						
		Final Availability (%)			16	95		



# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

4 - Clerical and Secretarial					
Factor 1: External Availability					
External Availability from the RRA					
Census Areas for RRA		Value			
	Charleston WV	54	Raw Statistics (%)		
	Census Codes used for RRA		Minority	Female	Value
5120 Bookkeeping, accounting, and auditing clerks			8	87	1
5700 Secretaries and administrative assistants			8	95	2
			Raw Statistics (%)		
			Minority	Female	Value
Final Statistics for External Availability			8	93	70
			Weighted Factor (%)		
			Minority	Female	Value
			6	65	
Factor 2: Internal Availability					
Source Description		Raw Statistics (%)			
		Minority	Female	Value	
4 - Clerical and Secretarial		33	100	1	
		Raw Statistics (%)			Weighted Factor (%)
		Minority	Female	Value	Minority
Final Statistics for Internal Availability		33	100	30	10
					30

RRA = Reasonable Recruitment Area

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

## 5 - Technical and Paraprofessional

Factor	Description	<u>Raw Statistics</u>			<u>Weighted Factor</u>		Source of Statistics	Reason for Weighting
		Minority	Female	Weight	Minority	Female		
<b>1</b>	The percentage of minorities or women with requisite skills in the RRA. The RRA is defined as the geographical area from which the contractor usually seeks or reasonably could seek workers to fill the positions in question.	<b>7</b>	<b>61</b>	<b>70</b>	<b>5</b>	<b>43</b>	2010 Census EEO Special File for appropriate Occupational Titles. See supporting documents.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>2</b>	The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. Trainable refers to those employees that, with reasonably provided training, become qualified during the AAP year.	<b>24</b>	<b>85</b>	<b>30</b>	<b>7</b>	<b>25</b>	Incumbent work force for those Job Groups that constitute "feeders" to this Job Group.	Reasonable recruiting practices and business necessity. Consideration given to past practices and current demands.
<b>Job Group Size: 13</b>		<b>100</b>						
		<b>Final Availability (%)</b>			<b>12</b>	<b>68</b>		

# Availability Analysis

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

5 - Technical and Paraprofessional					
Factor 1: External Availability					
External Availability from the RRA					
Census Areas for RRA			Value		
	Charleston WV	54			
	Census Codes used for RRA		Raw Statistics (%)		
			Minority	Female	Value
0740 Business operations specialists, all other			0	68	2
1010 Computer programmers			10	42	1
1020 Software developers, applications and systems software			10	25	2
1107 Computer occupations, all other			11	30	2
2550 Other education, training, and library workers			0	60	1
5700 Secretaries and administrative assistants			8	95	3
5860 Office clerks, general			5	87	1
5940 Miscellaneous office and administrative support workers, inc			3	78	1
			Raw Statistics (%)		Weighted Factor (%)
			Minority	Female	Value
					Minority
					Female
Final Statistics for External Availability			7	61	70
			5	43	
Factor 2: Internal Availability					
Source Description			Raw Statistics (%)		
			Minority	Female	Value
4 - Clerical and Secretarial			33	100	1

RRA = Reasonable Recruitment Area

## Availability Analysis

**Plan Date: 05/01/2020**

West Virginia Higher Education Policy Commission

5 - Technical and Paraprofessional					
5 - Technical and Paraprofessional	15	69	1		
<div>Raw Statistics (%)</div> <div>MinorityFemaleValue</div> <div>Weighted Factor (%)</div> <div>MinorityFemale</div>					
Final Statistics for Internal Availability	24	85	30	7	25

## Placement Goals

Contractors and subcontractors must compare the percentage of minorities and women in each job group with the availability for those job groups as calculated in this AAP. 41 C.F.R. § 60-2.13 to 60.2.15. When the percentage of minorities or women in a job group is less than would be reasonably expected given their availability, contractors are required to establish placement goals, which also serve as reasonably attainable objectives to measure progress toward achieving equal employment opportunity. 41 C.F.R. § 60-2.16.

Contractors may use a number of methods to determine whether their actual employment percentage of minorities and/or females is lower than would reasonably be expected, including the need to set a placement goal when: 1) there is “any difference” between the availability percentage and the employment percentage; 2) actual employment is less than 80 percent of calculated availability (which is the expected representation); or, 3) the difference between the actual and expected employment is statistically significant. Any reasonable method, as long as it is uniformly applied, is acceptable to the OFCCP.

**Placement goals** are established as a percentage equal to the calculated availability and serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work. 41 C.F.R. § 60-2.16. **Although a contractor is required to make good faith efforts to meet its goals, the goals are not allowed under law to be quotas (with the exception of a few circumstances, such as when there is a court order to remedy prior unlawful discrimination.)**

# Placement Goals

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Job Group	Group Size	Employment (%)		Availability (%)		Placement Goals* Needed		Annual Goal (%)	
		Minority	Female	Minority	Female	Minority	Female	Minority	Female
1 - Executive/Administrative/Managerial	19	5	58	17	55	No <sup>1</sup>	No <sup>1</sup>		
3 - Professional Non-Faculty	34	6	71	7	57	No <sup>1</sup>	No <sup>1</sup>		
4 - Clerical and Secretarial	3	33	100	16	95	No <sup>1</sup>	No <sup>1</sup>		
5 - Technical and Paraprofessional	13	15	69	12	68	No <sup>1</sup>	No <sup>1</sup>		

1 - Binomial Distribution

\*The establishment of a "Placement Goal" does not amount to an admission of impermissible conduct. It is neither a finding of lawful discrimination nor a finding of a lack of a good faith affirmative action efforts. Nor does the establishment of a Placement Goal permit unlawful discrimination. Rather the establishment of a "Placement Goal" is a technical targeting term used exclusively by affirmative action planners who seek to apply good faith efforts to increase in the future the percentage employment of minorities and women in the workforce.

## **Progress Toward Goals Report**

Contractors and subcontractors must maintain its current affirmative action plan (AAP) and documentation of good faith efforts, and must preserve its AAP and documentation of good faith efforts for the immediately preceding AAP year. 41 C.F.R. § 60-1.12 (b).

One of the key components to the effective implementation of an AAP is the acknowledgement of progress toward the goals established in the utilization analysis of the preceding year. As such, this is one of the items requested by OFCCP during a routine compliance evaluation.

To compare progress toward goals, the contractor must measure the employment activity that has occurred during the plan year. The variable here is opportunities which are defined by OFCCP as total placements (hires plus promotions) into the job group.

# Progress Toward Goals Report

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

Job Group	Prior Year - 2019			Prior Year Goals (%)		Number of Opportunities (#)			Actual Placement		Goal Met?	
	Total	Minority	Female	Minority	Female	Total	Minority	Female	Minority	Female	Minority	Female
									%	%		
1 - Executive/Administrative/Managerial	18	1	12	N/A	N/A	2	1	1	50	50	N/A	N/A
3 - Professional Non-Faculty	34	1	22	N/A	N/A	17	0	15	0	88	N/A	N/A
4 - Clerical and Secretarial	3	1	3	N/A	N/A	0	0	0	--	--	N/A	N/A
5 - Technical and Paraprofessional	11	2	8	N/A	N/A	0	0	0	--	--	N/A	N/A



## **Disparity Analysis**

Contractors and subcontractors are required to include personnel activity (applicant flow, hires, terminations, promotions, and any other personnel actions) to determine whether there are selection disparities. 41 C.F.R. § 60-2.17 (b) (2).

The Disparity Analysis is a tool to measure the statistical relationship between two selected groups. The following report identifies whether the rates of those hired, promoted, or terminated are similar without regard to race or gender.

