

# Chapter 250-71 WAC

## GENDER EQUALITY IN HIGHER EDUCATION

### WAC

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**WAC 250-71-010 Purpose—Elimination of discrimination based on gender in higher education.** The purpose of this chapter is to establish administrative rules implementing chapter 28B.110 RCW, prohibiting discrimination on the basis of gender in all public institutions of higher education in the state of Washington.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-010, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-015 Definitions.** (1) "Institution" shall mean a public university, college, or community college within the state of Washington.

(2) "Without regard to gender" shall mean that gender may not be taken into account when making a decision regarding a student.

(3) "Available without regard to gender" shall mean that there are no institutional factors operating to prevent or discourage students of either gender from selecting, participating in, or completing a program of study or activity.

(4) "Equitable" shall mean that the benefits of a program or activity shall be enjoyed by males and females substantially proportional to their enrollment as undergraduates at the institution.

(5) "Opportunities for participation" shall specifically apply to athletics and mean the number of positions on the initial eligibility roster of student athletes, minus students who are cut from the team, and students who drop out voluntarily within the first ten days of practice.

(6) "Academic programs" shall mean all instructional, research, and instruction and research related public service activities of the institution, including internships, teaching and research assistantships, and cooperative education, at all levels of study.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-015, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-020 Academic programs.** (1) Institutions shall ensure that admission to academic programs is made without regard to gender.

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(2) Institutions shall ensure that all academic programs are available without regard to gender for student selection, participation, and completion.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-020, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-025 Counseling and guidance services.** Institutions shall ensure that all counseling and guidance services are made available to all students without regard to gender, including:

(1) That counseling and academic advising personnel stress access to all career and vocational opportunities to all students;

(2) That materials, assessment instruments, and techniques used encourage students to participate in academic programs and other activities on individual rather than gender-based factors;

(3) That assessment instruments intended to measure aptitude, interest, personality, emotional stability, or other characteristics, the interpretation of those instruments, and the counseling staff do not discriminate on the basis of gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-025, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-030 Student employment.** Institutions shall ensure that all student employment is conducted without regard to gender, including:

(1) No differentiation in pay scales;

(2) Assignment of positions, jobs, and duties, except in cases of bona fide occupational qualifications under WAC 162-16-020;

(3) Opportunities for advancement;

(4) Conditions of employment, including, but not limited to, hiring practices, leaves of absence, and hours of employment;

(5) All organizations and companies not under the jurisdiction of the institution to which students are referred for employment by the institution, or for which students are recruited on campus or under the auspices of the institution.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-030, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-035 Financial aid.** Institutions shall ensure that in the assignment of financial aid there is no discrimination in types, amounts, or patterns of aid awarded to students of each gender. Types of aid include, but are not limited to the following:

(1) Federal and state funded, including institutionally controlled, need-based assistance;

(2) Merit-based awards

(3) Graduate assistantships and fellowships

(4) Athletic assistance

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- (5) Department-based awards
- (6) Foreign study scholarships and opportunities
- (7) Nonneed based waivers
- (8) Discretionary programs

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-035, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-040 Recreational activities.** Recreational activities include all activities provided by the institution, or sanctioned by the institution, to meet the recreational needs or interests of students, including, but not limited to, intramural activities and club sports.

(1) Institutions are not required to offer any specific type or level of recreational opportunities. Institutions which elect to offer recreational opportunities shall do so based upon the interest levels of the students.

(2) Institutions which provide the following benefits and services for recreational activities must make them available without regard to gender:

- (a) Equipment, supplies, laundry services
- (b) Medical care, services and insurance,
- (c) Transportation and per diem allowances,
- (d) Opportunities to receive coaching and instruction,
- (e) Assignment of game officials,
- (f) Opportunities for competitions,
- (g) Publicity and awards,
- (h) Scheduling of games and practice times, including use of courts, gyms and pools, showers, toilets, lockers, or training room facilities.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-040, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-045 Other student services.** Institutions which provide other student services including, but not limited to health services, minority student services, placement, child care, and housing, shall make them available without regard to gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-045, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-050 Intercollegiate athletics.** Institutions which provide intercollegiate athletics shall do so with no disparities based on gender, according to the following standards:

(1) No sports may be excluded or treated separately for purposes of meeting any of the requirements of this section.

(2) Institutions shall provide equitable opportunities for participation for males and females in intercollegiate athletics:

(a) Intercollegiate athletics shall include all sports recognized by the NCAA, NAIA, and NWAACC, plus the sport of crew.

(b) Consistent with RCW 28B.15.460, satisfactory progress toward the goal of equitable opportunity, as of July 1, 1994, will be assumed if, by that date, the number of opportunities for participation in athletics for female students meets or exceeds the approximate rate (42%) at which high school girls participated in interscholastic athletics in the state of Washington in 1995-96.

