

**Testimony submitted by Cary Brown, Executive Director of the Vermont Commission on Women
Vermont Senate Committee on Education**

January 21, 2020

**Re: S248 – An act relating to requiring gender balance on the
University of Vermont’s board of trustees**

Good afternoon. Thank you for the opportunity to provide some information related to the proposal to require gender balance on the University of Vermont’s Board of Trustees.

The Vermont Commission on Women has identified women’s representation on appointed boards and commissions as a key priority, as reflected in our following policy statement:

The Vermont Commission on Women supports legislation, policies, programs, and initiatives that facilitate the recruitment, retention, and promotion of women to boards and commissions and that facilitate the recruitment, retention, and promotion of women in public office.

The benefits of gender balance on boards is clear. It improves decision-making,¹ increases the bottom line in a corporate setting,² boosts innovation,³ and ensures that a fuller set of experiences and concerns are reflected in policies that are developed.⁴

In recognition of these benefits, several states have legislation regarding gender balance on appointed boards and commissions. In almost all, the wording is crafted to encourage rather than require gender balance. Some examples include:

- “shall make a good faith effort to have state boards reflect the sex/race diversity of the state”
- “shall be gender balanced to the extent possible and to the extent that appointees are qualified to serve on those boards...If gender balance is not possible, then appointments shall provide for significant representation of both sexes to boards...”
- “As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to

¹ Catalyst. The Bottom Line: Corporate Performance and Women’s Representation on Boards (2004 –2008). Retrieved from: <http://www.catalyst.org/2011>; <https://hbr.org/2013/09/how-women-decide>.

² Catalyst. The Bottom Line: Corporate Performance and Women’s Representation on Boards (2004 –2008). Retrieved from: <http://www.catalyst.org/2011>; <https://hbr.org/2013/09/how-women-decide>.

³ Ashcraft, Catherine, and Breitzman, Anthony, Who Invents IT? An Analysis of Women’s Participation in Information Technology Patenting, National Center for Women and Information Technology, 2007.

⁴ Volden, Craig, Alan E. Wiseman and Dana E. Wittmer (2010) “The Legislative Effectiveness of Women in Congress,” <http://polisci.osu.edu/faculty/cvolden/VWWWomenLEP.pdf>. National Democratic Institute of International Affairs.

attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.”

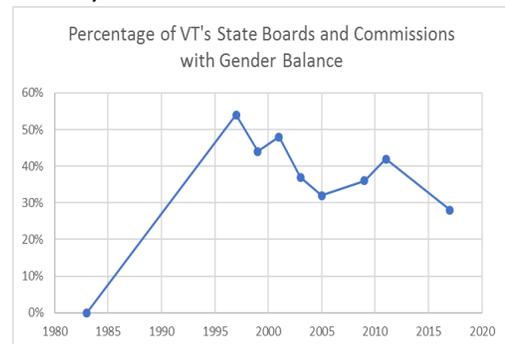
- “One of the factors which may be taken into consideration shall be the gender balance in the population which is served or regulated by the state office, agency, commission, or board, so that when the position is filled, it may result in a state office, agency, commission, or board which reflects that gender balance.” (New Hampshire)

(A full list is included at the end of this document.)

The one state that actually requires gender balance is Iowa. In Iowa, gender balance on state-level boards and commissions has been required since 1987, and in 2009 that law was expanded to city and county boards and commissions. The Iowa law mandates that all appointive boards, commissions, committees, and councils of the state must be gender balanced. Exemptions are given to appointments in which there has been a good faith effort made for at least three months with no success. Appointing authorities must "utilize a fair and unbiased method of selecting the best qualified applicants" and produce a standard protocol or application process when determining candidate qualifications.

The law appears to have had a positive impact on the gender composition of boards and commissions in Iowa. Between 2014 and 2018 the percentage of gender-balanced city boards and commissions rose from just under 50% to 63%.⁵

Since 1983, the Vermont Commission on Women has been tracking the gender balance of Vermont’s state boards and commissions. Ideally, 100% of boards and commissions would be gender-balanced, but our historical movement towards this goal has not been encouraging. While there was a huge leap from 0% in 1983 to 54% in 1997⁶, since then it has been on a downward trend. In our last analysis, in 2017, just 28% were gender-balanced.⁷



Also in 2017, we looked at the composition of college and university boards of trustees in Vermont. At that time, women were 41% of board members.⁸ According to research done by VTDigger in 2019, women made up just 33% of those boards of trustees.⁹

⁵ <https://cattcenter.iastate.edu/research/gender-balance-project/>

⁶ https://women.vermont.gov/sites/women/files/pdf/VCW_Status_Rpt_08.pdf

⁷ <https://changethestoryvt.org/wp-content/uploads/2017/09/CTS-Women-in-Leadership.pdf>

⁸ <https://changethestoryvt.org/wp-content/uploads/2017/09/CTS-Women-in-Leadership.pdf>

⁹ <https://vtdigger.org/2019/11/12/lawmakers-plan-to-require-uvm-board-to-achieve-gender-parity/>

States with Gender Balance Laws¹⁰

1. Iowa (HF 243)

Since 1987, gender balance on state boards was required by Iowa law. In 2009, the Iowa General Assembly passed House File 243 extending the mandate to city and county boards and commissions effective January 1, 2012.

Iowa is the only state to have gender balance requirements for all levels of government.

Level of Government: State, County, City

2. Connecticut (P.A. 93-424)

In 1993, the Connecticut General Assembly passed legislation stating that appointing authorities shall make a good faith effort to have state boards reflect the sex/race diversity of the state.

Biennial reports from each board are to be submitted to the Secretary of State noting the composition of the board.

Level of Government: State

3. Illinois (5 ILCS 310/2)

Effective January 1, 2000, Illinois state board and commissions “shall be gender balanced to the extent possible and to the extent that appointees are qualified to serve on those boards...If gender balance is not possible, then appointments shall provide for significant representation of both sexes to boards...”

Level of Government: State

4. Montana (Code 2-15-108)

Effective in 1993, “As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.”

The governor is to report to the state legislature on the progress made toward achieving this goal.

Level of Government: State

5. New Hampshire (Code 21: 33-a)

“One of the factors which may be taken into consideration shall be the gender balance in the population which is served or regulated by the state office, agency, commission, or board, so that when the position is filled, it may result in a state office, agency, commission, or board which reflects that gender balance.”

Level of Government: State

6. North Dakota (NDCC 54-06-19)

With a statute in place since 1989, state boards, “should be gender balanced to the extent possible and to the extent that appointees are qualified to serve on those boards...”

Level of Government: State

¹⁰ <https://iastate.app.box.com/v/GenderBalanceLaws>

7. Rhode Island (Code 28-5.1-3.1)

In 2007, the Rhode Island General Assembly amended its Equal Opportunity and Affirmative Action chapter to state that, “The general assembly finds that, as a matter of public policy, the effectiveness of each appointed state board, commission...is enhanced when it reflects the diversity, including the racial and gender composition of Rhode Island’s population. Consequently, each person responsible for appointing one or more individuals to serve on any board or commission or to the governing body of any public authority or board shall endeavor to assure that, to the fullest extent possible, the composition of the board, commission, or governing body reflects the diversity of Rhode Island's population.”

The composition (gender, race, and appointment term) for each state board must be filed yearly with the Rhode Island Equal Opportunity Office

Level of Government: State

8. Utah (Code 67-1-11)

Since 1992, appointees need to “strongly consider nominating, appointing, or reappointing a qualified individual whose gender is in the minority” on state boards and commissions.

Level of Government: State