

March 15, 2017

Dear Chancellor Dirks,

We, the Berkeley Disabled Students (BDS), are writing once again to demand changes to University policy and practice to end on-going discrimination toward the disabled student body. As you know, we are a student group comprised of undergraduate and graduate disabled students. Many of the barriers we face to success are derived from oppressive, ableist systems and not the limitations of our bodies.

To reiterate from our June 6, 2016 letter: It is long overdue that U.C. Berkeley view the disabled student population through an anti-discrimination lens with the goal of support and retention, committing the necessary funding to achieve this goal. This is particularly true as the University frequently violates our rights under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Disability discrimination violations have been reported, investigated and documented in recent years by the Office of Civil Rights (OCR) and the Department of Justice (DoJ), including individual and class action lawsuits by students against UCB.

As many of our demands were not previously addressed by the administration, we will reiterate key points and further new causes as needed.

Our grievances are outlined below:

1. The Disabled Students Program (DSP) has failed to provide timely, accessible accommodations to the student body. This includes failure to provide: alternative format course materials, note-taking accommodations, captioning, sign-language interpreting, and timely assistive technology. DSP students who require federal and state mandated accommodations have varying needs and before DSP had specialists that were trained in identifying those needs. The generalist approach has resulted in unmet need. Although we applaud efforts to overhaul DSP by hiring additional staff, we recognize that DSP is still not a body that will advocate for students against faculty who do not wish to comply with accommodation letters.
2. DSP staff have engaged in hostile and prejudicial discourse with disabled students, including failure to maintain promised services by severing a contract with the Department of Rehabilitation and failing to provide appropriate services mandated by the TRIO grant. DSP has become adversarial to disabled students, rather than a safe source of support. Many students have reported to BDS feelings of being devalued, dehumanized, humiliated, retaliated against, and our disabilities impacted in harmful ways due to discrimination by DSP, faculty, and staff of U.C. Berkeley. This is furthered by a lack of transparency from administration and a lack of education around disability services on campus from instructional staff.
3. Faculty do not understand DSP or how to implement reasonable accommodations. Due to this lack of understanding and failure of the University to provide accurate training, students have been functionally denied accommodations granted to them by DSP, violating students' rights. Because of these issues, DSP students are not able to fully participate in their coursework, classroom activities and discussions, creating discriminatory barriers to their education.

4. Tuition is not prorated for disabled graduate students who must access part time coursework as a reasonable accommodation. This approach to tuition is harmful to all low-income students. Given that disabled people are more likely to drop out of college, experience unemployment and live in poverty, this is especially egregious to disabled students.
5. TRIO/SSS Project has not been functioning and has been out of contract compliance for over a decade leading to the perception of federal fraud and lack of transparency. Students were lead to believe that DOR canceled the WAIV contract with UCB but in fact it was UCB's leadership team/DSP that terminated the contract. UCB was about to be audited and knew that they were again non-compliant. WAIV students were then told they were going to be moved to TRIO/SSS however promised services are still not being delivered.
6. There is no cultural space for disabled students to gather on campus, to receive academic support, or to host meetings and events. It has been most difficult to organize disabled students because there is not a central space to disseminate information.
7. Disability has not been made a priority on the campus of UC Berkeley. When the Department of Justice found that instructional videos made public were not ADA compliant, the University's response was to remove the content instead of caption it. When The Department of Rehabilitation WAIV contract would cost additional funds, Berkeley was the only UC school to terminate its contract and cut the WAIV program with less than 30 days' notice, leaving students without academic services they were promised upon entering the school. No replacement services have yet been made available and no action plan has been made. UC Berkeley is out of compliance with its court settlements.
8. There is no organizational head or centralized location that students, faculty, and visiting educators and presenters can turn to for accessibility, transportation, and academic support. This frequently leads to departments passing issues back and forth without resolution. Graduate students are particularly vulnerable to this organizational chaos, as they are often students and employees at the same time.
9. Disability retention has not been prioritized at UC Berkeley. There have been no efforts to include universal design, which would prevent many issues before they become costly fixes. The University must invest more funding into disability issues to make the campus climate more accessible and less hostile to disabled students. We are particularly dismayed to hear from students who have dropped out of UC Berkeley due to lack of accommodations, often losing their financial aid in the process. On a listing of 10 Mental Health Resources posted on bCourses, DSP was not once mentioned. As rates of mental health disabilities rise on college campuses, students must be aware that accommodations are available to them.

