

HOUSE BILL REPORT

HB 1437

As Reported By House Committee On:
Higher Education

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

Brief Description: Eliminating the expiration of gender equity in higher education.

Sponsors: Representatives Carlson, Mason, Radcliff, O'Brien, Kenney, Dunn, Dickerson, Butler, Mielke, Scott, Cole, Chopp, Gombosky, Ogden, Murray and Costa.

Brief History:

Committee Activity:

Higher Education: 2/6/97, 2/14/97 [DPS].

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Carlson, Chairman; Radcliff, Vice Chairman; Mason, Ranking Minority Member; Kenney, Assistant Ranking Minority Member; Butler; Dunn; 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 criterion 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 Substitute Bill: The expiration date 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 is repealed.

By June 30, 2002, institutions of higher education shall 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 an 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.

Substitute Bill Compared to Original Bill: In two sections, language in current law was retained. By June 30, 2002, institutions will strive to achieve certain goals rather than being required to achieve them. Language was also retained that directs institutions of higher education to include certain provisions in their gender equity plans.

Appropriation: None.

Fiscal Note: Requested on January 28, 1997.

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

Testimony For: Washington's laws on gender equity in athletics are elegant, simple, and effective. Washington is recognized nationally for its leadership in providing equitable opportunities for its women and men athletes. The law that is extended in this legislation has permitted the state's baccalaureate institutions to increase opportunities for women athletes without diminishing opportunities for men. The new targets in the legislation are realistic, flexible, and move the institutions within the proportionality standards established by the courts.

Testimony Against: None.

Testified: Norman Arkans, University of Washington (pro); Marie Tuite, University of Washington (pro); Tara Bilansky, University of Washington (pro); Kim Merriman, The Evergreen State College (pro); Virginia DeForest, American Association of University Women (pro); Marcia Sanholtz, Washington State University (pro); Jane Sherman, The Higher Education Coordinating Board (pro); and Sumeer Singla, Washington Student Lobby (pro).