



Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université

September 16, 2020

BY EMAIL: president@utoronto.ca

Dr. Meric S. Gertler
President
University of Toronto
27 King's College Circle
Room 206
Toronto, Ontario
M5S 1A1

Dear President Gertler:

The Canadian Association of University Teachers (CAUT) has been informed that the Faculty of Law at the University of Toronto has rescinded an offer of employment to Dr. Valentina Azarova as Director of the International Human Rights Program (IHRP). According to information I have received, including discussions with Dr. Azarova, it appears the decision to cancel her appointment was politically motivated, and as such would constitute a serious breach of widely recognized principles of academic freedom.

Following the unanimous recommendation of the hiring committee, the Faculty of Law offered Dr. Azarova the position of IHRP Director by a video conference call on August 11, 2020. She accepted the offer on August 19. She was subsequently informed by the University that it would take approximately three months for her to obtain a Canadian work permit. In the interim, the Faculty of Law proposed to hire Dr. Azarova as a foreign consultant, so that she could immediately prepare for her role as Director. On August 24, Dr. Azarova spoke with an immigration lawyer provided by the University to discuss her work permit and was assured that there were no issues and the application would be completed on time.

On or about September 4, the chair of the hiring committee was informed that a concern about Dr. Azarova's appointment had been received by the Faculty's chief fundraiser. It is alleged that a sitting judge and alumnus of the Faculty questioned Dr. Azarova's appointment based on the work she has done on human rights in Israel and Palestine. On September 6, Dean Iacobucci contacted the chair of the hiring committee to announce the hiring process was being terminated. The Dean claimed the decision was motivated by immigration issues that had arisen. These issues could be easily resolved, such that the real rationale appears to be the criticism raised around Dr. Azarova's work on Israel and Palestine.

As you are aware, academic freedom is the foundational value of all universities in Canada. The University of Toronto's Statement of Institutional Purpose (1992) describes the central importance of academic freedom as follows:

Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself. It is this human right to radical, critical teaching and research with which the University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit.

An institution of higher learning fails to fulfill its purpose and mission if it accedes to outside pressure or asserts the power to proscribe ideas, no matter how controversial. This would create an environment inimical to the free and vigorous exchange of ideas necessary for teaching and learning.

Based on the information I have received, the decision to rescind Dr. Azarova's appointment – which CAUT considers as tantamount to dismissal – represents a grave violation of her academic freedom as well as principles of due process. I urge you to immediately take steps to resolve this matter by re-starting the hiring process with Dr. Azarova. The University of Toronto has a positive obligation to uphold and protect academic freedom. Failure to act swiftly risks causing irreparable reputational damage.

Given that this matter implicates principles of academic freedom, CAUT will monitor the situation closely and, subject to any additional information you may provide, will consider appropriate actions to take consistent with our relevant policies and procedures. This includes referring the case to the CAUT Academic Freedom and Tenure Committee for their consideration. In the meantime, I look forward to hearing your response.

Sincerely,



David Robinson
Executive Director

cc: Brenda Austin-Smith, CAUT President (brenda.austin-smith@umanitoba.ca)
Alison Hearn, Chair, CAUT Academic Freedom and Tenure Committee (ahearn2@uwo.ca)
Terezia Zoric, President, University of Toronto Faculty Association (zoric@utfa.org)



Canadian Association of University Teachers
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October 16, 2020

BY EMAIL: president@utoronto.ca

Dr. Meric S. Gertler
President
University of Toronto
27 King's College Circle
Room 206
Toronto, ON
M5S 1A1

Dear President Gertler:

At its meeting yesterday, the CAUT Executive Committee voted unanimously to bring a motion to the November 27 CAUT Council that the administration of the University of Toronto be censured for its actions related to the decision to cancel the hiring of Dr. Valentina Azarova. According to CAUT's "Procedures Regarding Censure", which I have enclosed for your information and reference, the motion before Council will be to give notice to the University of Toronto's administration that unless Dr. Azarova's situation is suitably resolved, censure will be imposed at the Council meeting in April, 2021.

The decision to commence censure proceedings is not taken lightly and follows a thorough review of the facts of the case by the CAUT Academic Freedom and Tenure Committee. The Committee has unanimously concluded that the cancellation of Dr. Azarova's appointment was politically motivated, and as such represents a serious breach of academic freedom.

As you are aware, censure is a rarely used sanction and reserved only for those instances in which an administration acts in a way that threatens fundamental principles of academic freedom and tenure, collegial governance, and the integrity of the academic profession. The University of Toronto can immediately avoid censure if it restores the offer of the Directorship of the IHRP to Dr. Azarova.

Whenever CAUT considers censure of an administration our goal is to get problems resolved before censure is imposed. I would therefore be pleased to discuss ways that we might find a mutually acceptable resolution to this dispute so that the University of Toronto can avoid becoming the only institution in Canada under censure. It is everyone's interest that we do so.

October 16, 2020

I look forward to your reply.