We demand that:

1. The new Chancellor and Vice Chancellor of Equity and Inclusion make disability a priority by addressing all grievances and demands herein.

2. The budget for DSP and disability services be increased so as to provide appropriate services to all disabled students, recognizing that disability must be examined at the individual level. Universal design MUST become a priority. Disability education must be included in relevant coursework and trainings for all employees. Educating students and staff around disability issues will assist in combatting disability stigma. The Loop transportation service must be made available to short term disability needs and easier to obtain for DSP students.
3. Mental health services, particularly to students of color who already face stigma, be expanded to provide education and accommodations as early intervention.
4. The medical model of disability be dismantled and DSP refocus on providing services that disabled students need to be successful, rather than treating students as beggars asking for handouts or cheaters trying to game the system. It is critical the University cease utilizing medical barriers to prevent students from receiving DSP accommodations, such as forcing students to pay for forms to be completed by doctors or undergoing invasive medical testing for verification of disability. It is critical that DSP hire an appropriate number of disability trained specialists to address the many needs of the disabled student body.
5. A cultural space be made available to the disability community for meetings, student groups, tutoring, and other social and academic supports.
6. The partnership between DSP and Department of Rehabilitation be restored immediately, including all terminated services, such as WAIV including both versions of the DSRP programs (Disability Student Residential Program and Disability Student Readiness Program).
7. An accurate and truthful reporting of DSP requested accommodations/services by DSP students be instituted. Currently there is no system in place for documenting and tracking the provision of student requests for accommodations/services. The \$1 million SCARAB software that was purchased and used over the years has not worked efficiently for both students, faculty, and staff.
8. An independent third party in disability rights advocacy train all instructors in students' rights. This training must be mandatory for all staff and faculty interacting with students.
9. Tuition be prorated for part time graduate students.
10. An external, un-conflicted, unbiased investigation and a forensic financial audit of how, where, when all Federal/State funding targeted for services for students with disabilities at U.C. Berkeley We want to know how these funds have been distributed and utilized. Hold DSP accountable for providing TRIO grant services!
11. The disability residential program be reinstated. The assigned disability room in the residence halls that was promised a year ago by administrators be brought back immediately.
12. A disability task force be created where all invested parties, including BDS, be on the task force. This task force must prioritize retention of disabled students, ensuring a cultural space is obtained, improving services for disabled students, and combatting ableist campus climate. A needs assessment of disabled students must be completed.

13. Disability services be reorganized to a central hub where a clear organizational chart can be created to direct all disability needs, including accommodations for students and staff, disability compliance, disability related transportation, and other access needs. It should be clear at all times who handles which issues and where students can go to seek a departmental head.

14. UCB administrators fully support and take corrective action laid out by the Faculty Coalition for Disability Rights at UC Berkeley (FCDR) in both their letters dated 12-9-15 and 4-12-16.

We want U.C. Berkeley to be a progressive, safe space for disabled students. We wish for the University to recruit us and be as invested in our success. We are not an unfortunate problem for Berkeley to forget until we drop out. Universal design benefits all students. Accessible architecture benefits all students.

We will not stop pursuing these issues until U.C. Berkeley has laid out concrete plans to address our grievances and has demonstrated through action its support for the disabled student body.

Sincerely,

Berkeley Disabled Students (BDS)

cc: Na'ilah Suad Nasir, Vice Chancellor of Equity and Inclusion