

# HOUSE BILL REPORT

## SSB 5464

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**As Reported By House Committee On:**  
Higher Education

**Title:** An act relating to gender equity in higher education.

**Brief Description:** Extending gender equity provisions.

**Sponsors:** Senate Committee on Higher Education (originally sponsored by Senators Kohl, Wood, Jacobsen, Winsley, Bauer, Hale, Patterson, Prince, Brown, Spanel, Sheldon, McAuliffe, Wojahn, Franklin, Thibaudeau, Snyder and Kline).

**Brief History:**

**Committee Activity:**

Higher Education: 3/20/97 [DP].

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** Do pass. Signed by 7 members: Representatives Carlson, Chairman; Radcliff, Vice Chairman; Mason, Ranking Minority Member; Kenney, Assistant Ranking Minority Member; Butler; O'Brien and Sheahan.

**Staff:** Suzi Morrissey (786-7120).

**Background:** Under state and federal law, colleges and universities have an obligation to achieve gender equity in all aspects of college and university life, including intercollegiate athletics. Title IX of the Education Amendments of 1972 is the federal standard that has been applied most prominently to intercollegiate sports. Under Title IX, institutions must meet one or more criteria of a three-part test. Institutions must provide substantial proportionality— between the number of female and male undergraduate students and the number of intercollegiate sports opportunities provided to students of both genders, or institutions must prove a continuing history of expanding women's sports, or institutions must provide evidence that the interests and abilities of women have been accommodated by the institution's sports program.

Institutions of higher education in Washington have been given additional guidance through the Blair decision. In 1983, the Whitman County Superior Court concluded in Blair v. Washington State University that Washington State University discriminated against its female athletes. Based on the Washington Equal Rights

Amendment, the court required the university to provide intercollegiate athletic opportunities at a proportionate rate to its male and female student population.

In 1989, the Legislature passed three bills on gender equity in public higher education. One bill required institutions to eliminate gender discrimination in academic programs, student employment, counseling, financial aid, recreational activities and intercollegiate athletics. It directed institutions to adopt a plan to comply with the requirements and stated if participation in activities, such as intercollegiate athletics and matriculation in academic programs is not proportionate to the percentage of male and female enrollment, the plan should outline efforts to identify barriers to equal participation and to encourage gender equity in all aspects of college and university life.–

Another bill gave the baccalaureate institutions the authority to waive up to 1 percent of their estimated tuition and fee revenue to achieve or maintain gender equity in intercollegiate athletic programs. As an interim measure, the legislation required the institutions to provide athletic opportunities for women at a rate that matched or exceeded the rate that girls participated in high school athletics. Participating institutions were required to meet that interim standard by July 1, 1994. The tuition waiver authority will expire on June 30, 1997.

The Higher Education Coordinating Board must report to the Legislature every two years regarding institutional efforts to achieve and maintain gender equity in intercollegiate athletics and all other aspects of college and university life.

**Summary of Bill:** The expiration date is repealed that terminated the authority of public baccalaureate institutions to use 1 percent of their tuition and fee revenues to achieve gender equity in intercollegiate athletics.

By June 30, 2002, institutions of higher education must strive to achieve equitable participation in their intercollegiate athletics programs. Equitable means that the ratio of female and male students participating in intercollegiate athletics is substantially proportionate to the ratio of female and male students who are 17- to 24-year-old undergraduates enrolled full-time on the institution's main campus.

Beginning in the 1999-2000 academic year, before granting any waivers for gender equity, certain institutions must have a new athletic equity plan approved by the Higher Education Coordinating Board. This requirement applies to baccalaureate institutions that do not, by June 30, 1998, provide athletic opportunities for a historically under-represented gender class at a rate that equals or exceeds the rate that the under-represented class participates in interscholastic athletics.

Beginning in the 2003-2004 academic year, before granting any waivers, baccalaureate institutions that are not within 5 percent of equity by June 30, 2002,

must have a new plan for achieving gender equity in intercollegiate athletics. The plan must be approved by the Higher Education Coordinating Board.

Beginning in 1998, the Higher Education Coordinating Board must report every four years, instead of every two years, on institutional efforts to comply with the gender equity requirements for intercollegiate athletics and for gender equity in all aspects of college and university life.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 1997.

**Testimony For:** The program that is retained and refined in this legislation is a pragmatic way to help shield the state from lawsuits while providing athletic opportunities for young women. During the time that the program has been in effect, the baccalaureate institutions have increased the number of intercollegiate sports programs for young women and dramatically increased the opportunities those young women have to play a sport. The institutions have added these opportunities without dramatically reducing intercollegiate athletic opportunities for young men. This program needs to be continued in order to preserve these gains.

**Testimony Against:** None.

**Testified:** Senator Jeanne Kohl, prime sponsor; Lambert van der Walde, University of Washington (pro); and Kim Merriman, The Evergreen State College (pro).