
ENGROSSED 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, 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 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 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 the council of presidents, depending on the institution;
29 and (ii) submit curriculum and other pertinent information regarding
30 the program beginning July 1, 2023, and, subsequently, if there is a
31 meaningful change or by request of the reporting entity.

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

38 (3) Beginning with the 2022-23 academic year, every new faculty
39 and staff member at an institution of higher education must

1 participate in the program, regardless of whether they are a full-
2 time or part-time employee. All faculty and staff participating in
3 the professional development program must complete an evaluation.
4 Other faculty and staff may participate in the professional
5 development program as needed or required by their institution. Each
6 institution must develop a goal of at least 80 percent of their total
7 faculty and staff completing the professional development program
8 over a two-year period and report on their goal's progress in the
9 report established in subsection (4) of this section. Each
10 institution may determine how to show progress towards their goal.

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

18 (5) The state board for community and technical colleges and the
19 council of presidents may conduct further analysis of the
20 professional development programs through participant evaluation
21 data, use of focus groups, or other methods to determine promising
22 practices. The state board for community and technical colleges and
23 the council of presidents must post a list of model standards and
24 promising practices for professional development on their public
25 websites for parents and community members.

26 (6) The institutions of higher education shall adopt rules as
27 necessary or appropriate for effecting the provisions of this
28 section, not in conflict with this chapter, and in accordance with
29 the provisions of chapter 34.05 RCW, the administrative procedure
30 act.

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

33 (1)(a) The four-year institutions of higher education as defined
34 in RCW 28B.10.016 shall conduct a campus climate assessment to
35 understand the current state of diversity, equity, and inclusion in
36 the learning, working, and living environment on campus for students,
37 faculty, and staff. The assessment should occur, at minimum, every
38 five years. Institutions of higher education shall use the results of
39 the campus climate assessment to inform the professional development,

1 established in section 2 of this act, and program, established in
2 section 4 of this act. Institutions may use an existing campus
3 climate assessment to meet this requirement.

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

15 (2) The design of an existing or new campus climate assessment
16 must involve, at minimum, students, college and university diversity
17 officers, faculty, and staff. The campus climate assessment must
18 include, at minimum, an evaluation of student and employee attitudes
19 and awareness of campus diversity, equity, and inclusion issues. The
20 campus climate assessment may not be standardized or uniform and must
21 be designed for the unique and diverse community it is assessing.
22 College and university diversity officers may be consulted in the
23 development of recommendations.

24 (3) Institutions of higher education must, at minimum, conduct
25 annual listening and feedback sessions for diversity, equity, and
26 inclusion for the entire campus community during periods between
27 campus climate assessments.

28 (4) Beginning July 1, 2022, the institutions of higher education
29 shall report findings or progress in completing their campus climate
30 assessment and, when applicable, information on their listening and
31 feedback sessions annually to either the state board for community
32 and technical colleges or the council of presidents. The institutions
33 of higher education must also publish annually on the institution's
34 public website the results of either the campus climate assessment or
35 listening and feedback sessions.

36 (5) By December 31, 2024, and biennially thereafter, the state
37 board for community and technical colleges and the council of
38 presidents must each develop a report on campus climate assessment
39 results and other relevant information received by the institutions
40 of higher education and submit it to the appropriate committees of

1 the legislature in accordance with RCW 43.01.036. Each report must
2 include a summary of each campus climate assessment on diversity,
3 equity, and inclusion or other related work. Each report may be
4 combined reports required in sections 2 and 4 of this act.

5 (6) The state board for community and technical colleges may
6 require colleges to repeat their campus climate assessment. The
7 council of presidents may also request state universities, regional
8 universities, and The Evergreen State College to repeat their campus
9 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. Institutions of higher education may
31 further develop a curriculum that is reflective of the needs of the
32 campus community.

33 (3) During the 2024-25 academic year, all students at
34 institutions of higher education must participate in the program,
35 regardless of whether they are a full-time or part-time student.
36 Beginning with the 2025-26 academic year, the program is only
37 required for students who are new or have transferred to the
38 institution and have not yet participated in a required diversity,

1 equity, inclusion, and antiracism program at an institution of higher
2 education.

3 (4) The state board for community and technical colleges and the
4 council of presidents may conduct further analysis of the programs,
5 through participant evaluation data, use of focus groups, or other
6 methods to determine promising practices. The state board for
7 community and technical colleges and the council of presidents must
8 post a list of model standards and promising practices for programs
9 on their public websites for parents and community members.

10 (5) By December 31, 2026, and biennially thereafter, the state
11 board for community and technical colleges and the council of
12 presidents must each develop a report on the student programs
13 established in subsection (1) of this section and submit them to the
14 higher education committees of the legislature in accordance with RCW
15 43.01.036. Each report may be combined with reports required in
16 sections 2 and 3 of this act.

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

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

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

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