

HOUSE BILL REPORT

E2SSB 5227

As Reported by House Committee On:
College & Workforce Development
Appropriations

Title: An act relating to diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

Brief Description: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

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

Brief History:

Committee Activity:

College & Workforce Development: 3/10/21, 3/18/21 [DPA];

Appropriations: 3/30/21, 3/31/21 [DPA(CWD)].

**Brief Summary of Engrossed Second Substitute Bill
(As Amended By Committee)**

- Requires public higher education institutions to provide diversity, equity, inclusion, and antiracism training for faculty, staff, and students.
- Requires the higher education institutions to conduct campus climate assessments to understand the current state of diversity, equity, and inclusion on campus for students, faculty, and staff.

HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen, Paul, Pollet and Sells.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 4 members: Representatives Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler and Kraft.

Minority Report: Without recommendation. Signed by 2 members: Representatives Hoff and Sutherland.

Staff: Megan Mulvihill (786-7304).

Background:

Each of the public four-year institutions of higher education have diversity officers, except for Western Washington University. Diversity officers are executive-level positions tasked with establishing and maintaining a campus culture that values diversity, equity, and inclusion (DEI). There are 20 community and technical colleges (CTCs) that have diversity and equity officers as a part of the Diversity and Equity Officers Commission, a newly formed group leading strategic equity efforts across the community and technical college sector.

At the public four-year institutions of higher education, required training for faculty varies. The Evergreen State College and Central Washington University each have a mandatory DEI training for faculty. Some of the CTCs have required DEI training as well.

Summary of Amended Bill:

Diversity, Equity, Inclusion, and Antiracism Programs for Faculty, Staff, and Students. Beginning with the 2022-23 academic year, each institution of higher education (IHE) must provide a mandatory professional development program focused on diversity, equity, inclusion, and antiracism (DEIA) for all new faculty and staff. Other faculty and staff may participate in the DEIA professional development program as needed or required by their IHE. Each IHE must develop a goal to have at least 80 percent of all faculty and staff complete the professional development program every two years, and are required to achieve a 35 percent completion rate among both tenured faculty and administrators by the 2024-25 academic year. Also beginning in the 2024-25 academic year, each IHE must provide a mandatory DEIA program to all enrolled, degree-seeking students. Students who have taken a DEIA training within the last five years at another IHE may opt out of the program. The programs' purpose is to eliminate structural racism and promote diversity, equity, and inclusion (DEI) while improving outcomes for students from historically marginalized communities. The programs must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. The programs must be developed and delivered by individuals with innate and acquired experience and expertise in the field of DEI. The programs' content framework must be posted on each IHE's public website for parents and community members.

The IHEs must create an evaluation for the professional development program that each participant must complete. The evaluations must capture a participant's level of satisfaction with the program, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to the participant's work. The IHEs must share the evaluations annually with either the State Board for Community and Technical Colleges (SBCTC) or an organization representing the presidents of the public four-year institutions, depending on the IHE. The IHE must also report on the progress towards meeting their goal to the respective organization. The IHEs must also create evaluations for student participants that, at a minimum, capture the student's level of satisfaction with the program and how they will apply the program to their education.

The SBCTC and an organization representing presidents of the public four-year institutions may conduct further analysis of the programs to determine promising practices, and they must post a list of model standards and promising practices for programs on their public websites.

The IHEs must each adopt rules to implement the DEIA programs.

Campus Climate Assessments.

The IHEs must conduct campus climate assessments to understand the current state of DEI in the learning, working, and living environment on campus for students, faculty, and staff. The assessments must occur every five years and must be used to inform the professional development and student programs. Existing campus climate assessments may be used to meet this requirement, but the assessment design must involve students, college and university diversity officers, faculty, and staff. The SBCTC must develop a model campus climate assessment that community and technical colleges may use or modify. The assessment must include an evaluation of student and employee attitudes and awareness of campus DEI issues. The assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation.

The IHEs must, at a minimum, conduct annual DEI listening and feedback sessions for the entire campus community during periods between assessments. The IHEs must compensate students for their participation, to the maximum extent practicable.

Beginning July 1, 2022, the IHEs must report findings or progress on completing their campus climate assessments, and when applicable, information on their listening and feedback session, to either the SBCTC or the organization representing the presidents of the public four-year institutions. The results from the assessments or the listening and feedback sessions must also be posted annually on the IHE's website. The SBCTC or the organization representing presidents of the public four-year institutions may request an IHE to repeat their campus climate assessment.

Reporting Requirements.

The SBCTC and the organization representing presidents of the public four-year institutions must each develop a report to the higher education committees of the Legislature by December 31, 2024, and biennially thereafter on:

- the professional development programs; and
- a summary of each campus climate assessment, the results, and other relevant information.

By December 31, 2026, and biennially thereafter, the SBCTC and the organization representing presidents of the public four-year institutions must begin reporting on the student DEIA programs as well.

Amended Bill Compared to Engrossed Second Substitute Bill:

The amended bill made a variety of changes. For the DEIA programs, beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators must complete the professional development program every two years. Rather than stating the IHEs must have a goal of at least 80 percent of all faculty and staff completing the professional development program over a two-year period, the goal is changed to every two years. In addition, the mandatory student DEIA program is limited to degree-seeking students. Students are also allowed to opt out of participation in the DEIA program if the student self-attests to having taken a DEIA training at an IHE within the previous five years.

