

**UC Berkeley DSP Crisis
Quick Guide
AY 21-22; 22-23
Made by Students**

For Faculty/Staff and Students

Updated 07.13.2022

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Disclaimer: This guide is created by disabled, chronically ill, and neurodivergent students for students. Please share it widely.

Terms Used

DSP: Disabled Students' Program

DAC: Disability Access & Compliance

ADA: Americans with Disabilities Act

LOA: Letter of Accommodation

Resources

Student resources

Student Advocate's Office

Staff Resources

Faculty resources

Faculty Webinar

Academic Ableism

Gold Folder: Indicators of Distress

Helping a distressed friend

Useful links | DAC

November 2021 DSP Crisis Letter

Student Response to that letter

Disability Town Hall Notes

List of DSP Accommodations [crowdsourced]

I. Introduction

The Fall 2021 DSP Crisis culminated in many years of short staffing, a lack of funding by the institution, and somewhat poor management at DSP. In 2019 Chancellor Christ stated the University would ensure “additional staffing hired to lower the DSP specialist-to-student ratios.”

Between 2010 and 2021, the number of DSP consumers nearly quintupled while DSP faculty increased from 30 to 41 staff, according to a 2020-21 Impact Report from the campus Division of Equity and Inclusion. During the 2020-21 year, 30 percent of graduate students indicated they did not have consistent access to learning support services (e.g., tutoring, assisted note-taking).

By October 2021, caseloads approached 1,000 students to 1 DSP specialist - well out of the range of best practice of 350 students to 1

specialist. Students experienced unacceptable wait times upwards of 6 weeks with no legal interim accommodations¹. DAC experienced a significant increase in student complaints and grievances indicating the severe impact of the crisis on our disabled student population.

At the November 15, 2021, Disability Town Hall, a student shared in the Zoom chat: “I have spent at least 10 hours a week arranging my own access, educating, and advocating for myself. Understandably, the faculty have gotten to know me only for my disability, not for what I can contribute to class and this school. How are we mitigating the conflicting roles that we’re putting students into? Students cannot be asked to have an at-times contentious relationship w/ faculty (when having to advocate for themselves) *and* have equal treatment in the classroom. Advocacy affects how faculty view students in their class.”

The same day, the Assistant Director of DSP states, “DSP has positions open and have been going through the recruitment process and offered the position to individuals and they, unfortunately, have declined them or went to other universities with other positions. We're trying to understand what is going on with hiring while we put out additional requests so we can staff up and have a full DSP team. We're not getting candidates to accept the positions even though they're qualified. It's a matter of hiring and labor practice. We're trying to get students to assist and even hiring students on campus has become a challenge. The entire campus hiring practice and HR is delayed by months to hire students to fill that void and gap.”

Students develop a Letter to Cal Instructors and the Fall 2021 DSP Crisis Quick Guide (this document) to offer help to fellow disabled students navigating accommodations and for faculty and staff to better understand how to engage in the formal and informal (temporary) accommodations during the crisis. On December 2, 2021 the division of undergraduate education provided emergency funding for 4 DSP staff.

Critically important support services and awards were not provided to students in a timely manner due to the crisis, greatly impacting the health and wellbeing of our students. UC Berkeley must ensure all safeguards are in place to prevent this from happening again and interrupt this cycle of trauma.

¹  Final working draft of CACDAP Report 2021.pdf

As of July 13, 2022, DSP remains short-staffed with 8 specialists for 4,600+ students. We anticipate the crisis to continue this Fall 2022.

II. Informal Accommodations

There are over 8,000 disabled students on campus, 4,600 registered with DSP². Fall 2021 students requesting academic accommodations have waited over five weeks for a Letter of Accommodation (LOA) after submitting documentation and requesting intake appointments. According to the DAC, *over 100 students did not receive LOAs by the end of the semester*. Other students already registered with DSP have waited 3-4 weeks for appointments with specialists to request new accommodations. This is solely due to under-staffing of disability specialists at DSP (case loads approaching 1000 students to specialist).

****If you haven't received an email/text from DSP confirming you have an intake scheduled, please reach out to dsp@berkeley.edu.**

On November 8, DSP and the Disability Access & Compliance office sent instructors a letter notifying them of this issue and asking that they **cooperate with students to ensure access until a formal DSP LOA is provided**. This guide contains guidance on how to undertake that process.

