

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5227**

Chapter 275, Laws of 2021

67th Legislature  
2021 Regular Session

HIGHER EDUCATION—DIVERSITY, EQUITY, INCLUSION, AND ANTIRACISM  
TRAINING AND ASSESSMENTS

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 19, 2021  
Yeas 32 Nays 17

DENNY HECK

**President of the Senate**

Passed by the House April 9, 2021  
Yeas 67 Nays 31

LURIE JINKINS

**Speaker of the House of  
Representatives**

Approved May 12, 2021 2:56 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5227** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 12, 2021

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5227**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Randall, Nobles, Das, Lovelett, Wilson, C., Hasegawa, Hunt, Keiser, Kuderer, Lias, Nguyen, and Stanford)

READ FIRST TIME 02/22/21.

1            AN ACT Relating to diversity, equity, inclusion, and antiracism  
2 training and assessments at institutions of higher education; adding  
3 new sections to chapter 28B.10 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that a postsecondary  
6 credential such as a degree, apprenticeship, or certificate is  
7 increasingly necessary to obtain a job that offers a good salary and  
8 advancement opportunities and that increasing the number of students  
9 in Washington who obtain such a credential is essential to the  
10 state's economic success. The legislature also recognizes that equity  
11 gaps remain among postsecondary students and that those gaps  
12 particularly impact students from historically marginalized  
13 communities.

14            The legislature finds that developing and maintaining a culture  
15 of belonging and support for students, faculty, and staff at  
16 institutions of higher education is essential to student success, and  
17 that faculty and staff play a key role. The legislature therefore  
18 seeks to ensure that public institutions of higher education provide  
19 faculty and staff, as well as students, with training to give them  
20 tools to address matters related to antiracism, diversity, equity,  
21 and inclusion.

1 The legislature further finds it necessary to regularly analyze  
2 the impact of that training on the campus community and to identify  
3 any measures needed to increase diversity, equity, and inclusion.  
4 Accordingly, the legislature intends that each public institution of  
5 higher education assess the learning, working, and living environment  
6 on campus that students, faculty, and staff experience to better  
7 understand the evolving state of diversity, equity, and inclusion.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10  
9 RCW to read as follows:

10 (1) Each institution of higher education must:

11 (a) Provide professional development, either existing or new,  
12 focused on diversity, equity, inclusion, and antiracism for faculty  
13 and staff. This program must be developed in partnership with the  
14 institution's administration, faculty, staff, and student leadership  
15 groups. Efforts must be made to ensure the program is developed and  
16 delivered by individuals with innate and acquired experience and  
17 expertise in the field of diversity, equity, and inclusion. The  
18 content framework for professional development must be posted on each  
19 institution's public website for parents and community members. The  
20 professional development must begin in the 2022-23 academic year;

21 (b) Create an evaluation for professional development  
22 participants. The evaluations must, at minimum, capture a  
23 participant's level of satisfaction with the professional development  
24 opportunity, the degree to which the learning objectives were  
25 achieved, and how the knowledge gained may be applied to their work;

26 (c) (i) Share completed evaluations of program participants  
27 annually with either the state board for community and technical  
28 colleges or an organization representing the presidents of the public  
29 four-year institutions of higher education, depending on the  
30 institution; and (ii) submit curriculum and other pertinent  
31 information regarding the program beginning July 1, 2023, and,  
32 subsequently, if there is a meaningful change or by request of the  
33 reporting entity.

34 (2) The purpose of each professional development program  
35 curriculum must be rooted in eliminating structural racism against  
36 all races and promoting diversity, equity, and inclusion while  
37 improving academic, social, and health and wellness outcomes for  
38 students from historically marginalized communities. The program must  
39 also include elements that focus on commonalities and humanity.

1 Institutions of higher education may further develop a curriculum  
2 that is reflective of the needs of the campus community.

