

February 17, 2021

PROFESSOR JASON KILBORN
Sent electronically to jkilborn@uic.edu

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2020105601

Dear Professor Kilborn:

This letter serves as notice that the UIC Office for Access and Equity (OAE) is commencing an investigation into allegations of race based discrimination and harassment.

OAE has received reports that you have created a racially hostile environment for Complainant, [REDACTED] and other non-White law students between January 2020 and January 2021, particularly during your Civil Procedure II course. The allegations brought to our attention include, but are not limited to, the following:

- Dropping Complainant from the course and refusing to allow him to finish reviewing lecture materials and take the Spring 2020 Civil Procedure II exam, and inappropriately treating a non-White faculty member who sought to assist Complainant in such efforts;
- Imposing in-person participation grading rules during Fall 2020 semester despite need for at-risk students to not attend live classes due to COVID restrictions and precautions;
- Making racially insensitive comments during lectures including: referring to racial minorities as "cockroaches," metaphorically referring to media stories that expose the negative behavior of White men as "being lynched" or are "lynchings" and denouncing racial minorities' participation in civil rights claims,
- Engaging in dismissive and demeaning conduct toward non-White students during the Spring 2020 Civil Procedure II course;
- Engaging in racially biased conduct toward non-White students by specifically addressing minority students when discussing topics about Black, Latinx, or Middle Eastern culture;
- Engaging in racially harassing conduct when you placed a racial epithet on your Civil Procedure II exams; and
- Creating a concern of safety and fear of retaliation among non-White students and allies by contacting students who oppose the use of the racial epithet in your exam question and through the nature of your communications with students about a petition addressing your exam question, including a comment from you would "become homicidal" if you read the petition.

We are reviewing this alleged behavior under the University's Nondiscrimination Statement. The statement is available on OAE's website at: <https://oae.uic.edu/policies/nondiscrimination-policy-statement/>. The relevant investigation and resolution procedures are available on OAE's website at: <http://oae.uic.edu/discriminationharassment/reporting/>.

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309 S. Marshfield Ave., Room 717 (MC 602)
Chicago, IL 60607

Phone (312) 996-6670
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Web oae.uic.edu

Our office needs to meet with you to discuss this incident. **A virtual investigative interview will be held on Thursday, February 25, 2021 at 1PM. Please contact me via email to confirm your attendance.** It is OAE's intention to address this matter as quickly and thoroughly as possible for all individuals involved. The interview is your opportunity to respond to these allegations, provide names of witnesses, ask questions about the process, and assist OAE in completing a timely and thorough investigation.

You have the right to an advisor of your choosing to assist you in this process. Your advisor may accompany you to any interview or meeting with me. However, your advisor will be limited to advising and supporting you, and will not have an active role in any interview or meeting. At your earliest convenience and before your initial meeting regarding these allegations, **please let me know whether you will have an advisor present for the interview and share with me by email or via a phone call by 5:00pm on Monday, February 22, 2021 who any advisor will be.**

This letter also serves as a reminder that UIC prohibits retaliation, which is defined as an adverse action against an individual in response to that individual's protected activity, including any good faith disclosure of a complaint of race-based discrimination or harassment or participating in an investigation of any such allegations.

Retaliatory actions include, but are not limited to, threats, or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, ostracism, reprimands, negative performance appraisals, or any action that excludes an employee or student from participating in activities that contribute significantly to professional or educational advancement that otherwise would be available. Any individual found to have engaged in retaliation in violation of the Prohibition of Retaliation Following Claims of Unlawful Discrimination may be subject to disciplinary sanctions. The policy is available on OAE's website at: <https://policies.uic.edu/uic-policy-library/access-and-equity/prohibition-retaliation-following-claims-unlawful-discrimination/#>.

If you experience any retaliation, please email me immediately at donn@uic.edu.

You have the right to discuss this matter with your advisor and others, but UIC is required to conduct this investigation with confidentiality for all parties involved. We ask for your discretion in what you choose to share, and hope that you will respect the confidential, private, and sensitive nature of these allegations.

The investigation process may be stressful. The University offers free and confidential services to its employees. You can reach the Employee Assistance Service at (312) 996-3588.

If you have questions about this notice or the investigation, please contact me via email.

Thank you for your cooperation in this matter.

Sincerely,



Donald Kamm
OAE Director and Title IX Coordinator
Office for Access and Equity
(312) 714-9205
donn@uic.edu

CC:

Darby Dickerson, JMLS Dean
Caryn Bills, Associate Chancellor
Ashley Davidson, Title IX and Equity Compliance Specialist
[REDACTED], Complainant