WEST VIRGINIA CODE CHAPTER 5 ARTICLE 33

WV Legislature

§5-33-1. Legislative findings.

The purpose of this article is to ensure that the various departments, divisions, agencies, and boards of the State of West Virginia are treating individuals as equals under the law with respect to recruitment, hiring, promotion, and training.

WV Legislature

§5-33-2. Definitions.

As used in this article:

(1) "Diversity, equity, and inclusion" means any action, attempt, or effort to:

(A) Influence hiring or employment practices with respect to race, color, sex, ethnicity, or national origin, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal anti-discrimination laws;

(B) Promote or provide special benefits to individuals on the basis of race, color, ethnicity, or national origin;

(C) Promote policies or procedures designed or implemented in reference to race, color, ethnicity, or national origin, other than to ensure compliance with an applicable court order or state or federal law; or

(D) Conduct trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, or national origin, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with an applicable court order or state or federal law;

(2) "Ethnic group" means a category of population that is set apart and bound together by common ties of race, language, nationality, or culture;

(3) "Race" means any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry; and

(4) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

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§5-33-3. Prohibition.

(a) No department, division, agency, or board of this state may:

(1) Establish or maintain an office or division or other unit by any name whose purpose, in whole or in part, is the promotion of diversity, equity, and inclusion;

(2) Hire or assign an employee or contract with a third party to promote diversity, equity, and inclusion;

(3) Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;

(4) Give preference on the basis of diversity, equity, and inclusion to an applicant for employment, an employee, or a participant in any function of the office or department; or

(5) Requiring as a condition of employment that an employee participate in diversity, equity, and inclusion training.

(b) Nothing in this article may be construed to abrogate individuals' rights and causes of action under the West Virginia Human Rights Act.

WV Legislature