3 (3) (a) Beginning with the 2022-23 academic year, every new  
4 faculty and staff member at an institution of higher education must  
5 participate in the program, regardless of whether they are a full-  
6 time or part-time employee. All faculty and staff participating in  
7 the professional development program must complete an evaluation.  
8 Other faculty and staff may participate in the professional  
9 development program as needed or required by their institution. Each  
10 institution must develop a goal of at least 80 percent of their total  
11 faculty and staff completing the professional development program  
12 every two years and report on their goal's progress in the report  
13 established in section 5 of this act. Each institution may determine  
14 how to show progress towards their goal. Part-time faculty and staff  
15 who are employed at more than one institution of higher education are  
16 only required to complete the professional development program at one  
17 institution if they provide proof of completion to their other  
18 institution of higher education employers to receive credit for  
19 participation.

20 (b) Beginning with the 2024-25 academic year, 35 percent of  
21 tenured faculty and 35 percent of administrators at each institution  
22 of higher education must complete the professional development  
23 program every two years, regardless of whether they are a full-time  
24 or part-time employee.

25 (4) The state board for community and technical colleges and an  
26 organization representing the presidents of the public four-year  
27 institutions of higher education may conduct further analysis of the  
28 professional development programs through participant evaluation  
29 data, use of focus groups, or other methods to determine promising  
30 practices. The state board for community and technical colleges and  
31 an organization representing the presidents of the public four-year  
32 institutions of higher education must post a list of model standards  
33 and promising practices for professional development on their public  
34 websites for parents and community members.

35 (5) The institutions of higher education shall adopt rules as  
36 necessary or appropriate for effecting the provisions of this  
37 section, not in conflict with this chapter, and in accordance with  
38 the provisions of chapter 34.05 RCW, the administrative procedure  
39 act.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28B.10

2    RCW to read as follows:

3        (1)(a) The institutions of higher education as defined in RCW  
4    28B.10.016 shall each conduct a campus climate assessment to  
5    understand the current state of diversity, equity, and inclusion in  
6    the learning, working, and living environment on campus for students,  
7    faculty, and staff. The assessment shall occur, at minimum, every  
8    five years. Institutions of higher education shall use the results of  
9    the campus climate assessment to inform the professional development,  
10   established in section 2 of this act, and program, established in  
11   section 4 of this act. Institutions may use an existing campus  
12   climate assessment to meet this requirement.

13        (b) The state board for community and technical colleges shall  
14   develop a model campus climate assessment for the community and  
15   technical colleges that the colleges may use or modify to meet the  
16   requirements of this section.

17        (2) The design of an existing or new campus climate assessment  
18   must involve, at minimum, students, college and university diversity  
19   officers, faculty, and staff. The campus climate assessment must  
20   include, at minimum, an evaluation of student and employee attitudes  
21   and awareness of campus diversity, equity, and inclusion issues. The  
22   campus climate assessment may also include questions evaluating the  
23   prevalence of discrimination, sexual assault, harassment, and  
24   retaliation on and off campus, in addition to student, faculty, and  
25   staff knowledge of campus policies and procedures addressing  
26   discrimination, sexual assault, harassment, and retaliation. College  
27   and university diversity officers and students must be consulted in  
28   the development of recommendations.

29        (3) Institutions of higher education must, at minimum, conduct  
30   annual listening and feedback sessions for diversity, equity, and  
31   inclusion for the entire campus community during periods between  
32   campus climate assessments. Institutions of higher education must, to  
33   the maximum extent practicable, compensate students for their  
34   participation in the annual listening and feedback sessions.

35        (4) Beginning July 1, 2022, the institutions of higher education  
36   shall report findings or progress in completing their campus climate  
37   assessment and, when applicable, information on their listening and  
38   feedback sessions annually to either the state board for community  
39   and technical colleges or an organization representing the presidents  
40   of the public four-year institutions of higher education. The

1 institutions of higher education must also publish annually on the  
2 institution's public website the results of either the campus climate  
3 assessment or listening and feedback sessions.