# Disparity Analysis - Hires

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial											
Non-Favored vs Favored	Total Hires	Total Apps	Total Unknowns	Non-Favored Hires	Non-Favored Apps	Favored Hires	Favored Apps	Non-Favored Selection Rate (%)	Favored Selection Rate (%)	Standard Deviation	Disparity
Female vs Male	1	1	0	0	0	1	1	N/A	100.00%	N/A	No
Hispanic vs Black	1	1	0	0	0 *	1	1	N/A	100.00%	N/A	No
Asian vs Black	1	1	0	0	0 *	1	1	N/A	100.00%	N/A	No
Am. Indian vs Black	1	1	0	0	0 *	1	1	N/A	100.00%	N/A	No
Hawaiian vs Black	1	1	0	0	0 *	1	1	N/A	100.00%	N/A	No
Two or More vs Black	1	1	0	0	0 *	1	1	N/A	100.00%	N/A	No
White vs Black	1	1	0	0	0 *	1	1	N/A	100.00%	N/A	No

Standard Deviation will trigger a flag when the result is larger than two standard deviations.

\* This group does not constitute at least 2% of the total pool.

# Disparity Analysis - Hires

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

3 - Professional Non-Faculty											
Non-Favored vs Favored	Total Hires	Total Apps	Total Unknowns	Non-Favored Hires	Non-Favored Apps	Favored Hires	Favored Apps	Non-Favored Selection Rate (%)	Favored Selection Rate (%)	Standard Deviation	Disparity
Male vs Female	12	12	0	1	1	11	11	100.00%	100.00%	0	No
Black vs White	12	12	0	0	0 *	12	12	N/A	100.00%	N/A	No
Hispanic vs White	12	12	0	0	0 *	12	12	N/A	100.00%	N/A	No
Asian vs White	12	12	0	0	0 *	12	12	N/A	100.00%	N/A	No
Am. Indian vs White	12	12	0	0	0 *	12	12	N/A	100.00%	N/A	No
Hawaiian vs White	12	12	0	0	0 *	12	12	N/A	100.00%	N/A	No
Two or More vs White	12	12	0	0	0 *	12	12	N/A	100.00%	N/A	No

Standard Deviation will trigger a flag when the result is larger than two standard deviations.

\* This group does not constitute at least 2% of the total pool.

# Disparity Analysis - Promotions

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial										
Non-Favored vs Favored	Total Proms	Total Pool	Non-Favored Proms	Non-Favored Pool	Favored Proms	Favored Pool	Non-Favored Selection Rate (%)	Favored Selection Rate (%)	Standard Deviation	Disparity
Male vs Female	1	18	0	6	1	12	0.00%	8.33%	0.73	No
Black vs White	1	18	0	1	1	17	0.00%	5.88%	0.25	No
Hispanic vs White	1	17	0	0 *	1	17	N/A	5.88%	N/A	No
Asian vs White	1	17	0	0 *	1	17	N/A	5.88%	N/A	No
Am. Indian vs White	1	17	0	0 *	1	17	N/A	5.88%	N/A	No
Hawaiian vs White	1	17	0	0 *	1	17	N/A	5.88%	N/A	No
Two or More vs White	1	17	0	0 *	1	17	N/A	5.88%	N/A	No

Standard Deviation will trigger a flag when the result is larger than two standard deviations.

\* This group does not constitute at least 2% of the total pool.

Promotions identified from the job group  
The pool consists of those employees present in the job group on 05/01/2019

# Disparity Analysis - Promotions

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

3 - Professional Non-Faculty										
Non-Favored vs Favored	Total Proms	Total Pool	Non-Favored Proms	Non-Favored Pool	Favored Proms	Favored Pool	Non-Favored Selection Rate (%)	Favored Selection Rate (%)	Standard Deviation	Disparity
Male vs Female	5	34	1	12	4	22	8.33%	18.18%	0.77	No
Black vs White	5	34	0	1	5	33	0.00%	15.15%	0.42	No
Hispanic vs White	5	33	0	0 *	5	33	N/A	15.15%	N/A	No
Asian vs White	5	33	0	0 *	5	33	N/A	15.15%	N/A	No
Am. Indian vs White	5	33	0	0 *	5	33	N/A	15.15%	N/A	No
Hawaiian vs White	5	33	0	0 *	5	33	N/A	15.15%	N/A	No
Two or More vs White	5	33	0	0 *	5	33	N/A	15.15%	N/A	No

Standard Deviation will trigger a flag when the result is larger than two standard deviations.

\* This group does not constitute at least 2% of the total pool.

Promotions identified from the job group  
The pool consists of those employees present in the job group on 05/01/2019

# Disparity Analysis - Terminations

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

1 - Executive/Administrative/Managerial										
Non-Favored vs Favored	Total Terms	Total Pool	Non-Favored Terms	Non-Favored Pool	Favored Terms	Favored Pool	Non-Favored Selection Rate (%)	Favored Selection Rate (%)	Standard Deviation	Disparity
Female vs Male	3	18	3	12	0	6	25.00%	0.00%	1.34	No
Hispanic vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Asian vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Am. Indian vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Hawaiian vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Two or More vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
White vs Black	3	18	3	17	0	1	17.65%	0.00%	0.46	No

Standard Deviation will trigger a flag when the result is larger than two standard deviations.

\* This group does not constitute at least 2% of the total pool.

The pool consists of those employees present in the job group on 05/01/2019

# Disparity Analysis - Terminations

Date Range: May 1, 2019 through April 30, 2020

West Virginia Higher Education Policy Commission

3 - Professional Non-Faculty										
Non-Favored vs Favored	Total Terms	Total Pool	Non-Favored Terms	Non-Favored Pool	Favored Terms	Favored Pool	Non-Favored Selection Rate (%)	Favored Selection Rate (%)	Standard Deviation	Disparity
Female vs Male	7	34	5	22	2	12	22.73%	16.67%	0.42	No
Hispanic vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Asian vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Am. Indian vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Hawaiian vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
Two or More vs Black	0	1	0	0 *	0	1	N/A	0.00%	N/A	No
White vs Black	7	34	7	33	0	1	21.21%	0.00%	0.52	No

Standard Deviation will trigger a flag when the result is larger than two standard deviations.

\* This group does not constitute at least 2% of the total pool.

The pool consists of those employees present in the job group on 05/01/2019



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## **Affirmative Action Program for Protected Veterans**



**West Virginia Higher Education Policy Commission**  
**West Virginia Council for Community and Technical College**  
**Education**

**Affirmative Action Program**  
**For Protected Veterans**

**May 1, 2020 through April 30, 2021**  
**Plan Year**

## **CONFIDENTIAL, TRADE SECRET, AND PRIVATE MATERIAL**

For the purposes of this report, the term West Virginia Higher Education Policy Commission includes any of its divisions or subsidiaries. This Affirmative Action Plan contains confidential, trade secret, commercial, and private information of WVHEPC 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 WVHEPC or its employees within the meaning of the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 (b)(3), (4), and (6) 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).

**West Virginia Higher Education Policy Commission  
West Virginia Council for Community and Technical College Education**

**AFFIRMATIVE ACTION PROGRAM  
FOR PROTECTED VETERANS**

**May 1, 2020 through April 30, 2021  
Plan Year**

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## **Introduction**

West Virginia Higher Education Policy Commission (WVHEPC) sets forth this affirmative action program (“AAP”) for the year from May 1, 2020 through April 30, 2021, reaffirming its commitment to the spirit and letter of affirmative action law. Through the implementation of this plan WVHEPC continues its efforts to comply with appropriate government regulations and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this AAP, WVHEPC recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

## **Equal Employment Opportunity Policy Statement**

### **41 C.F.R. § 60-300.44(a)**

In setting forth this plan WVHEPC reaffirms its belief and commitment in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment. Patricia Humphries, as the EEO Administrator, oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. WVHEPC’s [top U.S. executive, such as its CEO or Chief of its U.S. division of a foreign University] supports WVHEPC’s AAP.

WVHEPC provides for an audit and reporting system regarding WVHEPC’s affirmative action responsibilities under the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (“VEVRAA”) regulations, and assigns overall responsibility for the implementation of affirmative action responsibilities under these regulations.

