

# Chapter 250-77 WAC

## ATHLETIC GENDER EQUITY TUITION AND FEE WAIVER

### WAC

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**WAC 250-77-010 Purpose.** The purpose of this program is to assist the public four-year institutions of higher education to achieve gender equity in their intercollegiate athletics activities, as required by RCW 28B.15.450 through .480, 28B.15.740(3), chapter 28B.110 RCW, and other applicable state and federal law.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-010, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-015 Authority to administer.** RCW 28B.15.460-465 assigns responsibility to the higher education coordinating board to approve, evaluate, report, and make recommendations in the implementation of RCW 28B.15.455-480 and 28B.15.740(3).

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-015, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-020 Definitions.** For purposes of assessing institutional compliance with statutory goals for 1994 only, "the rate at which (the underrepresented gender) class participates in high school interscholastic athletics in Washington state" means that neither gender shall comprise less than 39% of the total number of athletes at that institution.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-020, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-025 Eligibility for 1991-92.** Any public four-year institution of higher education in the state of Washington shall be eligible to participate in the athletic gender equity tuition and fee waiver program for the academic year 1991-92, provided it has:

(1) Submitted to the higher education coordinating board a study of gender equity in its intercollegiate athletics program, and a plan for achieving institutional and legislative gender equity goals, consistent with RCW 28B.15.450-.480.

(2) Received approval of the plan from the institution's governing board.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-025, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-030 Eligibility beginning in 1992-93.** Any public four-year institution of higher education shall be eligible to participate in the athletic gender equity tuition and fee waiver program for the academic years 1992-93 and fol-

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lowing, provided that, in addition to the conditions in WAC 250-77-025, it has received approval for its plan to achieve gender equity in athletics from the higher education coordinating board.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-030, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-035 Use of authorized waivers.** Tuition and fee waivers generally will be granted to the underrepresented gender. The exceptions will be when an institution can demonstrate that a waiver to a nonunderrepresented gender individual will result in a savings of athletic financial aid funds that can be applied in an equal amount to enhance the intercollegiate program for the underrepresented gender.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-035, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-040 Use of waiver generated funds.** Funds generated by this program may be used only to attain or maintain gender equity in intercollegiate athletics.

(1) For any institution having an underrepresented gender in its athletic program,

(a) All funds generated by this program shall be expended to enhance the intercollegiate athletic program for the underrepresented gender, and

(b) Any difference between genders in overall expenditures, exclusive of the waiver amount, shall not exceed the 1989-90 difference.

(2) For any institution not having an underrepresented gender in its athletic program, all funds generated by this program must be expended in such a way that gender equity is maintained.

(3) Funds generated by waivers under this section may be used for expanding the program to additional intercollegiate sports and/or for enhancing the services, equipment, and coaching in existing sports.

(4) Funds generated by waivers under this section may be used for both operating and capital expenses, provided that they are not used for debt service, and provided further that, if there is an underrepresented gender in its intercollegiate athletics program, the institution is able to demonstrate that the funds were used solely to enhance or expand the intercollegiate athletic program for the underrepresented gender.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-040, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-045 Reporting.** Each institution participating in this program will report biennially to the higher education coordinating board on its efforts to achieve equity and its compliance with RCW 28B.450.480.

(1) Reports will be submitted in a common format developed by the higher education coordinating board in consultation with the participating institutions.

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(2) Reports will include all of the information items required from the 1990 self-study, as defined in WAC 250-71-010 through 250-71-075, inclusive.

(3) Reports will include year to year comparisons, beginning with 1988-89, for expenditures and participation for men's and women's athletic programs.

(4) Reports will include a delineation of waivers granted each year by gender and sport and the value thereof.

(5) Reports will include the amount generated to the intercollegiate athletics program by the waivers, and the application made of such funds.

(6) Reports will be due on August 31 of each even number year.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-045, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-050 Fluctuations.** Short term deviations from the above standards will be allowed only if due to specific, identifiable, and normal variations, examples of which include the high costs in one year for the start up of a new sport or the higher expenses due to an unusual number of teams of one gender participating in post-season competition. In such cases, a four year rolling average will be applied to comparisons of proportional expenditures.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. WSR 91-12-005, § 250-77-050, filed 5/28/91, effective 6/28/91.]