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**SUBSTITUTE SENATE BILL 5227**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

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

READ FIRST TIME 02/05/21.

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 annually survey and assess the learning, working,  
6 and living environment on campus that students, faculty, and staff  
7 experience to better understand the evolving state of diversity,  
8 equity, and inclusion.

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

11 (1) Each institution of higher education must:

12 (a) Develop and establish a professional development program on  
13 diversity, equity, inclusion, and antiracism for faculty and staff.  
14 If possible, this program must be developed, delivered, and approved  
15 by campus faculty and staff experts. Efforts should be made to ensure  
16 the program is developed and delivered by individuals with innate and  
17 acquired experience and expertise in the field of diversity, equity,  
18 and inclusion;

19 (b) Provide professional development training on diversity,  
20 equity, inclusion, and antiracism to faculty and staff beginning with  
21 the 2022-23 academic year;

22 (c) Develop clear learning objectives for professional  
23 development program participants and provide those objectives to the  
24 student achievement council by July 1, 2022, and, subsequently, if  
25 there is a meaningful change in objectives or by request by the  
26 student achievement council;

27 (d) Create an evaluation for program participants, with  
28 assistance from the student achievement council, that must be  
29 conducted before and after participation in the professional  
30 development program, and a follow-up evaluation to be conducted at a  
31 later date. The evaluation forms, and curriculum, must be shared with  
32 the student achievement council by July 1, 2022. The before-and-after  
33 evaluations must capture a participant's level of satisfaction with  
34 the program and the degree to which they acquired the knowledge  
35 intended by the institution of higher education. The follow-up  
36 evaluation must focus on a participant's behavior and how they will  
37 apply what they learned in the program to their job. Curriculum must  
38 only be submitted again if there is a meaningful change or by request  
39 of the student achievement council; and

1 (e) (i) Share completed evaluations of program participants  
2 annually with the student achievement council and (ii) submit  
3 curriculum and other pertinent information regarding the program  
4 beginning July 1, 2023, and, subsequently, if there is a meaningful  
5 change in evaluation or by request of the student achievement  
6 council.

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

13 (3) Beginning with the 2022-23 academic year, every faculty and  
14 staff member at an institution of higher education must participate  
15 in the program annually, regardless of whether they are full-time or  
16 part-time employees. All faculty and staff must complete an  
17 evaluation before and after participation in the program. Part-time  
18 faculty and staff may provide proof of attendance and completion to  
19 other institutions of higher education employers to receive credit  
20 for participation.

21 (4) The education data center, established in RCW 43.41.400, and  
22 the student achievement council may collaborate for the purpose of  
23 conducting analysis on the impact of the professional development  
24 program for faculty and staff on the campus community. Data from  
25 annual data-sharing agreements established in section 3(7) of this  
26 act may be used.

27 (5) The student achievement council shall conduct further  
28 quantitative or qualitative analysis of the professional development  
29 programs, through participant evaluation data, use of focus groups,  
30 or other methods. The student achievement council may determine  
31 promising practices based their analysis.

32 (6) The student achievement council must develop a report on  
33 their analysis of the professional development programs and submit it  
34 to the higher education committees of the legislature by December 31,  
35 2024, and biennially thereafter.

36 (7) The student achievement council and institutions of higher  
37 education shall adopt rules as necessary or appropriate for effecting  
38 the provisions of this section, and not in conflict with this  
39 chapter, in accordance with the provisions of chapter 34.05 RCW, the  
40 administrative procedure 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 four-year institutions of higher education as defined  
4    in RCW 28B.10.016 shall 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.

8        (b) The state board for community and technical colleges shall  
9    conduct a uniform campus climate assessment of community and  
10   technical colleges to understand the current state of diversity,  
11   equity, and inclusion in the learning, working, and living  
12   environment on each campus for students, faculty, and staff.

13       (2) Findings must include an evaluation of student and employee  
14   attitudes and awareness of campus diversity, equity, and inclusion  
15   issues and, if needed, should provide recommendations for improving  
16   measures to address diversity, equity, and inclusion and eliminating  
17   structural racism on campus. College and university diversity  
18   officers may be consulted in the development of recommendations.

19       (3) Comprehensive diversity, equity, and inclusion campus climate  
20   assessments that have been, and will be, conducted at least once  
21   every five years may fulfill the requirements of this section.  
22   However, institutions of higher education must, at a minimum, conduct  
23   an annual survey in which students, faculty, and staff may share  
24   their experience on campus as it relates to the state of diversity,  
25   equity, and inclusion in the learning, working, and living  
26   environment on campus. Institutions of higher education must repeat  
27   the annual survey within six months if the response rate of the total  
28   student, faculty, and staff population is less than 20 percent.  
29   Responses must be voluntary, anonymous, and comply with federal and  
30   state privacy laws. In aggregate, the responses may be made publicly  
31   available.

32       (4) The four-year institutions of higher education and the state  
33   board for community and technical colleges shall report their  
34   findings on their annual surveys and, when applicable, their  
35   comprehensive periodic campus climate assessments to the student  
36   achievement council annually beginning July 1, 2022.

