



December 07, 2020

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

I wrote to you on October 29, 2020 to announce that Professor Bonnie Patterson, who was asked to review the search process for a Director of the International Human Rights Program in the Faculty of Law, would report directly to me. I understand that she has made initial contact with members of the Faculty to arrange for interviews.

Recently her impartiality as an independent reviewer has been publicly questioned and, as a consequence, doubts have been expressed about the credibility of the report she was to have prepared. While neither she nor I accept the validity of these claims, Professor Patterson has determined that the review would be best served if she were to withdraw from this role. She has therefore resigned her commission as an independent reviewer of the Faculty of Law search process.

I would like to thank Professor Patterson for the work she has done so far, and express my sincere appreciation for the generosity of spirit with which she has sought to protect the integrity of the review process.

I have previously committed to an independent review of this search in order to yield a comprehensive factual narrative of events pertaining to the search committee process and the basis for the decision to discontinue the candidacy of the search committee's preferred candidate. In the interest of transparency, I have also committed to releasing the review report publicly. Let me reaffirm my continuing commitment to these two objectives.

I am therefore very pleased to announce the appointment of the Honourable Thomas Albert Cromwell, former Justice of the Supreme Court of Canada, who will conduct the independent and impartial review. The review will be non-disciplinary and, while participation is entirely voluntary, I very much hope that all faculty and staff who have pertinent information to contribute will meet with the reviewer and participate in the process. I have also asked Mr. Cromwell to determine whether existing University policies and procedures were followed in this search, including those relating to academic freedom, if applicable, and the obligation to preserve confidentiality throughout a search process. Additionally, he has been invited to offer advice for my consideration on any matters arising out of the processes that were involved in this search.

The University of Toronto and I are deeply grateful to Mr. Cromwell for agreeing to take on this assignment. He is Senior Counsel to the firm Borden Ladner Gervais LLP (BLG). A law graduate of both Queen's and Oxford, he was admitted to the bar in Ontario (1979), Nova Scotia (1984) and British Columbia (2017). He previously taught law at Dalhousie University, where he served as Chair of the Law Faculty Council and Vice-Chair of the University Senate. He sat on

the Supreme Court of Canada from December 2008 to September 2016, and was appointed a Companion of the Order of Canada in 2017.

I attach the terms of reference for this review.

Mr. Cromwell will begin his work in December and will submit his report to me by March 15, 2021 or as soon thereafter as reasonably possible. I will make the report public, subject only to respecting the privacy of individual candidates who participated in the search process.

Sincerely,

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

Meric S. Gertler
President

TERMS OF REFERENCE – IHRP DIRECTOR SEARCH PROCESS REVIEW

The University of Toronto is deeply committed to academic excellence in its research and teaching. Its mission is supported by the University's fundamental commitment to academic freedom, and the protection of that freedom. The commitment to academic freedom is a foundational principle at the University of Toronto and is expressed in its policies and procedures. In pursuit of excellence, the University seeks to recruit faculty and staff of the highest caliber. Faculty and staff recruitment is supported by the long-standing norm and practice at the University of Toronto that search processes are both confidential in their entirety and fair.

A search for a new Director for the International Human Rights Program, a non-academic position within the Faculty of Law, has led to various allegations including that academic freedom has been violated and that there have been breaches of the confidentiality of the search process. To consider these allegations, I have established an independent Review, led by the Hon. Thomas Cromwell, with the following Terms of Reference:

Terms of Reference:

The Review will **independently identify a comprehensive factual narrative of events pertaining to the search committee process and the basis for the decision to discontinue the candidacy of the search committee's preferred candidate.**

The Review will consider **whether existing University policies and procedures were followed in this search, including those relating to academic freedom, if applicable, and the obligation to preserve confidentiality throughout a search process.**

The Reviewer is invited to **offer any pertinent guidance or advice for the President's consideration relating to any matters arising out of the processes that were involved in this search.**

The Reviewer will be provided with all documents in the senior administration's possession pertaining to the events up to the date when the preferred candidate was advised that her candidacy was being discontinued, and such other information relevant to the Terms of Reference that the Reviewer may request.

The Reviewer is authorized to retain counsel to assist in any aspect of the Review process.

Participation in the Review is completely voluntary and at the discretion of individual faculty and staff members. It is a non-disciplinary Review. The Reviewer shall pursue the Review in the way that he thinks best, but the process is to be non-adversarial in nature, and will not involve holding formal or public hearings. The Reviewer may invite individuals who were involved in the search process and the eventual decision to speak with him and conduct such other interviews as he deems appropriate. I very much hope that all relevant faculty and staff will participate so that the factual narrative is as accurate and comprehensive as possible.

The Reviewer will submit his written Report directly to the President by March 15, 2021 or as soon thereafter as reasonably possible. The Report will be made public, subject only to respecting the privacy of individual candidates who participated in the search process.