HOUSE BILL REPORT
SB 5625

As Reported by House Committee On:
Higher Education

Title: An act relating to gender equity reporting.

Brief Description: Regarding gender equity reporting.

Sponsors: Senators Kohl-Welles, Schoesler, Hewitt, Poulsen, McAuliffe and Delvin.

Brief History:
   Committee Activity:
      Higher Education: 3/17/05, 3/31/05 [DP].

Brief Summary of Bill

•   Permits higher education institutions to use a three-year rolling average in
   reporting athletic participation for purposes of gender equity rules.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 13 members: Representatives Kenney, Chair; Sells,
Vice Chair; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member;
Buri, Dunn, Fromhold, Hasegawa, Jarrett, Ormsby, Priest, Roberts and Sommers.

Staff: Sydney Forrester (786-7120).

Background:

Article 31, section 1 of the Washington State Constitution requires all citizens, regardless of
gender, to be treated equally. In 1983, female athletes and coaches of female athletes at
Washington State University (WSU) filed a lawsuit alleging sex discrimination under the state
Equal Rights Amendment and the Law Against Discrimination. The Whitman County
Superior Court found that WSU had discriminated against its female athletes by creating "an
entirely different sort of participation opportunity" for females as compared to males.

In 1989, the Legislature directed the higher education institutions to eliminate gender
discrimination in academic programs, student employment, counseling, financial aid,
recreational activities and intercollegiate athletics. Under that law, the Higher Education
Coordinating Board (HECB) has adopted rules and guidelines to eliminate gender
discrimination at higher education institutions. Rules include specified components in the
areas in which gender discrimination is to be eliminated. For purposes of achieving gender

equity in intercollegiate athletics, the proportion of female athletic participation must be within five percentage points of female enrollment in any particular year.

The HECB monitors institutional compliance with gender equity rules and reports every four years to the Governor and the higher education committees of the Legislature regarding institutional efforts to comply with the rules.

Summary of Bill:

Higher education institutions may use a three-year rolling average in determining the proportion of female and male athletic participants to female and male enrollments for purposes of compliance and monitoring of gender equity requirements

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Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This is actually a very simple idea that addresses a very complex issue. Regulations for intercollegiate athletics have numerous rules at the sate and federal level regarding how these programs are run. This bill addresses the state law regarding the proportion of female and male participants in athletics. Currently we report a single year at a time. This bill would give us an additional tool in our recruitment and scholarship activities. For institutions that are in compliance, and for those that may be struggling with obtaining the proportionality goals, the three-year rolling average would be a good tool for internal management at the institution level and would support the institution's ability to plan for program stability.

For reporting requirements in other compliance areas, the HECB does use three-year rolling averages. It appears that the HECB could address this issue by a rule change.

Testimony Against: None.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; Jeff Gombosky, Eastern Washington University; Ann Anderson, Central Washington University; Judy McNickle, Western Washington University; and Bruce Botka, Higher Education Coordinating Board.

Persons Signed In To Testify But Not Testifying: None.