

The logo for the Faculty Coalition for Disability Rights at UC Berkeley (FCDR) features the letters "FCDR" in a white, sans-serif font. The letters are set against a blue background that has a wavy, abstract pattern of lighter blue and white shapes, suggesting movement or a landscape.

Faculty Coalition for Disability Rights at UC Berkeley

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Disabled Student's Union Cal & Student Advocate's Office

December 9, 2015

Dear Chancellor Dirks,

In 2005, Disability Rights Advocates reached a class action settlement with the University of California, Berkeley that was intended to result in comprehensive access improvements at U.C. Berkeley. The plaintiffs were a class of all students with mobility and/or vision disabilities at U.C. Berkeley. The lawsuit, *Gustafson v. Regents of the University of California*, was originally filed in federal court in 1997. In order to settle the case, the parties involved selected a panel of joint experts. These experts oversaw a comprehensive survey of the campus facilities, reviewed policies and practices that impact access, and interviewed students with disabilities to identify barriers to access. The experts then issued a detailed set of recommendations for physical barrier removal, changes in policies, and other access improvements. A comprehensive settlement agreement was negotiated and the expert recommendations were to be implemented.

As part of the settlement, a new high-level administrative position was created: the Assistant Provost, Office of Equity Standards and Compliance (AP-ESC). The settlement stipulates that the "AP-ESC shall be responsible for providing campus-wide leadership in disability services, including the programmatic removal of physical barriers to Access on the campus and disability-related accommodations, programming and grievance. The AP-ESC's functions and responsibilities will be predominantly devoted to disability access and compliance. The AP-ESC shall have overall authority and responsibility to ensure that students with disabilities are provided Program Access to UC Berkeley's programs, services and activities. The University will give the position overall monitoring authority over all Access issues related to policy, programs, equipment selection and environments. This position will be accountable for internal monitoring of compliance with Access standards and ensuring campus-wide Access." Further responsibilities for this role are listed in section III.C of the settlement:

http://www.dralegal.org/sites/dralegal.org/files/casefiles/settlement_2.pdf

With this settlement, U.C. Berkeley was on its way to becoming one of the most accessible campuses for students with disabilities in the country. We remain optimistic that the University will embrace its obligation to ensure that students, faculty, and staff with disabilities are fully included in its programs and activities, thus maintaining U.C. Berkeley's reputation as a leader in access to education.

However, a recent degradation of services for students and faculty with disabilities is cause for alarm. **We are especially concerned that the Assistant Provost, Office of Equity Standards and Compliance position is currently vacant, and appears to have been unstaffed for as long as a year -- leaving the University out of compliance with the aforementioned settlement agreement.** We are also concerned that the Director of the

Disabled Students (DSP) Program, Paul Hippolitus, intends to retire soon and yet students, staff, and faculty have heard little about the plans to conduct a search for a suitable candidate to replace him. Without the filling of both positions, the decline in the quality of student, staff, and faculty with disabilities' lives on campus will continue to steadily decline.

Recently, **students with disabilities have reported to peer student advocacy groups on campus** (i.e., Disabled Students Union, Berkeley Disabled Students, Student Advocate's Office, etc.) the following concerns based on their personal experiences:

- There have been reports of dwindling supports for incoming transfer and non-transfer students with disabilities.
- Students have been denied or substantially delayed access to the disability accommodation of student course 'note takers.'
- Delayed availability of accessible course material (known as alternative media), due to a plethora of reported issues (faculty response time, overwhelmed staff, student confusion regarding the process), resulting in a substantial academic disadvantage.
- Inadequate facilities and space for test proctoring services for students with disabilities, resulting in exams with accommodations taking place far after a request is submitted and/or exams being proctored with subpar accommodations.
- The hiring process for important DSP Office administrators and staff over the past years have excluded students.
- Difficulty accessing DSP 'Disability Specialists' and services provided by these specialists due to the current ratio of one specialist per about 400 students with disabilities in DSP (or 4 for over 1,600 DSP Students).
- Loss of DSP Trio peer-to-peer mentor services that enabled students with disabilities to support and consult with one another regarding any difficulties they are experiencing.
- Poor building infrastructure (i.e., elevators, universal changing / restrooms, accessible water fountains, ramps) that often only meet the 'bare' minimum of accessibility compliance guidelines.
- A need to improve educational accommodation competencies for Graduate Student Instructors (GSIs) that provide exam proctoring and any mandated in-course accommodations for students with disabilities.

The **Faculty Coalition for Disability Rights** shares the concerns raised by the Disabled Students' Union and other student organizations. As faculty, we have met with the DSU, with another group of disabled students on campus, and with individual disabled students enrolled in our classes. We have heard many stories that lead us to believe that problems at the DSP have now reached crisis proportions. We feel that a program meant to level the playing field for students with disabilities is now putting barriers in their path that will impair their ability to achieve academically, professionally, recreationally, and socially.

As people with disabilities, we have additional concerns about access issues on the Berkeley campus—both in terms of architectural barriers and information technology that does not always meet standards for accessibility. Rather than listing the problems that we have encountered as individuals, we urge the administration to incorporate accessibility into all facets of strategic planning. As it is now, disabled individuals can register a complaint about a particular building or a particular website or online application that is inaccessible, and while that issue may eventually be resolved, it does not guarantee that a similar problem will not arise in a different building or a new online site.

Accessibility always works best when it is in the plans from the outset rather than added on later as an afterthought or a work-around. The complaint-based system that exists now requires disabled faculty to devote time and effort to access issues—time that would be better spent on teaching, research and service. **In the past, the AP-ESC has been available to resolve access issues for faculty and staff, so we are concerned that the position is now vacant and we have heard of no plans to hire a replacement.**

The delays that students experience in receiving their DSP certification and the resulting delay in faculty notification impedes all faculty's opportunities to reach out to disabled students at the very beginning of the semester. This appears to be a pervasive problem campus-wide that needs to be remedied immediately.

The Disabled Students' Union (DSU), Student Advocate's Office (SAO), and the Faculty Coalition for Disability Rights (FCDR) at U.C. Berkeley respectfully request that we be consulted and included in the search process for both the AP-ESC and DSP Director positions. All advocates are ready to assist in this process and are open to discussing the replacement of these two key leadership positions with anyone else the Chancellor deems appropriate. Thank you for your consideration on this important matter. Email contact information is available on the letter's first page left side column.

Sincerely,

Faculty Coalition for Disability Rights at U. C. Berkeley (FCDR)
Disabled Students Union at Cal (DSU)
ASUC Student Advocate's Office (SAO)