WVHEPC recruits, hires, trains and promotes persons in all job titles, and ensures that all personnel actions are administered without regard to protected veteran status; and ensures that all employment actions are based only on valid job requirements. WVHEPC’s employees and applicants are not subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:

1. filing a complaint with WVHEPC or with Federal, state, or local agencies regarding the status covered under this AAP;
2. assisting or participating in any investigation, compliance review, hearing, or any other activity related to the administration of any Federal, State, or local requiring equal employment opportunity for protected veterans;
3. opposing any act or practice made unlawful by Section 503 or its implementing regulation, or any other Federal, State or local law requiring equal opportunity for protected veterans; or
4. exercising any other right protected by VEVRAA or its implementing regulations.

WVHEPC's full AAP, absent the data metrics required by 41 CFR § 60-300.44(k), is available for inspection upon request at the location and during the hours that are posted at WVHEPC's establishment [or during regular working hours] at WVHEPC's Human Resources Office.

**Definitions.** For the purposes of this AAP, the term "Protected Veteran" shall be defined as follows, according to the VEVRAA regulations:

Active Duty Wartime or Campaign Badge Veteran means a veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the U. S. Department of Defense.

Armed Forces Service Medal Veteran means any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation to which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

Disabled Veteran means:

1. A veteran of the U. S. military, ground, naval, or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or
2. A person who was discharged or released from active duty because of a service-connected disability.

Protected Veteran means a veteran who is protected under the non-discrimination and affirmative action provisions of VEVRAA; specifically, a veteran who may be classified as a "disabled veteran," "recently-separated veteran," "active duty wartime or campaign badge veteran," and/or an "Armed Forces Service Medal Veteran" as defined by this AAP and VEVRAA.

Recently-Separated Veteran means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

Pre-JVA veterans are those who would be protected by 41 C.F.R. Part 250 if it were not rescinded, but would not be protected under 41 C.F.R. Part 300.

## **Review of Personnel Processes**

### **41 C.F.R. § 300.44(b)**

1. WVHEPC ensures its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees who are known protected veterans for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
2. WVHEPC also ensures that when a protected veteran is considered for employment opportunities, WVHEPC relies only on that portion of the individual's military record, including his or her discharge papers, relevant to the requirements of the opportunity in issue.
3. WVHEPC ensures that its personnel processes do not stereotype protected veterans in a manner which limits their access to all jobs for which they are qualified.
4. WVHEPC periodically reviews such processes and makes any necessary modifications to ensure that these obligations are carried out. A description of the review and any necessary modifications to personnel processes or development of new processes is included in this AAP.
5. WVHEPC designs procedures that facilitate a review of the implementation of this requirement by WVHEPC and the Government. The procedures WVHEPC uses are as follows:
  - a. the application or personnel form of each known applicant who is a protected veteran is annotated to identify each vacancy for which the applicant was considered, and the form will be quickly retrievable for review by the Department of Labor and WVHEPC's personnel officials for use in investigations and internal compliance activities.
  - b. The personnel or application records of each known protected veteran includes (i) the identification of each promotion for which the protected veteran was considered, and (ii) the identification of each training program for which the protected veteran was considered.
  - c. In each case where an employee or applicant who is a protected veteran is rejected for employment, promotion, or training, WVHEPC prepares a statement of the reason as well as a description of the accommodations considered (for a rejected disabled veteran). The statement of the reason for rejection (if the reason is medically related), and the description of the accommodations considered, is treated as confidential medical records in accordance with § 60-300.23(d). These materials are available to the applicant or employee concerned upon request.
  - d. Where applicants or employees are selected for hire, promotion, or training and WVHEPC undertakes any accommodation which makes it possible for it to place a disabled veteran on the job, WVHEPC makes a record containing a description of

the accommodation. The record is treated as a confidential medical record in accordance with § 60-300.23(d).

## **Physical and Mental Job Qualifications**

### **41 C.F.R. § 300.23 and 44(c)**

1. WVHEPC adheres to a schedule for the periodic review of all physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified disabled veterans, they are job-related for the position and are consistent with job necessity.
2. Whenever WVHEPC applies physical or mental qualification standards in the selection of applicants of employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified disabled veterans, the standards shall be related to the specific job or jobs for which the individual is being considered and consistent with business necessity. WVHEPC reviews its job descriptions and qualifications to ensure they accurately reflect job duties and responsibilities. The schedule is as follows annually; as new job qualifications are established; and/or, when new equipment is installed.
3. No pre-employment physical examinations or questionnaires are used by WVHEPC prior to a job offer contingent on such examinations and other requirements.
4. WVHEPC may use as a defense to a violation of its obligations in Paragraph 2 above that an individual poses a direct threat to the health or safety of the individual or others in the workplace.
5. When WVHEPC conducts a medical examination or inquiry of a protected veteran it will do so according to the terms and conditions of the VEVRAA and Section 503 regulations, and the results of such an examination or inquiry are kept confidential according to federal regulations, which includes the following exceptions:
  - a. Supervisors and managers may be informed regarding restrictions on the work or duties of the applicant or employee and necessary accommodations;
  - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,
  - c. Government officials engaged in enforcing the laws administered by the OFCCP regarding individuals with disabilities or protected veterans, or enforcing The Americans with Disabilities Act (“ADA”) and The Americans with Disabilities Act Amendment Act of 2008 (“ADAAA”), shall be provided relevant information on request.

## **Reasonable Accommodation**

### **41 C.F.R. § 41 C.F.R. §60-300.44(d)**

1. It is WVHEPC's policy as a matter of nondiscrimination to make reasonable accommodation to the known physical and mental limitations of all otherwise qualified disabled veterans unless it can demonstrate that the accommodation would impose an undue hardship on WVHEPC's business, in accordance with the terms and conditions of Section 503 regulations. Undue hardship will be determined by its definition under applicable regulations under Section 503 including, but not limited to the following: Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the contractor, when considered in light of the factors set forth in 41 CFR § 741.2 (aa)(2), such as the overall financial resources of the facility and the impact of the accommodation upon the operation of the facility (this is not an all-inclusive list).
2. As a matter of affirmative action, if an employee who is known to be a disabled veteran is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, WVHEPC confidentially notifies the employee of the performance problem and inquires whether the problem is related to the employee's disability.
3. If the employee responds affirmatively, WVHEPC confidentially inquires whether the employee is in need of a reasonable accommodation.

## **Anti-Harassment Procedures**

### **41 C.F.R. § 60-300.44(e)**

WVHEPC has developed and implemented procedures to ensure its employees are not harassed because of their status as a protected veteran.



## **External Dissemination of Policy, Outreach, and Positive Recruitment**

### **41 C.F.R. § 300.44(f)**

1. WVHEPC sends written notification of its policy related to affirmative action efforts to all subcontractors, including subcontracting vendors and suppliers, requesting appropriate action on their part.
2. WVHEPC undertakes appropriate outreach and positive recruitment activities such as some of those listed below that are reasonably designed to effectively recruit protected veterans. It is not contemplated that WVHEPC will necessarily undertake all the activities listed below or that its activities will be limited to the items listed below. The scope of WVHEPC's efforts shall depend upon all circumstances, including WVHEPC's size and resources and the extent to which existing employment practices are adequate.
  - a. Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for veterans, in order to fulfill its commitment to provide meaningful employment opportunities for such veterans:
    - i. The Local Veterans' Employment Representative in the local employment service office (i.e. the One-Stop) nearest WVHEPC's establishment;
    - ii. The Department of Veterans Affairs Regional Office nearest WVHEPC's establishment;
    - iii. The veterans' counselors and coordinators ("Vet-Reps") on college campuses;
    - iv. The service officers of the national veterans' groups active in the area of WVHEPC's establishment;
    - v. Local veterans' groups and veterans' service centers near WVHEPC's establishment;
    - vi. The Department of Defense Transition Assistance Program (TAP), or any subsequent program that, in whole or in part, might replace TAP; and
    - vii. Any organization listed in the Employer Resources section of the National Resource Directory (<http://www.nationalresourcedirectory.gov/>), or any future service that replaces or complements it.
  - b. WVHEPC also considers taking the actions listed below, as appropriate, to fulfill its commitment to provide meaningful employment opportunities to protected veterans:
    - i. Formal briefing sessions should be held, preferably on WVHEPC's premises, with representatives from recruiting sources.