A. Why do we need to help disabled students who have not received their LOAs?

The ADA and Section 504 of the Rehabilitation Act require an interactive process to establish reasonable academic accommodations which must be provided to disabled students. UCOP PACAOS 143.36 states that we must have a campus process to meet this requirement. UCB usually meets the requirement via the DSP; its staff executes the interactive process with students and faculty and provide a LOA containing reasonable academic program accommodations. These are binding. For a small group of

² [Chancellor's Advisory Committee on Disability Access & Planning](#) (October 2021)

students, this process broke down due to staffing issues at DSP.

B. Is there any precedent for this procedure?

This informal/temporary accommodations procedure is inspired by the University of Michigan guide:

“If a student indicates to an instructor that they believe they need an accommodation, but they do not have a current Accommodations Letter OR an old VISA letter, the instructor can provide the flexibility requested. Flexibility related to additional time on quizzes/exams, a limited distraction environment, providing course materials/slides in advance, and deadline extensions are just a few examples of the type of flexibility that could be provided by an instructor while the student completes the Accommodate application process.

Note: This will not be considered an official accommodation until the student has connected with the SSD office, as described above.”

C. Disability and disclosure.

Most of the students registered with DSP have non-apparent disabilities. Instructors may get requests from students who may not ‘appear’ disabled. Students are not required to disclose their particular disability, unless they want to. Course instructors cannot legally ask what disability a student has. We do not expect, require, or sanction course instructors to review medical information. Instead, students just need to share what informal/temporary accommodations they are requesting due to their disability, given their inability to go through standard DSP procedures.

Students just need to say ‘**I am requesting reasonable ADA (Americans with Disabilities Act) academic accommodations**’, and then engage with the course instructor to identify what those may be. Instructors can contact DSP if they want to get confirmation that the student is one of this group. Beyond contacting DSP to verify a student still doesn't have an LOA,

instructors can also simply ask the student to show their DSP text confirming they have started the process.

The dialogue between course instructors and students requires respect, privacy, and confidentiality. Replies to requests such as *'You don't look disabled'*, or *'I never would have thought you were disabled'*, or *'Do you really have a disability?'* should be avoided. Departments have a special responsibility to ensure that any disability harassment is dealt with through the appropriate channels, such as the DAC's Disability Discrimination and Harassment reporting tool.

*The expectation for formal request of accommodations with DSP is still present, and required, this is simply a triage/short term solution for the present crisis affecting DSP. *

D. What does the 'interactive process' actually look like for academic accommodations?

The interactive process is an on-going, timely and good faith communication between the institution and the student to explore whether or not the student needs reasonable accommodation to equally access the course offerings. For this temporary procedure, a student must request an academic accommodation. The instructor must then consider the request and can decline if they determine that it would "fundamentally alter" the course they are teaching. A definition of fundamental alteration is "any change to a course curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline of the course."³ Otherwise, the instructor should allow the accommodation.

III. Non-Exhaustive List of Accommodations

- Absences

³ California Education Code, Section 5600 et seq:

- Excused absences that are related to disability or exacerbation of disability to make up for assignments, exams, quizzes
- Assignments
 - Extended time (specified/agreed upon time frame)
 - Make-up assignments
- Classroom
 - The use of the following furniture to ensure access to classes, labs, and/or exams: (e.g. as just a few: detached table and chair)
 - The use of an audio recorder, assistive listening device(s) for class sessions
 - Written materials in alternative formats such as large print, Braille, flash drive, or audio tape readers
- Exam Conditions
 - Extended time (125-300%)
 - Make-up exams
 - Frequent rest breaks during exam; time for these rest-breaks has been included in the total calculation for extended exam time
 - Alternative standing/sitting during exams and during the class period
 - Low Distraction environment (Quiet space)
 - E-Text for exams (questions read out loud, or using accessible technology)
- Remote accommodations
 - Asynchronous or hybrid accommodations, are dependent upon the professor's willingness to accommodate.
- List of DSP Accommodations [crowdsourced]

IV. Privacy and Mental Health Concerns while trying to support students during this difficult semester and beyond.

A. Stress and Mental Health Impact for Students who are experiencing barriers in getting their accommodations.

That we are seeing some students unaccommodated following what has been a very difficult period for us all, leads to questions regarding how to support them if they express or appear to be experiencing mental health crisis. Below are resources and actions one can take to support such students.

