

# Frequently Asked Questions (FAQs): Hiring Process for the Director of the International Human Rights Program in the Faculty of Law

## **What is the University's reaction to the censure?**

We believe the censure is unwarranted. Mr. Cromwell's review found no evidence to support the inference made by some critics who alleged that academic freedom had been breached in the hiring process for this professional manager role. External influence played no role in the decision to discontinue the recruitment of the candidate, he concluded. Mr. Cromwell, a well-respected former Supreme Court of Canada Justice, found that the search for the directorship of the IHRP was terminated because of immigration and timing issues.

## **What is the University doing?**

The University has accepted all of Mr. Cromwell's recommendations. U of T has apologized to the candidate for breaches of confidentiality in the hiring process, conveying its regret that the process did not adhere to the University's high standards, and indicating that the University is sorry for any harm she experienced as a result.

The University is fully committed to academic freedom, to a collegial process to bring about reconciliation at the Faculty of Law, and to ensuring that its merit-based hiring processes are and remain completely insulated from outside pressures.

## **What are we doing as part of the commitment to adopt all Mr. Cromwell's recommendations?**

- We are working to strengthen and improve our hiring processes.
- We are working to ensure that our advancement staff are trained and equipped to withstand any external inquiries or actions that could interfere with internal academic and human resource processes, including with respect to merit-based hiring for any position, whether academic or administrative. We are determined to ensure that what happened in this case never happens again.
- We are also assessing what processes or policies might provide additional protections for staff in professional/managerial roles whose positions may require them to speak out on controversial issues or unpopular causes, and are committed to making the necessary changes. We believe the development of these protections will be an innovation in post-secondary education.

### **What guidelines are in place around donors and donations?**

The University of Toronto has robust guidelines relating to donations and donors that have been in place since 1998. While it is our practice and long history to adhere strictly to these guidelines and follow them in our relationships with our donors, it is apparent that in this case there was an unacceptable breach of policy. As a consequence, we are reviewing the sufficiency of our current policies and protocols and are commencing focused training for our advancement staff in order to ensure such breaches do not happen again.

### **What has the University done so far to strengthen these guidelines?**

While our guidelines and policies refer clearly to the need to protect academic freedom and autonomy, U of T's VP Advancement has taken the following measures to strengthen them further:

- met with senior advancement leaders from across the University to review the Cromwell Report, and ensure they understand its implications and will communicate them to their staff;
- begun a review of all relevant guidelines and policies to strengthen and clarify references to confidentiality and to identify areas for improvement in donor-university relations;
- will launch in June mandatory training for all advancement staff regarding the proper role of donors and alumni as it pertains to the University's academic business, and how that governs the conduct of advancement staff.

### **How will this impact me individually?**

The CAUT's censure is a public expression of disapproval. It is not legally binding on the University. It seeks to discourage faculty from elsewhere from accepting appointments at the censured institution, visiting the university for speaking engagements, participating in conferences, or accepting awards and distinctions from the censured institution. It is designed to disrupt normal academic activity and encourage a settlement of the issues that have led to the censure. It can have an impact on some of the normal operations of faculty and academic departments, although the specific impact of censure will vary throughout the institution. The University regrets that this unwarranted act by CAUT regarding a non-academic role is affecting the professional life and activities of academic colleagues.

Given the sensitive and important nature of the issues that typically occasion censure, it is not surprising that faculty members will adopt different positions on the matter and defend their views vigorously. The University understands that and – consistent with its principles – welcomes the collegial debate that ensues.

**CAUT has asked you to hire the preferred candidate. What is U of T's response?**

The new Dean of the Faculty of Law, Professor Jutta Brunnée, is resuming the process to fill the position of Director of the International Human Rights Program. The position remains the same as last year. The search last year identified a preferred candidate. There is a process the University is required by law to follow – specifically, the Faculty will be posting advertisements for 4 consecutive weeks to solicit candidates. A new search committee – chaired by Dean Brunnée – will assess qualifications of Canadian candidates, should any emerge.

Under the previous dean, the hiring process was discontinued as at the time there was an urgency to fill this role by September 2020, but that was not possible with the identified preferred candidate because of immigration and timing issues.

With Professor Emerita Rebecca Cook agreeing to serve as Interim Director until a permanent director has been named, the Faculty of Law can now take the time needed to resolve the issue of work authorization and any immigration issues, if needed, in accordance with due process and law.

The resumption of the search is timely and consistent with the commitments the University has made following the release of the Cromwell Report and a review of the IHRP by Professor Emerita Cook, the founder of the program. Dean Brunnée has also conducted extensive consultation to engage in a process of reconciliation within the Faculty.

The Dean is committed to rebuilding collegiality within the Faculty of Law so that colleagues can move forward to fulfill their important academic and educational mission.