- ii. WVHEPC's facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the institution's selection process, and recruiting literature are an integral part of the briefing. At any such briefing sessions, the WVHEPC official in charge of its affirmative action program is in attendance when possible. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.
  - iii. WVHEPC's recruitment efforts at all educational institutions incorporate special efforts to reach students who are protected veterans.
  - iv. An effort is made to participate in work-study programs with Department of Veterans Affairs rehabilitation facilities which specialize in training or educating disabled veterans.
  - v. Protected veterans are made available for participation in career days, youth motivation programs, and related activities in their communities.
  - vi. WVHEPC takes any other positive steps it deems necessary to attract qualified protected veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for any of the classifications of protected veterans.
  - vii. WVHEPC, in making hiring decisions, considers applicants who are known protected veterans for all available positions for which they may be qualified when the position(s) applied for is unavailable.
  - viii. WVHEPC considers listing its job openings with the National Resource Directory's Veterans Job Bank, or any future service that replaces or complements it.
3. **Assessment of external outreach and recruitment efforts.** WVHEPC, on an annual basis, reviews the outreach and recruitment efforts it has taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified protected veterans. WVHEPC documents each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and WVHEPC's conclusion as to whether each effort was effective. Among these criteria shall be the data collected pursuant to 41 C.F.R. § 60-300.44(k) for the current year and the two most recent previous years. If WVHEPC concludes the totality of its efforts were not effective in identifying and recruiting qualified protected veterans, it shall identify and implement alternative efforts listed in paragraphs (f)(1) or (f)(2) of this section in order to fulfill its obligations.
4. **Recordkeeping obligation.** WVHEPC documents all activities it undertakes to comply with the obligations of this section, and retain these documents for a period of three (3) years.

## **Internal Dissemination of Policy**

### **C.F.R. § 60-300.44(g)**

1. WVHEPC recognizes that a strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees.
2. WVHEPC implements and disseminates this policy internally as follows:
  - a. includes it in WVHEPC's policy manual or otherwise make the policy available to employees; and
  - b. if WVHEPC is party to a collective bargaining agreement, it notifies union officials and/or employee representatives to inform them of WVHEPC's policy, and request their cooperation.
3. Further, in order to assure greater employee cooperation and participation in WVHEPC's efforts, WVHEPC has developed the internal procedures listed in this section of the AAP for communication of its obligation to engage in affirmative action efforts to employ and advance in employment qualified protected veterans. It is not contemplated that WVHEPC's activities will be limited to those listed. These procedures shall be designed to foster understanding, acceptance and support among WVHEPC's executive, management, supervisory and other employees and to encourage such persons to take the necessary actions to aid WVHEPC in meeting this obligation. WVHEPC additionally considers implementing and disseminating this policy internally as follows:
  - a. Informing all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for protected veterans;
  - b. Publicizing it in WVHEPC's newspaper, magazine, annual report and other media;
  - c. Conducting special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's support for the affirmative action policy;
  - d. Discussing the policy thoroughly in both employee orientation and management training programs; and
  - e. When employees are featured in employee handbooks or similar publications for employees, including disabled veterans.

## **Audit and Reporting System**

### **C.F.R. § 60-300.44(h)**

1. WVHEPC has designed and implemented an audit and reporting system that:
  - a. Measures the effectiveness of WVHEPC's AAP;
  - b. Indicates any need for remedial action;
  - c. Determines the degree to which WVHEPC's objectives have been attained;
  - d. Determines whether known protected veterans have had the opportunity to participate in all of WVHEPC's sponsored educational, training, recreational and social activities;
  - e. Measures WVHEPC's compliance with the AAP's specific obligations; and
  - f. Documents the actions taken to comply with the obligations of paragraphs (i) through (v) above, and retain these documents as employment records for three years subject to the recordkeeping requirements of § 60-300.80.
2. Where the affirmative action program is found to be deficient, WVHEPC undertakes necessary action to bring the program into compliance.

## **Responsibility for Implementation of the Plan**

### **1. Identification and Responsibilities of EEO/AA Administrator** **41 C.F.R. § 60-250.44(i); 41 C.F.R. § 60-300.44(i)**

In furtherance of WVHEPC's commitment to Affirmative Action and Equal Employment Opportunity, overall responsibility for implementing WVHEPC's AAP rests with its EEO/AA Administrator, whose identity should appear on all internal and external communications regarding WVHEPC's AAP. The EEO/AA Administrator shall be given top management support and staff to manage the implementation of this program as it pertains to all applicable laws, orders and regulations, including VEVRAA. Specifically, Patricia Humphries or the designated representative's duties include:

- a. Ensures that WVHEPC lists its job openings in accordance with the requirements of 41 C.F.R. § 300.5.
- b. Ensuring WVHEPC posts in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the OFCCP Director provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as WVHEPC's obligation under the law to take affirmative action to

employ and advance in employment qualified employees and applicants who are protected veterans.

- c. Ensuring WVHEPC's applicants or employees who are disabled veterans are provided the notice in a form that is accessible and understandable to the individual applicant or employee (e.g., providing Braille or large print versions of the notice, or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair) when an applicant or employee requests the poster in an alternative format, or when WVHEPC knows that an applicant or employee is unable to read the poster because of a disability. WVHEPC may also provide the poster to an applicant or employee who is a disabled veteran in other alternate means, such as on disc or in audio recording, as long as the format provided enables the individual who is a disabled veteran to access the contents of a poster.
- d. Ensuring that, with respect to employees, if any, who do not work at a physical location of WVHEPC, WVHEPC satisfies its posting obligations by posting such notices in an electronic format, provided that WVHEPC provides computers, or access to computers, that can access the electronic posting to such employees, or WVHEPC has actual knowledge that such employees otherwise are able to access the electronically posted notices.
- e. Ensuring electronic notices for employees are posted in a conspicuous location and format on WVHEPC's intranet or sent by electronic mail to employees. An electronic posting is used by WVHEPC to notify job applicants of their rights if WVHEPC utilizes an electronic application process. Such electronic applicant notice are conspicuously stored with, or as part of, the electronic application.
- f. Ensuring that to the extent this requirement is applicable to WVHEPC, WVHEPC notifies labor organizations of its EEO policy as required by 41 C.F.R. § 60-300.44(g).
- g. Ensuring WVHEPC includes the provisions of this clause in every subcontract or purchase order in excess of \$100,000, unless exempted by the rules, regulations, or orders of the Secretary of Labor pursuant to VEVRAA, so that such provisions will be binding upon each subcontractor or vendor, under the terms and conditions of 41 CFR 60-741.5(a).
- h. Ensuring that all solicitations or advertisements for employees placed by or on behalf of WVHEPC, state that all qualified applicants will receive consideration for employment without regard to their protected veteran status.
- i. Developing, maintaining and, where appropriate, modifying WVHEPC's AAP for protected veterans, policy statements, personnel policies, internal and external communication techniques including discussions with managers, supervisors and employees to ensure WVHEPC's policies are followed, and monitoring the effectiveness of these actions.
- j. Advising supervisors that they are responsible to prevent harassment of employees due to their status as a protected veteran.

