

SENATE BILL REPORT

SB 5227

As of February 17, 2021

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

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

Sponsors: Senators Randall, Nobles, Das, Lovelett, Wilson, C., Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen and Stanford.

Brief History:

Committee Activity: Higher Education & Workforce Development: 1/26/21, 2/04/21
[DPS-WM, DNP, w/oRec].

Ways & Means: 2/17/21.

Brief Summary of First Substitute Bill

- Establishes a professional development program on diversity, equity, inclusion, and antiracism for all public institutions of higher education faculty and staff to participate in annually beginning with the 2022-23 academic year.
- Requires all public institutions of higher education to conduct campus climate assessments or surveys on diversity, equity, and inclusion annually.
- Establishes a program on diversity, equity, inclusion and antiracism for all students at public institutions of higher education to participate in annually beginning with the 2024-25 academic year.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

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.

Majority Report: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Lias.

Minority Report: Do not pass.

Signed by Senator Ericksen.

Minority Report: That it be referred without recommendation.

Signed by Senator Holy, Ranking Member.

Staff: Kellee Gunn (786-7429)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Michele Alishahi (786-7433)

Background: Washington State Public Institutions of Higher Education. There are six public baccalaureate institutions and 34 community and technical colleges (CTCs) that make up the public institutions of higher education (IHEs) in Washington State.

Summary of Bill (First Substitute): Professional Development for Faculty and Staff on Diversity, Equity, Inclusion, and Antiracism. A professional development program on diversity, equity, inclusion (DEI), and antiracism for faculty and staff is established at each public IHE.

By July 1, 2022 each public IHE campus must develop the following: a professional development program for faculty and staff with the purpose of eliminating structural racism and promoting DEI; clear learning objectives for the professional development program with the Washington Student Achievement Council (WSAC); and pre- and post-evaluations for program participants. If possible, the professional development program must be developed, delivered, and approved by campus faculty and staff experts. Additionally, efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience in the field of DEI.

All faculty and staff must participate in the professional development program annually and part-time employees may provide proof of attendance and completion to another public IHE employer for credit.

Beginning July 1, 2023, IHEs must share completed participant evaluations with WSAC. WSAC will then analyze the professional development programs, through participant evaluation data, use of focus groups, or other methods.

By December 31, 2024, and biennially thereafter, WSAC will develop and submit a report on their analysis of the professional development programs and submit the report to the

higher education committees of the Legislature.

Campus Climate Assessments on Diversity, Equity, and Inclusion. Each public IHE must conduct a campus climate assessment annually to understand the current state of DEI in the learning, working, and living environments on campus for students, faculty, and staff. A comprehensive campus climate assessment that has been, or will be, conducted at least once every five years may satisfy the requirement if the IHE conducts an annual survey in which students, staff, and faculty may share their experience on campus as it pertains to DEI. The public IHEs must repeat the annual survey within six months if the response rate is less than 20 percent.

Each public IHE must either work with the student advisory committee or selected student representatives on the development of the campus climate assessment or annual survey and recommendations resulting from them. Campus climate assessment or survey findings must be reported to WSAC annually beginning July 1, 2022. When necessary and appropriate, WSAC must collaborate with the State Board for Community and Technical Colleges and the Council of Presidents.

WSAC must develop a report on campus climate assessment and survey results and submit it to the higher education committees of the Legislature by December 31, 2024, and biennially thereafter.

Student Training Program on DEI and Antiracism. Beginning in the 2024-25 academic year, the public IHEs must develop and establish a program on DEI and antiracism for students using data and promising practices from the faculty professional development program and campus climate assessments and surveys.

Each public IHE student must participate in the program annually. WSAC must evaluate the student DEI and antiracism programs beginning in 2024, and report on findings biennially beginning in 2026.

Data Sharing. By request, the Education Research and Data Center must include WSAC in their annual data sharing agreements with IHEs. The annual data sharing agreements shall ensure access to necessary disaggregated data for the purpose of developing the biannual report on DEI climate assessments and conducting analysis of the impact of DEI and antiracism programs.

EFFECT OF CHANGES MADE BY HIGHER EDUCATION & WORKFORCE DEVELOPMENT COMMITTEE (First Substitute):

- Removes the requirement that the faculty senate or union choose and approve the development and delivery of the professional development program.
- Includes “staff” as developers of the professional development program,
- Allows for periodic campus climate assessments as long as an annual survey is

conducted on campus experiences related to DEI in which 20 percent of the student, staff, and faculty population respond.

- Requires the Education Research and Development Center (ERDC) to provide appropriate data to the Washington Student Achievement Council (WSAC) and post data on their website.
- Requires WSAC to make a request to ERDC for inclusion in annual data sharing agreements.
- Requires WSAC to work with the State Board for Community and Technical Colleges and the Council of Presidents when necessary and appropriate.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Higher Education & Workforce Development): *The committee recommended a different version of the bill than what was heard.* PRO: Campuses should be safe for everyone. There is a lot of work and learning required to support and create an environment that is culturally safe. This bill will help support and retain diverse faculty, staff, and students. There is a stigma against people coming from prisons and having some formalized training for all faculty and staff as a part of traditional training will help faculty to understand how to interact with these students. More oversight is needed to craft policies and procedures that are responsive to traditional and nontraditional students. As faculty does not tend to be very diverse, leadership should include vice-presidents with expertise in DEI who may provide better leadership in this space.

