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**SUBSTITUTE HOUSE BILL 1437**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Higher Education (originally sponsored by Representatives Carlson, Mason, Radcliff, O'Brien, Kenney, Dunn, Dickerson, Butler, Mielke, Scott, Cole, Chopp, Gombosky, Ogden, Murray and Costa)

Read first time 02/18/97.

1 AN ACT Relating to gender equity in higher education; amending RCW  
2 28B.15.455, 28B.15.460, 28B.15.465, 28B.15.470, and 28B.110.040;  
3 repealing RCW 28B.15.480; providing an effective date; and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 28B.15.455 and 1989 c 340 s 3 are each amended to read  
7 as follows:

8 Institutions of higher education shall strive to accomplish the  
9 following goals by June 30, 2002:

10 (1) Provide the following benefits and services equitably to male  
11 and female athletes participating in intercollegiate athletic programs:  
12 Equipment and supplies; medical services; services and insurance;  
13 transportation and per diem allowances; opportunities to receive  
14 coaching and instruction; scholarships and other forms of financial  
15 aid; conditioning programs; laundry services; assignment of game  
16 officials; opportunities for competition, publicity, and awards; and  
17 scheduling of games and practice times, including use of courts, gyms,  
18 and pools. Each institution which provides showers, toilets, lockers,

1 or training room facilities for athletic purposes shall provide access  
2 to comparable facilities for both males and females.

3 (2) Provide equitable intercollegiate athletic opportunities for  
4 male and female students including opportunities to participate and to  
5 receive the benefits of the services listed in subsection (1) of this  
6 section.

7 (3) Provide participants with female and male coaches and  
8 administrators to act as role models.

9 **Sec. 2.** RCW 28B.15.460 and 1989 c 340 s 4 are each amended to read  
10 as follows:

11 (1) An institution of higher education shall not grant any waivers  
12 for the purpose of achieving gender equity until the 1991-92 academic  
13 year, and may grant waivers for the purpose of achieving gender equity  
14 in intercollegiate athletic programs as authorized in RCW 28B.15.740,  
15 for the 1991-92 academic year only if the institution's governing board  
16 has adopted a plan for complying with the provisions of RCW 28B.15.455  
17 and submitted the plan to the higher education coordinating board.

18 (2)(a) Beginning in the 1992-93 academic year, an institution of  
19 higher education shall not grant any waiver for the purpose of  
20 achieving gender equity in intercollegiate athletic programs as  
21 authorized in RCW 28B.15.740 unless the institution's plan has been  
22 approved by the higher education coordinating board.

23 (b) Beginning in the 1999-2000 academic year, an institution that  
24 did not provide, by June 30, 1998, athletic opportunities for an  
25 historically underrepresented gender class at a rate that meets or  
26 exceeds the current rate at which that class participates in high  
27 school athletics in Washington state shall have a new institutional  
28 plan approved by the higher education coordinating board before  
29 granting further waivers.

30 (c) Beginning in the 2003-04 academic year, an institution of  
31 higher education that was not within five percent of the ratio of  
32 undergraduates described in RCW 28B.15.470 by June 30, 2002, shall have  
33 a new plan for achieving gender equity in intercollegiate athletic  
34 programs approved by the higher education coordinating board before  
35 granting further waivers.

36 (3) The plan shall include, but not be limited to:

37 (a) For any institution with an historically underrepresented  
38 gender class described in subsection (2)(b) of this section, provisions

1 that ensure that by July 1, ~~((1994))~~ 2000, the institution shall  
2 provide athletic opportunities for the underrepresented gender class at  
3 a rate that meets or exceeds the current rate at which that class  
4 participates in high school interscholastic athletics in Washington  
5 state not to exceed the point at which the underrepresented gender  
6 class is no longer underrepresented;

7 (b) For any institution with an underrepresented gender class  
8 described in subsection (2)(c) of this section, provisions that ensure  
9 that by July 1, 2004, the institution will have reached substantial  
10 proportionality in its athletic program;

11 (c) Activities to be undertaken by the institution to increase  
12 participation rates of any underrepresented gender class in  
13 interscholastic and intercollegiate athletics. These activities may  
14 include, but are not limited to: Sponsoring equity conferences,  
15 coaches clinics and sports clinics; and taking a leadership role in  
16 working with athletic conferences to reduce barriers to participation  
17 by those gender classes in interscholastic and intercollegiate  
18 athletics;

19 ~~((e))~~ (d) An identification of barriers to achieving and  
20 maintaining equitable intercollegiate athletic opportunities for men  
21 and women; and

22 ~~((d))~~ (e) Measures to achieve institutional compliance with the  
23 provisions of RCW 28B.15.455.

