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2025-UCD-00433 - HDAPP: Case Closure and Resources

1 message

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To: "forhumanuse@gmail.com" <forhumanuse@gmail.com>

Wed, Apr 30, 2025 at 1:04 PM

Good afternoon, Jason,

I hope you are doing well. My name is Taylor and I am an Education and Case Specialist at HDAPP. The HDAPP office is responsible for receiving and responding to all reports of harassment, sexual violence, and discrimination affecting students, staff, or faculty. Thank you for your patience as we reviewed the information reported to us. HDAPP has concluded our review of your concerns brought forward regarding facing discrimination from Justin Curole. Specifically, you alleged discrimination based on disability. I understand that you brought forward multiple concerns within your report and want to remind you that HDAPP is only reviewing the portions of the report that alleged discrimination. Concerns such as unethical or unlawful practices are outside our scope and were sent to Patient Relations. to A summary of the concerns brought forward are:

1. Disability Discrimination by, **Justin Curole**. Complainant stated that he believed he was discriminated against because of his disability.
 - a. Complainant shared that he believes there was an Americans with Disabilities (ADA) violation.
 - b. Complainant shared that he believed his ability to access healthcare was limited due to his disability.

HDAPP reviewed the concerns falling within our scope under the UC Anti-Discrimination Policy, which has the following definitions.

Discrimination: An Unfavorable Action taken because of an individual's actual or perceived Protected Category.

- a. Unfavorable Action: Adverse or unequal treatment under University authority that unreasonably denies, unreasonably limits, or materially interferes with an individual's ability to participate in programs, activities, or employment of the University, and/or receive services, benefits, or aid of the University, unless required or authorized by law.

Protected Category: An identity protected by federal or state law, including the following: race, religion, color, citizenship, national or ethnic origin, ancestry, sex (including pregnancy, childbirth, lactation or related medical conditions), gender, gender identity, gender expression, gender transition, sexual orientation, physical or mental disability (including having a history of a disability or being regarded as being disabled),

medical condition (cancer-related or genetic characteristics), predisposing genetic information (including family medical history), marital status, age (at least 40 years of age in employment context), or veteran or military status.

Unfavorable Action is taken because of an individual's Protected Category. An Unfavorable Action will not exist where the action or inaction would have been taken regardless of the individual's Protected Category.

In evaluating whether conduct is harassment, the Local Implementation Officer will consider the totality of the circumstances, including but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- The effect of the conduct;
- Whether the conduct would be objectively viewed as intimidating or offensive by a reasonable person; and
- Whether the conduct may be protected by academic freedom or freedom of speech.

Steps Taken:

1. HDAPP received information provided by complainant.
2. HDAPP reviewed information provided by Patient Relations.
3. HDAPP consulted with University Counsel regarding the Americans with Disabilities Act.
4. HDAPP consulted with leadership in Title IX.

Analysis:

HDAPP reviewed your concerns under the UC Anti-Discrimination Policy to determine if there is a policy violation.

1. Disability Discrimination:
 - a. Upon reviewing the complainant's concerns, we are unable to conclude that the complainant's access to care was limited in any way nor was the complaint's access to care limited due to his disability.
 - b. In our review, there was not any specific allegation included in the report concerning how a specific disability came into play regarding access to health care.

In conclusion, based on the information provided, HDAPP has not found sufficient information to suggest that any one person has engaged in behavior that could suggest a potential violation of policy. The information provided either does not suggest a nexus to a protected category or suggest that any one person engaged in behavior that would be deemed sufficiently severe and/or pervasive.

As such, HDAPP will be closing this case. Please understand that HDAPP is not suggesting the concerns you raised did or did not occur as alleged, but rather we had insufficient information to find a nexus to identity, insufficient information to suggest that any one person has engaged in behavior that could suggest a potential violation of policy, and/or to suggest severe or pervasive behavior.

I understand that this outcome may evoke strong feelings, and I want to encourage you to reach out if there is any support I can provide or assistance needed in terms of connecting to community resources. More information on resources available at UCD can be found [here](#).

Thank you for your patience as I understand this review has taken longer than anticipated. Take good care.

Warmly,

Taylor Cirkseña, M.A. | she/her/hers

Education and Case Specialist

Harassment and Discrimination Assistance and Prevention Program (HDAPP)

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<https://hdapp.ucdavis.edu>

RESPONSIBLE EMPLOYEE

For more information go to <https://hdapp.sf.ucdavis.edu/responsible-employee>

UC Davis Resources for Racial Trauma

AB540 and Undocumented Student Center