



UC Berkeley Drops Free Online Videos in Response to Government threat

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Bowing to pressure initiated during the Obama administration, the University of California-Berkeley is removing thousands of online lectures it previously provided free to the public.

The elimination of these massive open online courses (MOOCs) from its website, along with dropping lectures from YouTube and iTunes, is the university's response to the threat of a government lawsuit. In August 2016, the U.S. Department of Justice sent a letter to UC-Berkeley Chancellor Nicolas P. Dirks complaining some of the thousands of videos were not fully accessible to people with disabilities, especially those who are blind or deaf.

The letter said if the school could not sufficiently upgrade the MOOCs, "the Attorney General may initiate a lawsuit."

Videos for the Blind?

The letter cited matters such as the failure of some videos to provide nonvisual ways to access information in graphs, charts, captions, and animations. Many of the videos "have incorrect alternative text, videos without captions, undefined headings, a lack of color contrast, inaccessible PDFs, and inaccessible keyboard links," the letter said.

These failings violate Title II of the Americans with Disabilities Act, said Rebecca B. Bond, head of the department's disabilities section, in her letter.

"Under title II, public universities must afford individuals with disabilities an equal opportunity to participate in or benefit from any aid, benefit, or service provided to others," Bond wrote.

Cathy Koshland, Berkeley's vice chancellor for undergraduate education, initially responded by saying that to meet the department's demands, the university "would have to implement extremely expensive measures to continue to make these resources available to the public for free. We believe that in a time of substantial budget deficits and shrinking state financial support, our first obligation is to use our limited resources to support our enrolled students."

In March, Koshland announced the university's decision to limit its online content to enrolled students.

‘This Is Insanity’

James D. Gwartney, a professor of economics at Florida State University and director of the Gus A. Stavros Center for Economic Education, is legally blind. He says what the government is forcing Berkeley to do is absurd.

“This is insanity,” Gwartney said. “The Justice Department apparently thinks if lecture material is not perfect for everyone, then let’s make sure it is not available to anyone.

“As a blind person for more than two decades, I can assure you that I have derived enormous benefit from audio material that failed to provide a description of the visuals,” Gwartney said. “Clearly, the blind as well as others are made worse off when access is denied to materials unless they provide a descriptive audio of all visuals. With friends like the Department of Justice, those of us with sight and hearing handicaps do not need enemies.”

Demand ‘Poses Real Problems’

Walter Olson, a legal writer and a senior fellow at the Cato Institute, says the Justice Department’s demands “[pose] very real problems for the development of distance learning of both paid and unpaid varieties.”

“Transcript-style captioning of spoken dialogue is not cheap, and the further synopsis-of-action captioning demanded by disability groups is more expensive by an order of magnitude,” Olson said. “Impairing the development of distance learning is distinctly harmful to persons with mobility and health impairments, who benefit especially from access to such learning methods. So the Department of Justice policy disproportionately harms disabled students themselves.”

Olson says the Supreme Court has yet to weigh in on the issue.