24 **Sec. 3.** RCW 28B.15.465 and 1989 c 340 s 5 are each amended to read  
25 as follows:

26 (1) The higher education coordinating board shall report  
27 ~~((biennially))~~ every four years, beginning December ~~((1992))~~ 1998, to  
28 the governor and the house of representatives and senate committees on  
29 higher education, on institutional efforts to comply with the  
30 requirements of RCW 28B.15.740, 28B.15.455, and 28B.15.460. Each  
31 report shall include recommendations on measures to assist institutions  
32 with compliance. ~~((The first report shall also include a~~  
33 ~~recommendation on whether to grant this waiver authority to community~~  
34 ~~college governing boards.))~~

35 (2) Before the board makes its report in December ~~((1994))~~ 2006,  
36 the board shall assess the extent of institutional compliance with the  
37 requirements of RCW 28B.15.740, 28B.15.455, and 28B.15.460. ~~((The 1994~~

1 ~~report shall include a recommendation on whether to continue this~~  
2 ~~waiver authority.))~~

3 (3) The report in this section may be combined with the report  
4 required in RCW 28B.110.040(3).

5 **Sec. 4.** RCW 28B.15.470 and 1989 c 340 s 6 are each amended to read  
6 as follows:

7 (1) As used in and for the limited purposes of RCW 28B.15.450  
8 through 28B.15.465 and 28B.15.740, "underrepresented gender class"  
9 means female students or male students, where the ratio of  
10 participation of female or male students who are seventeen to twenty-  
11 four year old undergraduates enrolled full-time on the main campus,  
12 respectively, in intercollegiate athletics ~~((is))~~ has historically been  
13 less than approximately the ratio of female to male students or male to  
14 female students, respectively, enrolled as undergraduates at an  
15 institution.

16 (2) As used in and for the limited purpose of ~~((subsection 4(b) of~~  
17 ~~this act))~~ RCW 28B.15.460(3)(a), an "underrepresented gender class" in  
18 interscholastic athletics means female students or male students, where  
19 the ratio of participation of female or male students, respectively, in  
20 K-12 interscholastic athletics ~~((is))~~ has historically been less than  
21 approximately the ratio of female to male students or male to female  
22 students, respectively, enrolled in K-12 public schools in Washington.

23 (3) As used in and for the limited purposes of RCW 28B.15.460,  
24 "equitable" means that the ratio of female and male students  
25 participating in intercollegiate athletics is substantially  
26 proportionate to the percentages of female and male students who are  
27 seventeen to twenty-four year old undergraduates enrolled full time on  
28 the main campus.

29 **Sec. 5.** RCW 28B.110.040 and 1989 c 341 s 4 are each amended to  
30 read as follows:

31 The executive director of the higher education coordinating board,  
32 in consultation with the council of presidents and the state board for  
33 community ~~((college education))~~ and technical colleges, shall monitor  
34 the compliance by institutions of higher education with this chapter.

35 (1) The board shall establish a timetable and guidelines for  
36 compliance with this chapter.

1       (2) (~~By September 30, 1990, each institution shall complete a~~  
2 ~~self study on its compliance with the requirements listed in RCW~~  
3 ~~28B.110.030.~~

4       (3)) By November 30, 1990, each institution shall submit to the  
5 board for approval a plan to comply with the requirements of RCW  
6 28B.110.030. The plan shall contain measures to ensure institutional  
7 compliance with the provisions of this chapter by September 30, 1994.  
8 If participation in activities, such as intercollegiate athletics and  
9 matriculation in academic programs is not proportionate to the  
10 percentages of male and female enrollment, the plan should outline  
11 efforts to identify barriers to equal participation and to encourage  
12 gender equity in all aspects of college and university life.

13       (~~(4)~~) (3) The board shall report (~~(biennially)~~) every four years,  
14 beginning December 31, (~~(1990)~~) 1998, to the governor and the higher  
15 education committees of the house of representatives and the senate on  
16 institutional efforts to comply with this chapter. The report shall  
17 include recommendations on measures to assist institutions with  
18 compliance. This report may be combined with the report required in  
19 RCW 28B.15.465.

20       (~~(5)~~) (4) The board may delegate to the state board for community  
21 and technical colleges (~~(education)~~) any or all responsibility for  
22 community college compliance with the provisions of this chapter.

23       NEW SECTION. Sec. 6. RCW 28B.15.480 and 1989 c 340 s 9 are each  
24 repealed.

25       NEW SECTION. Sec. 7. This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and takes effect  
28 July 1, 1997.

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