- k. Identifying problem areas with line management in the implementation of the program, and helping management develop solutions to any identifiable problem area.
- l. Designing, implementing and overseeing an audit and reporting system to monitor the progress of the University and the AAP's effectiveness, including auditing the contents of WVHEPC's electronic and hard copy bulletin boards on a regular basis to ensure that compliance information that is posted is up to date.
- m. Serving as liaison between WVHEPC and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for protected veterans.
- n. Evaluating the effectiveness of WVHEPC's plan on a regular basis, and reporting to management.
- o. Monitoring policies and procedures including the selection, evaluation, promotion and training process with regard to the various terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
- p. Assisting in ensuring that WVHEPC has processes and procedures: a) to ensure career counseling for employees who are protected veterans, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure protected veterans are treated in accordance with anti-discrimination laws when hiring, promotion, transfer, and termination actions occur.
- q. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
- r. Assisting in the investigation, handling and disposition of employee discrimination and harassment complaints.
- s. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, and opportunity for participation in University-sponsored recreational, educational and social activities.
- t. Overseeing and ensuring that the below self-identification procedures are conducted as set forth in the VEVRAA regulations, using the language and manner prescribed by the OFCCP Director and published on the OFCCP Web site, as follows:
  - i. Pre-offer self-identification invitation procedures for WVHEPC's job applicants as set forth in 41 C.F.R. § 60-300.42 (a); and
  - ii. Post-offer identification procedures for WVHEPC's job applicants as set forth in 41 C.F.R. § 60-300.42 (a).

Further, WVHEPC does not compel or coerce an individual to self-identify as a protected veteran. WVHEPC keeps all information on self-identification confidential, and maintains it in a data analysis file (rather than in the medical files of individual employees) as set forth in 41 C.F.R. § 60-741.23(d). WVHEPC only uses the self-identification information may be used only in accordance with the VEVRAA regulations.

- u. Ensuring that WVHEPC complies with its obligations under 41 C.F.R. § 60-300.45, which requires that WVHEPC establish benchmarks, the purpose of which is to create a quantifiable method by which WVHEPC can measure its progress toward achieving equal employment opportunity for protected veterans. The benchmarks will be set on an annual basis by using one of two mechanisms described in this AAP, and will be documented also as set forth in this AAP.
- v. If an applicant identifies himself or herself as a disabled veteran in the post-offer self-identification detailed in Paragraph 20 above, WVHEPC inquires of the applicant whether an accommodation is necessary, and, if so, engages with the applicant regarding reasonable accommodation. WVHEPC may make such inquiries to the extent they are consistent with the Americans with Disabilities Act. WVHEPC maintains a separate file in accordance with Section 60-300.23(d) on persons who have self-identified as disabled veterans.

## **2. Management Responsibilities**

### **41 C.F.R. § 60-300.44(i)**

Line and upper management are advised of their responsibilities for WVHEPC's AAP regarding protected veterans within his or her area of responsibility, including but not limited to their obligations to:

- a. Review WVHEPC's AAP for protected veterans with subordinate managers and supervisors to ensure they are aware of the policy, understand their obligation to comply with it in all personnel actions and understand the need for support at all levels.
- b. Assist in the auditing of plan progress, identification of problem areas, formulation of solutions, establishment of departmental goals and objectives, and development of training programs, when appropriate.
- c. Review the qualifications of applicants and employees in their area of responsibility to ensure protected veterans are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur; and
- d. Review employees' performance to ensure that illegal discrimination regarding protected veterans does not occur.
- e. Make available career counseling to employees who are protected veterans, when so requested, and as appropriate.
- f. Review position descriptions to see that they adequately reflect the job to be performed.
- g. Audit training programs, hiring, and promotion patterns.
- h. Assist subordinates and upper management in the prevention of harassment.

- i. Show support for this AAP.

### **Affirmative Action Training**

#### **41 C.F.R. § 60-300.44(j)**

WVHEPC provides training to all personnel involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure that its AAP commitments are implemented.



## **ASSESSMENT OF EXTERNAL OUTREACH AND RECRUITMENT EFFORTS**

**Assessment:** WVHEPC evaluated the effectiveness of outreach and recruitment efforts for qualified veterans during its prior AAP year. During that period, of the applicants who chose to complete the self-identification form, 0.00% self-identified as a protected veteran. As a result, WVHEPC will continue to review and analyze its existing outreach efforts and commit to continue to identify viable partners throughout the year.

## **DATA COLLECTION ANALYSIS 41 C.F.R. § 60-300.44(k)**

WVHEPC documents the following computations or comparisons pertaining to applicants and hires on an annual basis and maintains them for a period of three (3) years:

1. The number of applicants who self-identified as protected veterans pursuant to § 60-300.42(a), or who are otherwise known as protected veterans;
2. The total number of job openings and total number of jobs filled;
3. The total number of applicants for all jobs;
4. The number of protected veteran applicants hired; and
5. The total number of applicants hired.

**See Protected Veterans Three Year Data Collection**

# ***Protected Veterans Three Year Data Collection***

## **West Virginia Higher Education Policy Commission**

<b>Required Data</b>	<b>May 1, 2017 through April 30, 2018</b>	<b>May 1, 2018 through April 30, 2019</b>	<b>May 1, 2019 through April 30, 2020</b>
Number of applicants who self-identify as protected veterans pre-offer	0	0	0
Total number of job openings	13	11	19
Total number of jobs filled	13	11	19
Total number of applicants for all jobs	117	4	13
Total number of protected veteran applicants hired	0	0	0
Total number of applicants hired	9	4	13

## **BENCHMARKS FOR HIRING 41 C.F.R. § 60-300.45**

**Benchmark:** The purpose of establishing benchmarks is to create a quantifiable method by which WVHEPC can measure its progress toward achieving equal employment opportunity for protected veterans.

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. Quotas are expressly forbidden.

Hiring benchmarks are set by WVHEPC on an annual basis. WVHEPC documents the hiring benchmark it has established each year. WVHEPC retains these records for a period of three (3) years.

**The current benchmark for protected veterans for this location is set at 5.7%, which matches the national protected veteran benchmark.**

### **Protected Veteran Hiring Ratio**

Total Hires	<b>13</b>
Total Protected Veteran Hires	<b>0</b>
Percentage of Protected Veterans Hires	<b>0%</b>

**This location will continue to implement additional recruitment efforts to attract qualified applicants, including protected veterans, for all job openings.**



West Virginia Higher Education Policy Commission  
West Virginia Community and Technical College System

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## **Affirmative Action Program for Individuals with Disabilities**

# **West Virginia Higher Education Policy Commission**

## **West Virginia Council for Community and Technical College Education**

### **Affirmative Action Program for Individuals with Disabilities**

**May 1, 2020 through April 30, 2021  
Plan Year**

## **CONFIDENTIAL, TRADE SECRET, AND PRIVATE MATERIAL**

For the purposes of this report, the term West Virginia Higher Education Policy Commission (WVHEPC) includes any of its divisions or subsidiaries. This Affirmative Action Plan contains confidential, trade secret, commercial, and private information of WVHEPC, 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 WVHEPC or its employees within the meaning of the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 (b)(3), (4), and (6) 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).



**West Virginia Higher Education Policy Commission  
West Virginia Council for Community and Technical College Education**

**AFFIRMATIVE ACTION PROGRAM  
FOR  
INDIVIDUALS WITH DISABILITIES**

**May 1, 2020 through April 30, 2021  
Plan Year**

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## **Introduction**

West Virginia Higher Education Policy Commission (WVHEPC) sets forth this Affirmative Action Program (“AAP”) for the year from May 1, 2020 through April 30, 2021, reaffirming its commitment to the spirit and letter of affirmative action law. Through the implementation of this plan WVHEPC continues its efforts to comply with Section 503 of the Rehabilitation Act of 1973 (“Section 503”) and its implementing regulations, as amended, and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this plan, WVHEPC recognizes its duty to ensure equal employment opportunity for, and to prevent discrimination against, individuals with disabilities. The following statement of policy reinforces that belief.