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(c) After 1994, institutions shall show continuing progress toward the goal of providing numbers of opportunities for participation in athletics for male and female students proportional to their respective undergraduate enrollments at the institutions.

(3) If any benefits, services, or facilities are provided, they shall be made available proportionally, across the athletic program considered as a whole. Institutions which provide higher levels of support to some sports than to others shall ensure that male and female athletes experience the benefits of such enhanced support in an equal proportion to their participation rates. Examples of such benefits include:

- (a) Equipment, supplies, laundry services
- (b) Medical care, services, and insurance
- (c) Scholarships and all other forms of financial aid or benefits from any source related to the students' status as an athlete
- (d) Opportunities to receive coaching and instruction, including academic tutoring
- (e) Conditioning programs
- (f) Opportunities for competition, including pre- and post-season opportunities and levels of competition
- (g) Transportation and per diem allowances
- (h) Assignment of game officials
- (i) Scheduling of games and practice times, including use of courts, gyms, and pools.
- (j) Publicity and awards
- (k) Showers, lockers, toilets, training room facilities.

[Statutory Authority: Chapter 28B.85 RCW. 98-08-003, § 250-71-050, filed 3/18/98, effective 4/18/98. Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-050, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-055 Male and female coaches and administrators.** Institutions shall provide coaches and athletic administrators of both genders to act as role models for male and female athletes, and shall endeavor to attract staff of the underrepresented gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-055, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-060 Sexual harassment.** Each institution shall develop and annually distribute to students, faculty, and staff, policies and procedures for handling complaints of sexual harassment, including:

(1) A definition of sexual harassment which includes, but is not necessarily limited to, unwanted verbal or physical sexual behavior of faculty or staff toward students, supervisors toward student supervisees, or students toward students.

(2) The name, address, and phone number of one or more persons to whom complaints may be addressed, and the procedures available.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-060, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-065 Institutional self-study and plan.**

(1) By September 30, 1990, each institution shall submit to the higher education coordinating board an initial self-study assessing its compliance with the gender equality requirements of this chapter. The self-study shall utilize data from the 1988-89 academic year, and shall include:

(a) An assessment of the students in each major, at the graduate and undergraduate levels, and in all programs and services related to academics, to determine whether the participation of males and females is substantially proportional to the enrollment of each gender in the undergraduate population of the institution;

(b) An analysis of student employment to determine the proportion of each gender employed by the institution, and their rates of pay;

(c) An evaluation of all advising and counseling services and appraisal instruments to determine freedom from gender bias;

(d) An assessment of the participation of male and female students in the recreational activities of the institution, and of the benefits associated with these activities;

(e) An examination of the amounts, types, and patterns of financial aid awarded to males and to females at all levels of study to determine whether any disparities exist;

(f) An evaluation of other areas of student services, including, but not limited to, housing, placement, child care, minority affairs, and special services, to determine if students of both genders receive comparable benefits;

(g) An analysis of the intercollegiate athletics program to identify any existing disparities between genders in participation opportunities, benefits, services, or facilities;

(h) An enumeration of athletic administrators and coaches by position title, sport and gender;

(i) A description of efforts implemented to educate students, faculty and staff about sexual harassment.

(2) By November 30, 1990, each institution shall submit to the higher education coordinating board a plan to comply with the requirements of this chapter, including:

(a) Identification of barriers or factors which need to be addressed in order to reach compliance with the provisions of this chapter;

(b) Measures to be implemented to ensure institutional compliance with the provisions of this chapter by September 30, 1994, except as otherwise allowed in RCW 28B.15.460.

(3) By October 30 of each even numbered year, beginning in 1992, each institution shall submit an update to its plan, including:

(a) An assessment of the results of activities undertaken under the previous plan to remove barriers to compliance with the provisions of this chapter;

(b) The results of continued monitoring of gender equity at the institution;

(c) Additional activities, or modifications of current activities, to be undertaken to address remaining issues of gender equity at the institution.

(4) The higher education coordinating board shall report biennially, beginning December 31, 1990, to the governor and the higher education committees of the house of representatives and the senate on:

(a) The efforts of each institution and the extent to which it has complied with this chapter.

(b) Recommendations on measures to assist institutions with compliance.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-065, filed 11/29/90, effective 12/30/90.]

(3/18/98)

**WAC 250-71-070 Distribution.** Institutions of higher education shall distribute summaries of the provisions of chapter 28B.110 RCW to all students, including the procedures for filing a complaint with the institution and the human rights commission.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-070, filed 11/29/90, effective 12/30/90.]

**WAC 250-71-075 Compliance—Complaints.** (1) The president of each institution shall designate a specific staff person who shall be responsible for monitoring and coordinating the institution's compliance with this chapter.

(2) Each institution shall identify existing complaint procedures, or establish new ones, as an institutional remedy for complaints under this chapter.

(3) All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, shall also apply.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-075, filed 11/29/90, effective 12/30/90.]