1. Mental Health Handbook for Faculty/GSI/Staff
2. University Health Services Gold Folder: Indicators of Distress
3. The Many Signs of Distress - *How to identify a student at risk*
(pages 25-29)
4. Counseling and Psychological Services (CAPS) can be contacted for advice on how to proceed if you know or believe a student is experiencing a mental health crisis, or you can refer the student. CAPs can be reached at (510) 642-9494. For after-hours support, please call the 24/7 line at (855) 817-5667.
5. The Center for Support & Intervention's Students of Concern Committee can refer students to a range of supports and make interventions in non-life-threatening situations, provide case management, and referrals can be anonymous.
6. If a student's behavior represents an immediate threat to themselves or others, call 911.
7. Student Advocates Office, and the ASUC Disabled Students Commission (disabledstudentscommittee@asuc.org) can support students with the issues that may be causing the mental distress and should be considered for recommendation.

B. Issues of Privacy that arise when working with Students on informal accommodations or even formal DSP accommodations.

Some faculty are concerned and want more information regarding what they may and may not ask or share about a student's disability status. Below are resources and information on this topic.

1. Mental Health Handbook for Faculty/GSI/Staff-Privacy laws
(pages 42-44):

“FERPA permits the disclosure of information from student education records ... in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”

FERPA applies only to information derived from student education records, and not to personal knowledge derived from direct, personal experience with a student. **For example, a faculty or staff member who personally observes a student engaging in erratic and threatening behavior is not prohibited by FERPA from disclosing that observation, although any such disclosures should be for the purpose of seeking assistance for the student.**

UC Berkeley employees are permitted to disclose information about a student to other “school officials” who have “legitimate educational interests” in the information. A “legitimate educational interest” is not limited to employees directly involved in academic or educational functions, but rather includes any university employee for whom the information “is relevant and necessary to perform their university duties. This can include the Dean of Students, campus legal counsel, the student conduct office, the campus police department, the campus student health or counseling center, etc.”

V. Modification of Grade Submission Timelines, Incompletes and Pass/No Pass Options

Beyond accommodations related to the substantive requirements of a course, there are three procedural accommodations that merit consideration by faculty.

- A. There is a December 22 (Fall semester) deadline course instructors have to abide by in terms of submitting grades, and this cannot be extended. We encourage transparency regarding this deadline and process to *ensure that students who are struggling without*

accommodations or were accommodated very late are told at the earliest opportunity of any final deadlines for assignment/exams. This may include a set amount of time to grade the assignments/exams.

- B. Incomplete designation could be a powerful tool during this moment. It may be used at the discretion of faculty: *'As the instructor of record, you may assign a grade of Incomplete (I) if your student's work in a course has been of passing quality but is incomplete due to circumstances beyond the student's control.'* (Registrar's Office). DSP and DAC can provide instructors with information to attest to the 'no fault' element required in assigning an Incomplete. This could involve exercising additional flexibility to the existing 'incomplete' rules and regulations an instructor uses, especially concerning the amount of work required to have been completed and when the remainder must be completed.⁴
- C. Pass/No pass grade option. Typically students may choose to take a P/NP option instead of a graded option only until the 10th week of instruction. In this situation we are asking that professors consider relaxing that deadline for these students and provide this where possible even if not usually an option. Advisors should be involved in these discussions.

VI. Grievance Procedure

In the end, if a student feels that they have been discriminated against on the basis of a disability or feel like UC policies have been violated on the basis of a disability, they can file a formal grievance with DAC or raise an issue of concern by completing the online grievance form:

- Report a physical access barrier
- File a formal grievance/Report disability discrimination (The Student Advocate's Office can assist you in the process.)
- Right now, DAC can be used as a resource where students do have LOAs and are still in the class, and the instructor is refusing to honor

⁴ The course instructor can work with Ella Callow, JD, and the DAC office to ensure that best practices are followed, and updates concerning the 'no-fault incomplete' are received.

the accommodations. *Usually this is reserved for DSP specialists while the student is still in class. However, they are simply too short-staffed to timely respond.

- Harassment, hostile environment, retaliation, etc.
- Appeal DSP internal grievance process
- Raise an issue of concern

Please see the [DAC's grievance flowchart](#) in [useful links](#).

If you'd like to remain completely anonymous, please use the UC [WHISTLEBLOWER HOTLINE](#) (anonymous/confidential) (800) 403-4744.

We strongly encourage students who have faced significant delays to file a grievance or raise an issue of concern with the DAC.

VII. Applying for DSP

Eligibility

- Hearing
- Mobility
- Speech/Communication
- Attention-Deficit/Hyperactivity Disorder
- Learning Disabilities
- Vision
- Chronic Health
- Neurological/Nervous System
- Psychological/Emotional
- Autism
- Other

[Click here to view the DSP's complete Application Process.](#)

[Click here link to submit an online application for DSP services.](#)

Completing this step will create an account for you with DSP and will keep your medical documentation separate from your other University records.

