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December 16, 2021

Via Email

Wayne B. Giampietro
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Attorneys and Counselors
123 W. MADISON STREET, SUITE 1300
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Re: UIC Law and Professor Jason Kilborn

Dear Wayne:

Thank you for joining us during our call yesterday to discuss this matter. In addition to that call, I would like to take this opportunity to set forth in writing the individualized training and coaching for Professor Kilborn to facilitate his return to the classroom, as well as additional important developments for the Law School community. I am providing this information to you outside of the Rule 408 communications we have had to date.

- Professor Kilborn will be enrolled in Cornell University Center for Teaching Innovation, “Teaching and Learning in the Diverse Classroom Online Course.” Information about the course can be found here: <https://teaching.cornell.edu/programs/faculty-instructors/workshops-and-other-opportunities/teaching-learning-diverse-classroom>. The course consists of 5 modules spanning 5 weeks. Each module requires an approximate time commitment of 2-4 hours.
- The modules will also be supplemented by readings, podcasts, and/or videos.
- After completion of each module, Professor Kilborn will be asked to prepare a written self-reflection paper in response to specific prompts.
- In conjunction with his Cornell coursework, the Law School is retaining an instructional advisor to work with Professor Kilborn one-on-one. The advisor is a practicing attorney with significant experience in employment law and diversity and inclusion consulting and has a sub-specialty in higher education matters. In furtherance of her work in this area, the advisor has taken a similar Cornell course in diversity and inclusion and has earned a certificate in Diversity and Inclusion from Cornell similar to the one Professor Kilborn will earn.

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The instructional advisor will connect with Professor Kilborn weekly, preferably via zoom, although they may decide in-person meetings are more effective (taking COVID-safety protocols into account). These meetings will consist of 60 to 90-minute sessions to discuss the Cornell modules and supplementary assignments, to provide feedback on reflection papers, and to discuss the assignments, answer his questions and offer insights. In addition, the advisor will assess whether Professor Kilborn is gaining insight, learning, and competencies in the subject matter presented, with a particular focus on applying the course content to his work responsibilities as a faculty member.

- Following the 5-week Cornell course, Professor Kilborn will be provided with additional supplementary material and will meet with the instructional advisor weekly to discuss the material. During the course of the program, the instructional advisor will also provide feedback regarding Professor Kilborn's engagement and commitment to the goals of the program. The common goal is to return Professor Kilborn to the classroom. The Law School is committed to ensuring that the entire Law School community benefits from a diverse, equitable and inclusive environment.

In creating this program, we again want to stress that it is not punitive. However, we believe Professor Kilborn will benefit from this type of one-on-one training and coaching, particularly in working with a practicing attorney along the way. We note that faculty, administrators, and executives routinely engage in these programs as a means of continuing their education and broadening their skillset.

The program can start in January 2022 and will run approximately 8 weeks in total. Therefore, Professor Kilborn's classes this Spring will be taught by other faculty, and he will continue his scholarship work, and substantive academic service work important to the Law School, including:

- Assignment to the Law School Assessment Committee (addressing program assessment for ABA accreditation requirements)
- Assignment to the ad hoc ABA Site Inspection Audit Committee (addressing compliance with the most recent version of the ABA Standards)

Professor Kilborn will remain in full paid status with all benefits intact. It is anticipated that he will return to teaching in Fall 2022.

Other initiatives are also occurring at the Law School that involve the rest of the faculty. All Law School faculty will be required to participate in mandatory online training during the Spring 2022 semester designed to teach about implicit bias and explore mitigation strategies. Also, a spring retreat for all Law School faculty is scheduled for February 2022. The retreat is organized by the faculty Diversity, Equity, Inclusion, and Law School Campus Climate Committee. The retreat will focus on outcomes from work performed in 2021 by the Anti-Racist Curriculum Project Working Group and other initiatives that may improve diversity, equity and inclusion at the Law School.

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As I am sure you can appreciate, litigation is time consuming, expensive, and cedes authority for resolution to a third party; whereas following the above approach allows the parties to maintain control of the outcome in what is hopefully a cooperative process. We are not asking that Professor Kilborn waive, relinquish, or release any claims that he may believe he has; but should Professor Kilborn decide to pursue those claims in court, the University will vigorously defend against them.

We look forward to hearing from you within the next week so that work on the program may begin when University faculty and staff return in early January following the University break which begins December 23. If you or Professor Kilborn have any questions in the meantime, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "John B. Alsterda". The signature is written in a cursive, flowing style.

John B. Alsterda
UIC Legal Counsel

cc: Julie Spanbauer, Interim Dean