



(VIA EMAIL: deansoffice.law@utoronto.ca)

September 13, 2020

Dean Edward Iacobucci
University of Toronto, Faculty of Law
Jackman Law Building
78 Queen's Park
Toronto, ON M5S 2C5

Dear Dean Iacobucci,

Re: Concerns Regarding Interference in Hiring Process for the IHRP's New Director

We are the co-chairs of the International Human Rights Program (IHRP) Alumni Steering Committee, representing hundreds of alumni of the Faculty of Law and the IHRP. We are writing you over the weekend about a sensitive matter – the hiring process for the IHRP's new Director – because we are concerned that, unless prompt action is taken, the reputations of both the IHRP and the law school may be seriously harmed.

We were surprised and disappointed to learn, on Friday, September 11, that Professor Audrey Macklin resigned from her position as Chair and Member of the Faculty Advisory Committee due to her principled concerns about the hiring process for the new IHRP Director. Having now learned about the circumstances that led to Prof. Macklin's resignation, we agree with the principled position she has taken. Prof. Macklin has provided steadfast and invaluable leadership of the IHRP for many years and we know she has the best interests of the law school and its students at heart. We urge you to address the concerns that led her to take the dramatic step of resigning from her role as Chair.

We understand that a decision was made to override the unanimous decision of the hiring committee in the selection of the IHRP's new Director. This was done *after* the successful candidate received an offer and accepted it, while the parties were in the process of negotiating a contract and resolving immigration issues. We understand that mere days before the hiring process was terminated, an alumnus and sitting judge contacted the Faculty's administration to raise concerns about the candidate's work relating to Israel and international law (which is one of her many areas of expertise within the field of international law).

We are not writing to interfere in the selection process for the new Director. To the contrary, our concerns arise from the *impropriety* of such interference by alumni, and the need to ensure real and perceived independence in the decision-making process which was undertaken by those with expertise in international law as well as the operational needs of the IHRP.

Irrespective of whether the alumnus and sitting judge in question actually influenced your decision to withdraw the offer, there is a perception of influence given the timing and circumstances precipitating the withdrawal of the offer. The mere perception of interference has

the potential to undermine the integrity of the Faculty of Law's hiring process and the reputation and future work of the IHRP.

With respect to the Faculty of Law's hiring process, we understand that this process was intended to be confidential. We fail to understand how an external party with no obvious connection to the IHRP was made aware of the decision such that he felt it would be appropriate to express substantive views even after an offer had been made and accepted. In this regard, it is relevant to note that the sitting judge in question was a longtime donor to the law school, who has been publicly recognized and profiled by the law school as such, which raises perceptual concerns about the influence of donors on what should be independent and autonomous university decisions.

If this situation is not quickly resolved, it also runs the risk of damaging the professional reputation of the sitting judge. The judge in question held prominent political advocacy positions for many years up to his appointment in 2019, and the concerns he expressed about the successful candidate appear to be a continuation of the political advocacy he undertook prior to his appointment to the bench, albeit through back channels. The IHRP is a frequent intervenor before the courts, including on issues relating to international law about which this sitting judge appears to have expressed views. The perception that a sitting judge may have influenced (or attempted to influence) the selection of the director of the IHRP for political reasons could be very damaging, both to the sitting judge and for the IHRP.

At the end of the day, we believe there is a clear path to resolve these controversies and mitigate any harm to the Faculty of Law's reputation: Respect the unanimous decision of the hiring committee and work to resolve any outstanding logistical issues including regarding the successful candidate's immigration status. This alone will avoid the perceptions of outside influence and improper decision-making outlined above. We are concerned that any other way forward will necessarily draw attention to the fact that the successful candidate's offer was withdrawn after having been accepted and will, in turn, lead to significant public controversy which ultimately undermines the IHRP.

As IHRP alumni, we are prepared to lend our assistance to bridging initiatives that enable the IHRP to continue operating while immigration issues are resolved.

We would be happy to discuss our concerns further with you at your convenience. We note that, due to our above-detailed concerns regarding the resulting reputational harm, we have not engaged the wider IHRP alumni community on this issue at this time. Our hope is that the issue can be resolved without the need for broader alumni engagement.

Sincerely,

Louis Century and Morgan Sim
Co-Chairs
IHRP Alumni Steering Committee