37       (5) Each student advisory committee established under RCW  
38   28B.15.190, and selected student representatives at each community  
39   and technical college, shall assist administrators in the development  
40   of the campus climate assessment and provide recommendations based on

1 the results of the campus climate assessment. If a student advisory  
2 committee, or the selected student representatives at a community and  
3 technical college, disagree as to the method and form of the annual  
4 survey or periodic campus climate assessment or to an institution of  
5 higher education's recommendations resulting from a survey or an  
6 assessment's results, then the institution of higher education must  
7 change the assessment or recommendations to accommodate the student  
8 advisory committee or selected student representatives.

9 (6) The student achievement council must develop a report on its  
10 annual survey and campus climate assessment results and submit it to  
11 the higher education committees of the legislature by December 31,  
12 2024, and biennially thereafter. When necessary and appropriate, the  
13 student achievement council shall collaborate with the state board  
14 for community and technical colleges and the council of presidents.  
15 The report must include a summary of each annual survey and campus  
16 climate assessment on diversity, equity, and inclusion. The report  
17 must also include pertinent aggregated data on each campus's student,  
18 faculty, and staff population, and opportunities to improve outcomes  
19 based on results and data. To develop the report, the student  
20 achievement council may enter annual data-sharing agreements as set  
21 forth in subsection (7) of this section.

22 (7) The education data center, established in RCW 43.41.400,  
23 shall, at minimum, provide the appropriate data for the purpose of  
24 conducting the analysis established in this section and section 2 of  
25 this act and publish relevant data on their website. By request, the  
26 education data center must include the student achievement council in  
27 their annual data-sharing agreements with institutions of higher  
28 education. The annual data-sharing agreements must ensure access to  
29 necessary disaggregated data for the purpose of developing the  
30 biannual report and conducting analysis of the impact of professional  
31 development programs for faculty and staff established in section 2  
32 of this act. Data collected and received by the education data center  
33 and student achievement council is private and confidential and must  
34 only be used for statistical analysis, research, and evaluation  
35 purposes.

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

38 (1) Each institution of higher education must:

1 (a) Develop and establish a program on diversity, equity,  
2 inclusion, and antiracism for students;

3 (b) Provide training on diversity, equity, inclusion, and  
4 antiracism to students beginning with the 2024-25 academic year;

5 (c) Develop clear learning objectives for program participants  
6 and provide those objectives to the student achievement council by  
7 July 1, 2024, and, subsequently, if there is a meaningful change in  
8 objectives or by request by the student achievement council;

9 (d) Create an evaluation for program participants, with  
10 assistance from the student achievement council, that must be  
11 conducted before and after participation in the program, and a  
12 follow-up evaluation to be conducted at a later date. The evaluation  
13 forms, and curriculum, must be shared with the student achievement  
14 council by July 1, 2024. The before-and-after evaluations must  
15 capture participant's level of satisfaction with the program and the  
16 degree to which they acquired the knowledge intended by the  
17 institution of higher education. The follow-up evaluation must focus  
18 on participants' behavior and how they apply what they learned in the  
19 program. Curriculum must only be submitted again if there is a  
20 meaningful change or by request of the student achievement council;  
21 and

22 (e) (i) Share completed evaluations of program participants  
23 annually with the student achievement council; and (ii) submit  
24 curriculum and other pertinent information regarding the program  
25 beginning July 1, 2025, and, subsequently, if there is a meaningful  
26 change in evaluation or by request of the student achievement  
27 council.

28 (2) The purpose of each program curriculum must be rooted in  
29 eliminating structural racism and promoting diversity, equity, and  
30 inclusion while improving outcomes for campus community members from  
31 historically marginalized communities. Prior to the establishment of  
32 a program on diversity, equity, inclusion, and antiracism for  
33 students, institutions of higher education shall use the data and  
34 evaluation of the professional development program established under  
35 section 2 of this act, together with the results of annual surveys  
36 and campus climate assessments established under section 3 of this  
37 act, to determine the professional development program's impact and  
38 create an impactful and relevant program geared toward students and  
39 the needs of the campus community.

1 (3) Beginning with the 2024-25 academic year, every student at an  
2 institution of higher education must participate in the program  
3 annually, regardless of whether they are full-time or part-time  
4 students. All students must complete an evaluation before and after  
5 participation in the program. Part-time students may provide proof of  
6 attendance and completion from other institutions of higher education  
7 to receive credit for participation.

8 (4) The education data center, established in RCW 43.41.400, and  
9 the student achievement council may collaborate for the purpose of  
10 conducting analysis on the impact of the program. Data from annual  
11 data-sharing agreements established in section 3(7) of this act may  
12 be used.

13 (5) The student achievement council shall use results from annual  
14 surveys and campus climate assessments, established in section 3 of  
15 this act, to conduct an analysis of the program. The student  
16 achievement council may determine promising practices based on their  
17 analysis.

18 (6) The student achievement council must develop a report on  
19 their analysis of the programs and submit it to the higher education  
20 committees of the legislature by December 31, 2026, and biennially  
21 thereafter.

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

27 NEW SECTION. **Sec. 5.** If any part of this act is found to be in  
28 conflict with federal requirements that are a prescribed condition to  
29 the allocation of federal funds to the state, the conflicting part of  
30 this act is inoperative solely to the extent of the conflict and with  
31 respect to the agencies directly affected, and this finding does not  
32 affect the operation of the remainder of this act in its application  
33 to the agencies concerned. Rules adopted under this act must meet  
34 federal requirements that are a necessary condition to the receipt of  
35 federal funds by the state.

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