### **Equal Employment Opportunity Policy Statement 41 C.F.R. § 60-741.44(a)**

In setting forth this plan WVHEPC reaffirms its belief and commitment in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment. Patricia Humphries, as the EEO Administrator, oversees the plan development, modification, implementation, and reporting requirements and conducts management updates.

WVHEPC provides for an audit and reporting system regarding WVHEPC’s affirmative action responsibilities under Section 503 regulations, and assigns overall responsibility for the implementation of affirmative action responsibilities under these regulations.

WVHEPC recruits, hires, trains and promotes persons in all job titles, and ensures that all personnel actions are administered without regard to disability; and ensures that all employment actions are based only on valid job requirements. WVHEPC’s employees and applicants are not subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:

1. filing a complaint with WVHEPC or with Federal, state, or local agencies regarding the status covered under this AAP;
2. assisting or participating in any investigation, compliance review, hearing, or any other activity related to the administration of any Federal, State, or local requiring equal employment opportunity for individuals with disabilities;
3. opposing any act or practice made unlawful by Section 503 or its implementing regulation, or any other Federal, State or local law requiring equal opportunity for individuals with disabilities; or
4. exercising any other right protected by section 503 or its implementing regulations in this part.

WVHEPC’s full AAP, absent the data metrics required by 41 CFR § 60-741.44(k), shall be available for inspection upon request at the location and during regular working hours at WVHEPC’s Human Resources Office.

## **Review of Personnel Processes 41 C.F.R. § 741.44(b)**

1. WVHEPC ensures its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
2. WVHEPC also ensures its personnel processes do not stereotype individuals with disabilities in a manner which limits their access to jobs for which they are qualified.
3. WVHEPC also ensures its applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communications technologies.
4. WVHEPC provides necessary reasonable accommodation to ensure applicants and employees with disabilities receive equal opportunity in the operation of personnel processes. WVHEPC periodically reviews such processes and makes any necessary modifications to ensure that these obligations are carried out. WVHEPC designs procedures that facilitate a review of the implementation of this requirement by WVHEPC and the Government. A description of the review and any necessary modifications to personnel processes or development of new processes are included in this AAP, and are as follows:
  - a. The application or personnel form of each known applicant who is an individual with a disability is annotated to identify each vacancy for which the applicant was considered, and the form is quickly retrievable for review by the Department of Labor and WVHEPC's personnel officials for use in investigations and internal compliance activities.
  - b. The personnel or application record of each known individual with a disability includes: (i) the identification of each promotion for which the individual with a disability was considered, and (ii) the identification of each training program for which the individual with a disability was considered.
  - c. In each case where an employee or applicant who is an individual with a disability is rejected for employment, promotion, or training, WVHEPC prepares a statement of the reason as well as a description of the accommodations considered. The statement of the reason for rejection (if the reason is medically related), and the description of the accommodations considered, are treated as confidential medical records in accordance with 41 C.F.R. § 60-741.23(d). These materials are available to the applicant or employee concerned upon request.
  - d. Where applicants or employees are selected for hire, promotion, or training and WVHEPC undertakes any accommodation which makes it possible for him or her to place an individual with a disability on the job, WVHEPC makes a record containing a description of the accommodation. The record

is treated as a confidential medical record in accordance with § 60-741.23(d).

### **Review of Physical and Mental Job Qualifications 41 C.F.R. § 60-741.44(c)**

1. WVHEPC has the following schedule for its review of physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified people with disabilities, such qualifications are job-related for the position in question and consistent with business necessity, and adheres to this schedule. The schedule is as follows annually; as new job qualifications are established; and/or, when new equipment is installed.
2. Whenever WVHEPC applies physical or mental qualification standards in the selection of applicants or employees for employment or other changes in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified individuals on the basis of disability, the standards are related to the specific job or jobs for which the individual is being considered and consistent with business necessity.
3. WVHEPC may use as a defense to a violation of its obligations in Paragraph 2 above that an individual poses a direct threat to the health or safety of the individual or others in the workplace.
4. No pre-employment physical examinations or questionnaires are used by WVHEPC prior to a job offer contingent on such examinations and other requirements.
5. When WVHEPC conducts a medical examination or inquiry of a person with a disability, it will do so according to the terms and conditions of the Federal Regulations implementing Section 503, and the results of such an examination or inquiry are kept confidential according to Federal regulations, which includes the following exceptions:
  - a. Supervisors and managers may be informed regarding restrictions on the work or duties of the applicant or employee and necessary accommodations;
  - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,
  - c. Government officials engaged in enforcing the laws administered by the OFCCP regarding individuals with disabilities, or enforcing The Americans with Disabilities Act (“the ADA”) and The Americans with Disabilities Act Amendment Act of 2008 (“the ADAAA”), shall be provided relevant information on request.

## **Reasonable Accommodation to Physical and Mental Limitations 41 C.F.R. § 60-741.44(d)**

1. It is WVHEPC's policy, as a matter of nondiscrimination, to make reasonable accommodation to the known physical and mental limitations of all otherwise qualified individuals with a disability, unless WVHEPC can demonstrate that the accommodation would impose an undue hardship on WVHEPC's business. Undue hardship will be determined by its definition under applicable regulations under Section 503 including, but not limited to the following: Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the contractor, when considered in light of the factors set forth in 41 CFR § 741.2 (aa)(2), such as the overall financial resources of the facility and the impact of the accommodation upon the operation of the facility (this is not an all-inclusive list).
2. As a matter of affirmative action, if an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, WVHEPC shall confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, WVHEPC shall confidentially inquire whether the employee is in need of a reasonable accommodation.

## **Anti-Harassment Procedures 41 C.F.R. § 60-741.44(e)**

WVHEPC has developed and implemented procedures to ensure that its employees are not harassed on the basis of disability.

## **External Dissemination of Policy, Outreach, and Positive Recruitment 41 C.F.R. § 60-741.44(f)**

1. WVHEPC undertakes appropriate outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified individuals with disabilities. It is not contemplated that WVHEPC will necessarily undertake all the activities listed in Paragraph (f)(2) of this section or that its activities will be limited to those listed. The scope of WVHEPC's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.
2. Examples of outreach and recruitment activities. Below are examples of outreach and positive recruitment activities referred to in Paragraph 1 of this section conducted by WVHEPC, including: [list the activities conducted by WVHEPC]
  - a. Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for individuals with disabilities, in order to fulfill its commitment to provide equal employment opportunity for such individuals:

- i. the State Vocational Rehabilitation Service Agency (“SVRA”), State mental health agency, or State developmental disability agency in the area of the contractor's establishment;
  - ii. the Employment One-Stop Career Center (One-Stop) or American Job Center nearest the contractor's establishment;
  - iii. the Department of Veterans Affairs Regional Office nearest WVHEPC’s establishment ([www.va.gov](http://www.va.gov));
  - iv. entities funded by the Department of Labor that provide recruitment or training services for individuals with disabilities, such as the services currently provided through the Employer Assistance and Resource Network (EARN) ([www.earnworks.com](http://www.earnworks.com));
  - v. local Employment Network (“EN”) organizations (other than WVHEPC, if WVHEPC is an EN) listed in the Social Security Administration's Ticket to Work Employment Network Directory ([www.yourtickettowork.com/endir](http://www.yourtickettowork.com/endir));
  - vi. local disability groups, organizations, or Centers for Independent Living (CIL) near the contractor's establishment;
  - vii. placement or career offices of educational institutions that specialize in the placement of individuals with disabilities; and
  - viii. private recruitment sources, such as professional organizations or employment placement services that specialize in the placement of individuals with disabilities.
- b. In addition, WVHEPC has considered taking the actions listed below to fulfill its commitment to provide equal employment opportunities to individuals with disabilities. It is not contemplated that WVHEPC will necessarily undertake all of the activities listed below.
- i. Formal briefing sessions held, preferably on WVHEPC’s premises, with representatives from recruiting sources. WVHEPC’s facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of WVHEPC’s selection process, and recruiting literature are an integral part of any such briefing. At any such briefing sessions, WVHEPC’s official in charge of WVHEPC’s AAP should be in attendance when possible. Formal arrangements are made for referral of applicants, follow up with sources, and feedback on disposition of applicants, from any such briefings.

