WEST VIRGINIA CODE: §18B-1G-3

§18B-1G-3. Exceptions.

(a) "Diversity, equity, and inclusion office" does not include any of the following:

(1) An office or position operating with the sole and exclusive mission of ensuring legal compliance under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 *et seq*., as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 *et seq*., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq*., or any other applicable federal or state law or court order;

(2) An academic department within a state institution of higher education that exists primarily for the purpose of offering courses for degree credit and that does not establish a policy or procedures to which other departments of the public institutions of higher education are subject;

(3) A registered student organization;

(4) An office or position engaged in providing services or support to individuals with learning, physical or neurological developmental disabilities; or

(5) A unit which may provide resources to certain individuals as long as the resources are equally available to all employees or students regardless of race, color, or ethnicity.

(b) "Diversity, equity, and inclusion officer" does not include any of the following:

(1) Any employee whose sole job duties are to ensure compliance with the state institution of higher education's obligations under Title IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 *et seq*., as amended, the federal Age Discrimination in Employment Act of 1972, 20 U.S.C. §1681 *et seq*., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq*., or any other applicable federal or state law or court order;

(2) Any faculty member while engaged in teaching, research, or the production of creative works, the dissemination of the faculty member's research or creative works, or advising a registered student organization; or

(3) A guest speaker or performer with a short-term engagement.

(c) Nothing in this article may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying

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for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

Highlights the institution's work in supporting:

(A) First-generation college students;

(B) Low-income students; or

(C) Underserved student populations.

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