



# STUDENTS' LAW SOCIETY

## UNIVERSITY OF TORONTO

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**To: Meric Gertler**  
President of the University of Toronto  
27 King's College Circle, Room 206  
Toronto ON Canada  
M5S 1A1

**CC: Jutta Brunnée**  
Dean, University of Toronto Faculty of Law

**Re: Academic Freedom and the CAUT Censure**

Dear President Gertler,

The Students' Law Society (SLS) shares the concerns raised by the Canadian Association of University Teachers (CAUT) censure and calls upon the administration of the University of Toronto to take the steps necessary to address these issues with CAUT to end the censure.

The SLS reiterates its support for the academic freedom of clinical directors who fulfil important teaching functions, often by engaging with controversial and challenging subject matters. Relying on a technical distinction between clinical directors as managers rather than academics wrongfully diminishes the value of the crucial academic work clinical directors do to promote critical analysis of the law and provide learning experiences for students.

The International Human Rights Program (IHRP) is one such clinic where the director needs to be able to pursue projects that challenge the status quo and may make people uncomfortable. The IHRP has been without a permanent director for several years and, since last Fall, no longer has an advisory board or clinical researcher, as they all resigned in protest of the administrative decisions by former Dean Iacobucci to stop the hiring of Dr. Azarova. As of late April, the Faculty Chair of the Advisory Group for the David Asper Centre for Constitutional Rights resigned, citing the lack of protection for clinical directors' academic freedom as his motivation. We support and are grateful for our professors at the Faculty of Law, among many other scholars and speakers in solidarity, who have used their positions to draw attention to these issues.

The SLS also calls on the University of Toronto to acknowledge that the infringement of academic freedom at the Faculty of Law was significant and egregious. The continued assertion that clinical directors are not entitled to academic freedom has long-term chilling effects on present and future educators. At the same time, the censure has reduced short-term

opportunities for all University of Toronto students to hear from talented external scholars. IHRP partners and employers are disassociating from the program and our students. While we appreciate and understand the importance of showing solidarity, we are disappointed that the University is continuing to force students to pay the price for the University's choices. Students, many of whom have been consistently vocal in their criticism of the Faculty's actions, had no say in the decisions that gave rise to this scandal and are bearing not only the repercussions of the censure, but also the consequences of not having clinical directors who can properly lead us through difficult topics.

We are also concerned about the ease of access donors have to top administrators, as evidenced in the Cromwell Report. Fostering an inclusive, academically-engaging environment for students should be the University's top priority. When donors feel that they are entitled to make quiet inquiries about the curriculum or direction of research being undertaken, the University has a clear obligation to reject such behaviour. The SLS calls upon the University to proactively and explicitly safeguard the potentially sensitive topics clinical educators pursue from donor interference.

The University must address the root issues raised by this controversy: the academic freedom of clinical directors, the confidentiality and respect for hiring processes, the value of unanimous recommendations of expert committee members, and the importance of keeping donors separate from curricular direction. The long-term negative impact of leaving these issues unaddressed far outweighs the loss of opportunities in this moment.

The University must also be committed to proactively ensuring that it is a space where all students can engage with these issues in a facilitated and respectful environment. To create that environment and understanding of complex issues in a critical and respectful manner, the University needs to ensure it hires scholars capable of that facilitation—as the hiring panel concluded Dr. Azarova was.

These issues may have come from the Faculty of Law but the University's course of action has affected over 90,000 students in the broader University who had no role in these events. President Gertler's expressions of disappointment and disagreement with the decision to enact the censure are not only insufficient, but dismissive of the larger issues at hand. When our University loses sight of the importance of academic freedom over donor management, we all lose. Despite the presence of the Cromwell Report, our Faculty's reputation has been jeopardized, and students need assurance that academic freedom is protected at UofT.

The SLS therefore calls on the University to robustly and immediately address the issues that resulted in the censure, and to work with CAUT to take the steps necessary to demonstrably reaffirm its commitment to academic freedom to end the censure.

Sincerely,

The Students' Law Society