

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5227

67th Legislature
2021 Regular Session

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

President of the Senate

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

**Speaker of the House of
Representatives**

Approved

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.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5227

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, Liias, 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.

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