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After applying, schedule your Intake appointment with a Disability Specialist by calling the DSP receptionist at (510) 642-0518 or emailing the departmental DSP account at dsp@berkeley.edu.

You must submit documentation Disability documentation must verify two things: (1) the presence of a diagnosed disability or medical condition and (2) the current impact of the diagnosed disability or medical condition. Reference [Documentation for DSP](#) for further details and PDFs for your provider(s).

VIII. Remote Access Accommodations

The Disabled Students Program (DSP) is offering remote/hybrid accommodations for some students who qualify due to their disability. Please note that this includes students who are immunocompromised or high-risk for COVID, in addition to those who would benefit from hybrid options for other disability-related reasons.

New Request - Non-Registered DSP Student

If you want to request remote accommodations and are not registered in DSP, please visit this page to submit an application:

<https://bachelor.accessiblelearning.com/Berkeley/ApplicationStudent.aspx>.

- Visit this page for more information:
<https://dsp.berkeley.edu/students/new-students>.

New Request - Registered DSP Student

If you are already registered in DSP and want to request remote accommodations, send a message to your specialist or if not assigned to one then the general DSP email. You can find your specialist email by logging into your AIM profile and finding it in a box on the left hand side.

- AIM profile:
<https://bachelor.accessiblelearning.com/Berkeley/Login.aspx>.
- General DSP email: dsp@berkeley.edu

Denied Request:

If you did not receive hybrid accommodations after requesting and disagree with the decision, you can learn more about the grievance process here:

<https://advocate.berkeley.edu/grievance/>.

IX. Statement of Purpose

This quick guide, and the letter to course instructors, was written as a response to DSP/DAC's Nov. 5, 2021 letter to campus concerning the crisis at DSP, and critical understaffing of disability specialists. This acts as the student response and is born out of the same spirit that kickstarted the Berkeley Disability Movement. What started with Ed Roberts and the Rolling Quads struggle for accessibility at Berkeley in the 1960s became a catalyst for disabled students to lead independent lives and study at the university.

What is important to remember in the history of the disability movement at Cal, is that *'UC Berkeley was the antagonist in that story. ... They denied [Ed Roberts] and they segregated him (in the hospital)'*, and it is through the activism of disabled students, and allies, that this changed (quote by Alena Morales). And Berkeley became an early leader in the Disability Rights Movement.

We write this letter, and this guide as students. And although we write with the knowledge that DSP and DAC are allies and resources that were hard fought for by students, we want to respectively highlight that the antagonism between disabled students, and the current crisis involving campus DSP services still exists, albeit in a different form.

Our aim is to recognize the informal conversations regarding disability accommodations that are happening every day on campus during this crisis and offer more guidance, and more points of access for students.

This is not just a Disabled Students Movement, this is an Anti-Racist/Anti-Ableist Movement, with all the intersectional experiences and happenings that this encourages us to think about and center.

We recognize this guide as an effort of intellectual mutual aid to offer help to fellow disabled students navigating accommodations here at Cal. And to Faculty and Staff to better understand how to engage in the formal and informal (temporary) accommodations during this period of DSP crisis.

X. Organizers and Authors

Written by Disabled, chronically ill, and neurodivergent graduate and undergraduate students

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Berkeley Disabled Students group (BDS)

XI. Land Acknowledgement

Berkeley sits in the territory of xučyun

The authors recognize that UC Berkeley sits on the territory of xučyun (Huichin), the original landscape of the Chochenyo speaking Ohlone people, the successors of the sovereign Verona Band of Alameda County.

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This region continues to be of great importance to the Muwekma Ohlone Tribe and other familial descendants of the Verona Band. We recognize that every member of the Berkeley community has, and continues to benefit from, the use and occupation of this land, since the institution's founding in 1868. Consistent with our values of community, inclusion and diversity, we have a responsibility to acknowledge and make visible the university's relationship to Native peoples.

As members of the UC Berkeley community, it is vitally important that we not only recognize the history of the land on which we stand, but also, we recognize that the Muwekma Ohlone people are alive and flourishing members of the Berkeley and broader Bay Area communities today.

This acknowledgement was co-created with the Muwekma Ohlone Tribe and Native American Student Development and is a living document.

Recommended Reading

The University of California Land Grab: A Legacy of Profit from Indigenous Land A Report of Key Learnings and Recommendations | Nov. 2021
Joseph A. Myers Center for Research on Native American Issues & Native American Student Development