- ii. WVHEPC's recruitment efforts at all educational institutions incorporate special efforts to reach students who are individuals with disabilities.
  - iii. WVHEPC makes an effort to participate in work-study programs for students, trainees, or interns with disabilities in programs found through outreach, such as to State and local schools and universities, and through EARN.
  - iv. Individuals with disabilities may be made available for participation in WVHEPC's career days, youth motivation programs, and related activities in WVHEPC's communities.
  - v. WVHEPC takes any other positive steps it deems necessary to attract individuals with disabilities not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These individuals may be located through State and local agencies supported by the U.S. Department of Education's Rehabilitation Services Administration (RSA) (<http://rsa.ed.gov/>), local Ticket-to-Work Employment Networks, or local chapters of groups or organizations that provide services for individuals with disabilities.
  - vi. WVHEPC, in making hiring decisions, considers applicants who are known to have disabilities for all available positions for which they may be qualified when the position(s) applied for is unavailable.
3. Assessment of external outreach and recruitment efforts. WVHEPC on an annual basis, reviews the outreach and recruitment efforts it has taken over the previous twelve months to evaluate its effectiveness in identifying and recruiting qualified individuals with disabilities. WVHEPC documents each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and WVHEPC's conclusion as to whether each effort was effective. Among these criteria shall be the data WVHEPC collected pursuant to 41 C.F.R. § 741.44(k) for the current year and the two most recent previous years. If WVHEPC concludes the totality of its efforts were not effective in identifying and recruiting qualified individuals with disabilities, it identifies and implements alternative efforts listed in Paragraph 3 above in order to fulfill its obligations.
  4. WVHEPC sends written notification of its policy relating to its affirmative action efforts to all subcontractors, including subcontracting vendors and suppliers, requesting appropriate action on their part.
  5. WVHEPC documents all activities it undertakes to comply with the obligations of this section, and retains these documents for a period of three (3) years.

## **Internal Dissemination of Policy 41 C.F.R. § 60-741.44(g)**

1. WVHEPC recognizes that even a strong outreach program for individuals with disabilities may be ineffective without adequate internal support from its supervisors and employees. Therefore, to ensure greater employee cooperation and participation in WVHEPC's efforts regarding its obligation to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities, WVHEPC has developed the following internal procedures. These procedures have been designed to foster understanding, acceptance and support among WVHEPC's executive, management, supervisory, and other employees to encourage such persons to take the necessary actions to aid the contractor in meeting this obligation.
2. WVHEPC implements and disseminates this policy internally as follows:
  - a. includes the policy in WVHEPC's policy manual or otherwise makes the policy available to employees; and
  - b. where WVHEPC is a party to a collective bargaining agreement, it notifies union officials and/or employee representatives of the contractor's policy and request their cooperation;
3. Below are some of the other methods WVHEPC may additionally use to implement and disseminate this policy internally:
  - a. informs all employees and prospective employees of WVHEPC's commitment to engage in affirmative action to increase employment opportunities for individuals with disabilities;
  - b. periodically schedules special meetings with all employees to discuss the policy and explain individual employee responsibilities;
  - c. publicizes the policy in WVHEPC's newspaper, magazine, annual report and other media;
  - d. conducts special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation making clear WVHEPC's chief executive officer's support for the affirmative action policy;
  - e. discusses the policy thoroughly in both employee orientation and management training meetings;
  - f. includes articles on accomplishments of individuals with disabilities in WVHEPC's publications; and
  - g. when employees are featured in employee handbooks and similar publications, includes individuals with disabilities.



## **Audit and Reporting System 41 C.F.R. § 60-741.44(h)**

WVHEPC has designed and has implemented an audit and reporting systems that:

1. Measures the effectiveness of WVHEPC's affirmative action program.
2. Indicates any need for remedial action.
3. Determines the degree to which WVHEPC's affirmative action objectives have been attained.
4. Determines whether known individuals with disabilities have had the opportunity to participate in all WVHEPC sponsored-educational, training, recreational and social activities.
5. Measures WVHEPC's compliance with the AAP's specific obligations.
6. Documents the actions taken to comply with the obligations of Paragraphs (1) through (5) of this section, and retain these documents as employment records for a period of three years from the date of making of the record.
7. Where WVHEPC, upon its review, finds its AAP to be deficient and need further progress, WVHEPC undertakes necessary action to bring the program into compliance.

## **Responsibility for Implementation of the Plan 41 C.F.R. § 60-741.44(i)**

### **1. Identification and Responsibilities of the EEO/AA Administrator. 41 C.F.R. § 60-741.44(i)**

In furtherance of WVHEPC's commitment to Affirmative Action and Equal Employment Opportunity, overall responsibility for implementing WVHEPC's AAP rests with its EEO/AA Administrator, whose identity appears on all internal and external communications regarding WVHEPC's AAP. The EEO/AA Administrator has been given the necessary senior management support and staff to manage the implementation of this AAP. Specifically, Patricia Humphries or the designated representative's duties include the following, all of which are administered in accordance with the Section 503 regulations:

- a. Ensuring WVHEPC posts in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the OFCCP Director provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as WVHEPC's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants with disabilities.
- b. Ensuring WVHEPC's applicants or employees with disabilities are provided the notice in a form that is accessible and understandable to the individual applicant or employee (e.g., providing Braille or large print versions of the notice, or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair) when an applicant or employee requests the poster in an alternative format, or when WVHEPC knows that an applicant or employee is unable to read the poster because of a disability. WVHEPC may also provide the poster to an applicant or employee with a disability in

- other alternate means, such as on disc or in audio recording, as long as the format provided enables the individual with a disability to access the contents of a poster.
- c. Ensuring that, with respect to employees, if any, who do not work at a physical location of WVHEPC, WVHEPC satisfies its posting obligations by posting such notices in an electronic format, provided that WVHEPC provides computers, or access to computers, that can access the electronic posting to such employees, or WVHEPC has actual knowledge that such employees otherwise are able to access the electronically posted notices.
  - d. Ensuring electronic notices for employees are posted in a conspicuous location and format on WVHEPC's intranet or sent by electronic mail to employees. An electronic posting is used by WVHEPC to notify job applicants of their rights if WVHEPC utilizes an electronic application process. Such electronic applicant notice are conspicuously stored with, or as part of, the electronic application.
  - e. Ensuring that to the extent this requirement is applicable to WVHEPC, WVHEPC notifies labor organizations of its EEO policy as required by 41 C.F.R. § 60-300.44(g).
  - f. Ensuring WVHEPC includes the provisions of this clause in every subcontract or purchase order in excess of \$10,000 under the terms and conditions of 41 CFR 60-741.5(a).
  - g. Ensuring that all solicitations or advertisements for employees placed by or on behalf of WVHEPC, state that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.
  - h. Developing, maintaining and, where appropriate, modifying WVHEPC's AAP for individuals with disabilities, policy statements, personnel policies, internal and external communication techniques including discussions with managers, supervisors and employees to ensure WVHEPC's policies are followed, and monitoring the effectiveness of these actions.
  - i. Advising supervisors that they are responsible for preventing harassment of employees due to their status as individuals with disabilities.
  - j. Ensuring affirmative action training is conducted in accordance with 41 C.F.R. § 60-300.44(g).
  - k. Identifying problem areas with line management in the implementation of the program, and helping management develop solutions to any identifiable problem area.
  - l. Designing, implementing and overseeing an audit and reporting system to monitor the progress of WVHEPC and the AAP's effectiveness, including auditing the contents of WVHEPC's electronic and hard copy bulletin boards on a regular basis to ensure that compliance information that is posted is up to date and accessible to applicants and employees with disabilities.
  - m. Serving as liaison between WVHEPC and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for individuals with disabilities.