4 (5) The state board for community and technical colleges may  
5 require colleges to repeat their campus climate assessment. An  
6 organization representing the presidents of the public four-year  
7 institutions of higher education may also request state universities,  
8 regional universities, and The Evergreen State College to repeat  
9 their campus climate assessment.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10  
11 RCW to read as follows:

12 (1) Each institution of higher education must:

13 (a) Provide a program, either existing or new, on diversity,  
14 equity, inclusion, and antiracism to students beginning with the  
15 2024-25 academic year. Institutions of higher education may expand  
16 the focus of its program to reflect the needs of the campus  
17 community. This program must be developed in partnership with the  
18 institution's administration, faculty, staff, and student leadership  
19 groups. Efforts should be made to ensure the program is developed and  
20 delivered by individuals with innate and acquired experience and  
21 expertise in the field of diversity, equity, and inclusion. The  
22 content framework for each program must be posted on each  
23 institution's public website for parents and community members; and

24 (b) Create an evaluation for program participants. The evaluation  
25 must, at minimum, capture a participant's level of satisfaction with  
26 the program and how they will apply the program to their education.

27 (2) The purpose of each program must be rooted in eliminating  
28 structural racism against all races and promoting diversity, equity,  
29 and inclusion while improving outcomes for students from historically  
30 marginalized communities. The program must also include elements that  
31 focus on commonalities and humanity. Institutions of higher education  
32 may further develop a curriculum that is reflective of the needs of  
33 the campus community.

34 (3) During the 2024-25 academic year, all degree-seeking students  
35 at institutions of higher education must participate in the program,  
36 regardless of whether they are a full-time or part-time student.  
37 Beginning with the 2025-26 academic year, the program is only  
38 required for degree-seeking students who are new or have transferred  
39 to the institution and have not yet participated in a required

1 diversity, equity, inclusion, and antiracism program at an  
2 institution of higher education. Students must be allowed to opt out  
3 of participation in the program if they self-attest to taking a  
4 diversity, equity, inclusion, and antiracism training at an  
5 institution of higher education within the previous five years.

6 (4) The state board for community and technical colleges and an  
7 organization representing the presidents of the public four-year  
8 institutions of higher education may conduct further analysis of the  
9 programs, through participant evaluation data, use of focus groups,  
10 or other methods to determine promising practices. The state board  
11 for community and technical colleges and an organization representing  
12 the presidents of the public four-year institutions of higher  
13 education must post a list of model standards and promising practices  
14 for programs on their public websites for parents and community  
15 members.

16 (5) The institutions of higher education shall adopt rules as  
17 necessary or appropriate for effecting the provisions of this  
18 section, not in conflict with this chapter, and in accordance with  
19 the provisions of chapter 34.05 RCW, the administrative procedure  
20 act.

21 (6) For purposes of this section, "student" or "students" does  
22 not include nonmatriculated students.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10  
24 RCW to read as follows:

25 By December 31, 2024, and biennially thereafter, the state board  
26 for community and technical colleges and an organization representing  
27 the presidents of the public four-year institutions of higher  
28 education shall each submit a report to the higher education  
29 committees of the legislature in accordance with RCW 43.01.036 for  
30 their respective institutions of higher education. The reports must  
31 include the following:

32 (1) Information on the professional development programs  
33 implemented by each institution of higher education, including  
34 updates on progress towards meeting the goal outlined in section 1 of  
35 this act;

36 (2) A summary of results of the campus climate assessments and  
37 other relevant information received by the institutions of higher  
38 education; and

1           (3) By December 31, 2026, and biennially thereafter, the reports  
2 must also include information on the student diversity, equity,  
3 inclusion, and antiracism programs implemented by each institution of  
4 higher education.

5           NEW SECTION.   **Sec. 6.** If any part of this act is found to be in  
6 conflict with federal requirements that are a prescribed condition to  
7 the allocation of federal funds to the state, the conflicting part of  
8 this act is inoperative solely to the extent of the conflict and with  
9 respect to the agencies directly affected, and this finding does not  
10 affect the operation of the remainder of this act in its application  
11 to the agencies concerned. Rules adopted under this act must meet  
12 federal requirements that are a necessary condition to the receipt of  
13 federal funds by the state.

Passed by the Senate April 19, 2021.  
Passed by the House April 9, 2021.  
Approved by the Governor May 12, 2021.  
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