
SECOND SUBSTITUTE SENATE BILL 5227

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 should 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 professional development must begin in the 2022-23 academic year;

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

24 (c) (i) Share completed evaluations of program participants
25 annually with either the state board for community and technical
26 colleges or the council of presidents, depending on the institution;
27 and (ii) submit curriculum and other pertinent information regarding
28 the program beginning July 1, 2023, and, subsequently, if there is a
29 meaningful change or by request of the reporting entity.

30 (2) The purpose of each professional development program
31 curriculum must be rooted in eliminating structural racism and
32 promoting diversity, equity, and inclusion while improving outcomes
33 for students from historically marginalized communities. Institutions
34 of higher education may further develop a curriculum that is
35 reflective of the needs of the campus community.

36 (3) Beginning with the 2022-23 academic year, every new faculty
37 and staff member at an institution of higher education must
38 participate in the program, regardless of whether they are a full-
39 time or part-time employee. All faculty and staff participating in

1 the professional development program must complete an evaluation.
2 Other faculty and staff may participate in the professional
3 development program as needed or required by their institution. Each
4 institution must develop a goal of at least 80 percent of their total
5 faculty and staff completing the professional development program
6 annually and report on their goal's progress in the report
7 established in subsection (4) of this section. Each institution may
8 determine how to show progress towards their goal.

9 (4) By December 31, 2024, and biennially thereafter, the state
10 board for community and technical colleges and the council of
11 presidents must each develop a report on the professional development
12 programs pursuant to subsection (1) of this section and submit them
13 to the higher education committees of the legislature in accordance
14 with RCW 43.01.036. Each report may be combined with the reports
15 required in sections 3 and 4 of this act.

16 (5) The state board for community and technical colleges and the
17 council of presidents may conduct further analysis of the
18 professional development programs through participant evaluation
19 data, use of focus groups, or other methods to determine promising
20 practices.

21 (6) The institutions of higher education shall adopt rules as
22 necessary or appropriate for effecting the provisions of this
23 section, not in conflict with this chapter, and in accordance with
24 the provisions of chapter 34.05 RCW, the administrative procedure
25 act.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10
27 RCW to read as follows:

28 (1)(a) The four-year institutions of higher education as defined
29 in RCW 28B.10.016 shall conduct a campus climate assessment to
30 understand the current state of diversity, equity, and inclusion in
31 the learning, working, and living environment on campus for students,
32 faculty, and staff. The assessment should occur, at minimum, every
33 five years. Institutions of higher education shall use the results of
34 the campus climate assessment to inform the professional development,
35 established in section 2 of this act, and program, established in
36 section 4 of this act. Institutions may use an existing campus
37 climate assessment to meet this requirement.

38 (b) The state board for community and technical colleges shall
39 conduct a campus climate assessment of community and technical

1 colleges to understand the current state of diversity, equity, and
2 inclusion in the learning, working, and living environment on each
3 campus for students, faculty, and staff. The assessment should occur,
4 at minimum, every five years. The state board for community and
5 technical colleges shall use the results of the campus climate
6 assessment to inform the professional development, established in
7 section 2 of this act, and program, established in section 4 of this
8 act. The state board for community and technical colleges may use an
9 existing campus climate assessment to meet this requirement.

10 (2) The design of an existing or new campus climate assessment
11 must involve, at minimum, students, college and university diversity
12 officers, faculty, and staff. The campus climate assessment must
13 include, at minimum, an evaluation of student and employee attitudes
14 and awareness of campus diversity, equity, and inclusion issues.
15 College and university diversity officers may be consulted in the
16 development of recommendations.

17 (3) Institutions of higher education must, at minimum, conduct
18 annual listening and feedback sessions for diversity, equity, and
19 inclusion for the entire campus community during periods between
20 campus climate assessments.

21 (4) Beginning July 1, 2022, the institutions of higher education
22 shall report findings or progress in completing their campus climate
23 assessment and, when applicable, information on their listening and
24 feedback sessions annually to either the state board for community
25 and technical colleges or the council of presidents.

26 (5) By December 31, 2024, and biennially thereafter, the state
27 board for community and technical colleges and the council of
28 presidents must each develop a report on campus climate assessment
29 results and other relevant information received by the institutions
30 of higher education and submit it to the appropriate committees of
31 the legislature in accordance with RCW 43.01.036. Each report must
32 include a summary of each campus climate assessment on diversity,
33 equity, and inclusion or other related work. Each report may be
34 combined reports required in sections 2 and 4 of this act.

35 (6) The state board for community and technical colleges may
36 require colleges to repeat their campus climate assessment. The
37 council of presidents may also request state universities, regional
38 universities, and The Evergreen State College to repeat their campus
39 climate assessment.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10

2 RCW to read as follows:

3 (1) Each institution of higher education must:

4 (a) Provide a program, either existing or new, on diversity,
5 equity, inclusion, and antiracism to students beginning with the
6 2024-25 academic year. Institutions of higher education may expand
7 the focus of its program to reflect the needs of the campus
8 community. This program must be developed in partnership with the
9 institution's administration, faculty, staff, and student leadership
10 groups. Efforts should be made to ensure the program is developed and
11 delivered by individuals with innate and acquired experience and
12 expertise in the field of diversity, equity, and inclusion; and

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

16 (2) The purpose of each program must be rooted in eliminating
17 structural racism and promoting diversity, equity, and inclusion
18 while improving outcomes for students from historically marginalized
19 communities. Institutions of higher education may further develop a
20 curriculum that is reflective of the needs of the campus community.

21 (3) Beginning with the 2024-25 academic year, students at
22 institutions of higher education must participate in the program
23 annually, regardless of whether they are a full-time or part-time
24 student.

25 (4) The state board for community and technical colleges and the
26 council of presidents may conduct further analysis of the programs,
27 through participant evaluation data, use of focus groups, or other
28 methods to determine promising practices.

29 (5) By December 31, 2026, and biennially thereafter, the state
30 board for community and technical colleges and the council of
31 presidents must each develop a report on the student programs
32 established in subsection (1) of this section and submit them to the
33 higher education committees of the legislature in accordance with RCW
34 43.01.036. Each report may be combined with reports required in
35 sections 2 and 3 of this act.

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

1 (7) For purposes of this section, "student" or "students" does
2 not include nonmatriculated students.

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

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