- n. Evaluating the effectiveness of WVHEPC's plan on a regular basis, as described in this AAP, and reporting to management.
- o. Monitoring policies and procedures including the selection, evaluation, promotion and training process with regard to the various terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
- p. Overseeing WVHEPC's processes and procedures: a) to ensure that career counseling for employees with known disabilities, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure individuals with disabilities are treated in accordance with anti-discrimination laws when hiring, promotion, transfer, and termination actions occur.
- q. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
- r. Assisting in the investigation, handling and disposition of employee discrimination and harassment complaints.
- s. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, and opportunity for participation in WVHEPC-sponsored recreational, educational and social activities.
- t. Overseeing and ensuring that the below self-identification procedures are conducted as set forth in the Section 503 regulations, using the language and manner prescribed by the OFCCP Director and published on the OFCCP Web site, as follows:
  - i. Pre-offer self-identification invitation procedures for WVHEPC's job applicants as set forth in 41 C.F.R. § 60-741.42 (a);
  - ii. Post-offer identification procedures for WVHEPC's job applicants as set forth in 41 C.F.R. § 60-741.42 (a); and
  - iii. Self-identification invitation procedures for WVHEPC's employees as set forth in 41 C.F.R. § 60-741.42 (a).

Ensuring that WVHEPC does not compel or coerce an individual to self-identify as an individual with a disability, and that WVHEPC keeps all information on self-identification confidential, and maintains it in a data analysis file (rather than in the medical files of individual employees) as set forth in 41 C.F.R. § 60-741.23(d). WVHEPC only uses the self-identification information may be used only in accordance with the Section 503 regulations.

- u. Ensuring that WVHEPC annually evaluates its utilization of individuals with disabilities in each job group, or in its entire workforce in accordance with 41 C.F.R. § 60-741.45, including the following:
  - i. Ensuring that when the percentage of individuals with disabilities in one or more job groups, or in WVHEPC's entire workforce, as applicable, is less than the utilization goal established in the Section 503 regulations, WVHEPC takes steps to determine whether and where impediments to

equal employment opportunity exist. When making this determination, WVHEPC assesses its personnel processes, the effectiveness of its outreach and recruitment efforts, the results of its affirmative action program audit, and any other areas that might affect the success of its AAP.

- ii. Ensuring that WVHEPC develops and executes action-oriented programs designed to correct any identified problem areas. These action-oriented programs may include the modification of personnel processes to ensure equal employment opportunity for individuals with disabilities, alternative or additional outreach and recruitment efforts from among those listed in 41 CFR § 60-741.44 (f)(1) and (f)(2), and/or other actions designed to correct the identified problem areas and attain the established goal.

## **2. Management Responsibilities 41 C.F.R. § 60-741.44(i)**

Line and upper management are advised of their responsibilities for WVHEPC's AAP regarding individuals with disabilities within his or her area of responsibility, including but not limited to their obligations to:

- a. Review WVHEPC's AAP for individuals with disabilities with subordinate managers and supervisors to ensure they are aware of the policy, understand their obligation to comply with it in all personnel actions and understand the need for support at all levels.
- b. Assist in the auditing of plan progress, identification of problem areas, formulation of solutions, establishment of departmental goals and objectives, and development of training programs, when appropriate.
- c. Review the qualifications of applicants and employees in their area of responsibility to ensure qualified individuals with disabilities are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur.
- d. Review employees' performance to ensure that illegal discrimination regarding individuals with disabilities does not occur.
- e. Make available career counseling to employees with known disabilities, when so requested, and as appropriate.
- f. Review position descriptions to see that they adequately reflect the job to be performed.
- g. Audit training programs, hiring, and promotion patterns.
- h. Assist employees and other members of management in the prevention of harassment.
- i. If an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, confidentially notify the employee of the

performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, WVHEPC shall confidentially inquire whether the employee is in need of a reasonable accommodation.

- j. Show support for WVHEPC's AAP.

#### **Affirmative Action Training 41 C.F.R. § 60-741.44(j)**

WVHEPC provides training and guidance to all personnel who are involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure that its AAP commitments are implemented.

## **ASSESSMENT OF EXTERNAL OUTREACH AND RECRUITMENT EFFORTS**

**Assessment:** WVHEPC evaluated the effectiveness of outreach and recruitment efforts for qualified individuals with disabilities during its prior AAP year. During that period, of the applicants who chose to complete the self-identification form, 0.00% self-identified as an individual with disability. As a result, WVHEPC will continue to review and analyze its existing outreach efforts and commit to continue to identify viable partners throughout the year.

## **DATA COLLECTION ANALYSIS 41 C.F.R. § 60-741.44(k)**

WVHEPC documents the following computations or comparisons pertaining to applicants and hires on an annual basis and maintains them for a period of three years:

1. The number of applicants who self-identified as individuals with disabilities pursuant to § 60-741.42(a), or who are otherwise known to be individuals with disabilities;
2. The total number of job openings and total number of jobs filled;
3. The total number of applicants for all jobs;
4. The number of applicants with disabilities hired; and
5. The total number of applicants hired.

**See Individuals with Disabilities Three Year Data Collection**

# ***Individuals with Disabilities Three Year Data Collection***

## **West Virginia Higher Education Policy Commission**

<b>Required Data</b>	<b>May 1, 2017 through April 30, 2018</b>	<b>May 1, 2018 through April 30, 2019</b>	<b>May 1, 2019 through April 30, 2020</b>
Number of applicants who self-identify as individuals with disabilities pre-offer	0	0	0
Total number of job openings	13	11	19
Total number of jobs filled	13	11	19
Total number of applicants for all jobs	117	4	13
Total number of applicants with disabilities hired	0	0	0
Total number of applicants hired	9	4	13



## UTILIZATION ANALYSIS 41 C.F.R. § 60-741.45

**41 CFR § 60-741.45 Utilization goals.** 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. These goals are not quotas.

**Goal:** OFCCP has currently established a utilization goal of 7 percent for employment of qualified individuals with disabilities for WVHEPC's entire workforce as provided in 41 CFR § 60-751.45(d)(2)(i).

**Purpose.** The purpose of the utilization goal is to establish a benchmark against which WVHEPC measures the representation of individuals within WVHEPC's entire workforce as provided in 41 CFR § 60-751.45(d)(2)(i). The utilization goal serves as an equal employment opportunity objective that should be attainable by complying with all aspects of the affirmative action requirements of the applicable Section 503 regulations.

### Current Individuals with Disabilities Goal Results

Total Employees	<b>69</b>
Total Individuals with Disabilities	<b>1</b>
Current Individuals with Disabilities %	<b>1.4%</b>

**This location will strive to meet the established goal for individuals with disabilities by implementing additional recruitment efforts to attract qualified applicants for all jobs.**

# Utilization Analysis (Individuals with Disabilities)

Plan Date: 05/01/2020

West Virginia Higher Education Policy Commission

Job Group	Group Size	IWD Employment Count	%	7% Goal Met?	Problem Areas (if any) and Action - Oriented Programs (where utilization goal not met)
1 - Executive/Administrative/Managerial	19	1	5	No	Will review outreach and recruitment effort and adjust accordingly to attract more qualified applicants.
3 - Professional Non-Faculty	34	0	0	No	Will review outreach and recruitment effort and adjust accordingly to attract more qualified applicants.
4 - Clerical and Secretarial	3	0	0	No	Will review outreach and recruitment effort and adjust accordingly to attract more qualified applicants.
5 - Technical and Paraprofessional	13	0	0	No	Will review outreach and recruitment effort and adjust accordingly to attract more qualified applicants.