

April 12, 2016

Nicholas Dirks, Chancellor  
University of California, Berkeley

Dear Chancellor Dirks,

Thank you for your letter of March 29, 2016. This was a response to a [letter of concern](#) that we (the Disabled Students Union, the Faculty Coalition for Disability Rights, and the Student Advocate's Office) had sent you on December 9, 2015.

Given the campus commitment to equity, inclusion, and diversity, we are dismayed that a letter from a coalition of faculty and students who represent a protected class under civil rights law would only warrant a formal response from our campus administration after three and a half months. While Vice Chancellor Nasir sent an informal email to one of our signatories on January 26, this was not a formal response to our group letter of December 9, nor did she intend it to be. The person you refer to as "Matt Griffith" is actually Matt Grigorieff, the co-president of the Disabled Students' Union. The misspelling of his name, the delay in your response, and the absence of an apology for that delay all convey a profound lack of regard for people with disabilities. Most egregious is the fact that your letter was sent in a PDF format that is inaccessible to individuals with visual impairments who use assistive technology.

Beyond the matters of protocol outlined above, the substance of our letter seems to have been largely unaddressed. Our pending concerns include:

- Your letter mentions that a working group of faculty, staff, and students with disability concerns has been established in consultation with the Disabled Students Union. However the leadership of the DSU has *not* heard of any committee organized by Vice Chancellor Nasir or the Chancellor's office for disabled student services for grad students, nor were they contacted.
- Two important campus leadership positions related to disability are presently, or soon will be, vacant. As we made clear in our last letter, people with disabilities wish to be included in the process of finding replacements. The search for a Permanent Associate Chancellor for Ethics, Risk and Compliance, to replace the Assistant Provost for Equity Standard and Compliance stipulated by the Gustafson Settlement, is underway, however to our knowledge there has been no consultation or involvement of disabled faculty staff or students.

- It also appears that this senior administrative position is being reconfigured in substantial ways. Have people with disabilities been included and consulted in this administrative redesign process? If so, how? The change in job title indicates a shift in focus (both in spirit and in letter) that may be in violation of the Gustafson Settlement.
- We also asked that people with disabilities be substantively involved in the search for the Disabled Students Program Director. True inclusion would mean having input on formative discussions about the advertisement, search criteria, and search plan, as well as participating in the selection process. It remains unclear from your letter whether such consultation has happened.
- A premise of the disability rights movement is “nothing about us without us.” It appears that important matters “about” those of us with disabilities are being decided without including us. Or is there another perspective you would like to bring forward?
- Our letter focuses on the concerns of both students *and* faculty with disabilities, yet your letter only addresses students. We would like to hear about the administration’s commitment to making Berkeley a more hospitable place for faculty with disabilities as well.
- We have urged the administration to incorporate accessibility into all facets of strategic planning. There are many new strategic initiatives presently being launched on our campus. How is accessibility being incorporated into these plans?
- The Disabled Students Union and FCDR would like the campus to organize a task force / campus review committee on disability for UC Berkeley as a whole (including academics, accommodations, wellness and fitness, social inclusion, staff, etc.). In the 2013 [campus climate survey](#), people with disabilities are identified as one of the historically marginalized groups that report elevated experiences of exclusion on our campus. While 25% of the general population experiences exclusion, this figure among people with disabilities rises to 39%. This places people with disabilities in proximity to the survey’s findings on African Americans (42% of whom experience exclusion) and Chicano/Latinos (34%). The campus has launched the African American Initiative and the Chicano/Latino Task Force in order to address the findings of the campus climate survey. It’s time for a Task Force on People with Disabilities.

Overall we assert that the campus must move beyond a narrow, legalistic, and often symbolic “compliance” framework that forces people with disabilities to complain, grieve, or file a lawsuit in order to gain full access to our institution and educational programs. This doesn’t create a welcoming climate for people with disabilities. We need to adopt instead a more holistic and proactive approach that exemplifies true inclusion and equity. The Americans with Disabilities Act establishes the “floor” of bare minimum access not the “ceiling.” Berkeley needs to aim higher than the floor. Accessibility always works best when it is planned 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, staff and students to devote time and effort to access issues—time that would be better spent on teaching, learning, research and service. We would like to hear your response to this core recommendation, which is the most foundational of all the issues we have raised.

We appreciate that your letter indicates you have heard our concerns. However we do not yet see evidence that the content of our letter actually *has* been heard. We would very much like things to be otherwise. It's not too late to start anew. While the [2013 campus climate survey](#) found that a chief barrier to campus achievement of equity, diversity and inclusion objectives is that “top administrators aren't committed to promoting respect and understanding,” we invite you to lead our campus in a new direction, one that will achieve Berkeley's stated goals of “access and excellence.” When people with disabilities are given access to the campus—to our classrooms, our departments, our governance and decision-making—they can and do contribute much to Berkeley's excellence. Including us in decisions *about* us is the very best way for campus leadership to promote a culture of respect and understanding for people with disabilities.

Sincerely,

Disabled Students Union at Cal (DSU) / <https://www.facebook.com/dsuatcal/>

Matt Grigorieff, Co-President, [mattg@berkeley.edu](mailto:mattg@berkeley.edu)

Peter Dodson, Co-President, [pmdodson@berkeley.edu](mailto:pmdodson@berkeley.edu)

Alisha Howell, Co-Vice President, [alishahowell@berkeley.edu](mailto:alishahowell@berkeley.edu)

Nidhi Chandra, Co-Vice President, [nidhivchandra@berkeley.edu](mailto:nidhivchandra@berkeley.edu)

Faculty Coalition for Disability Rights at UC Berkeley (FCDR) / <http://ucbdisabilityrights.org/>

Catherine Cole, President, [colecataccess@gmail.com](mailto:colecataccess@gmail.com)

Chair and Professor, Theater, Dance and Performance Studies

Katherine Sherwood, Vice President, [katherinedarrahsheerwood@gmail.com](mailto:katherinedarrahsheerwood@gmail.com)

Professor, Art Practice

Georgina Kleege, Secretary, [gkleege@berkeley.edu](mailto:gkleege@berkeley.edu)

Lecturer SOE, English

Charlotte Smith, Treasurer, [charlottesmith.us@gmail.com](mailto:charlottesmith.us@gmail.com)

Lecturer, School of Public Health

Karen Nakamura, Member-at-Large, [knak@berkeley.edu](mailto:knak@berkeley.edu)

Endowed Chair, Disability Studies Research Cluster, Haas Institute for a Fair and Inclusive Society

Susan Schweik, Member-at-Large, [sschweik@berkeley.edu](mailto:sschweik@berkeley.edu)

Professor, English

ASUC Student Advocate's Office (SAO) /<http://advocate.berkeley.edu/>

Selina Jane Lao, Chief of Staff, [chief@berkeleysao.org](mailto:chief@berkeleysao.org)

Nidhi Chandra, Caseworker, [nidhi@berkeleysao.org](mailto:nidhi@berkeleysao.org)

CC: Professor Na'ilah Suad Nasir, Vice Chancellor, Equity and Inclusion

Professor Donna Jones, Chair,

Academic Senate Diversity, Equity and Campus Climate Committee (DECC)