Sincerely,



David Robinson
Executive Director

cc: Brenda Austin-Smith, CAUT President (brenda.austin-smith@umanitoba.ca)
Alison Hearn, Chair, CAUT Academic Freedom and Tenure Committee (ahearn2@uwo.ca)
Terezia Zoric, President, University of Toronto Faculty Association (zoric@utfa.org)

Enclosure



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OFFICE OF THE

Meric S. Gertler, CM, FRSC, FRCPC

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COUNCIL
CONSEIL

October 20, 2020

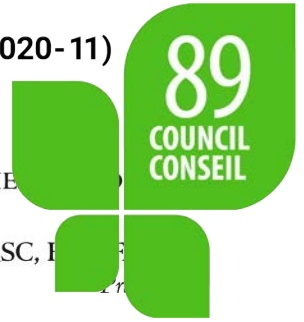
Mr. David Robinson
Executive Director, Canadian Association of University Teachers
2705 Queensview Drive
Ottawa, ON K2B 8K2

Dear Mr. Robinson;

Thank you for your correspondence dated October 16, 2020. This letter is intended to acknowledge receipt. Please anticipate a further response in due course.

Sincerely,

Meric S. Gertler
President



October 29, 2020

Mr. David Robinson
Executive Director, Canadian Association of University Teachers
2705 Queensview Drive
Ottawa, ON K2B 8K2

Dear Mr. Robinson:

On behalf of the University of Toronto I am writing in response to your letter of October 16, 2020 in which you indicate that the CAUT Executive Committee, after “a thorough review of the facts of the case by the CAUT Academic Freedom and Tenure Committee”, intends to bring a motion before CAUT Council on November 27, 2020 to impose “censure” on April 21, 2021 unless demands are met regarding an internal hiring process at the University of Toronto’s Faculty of Law for a new Director of the International Human Rights Program.

I am attaching for your information a public statement I released on October 29, 2020, which speaks directly to the concerns that some have raised about the independence, impartiality, and transparency of the review process. As you will see, I have announced:

- That the Patterson review will now report to me directly, and that Professor Patterson will submit her written report to me by mid-January at the latest.
- That I undertake to make the full report and its recommendations public, subject only to respecting the privacy of individual candidates involved in the search process.

These changes reflect the University of Toronto’s commitment to a full, fair, and transparent review to establish the facts in the case of a candidate who was recommended by the Search Committee to become the new Director of the International Human Rights Program.

I am disappointed that the CAUT would choose to act before the independent external review has been completed, as it is intended to establish the facts pertaining to this matter and make recommendations to the University. As I have made clear in my statement, I am undertaking to make the full report public, subject only to protecting the privacy of individual candidates in the search process. As you know, universities routinely give such a guarantee to candidates who choose to compete in a search.

I hope the changes that I have announced will reassure you and your colleagues of the University of Toronto’s strong commitment to undertake a fair, impartial and transparent review to establish the facts of what happened. I hope as well that you and your colleagues will choose to wait for the evidence that I have committed to make public, before deciding whether or not to proceed with any further steps.

Thank you for your offer to engage in a discussion of this issue. I suggest that we wait until I have received and made public the report of Professor Patterson. Since I expect her report will provide a comprehensive account of the relevant facts pertaining to this matter, it will provide important common ground for a discussion between us.

Let me assure you that the University of Toronto remains deeply committed to upholding the academic freedom of its faculty members and librarians. The University takes this responsibility extremely seriously and will take appropriate action in any case where the facts, fairly determined, warrant it.

Sincerely,

A handwritten signature in black ink, appearing to read "Meric Gertler". The signature is fluid and cursive, with the first name "Meric" being more prominent than the last name "Gertler".

Meric Gertler
President



October 29, 2020

**Statement on the External Review of the Search Process
for a Director of the International Human Rights Program at the Faculty of Law**

I have followed with deep concern the controversy surrounding the recent search for a new Director of the International Human Rights Program, an administrative staff position in the Faculty of Law. Allegations have been made that a candidate's academic freedom has been breached by the alleged rescinding of an offer for her to be employed as Director. Additional concerns about particular aspects of the search process have also been raised.

Let me underscore, as I have said often during my term as president, that academic freedom is a fundamental value of the University of Toronto. Any suggestion that academic freedom has been violated must be treated with the utmost gravity. It is also critically important that the integrity of our search processes be upheld. Hence, it is imperative that these concerns be thoroughly and fairly reviewed to establish the facts.

In response to these concerns, the Vice-President of Human Resources and Equity announced that an external review would be undertaken by Professor Bonnie Patterson, CM, OOnt, MLS, LL.D, ICD.D, a highly respected consultant in higher education and governance. Professor Patterson is former President of the Council of Ontario Universities and former President and Vice-Chancellor of Trent University.

Some have raised questions about the independence, impartiality, and transparency of the review as originally structured. I have heard these concerns.

To remove any doubts, I am announcing:

- First, that the Patterson review will now report to me directly, and that Professor Patterson will submit her written report to me by mid-January at the latest.
- Second, I undertake to make the full report and its recommendations public, subject only to respecting the privacy of individual candidates involved in the search process.

The terms of reference for the review, which provide for a thorough, fair, and evidence-based review of the search process, will remain the same. They ask the external reviewer to provide:

- A comprehensive factual narrative of events pertaining to the search committee process;
- A report on the basis for the decision to discontinue the candidacy of the search committee's preferred candidate; and
- Her conclusions on whether existing University policies and procedures were followed in this

search, including those relating to confidentiality obligations in search processes.

While participation in this review is voluntary, if anyone is asked by the reviewer to be interviewed, I urge them to participate.

The University of Toronto remains deeply committed to academic freedom. It is important that we now await the results of the comprehensive review that will establish the facts of what happened and make recommendations to the University in a report to me that will be made public.

Sincerely,

A handwritten signature in black ink, appearing to read "Meric Gertler". The signature is written in a cursive, flowing style.

Meric Gertler
President