

# SENATE BILL REPORT

## SB 5625

---

---

As Passed Senate, March 10, 2005

**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:** Early Learning, K-12 & Higher Education: 2/9/05, 2/21/05 [DP].  
Passed Senate: 3/10/05, 48-0.

---

### SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

**Majority Report:** Do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

**Staff:** Ingrid Mungia (786-7423)

**Background:** Under the Washington State Constitution, all citizens, regardless of gender, must be treated equally. Following a 1983 lawsuit in which a court found that Washington State University had discriminated against its female athletes, the 1989 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) was required to develop and adopt rules and guidelines to eliminate gender discrimination at higher education institutions. State law specifies what areas must, at the least, be addressed in those rules.

Additional legislation passed in 1989 authorizes four year institutions to use tuition and fee waivers to achieve gender equity in intercollegiate athletics if they meet proportionality goals.

The HECB is directed by statute to monitor institutional compliance with gender equity rules and regulations and report every four years to the Governor and the higher education committees of the Legislature on institutional efforts to comply with the gender equity rules. Under current practice, the proportion of female athletic participation must be within five percentage points of female enrollment in any particular year.

**Summary of Bill:** In determining the proportion of female and male athletic participants to male and female enrollment for purposes of compliance monitoring, the institutions may use a three-year rolling average.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** It was startling to read last year that Eastern Washington University was ranked very low in terms of proportion of female students participating in intercollegiate athletics, especially when Eastern has worked very hard on gender equity issues. Part of the reason was that Eastern is in a unique position and if the enrollment of students changes even slightly, it can impact the gender equity compliance. This change makes a lot of sense because it will help give a little flexibility to deal with those minor deviations in student enrollment. This is a very simple proposal for a relatively complex issue. There are a lot of different entities that govern intercollegiate athletic decisions, from Title IX to state regulations to NCAA, or to conference designations. Complying with one regulation often offsets another regulation that is no longer in compliance. Beginning in 1999, Eastern had a gender equity program and was on its way to being in complete compliance, but by 2002 Eastern was not in compliance with the proportionality provisions. At that time, Eastern took more aggressive efforts and are now in compliance, but are constantly balancing all the requirements of the different entities and that limits our options. This bill will provide a better way to plan and implement gender equity requirements.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Kohl-Welles, prime sponsor; Jeff Gombosky, Laurie Connelly, Eastern Washington University.