U of T urged to probe law faculty hiring decision

Shree **Paradkar**

OPINION

The University of Toronto and the Canadian Judicial Council are under mounting pressure to investigate allegations that the university's Faculty of Law backed off from an important hiring decision under external influence and that a sitting judge — a major donor to the faculty — exerted that inappropriate influence.

Global human rights organization Amnesty International threatened to pull out of its four-year partnership with the law school's International Human Rights Program (IHRP), citing "serious reputational risk" for Amnesty unless the university offered a "full, transparent explanation of events."

The Star reported last week that the university had reversed a decision to offer Germany-based scholar Valentina Azarova the position of director of IHRP. According to a note by two previous directors of that program to the faculty dean, Edward Iacobucci, on Sept. 12, a judge of the Tax Court of Canada had expressed concern about Azarova's scholarship on Israel's occupation of the Palestinian Territories.

This judge was not named in the letter.

The Canadian Association of University Teachers (CAUT), which represents 70,000 academic and general staff at 120 universities and colleges, asked the university to immediately restart the hiring process with Azarova.

Iacobucci denied "outside influence affected the outcome" of the search, but not that such pressure was applied. He told law professors, "Even the most basic of the conjectures that are circulating in public, that an offer was made and rescinded, is false." However, sources told the Star that a verbal offer had been made and accepted. The Star also published details of emails that corroborate that intention.

David Spiro is a judge at the Tax Court of Canada, which refused comment on questions about his name surfacing in a hiring controversy at the U of T law faculty.

The entire faculty advisory board of the IHRP has resigned; one of them was on a three-member hiring committee. Another hiring committee member resigned his job in protest.

On Monday, the National Council of Canadian Muslims (NCCM) asked the judicial council for an "independent and thorough investigation" of the alleged interference by a sitting judge.

"Unproven and potentially spurious allegations, both on social media and amongst various members of the University of Toronto community, have been made that Justice David Spiro, who sits on the Tax Court of Canada, and is publicly listed as a donor to the University of Toronto, was the judge responsible for engaging in such inappropriate conduct," wrote the council CEO Mustafa Farooq.

The university had reversed a decision to offer a Germany-based scholar the position of director of the International Human Rights Program

Two sources have independently named the same judge to the Star. Spiro is among those named on the Faculty of Law Building Campaign Donors and for a Campaign for Excellence without Barriers in support of students in the $25,000-$99,999 donor category.

The tax court declined comment when the Star asked to clarify whether Spiro was involved. "The Tax Court of Canada will not comment on this matter," Sophie Matte, executive legal counsel to the chief justice, said by email Tuesday.

Farooq cited complaints from Canadian Muslim academics who feared the incident could restrict their academic freedom and lawyers, some of whom appear at the Tax Court, feeling "reasonably concerned about the apprehension of bias."

On Sunday, Osgoode Hall Law School Prof. Craig Scott asked the council to seek the name of the judge and conduct further investigations once that name is determined.

He offered four names at the University of Toronto's law school who he believed had "first-hand knowledge of the name of the Tax Court judge and the timing and recipients of one or more communications to the University of Toronto Faculty of Law" in relation to Azarova's appointment.

The four names are Iacobucci; Prof. Audrey Macklin, who resigned from the faculty advisory board and was a hiring committee member; assistant dean Alexis Archbold, also on the hiring committee (the Star has seen letters from Archbold that suggest Azarova was the committee's unanimous and enthusiastic choice); and lastly, assistant dean Jennifer Lancaster, who leads the law school's fundraising strategy.

"If contacted, I assume that every one of them would feel ethically and possibly legally obliged to answer the questions of an investigator truthfully, even as they may, for different reason have decided not to speak to reveal such information to journalists," Scott wrote.

The judicial council did not respond to Star questions on how it would proceed with the two complaints by deadline.

Amnesty International Canada asked Iacobucci to conduct an independent external review, and to make its findings public.

"It is essential that the investigation be independent, meaning wholly outside the university's control and direction," AI Canada's secretary general, Alex Neve, told the Star. "The investigator must have unhindered access to any and all information and to interview anyone they see fit. It should be feasible to wrap this up within six weeks."

The other demand from CAUT to restart the hiring process was addressed to university president Meric Gertler.

"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," wrote David Robinson, CAUT executive director, on Sept. 16 in a note made public Monday.

In its media statements, the university has been at pains to point out that the position of the IHRP director is "a managerial staff position not a faculty one" and that it was a "non-academic staff member."

"So what," asked Vincent Wong, who was on the hiring committee and resigned from his job.

"A job like the director of a human rights clinic, which engages teaching and research specifically on issues holding power to account, should attract academic freedom considerations similar to those of tenured faculty and students."

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WHERE TO GET THE BEST MEAT IN TORONTO

It's time to celebrate your favourite Toronto businesses! These are the Butcher / Meat Shop finalists for the 2020 Readers' Choice Awards. Who will you vote for?

By Sarah Evans, Readers' Choice Awards Editor

BEST BUTCHER / MEAT SHOP FINALISTS

Bloor Meat Market This Toronto landmark has been a destination for well-prepared cuts of high-quality meat since it opened in 1929. It's still family owned and operated, and there is a still a toy box to entertain young patrons.

Brothers Butcher Shoppe Known for focusing on organic meat, poultry and fish (all raised without hormones), this Vaughan shop has also started a convenient delivery service for excellent wines and beers.

Butchers of Distinction Offering only Ontario-raised or -grown fare, this east-end gem has a loyal following of customers who rely on the transparency and quality provided by the professional team.

Cliffside Meats and Deli Owner Gord Doucet has been refining his craft as a butcher for more than 50 years. He brings his customers farm-raised Ontario meat and cooked-in-house dishes like homey cabbage rolls.

Cumbrae's This well-known butcher has built relationships with local farmers across Ontario and Quebec in order to maintain a reliable supply of humanely produced meat. In fact, Cumbrae's now operates some proprietary farms as well.

Healthy Butcher (Eglinton / Avenue Rd.) A stalwart champion of ethically raised meat, this butcher shop was one of the first in the city to push for increased accountability.

Sanagan's Meat Locker This butcher sources all its meats and products from Ontario. It also has an in-house charcutier who makes traditional terrines, pâté and sausages.

The Butcher Shop (Kingston Rd.) This local business is beloved by the community for its carefully curated assortment of high-quality cuts of USDA beef as well as well-priced family favourites like house-made roast beef.

Vince Gasparro's Meat Market For more than 60 years, this family-run business has been serving customers at Bloor and Ossington. Don't miss the Barese sausage made according to the family's treasured recipe.

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