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Dear Vice Chancellor Koshland:

As faculty at the University of California Berkeley, we are concerned about and disappointed with both the tone and content of your published response to the Department of Justice's Findings and Conclusions as to how the university's online course offerings violate the Americans with Disabilities Act of 1990. It is hurtful and harmful to suggest in any way that people with disabilities are responsible for a decision that might limit online courses and other presentations. This kind of scare tactic creates hostility toward accommodating and therefore including people with disabilities. While we assume that you did not intend to blow a dog whistle that incites disability access backlash, we fear that this has been the result, which not only harms our students and the public who have disabilities but also the University's national and international reputation.<sup>1</sup>

We suggest that U.C. Berkeley take the recently announced approach of Ford Foundation President Darren Walker, who wrote a public letter acknowledging the omission of disability in developing his foundation's agenda. Rather than becoming defensive, Mr. Walker admitted that in "the 18 months that we meticulously crafted FordForward—an extensive, exhaustive process—we did not meaningfully consider people with disabilities in our broader conversations about inequality." After apologizing for this omission, Mr. Walker went on, "... So how do we do this? How do we move from unwitting ignorance to enlightened action?"<sup>2</sup> This is the approach we would have expected of our University. How do we do better?

UC Berkeley has a long and proud history as a global leader in disability rights, education, and research. As a result, we have a tremendous wealth of knowledge and resources on how to make education accessible. We have ourselves come up with policies that mandate access across the university. As far as we can ascertain, you did not

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<sup>1</sup> I.e., your language that "[we] must strongly consider the unenviable option of whether to remove content from public access," has already been quoted in media, see *Forbes* article titled "Department of Justice Wages War on Free Education" (2016.09.21).

<sup>2</sup> <https://www.fordfoundation.org/ideas/equal-change-blog/posts/ignorance-is-the-enemy-within-on-the-power-of-our-privilege-and-the-privilege-of-our-power/>

tap any of the faculty or staff with expertise in the area of education and online access (we are thinking, for instance, of the knowledge that Lucy Greco in the ATTLC would have brought to the table), before issuing a press release which threatens limiting public access because of the purported costs of disability access. It is worth noting that “public,” in this instance, excludes millions of people with disabilities, including our own students with disabilities who use these resources. Moreover, your statement presents disability accommodations as the cause of a zero sum game. We know that making courses accessible means that all students and learners benefit, disabled or not.

The DOJ letter is an opportunity for us to acknowledge that we can do better. We must comply with the law, but rather than being defensive and operating from a place of fear, we can be constructive and work towards our mission of *public* education.

We call on the administration to break out of its insularity and consult the deep well of knowledge and expertise that is already on this campus. We ask for an immediate meeting of administrators, faculty, staff, and students with knowledge and expertise in this area to work on constructive solutions to the problems that the DOJ letter has so clearly spelled out.

Sincerely yours,

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