The campus climate assessment requirement is modified by removing the requirement that the SBCTC conduct assessments for the community and technical colleges and instead requires the colleges to conduct their own assessments. The SBCTC must develop a model assessment for the colleges to use or modify, and the restriction that the assessments cannot be uniform or standardized is removed. The last change to the campus climate assessment is that the assessment may include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. The amended bill also added that the IHEs must compensate students, to the maximum extent practicable, for their participation in the annual listening and feedback sessions. Students must also be included in the development of recommendations from the assessments.

Finally, the amended bill made a few language changes, changed the Council of Presidents to an organization representing presidents of the public four-year IHEs, and combined the reporting requirements into a single section.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 18, 2019.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many students do not have someone to guide them in their college experience, so compassionate faculty help these students thrive. There are tools that colleges can use to make campuses safer and more welcoming for all. When faculty and staff are educated so they understand their implicit and explicit biases against students and are more aware of microaggressions, it can help create a climate of belonging. Colleges strive to create an antiracist learning environment for all. These trainings help generate conversations and provide faculty a more nuanced understanding of the diversity of their students and also how they are able to support each other. Students are better prepared to address microaggressions and teaches them that their experience matters. In addition, fostering an inclusive and antiracism campus culture can increase retention for faculty of color.

The community and technical colleges should conduct the assessments themselves as many are already doing so. Some of the community and technical colleges already require new and current employees to do DEI training. The public four-year institutions have also escalated efforts in DEI. Campus diversity equity officers have been helping design and implement campus climate assessments and trainings. The flexibility and streamlined reporting requirements are appreciated. There are some concerns about the requirement only being for new faculty and staff rather than all faculty and staff. Without a mandate, an 80 percent completion goal would be difficult to achieve. In addition, the required trainings should only apply to degree-seeking students. This requirement would reinforce and help scale efforts in a sustainable, meaningful manner. Faculty are strongly on board with this legislation. The idea began with a bigger mandate, but it was clear that it was too onerous for institutions to effectively train that many individuals. Amendments have improved cost effectiveness.

(Opposed) Requirements like this proposal come from the idea that white people have too much power and are evil or that every single student and faculty member are racists. When you have a bill that has an underlying statement that people are racist and need to be retrained, it could lead to unintended consequences that are against the fundamental goal. This is history repeating itself as propaganda like this creates hatred against one group. Slander against an entire group is racism. The trainings should not include critical race theory, which can be damaging to biracial students. There are lawsuits about this. Also, the evaluations should be confidential and anonymous. People should be able to express themselves without fear of retaliation. Any data gathered should not be stored or else it could be misused or exploited.

(Other) Many groups are speaking out against this type of training curriculum as it

encourages simplistic racial groupings, judges people based on appearance, and teaches that each person's identity and status is based on skin color. These trainings violate civil rights protections, in addition to state and federal acts. It also violates First Amendment rights by suppressing speech and legitimate views and opinions. It will create hostile work environments and promote feelings of rejection and fear.

Persons Testifying: (In support) Senator Randall, prime sponsor; Jacob Vigdor, University of Washington; Guillermo Rogel, Statewide Poverty Action Network; Ruben Flores, Council of Presidents; Sam Locke, Associated Students of the University of Washington, Bothell; Lucinda Young, Washington Education Association; Angela Jones, Washington STEM; Jasmin Rezaie-Tirabadi, Washington State Labor Council; Raine Dozier; Ha Nguyen, Washington State Board for Community and Technical Colleges; Parfait Bassale, South Puget Sound Community College; Dr. Ivan Harrell, Tacoma Community College; and Jude Ahmed, Associated Students of Western Washington University.

(Opposed) Mark Laun; Sarah Davenport-Smith, Family Policy Institute of Washington; and Beth Daranciang.

(Other) Liv Finne, Washington Policy Center.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on College & Workforce Development. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Springer, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 14 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Dye, Harris, Hoff, Jacobsen, Rude, Schmick and Steele.

Staff: Kate Henry (786-7349).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On College & Workforce Development:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Colleges play a critical role for developing a diverse workforce and closing equity gaps. This bill can help support each campus work toward becoming antiracist and become a safer place especially for students of color. The campus climate should make everyone feel welcome. Most institutions of higher education already offer some programming for faculty and staff, but more can be done. Increased scaling of diversity, equity, and inclusion efforts will assist in a campus not feeling like a foreign place. Ongoing work is necessary for administrators, faculty, staff, and students. The goal for training faculty and staff can be met if adequately funded. The bill works to achieve a true culture of inclusivity.

(Opposed) The requirement included in the bill employs radical critical race theory which will not improve society and divide people is an intolerable idea. These trainings will make society worse by stating that each individual's status is largely based on skin color. These trainings promote negativity and will create hostile work environments.

Persons Testifying: (In support) Ha Nguyen, Washington State Board for Community and Technical Colleges; Jacob Vigdor, University of Washington; Lucinda Young, Washington Education Association; and Ruben Flores, Council of Presidents.

(Opposed) Liv Finne, Washington Policy Center.

Persons Signed In To Testify But Not Testifying: None.