I grew up in a diverse environment and did not know how to navigate white spaces. When I arrived at Western Washington University, I was overwhelmed with fear. This bill will make institutions of higher education more accessible to all people—not just white people. Faculty that is largely white have a hard time connecting with non-white students. Racism is a persistent barrier to success. Wrap-around services also must be addressed. This bill is necessary to make students feel safe in the classrooms. People need to know about implicit bias and micro-aggressions, so they know these actions cause harm. This bill will help everyone interact with each other on campus and out in their communities.

DEI is important in higher education. The period between campus climate assessments should be extended. We need time for DEI campus climate assessments to be done correctly. Language regarding flexibility in the assessment process would be appreciated. TESC is currently offering DEI professional development opportunities that focus on historically marginalized communities. Having the flexibility to design these programs is

something we care about. We are confident that the institutions can do this work without the need of including the WSAC. Individual colleges should have the flexibility to develop, deliver, and assess their equity programming. The SBCTC should have oversight on the CTCs' work. This bill is very prescriptive on how this work should take place. There should be more flexibility. DEI programming shouldn't be developed by one employee group. Culturally relevant pedagogy, student support services, affinity groups, and gathering disaggregated data has helped TCC in supporting all students. Clark College has done some work to ensure faculty, staff, and students are competent in anti-racism through a ten-month equity program. Lake Washington Institute of Technology has embedded DEI as a requirement for graduation for every student.

Let us grant the diversity officers the flexibility to do their work and have them tailor the programs to their campus. This is a unique bill, as it requires all institutions to provide this professional development. It would be useful for each institution to analyze their own program. We believe the deadline of having this implemented in 2022 is doable if provided funding. Anti-racist work is important for a democratic society. Inclusive work is not symmetrical. Equal does not mean inclusive. Students are the experts here and including their voices in this anti-racism work is important for success.

CON: Many Asian-Americans are very worried that they may be negatively affected by this bill. From the Chinese Exclusion Act to the internment of Japanese-Americans, there have been policies where Asian Americans have historically been negatively affected. There should be an amendment to call out and combat racism against Asian Americans. Language should be included to ensure that Asian Americans are not negatively affected by this bill. This bill will likely violate the equal protection clause which prohibits the state from granting preferential treatment to a certain group over another. If enacted, this bill will promote fear and lead to more conflict.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator Emily Randall, Prime Sponsor; Lizbeth Rivera, Communities for Our Colleges; Isaac Tchao, Communities for Our Colleges; Ha Nguyen, Washington State Board for Community and Technical Colleges; Dr. Ivan Harrell, Tacoma Community College; Dr. Sayumi Irey, South Seattle College; Rashida Willard, Clark College; Robert Britten, Lake Washington Institute of Technology; Samantha Fakharzadeh, Washington Students; Jacob Vigdor, University of Washington; Ruben Flores, Council of Presidents; Jeremy Mohn, The Evergreen State College; Lucinda Young, Washington Education Association; Jeanette James, University of Washington; Valeria Valdovinos, student; Samantha Fakharzadeh, student; Christina Madonia, student; Jude Ahmed, Associated Students of Western Washington University; Kristopher Aguayo Barragan, Western Washington University; Dr. Sultana Shabazz, Tacoma Community College.

CON: Kan Qiu, citizen; Linda Yang, citizen; Si Li, citizen; Liv Finne, Washington Policy Center.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: The State Board is uniquely set up to help colleges with their DEI training. SBCTC should provide system-wide oversight of this effort and not WSAC. I also recommend allowing colleges to select their own assessment tools instead of requiring a standardized assessment tool across the board. It is important to empower local colleges to determine what works best in their local communities. Some students are enrolled in occasional courses for different reasons, for example, a retiree taking an art class. We would like to focus DEI training on degree-seeking students primarily. We need to prioritize investment in racial equity guided by students in higher education now. I would not be here if students felt their needs were being met by current diversity efforts in place.

OTHER: Ongoing work is needed to combat systematic racism. Students, administrators, faculty, and staff will all have a key role in supporting the bill. While we are aligned with the goals of the bill, we are happy to help the committee reduce the fiscal impact of the current proposal to avoid an unfunded mandate given the financial situations institutions are currently facing. We have new language that allows for efficiencies, innovation, flexibility in implementation, and streamlines reporting requirements, which results in a reduced fiscal impact while maintaining the intent of the bill.

Persons Testifying (Ways & Means): PRO: Ha Nguyen, WA State Board for Community & Technical Colleges; Doug Mah, Association of College Trustees; Dr. Rosie Rimando-Chareunsap, South Seattle College; Jude Ahmed, Washington Student Association.

OTHER: Ruben Flores, Council of Presidents.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.