

## STATEMENT OF SUPPORT FOR CAUT CENSURE FROM THE UNIVERSITY OF TORONTO LAW UNION

May 5, 2021

The [University of Toronto Law Union](#) unequivocally supports the Canadian Association of University Teachers' (CAUT) decision to censure the University of Toronto for breaches of academic freedom in severing advanced negotiations with Dr. Azarova. We urge academics, legal professionals, and invited speakers to respect CAUT's censure.

Dr. Azarova was the unanimously supported candidate for Director of the [International Human Rights Program](#) (IHRP) and negotiations ended after [a donor complained about her scholarship](#). For those unfamiliar with the background for CAUT's censure, we encourage you to review the [CAUT's statement](#), Thomas [Cromwell's report](#) for the University of Toronto, and the [many discussions](#) of [that report's failings](#) by [faculty](#), [legal professionals](#), and [academics](#).

We will not allow the Faculty to weaponize concerns for students' educational opportunities against the CAUT censure by suggesting the CAUT's actions injure our professional and academic opportunities. The chilling effect of the Faculty's and University's actions with respect to the IHRP hiring process and subsequent review on academics' and students' abilities to speak freely causes us far greater concern and professional harm than forgoing lectures from visiting scholars.

The Faculty members who have spoken out about this injustice have shown us what ethical and effective advocacy looks like, and taught us that pursuing justice as a legal professional often requires sacrifice. At the same time, we are disappointed that we must learn how to advocate effectively by addressing our own institution's wrongs.

This censure is a tool to ensure legal clinics can engage in fierce, fearless, and free advocacy against those in power. Allowing donor influence to dictate the work of a legal clinic centered on human rights eviscerates that clinic's legitimacy and its ability to fulfill its mandate. As law students working alongside clinic directors and staff lawyers in the pursuit of justice, we hope to work free from lingering questions of retaliation. As such, we support the CAUT's efforts and accept the resulting sacrifice of some learning opportunities.

While we do not credit former Dean Iacobucci's claim that immigration complications caused the withdrawal of Dr. Azarova's offer, we note that there are currently no timing complications that hinder the Faculty from renewing the offer to her. The Faculty's failure to do so suggests continued bad faith.

The arbitrary and unnecessary distinction between managerial and faculty positions in the context of a legal-clinic director makes public-facing, university-affiliated legal professionals uniquely vulnerable to retaliation for their academic and legal activities. President Gertler's [application](#) of this distinction to the censure reveals an institutional desire to maintain control over a position that will necessarily involve politically-charged legal interventions. This distinction undermines clinic directors' ability to take risky, high-profile, and precedent-setting cases.

We finally wish to re-center the underlying reason for this struggle: the censorship of advocacy for the Palestinian people and related criticism of human rights violations perpetrated by the Israeli government and military. Academic freedom is acutely important when protecting dissent with just aims. Dr. Azarova's work on Palestinian human rights embodies the fundamental values that our University ought to represent —the pursuit of justice and the eradication of oppression—without which our education merely trains us to perpetuate existing power structures.

In the coming months, the University of Toronto Faculty of Law has invited and will continue to invite legal clinics, advocacy organizations, and scholars to lead externships, workshops, and events with the Faculty of Law. As the student attendees and beneficiaries of these activities, we [urge those organizations and scholars to abide by CAUT's censure procedures](#). We make this request out of solidarity with Dr. Azarova, out of concern for our freedom to criticize the powerful, and out of respect for organized labour and advocacy.

While the UTLU initially hoped to release this statement as an open letter, several students raised concerns of retaliation for signing. This fear of retaliation demonstrates the scope of the very concerns of censorship and institutional bullying that led us to writing this statement. For that reason we have decided to release this letter under the banner of the University of Toronto Law Union alone. Any questions can be directed to [utlawunion@gmail.com](mailto:utlawunion@gmail.com).