



**Middle
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22 September 2020

Dr. Meric S. Gertler
President, University of Toronto
Toronto, Ontario, Canada
president@utoronto.ca

Dear President Gertler:

We write on behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom to express our grave concern over the University of Toronto's decision to rescind an offer of employment to Dr. Valentina Azarova as director of the International Human Rights Program (IHRP) of the university's Faculty of Law. According to reports in the *Globe and Mail*, *Toronto Star* and other news outlets, the cancellation of her appointment apparently occurred after a sitting judge, who is also a major donor to the Faculty, expressed concerns over Dr. Azarova's academic engagement with Israeli violations of Palestinian human rights. We regard such external interference in the university's hiring process as a serious breach of widely recognized principles of academic freedom.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has over 2500 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

Dr. Azarova is a highly respected international law practitioner and researcher with extensive experience advising governments, non-governmental organizations and journalists on international human rights law. At present, she is a Research Fellow at the Manchester International Law Center and the University of Manchester Law School, where she co-founded and runs an international legal clinic. She also serves as a lead legal and strategic advisor to the Global Legal Action Network (GLAN). Her research expertise centers on the responsibility of third parties, the obligation of non-recognition and the role of domestic regulation and transnational legal processes in the diffusion and enforcement of international norms. Her work on Israel and Palestine, which constitutes only one portion of her professional portfolio, is solidly grounded in international law. According to numerous academic experts who have commented on her record, Dr. Azarova's positions on questions related to Israeli human rights violations fall squarely within mainstream perspectives among legal scholars and are widely shared by Israeli academics. Dr. Azarova holds a doctorate from the National University of Ireland (NUI) Galway, a transnational law degree from the University of Geneva and an LLB (Honours) from the University of Westminster, London.

After a competitive search, Dr. Azarova was selected as the top candidate to direct the IHRP. On a video conference call on 11 August 2020, the Faculty of Law offered the position to Dr. Azarova, who accepted it on 19 August. While

waiting for her Canadian work permit to be processed, the Faculty and Dr. Azarova agreed that she would begin working with the IHRP on a consulting basis. On 24 August, Dr. Azarova met with an immigration lawyer provided by the university and was assured that her application for a Canadian work permit would be completed within the expected period. Then, in early September, the chair of the hiring committee, Dr. Audrey Macklin, was told that the Faculty's fundraising office had received an objection to Dr. Azarova's appointment from a major donor. On 6 September, Professor Edward Iacobucci, Dean of the Faculty of Law, informed the hiring committee that the hiring process had been halted as a result of immigration issues. Members of the hiring committee subsequently learned that the Dean was at that point planning to interview candidates whom they had already deemed unsuitable for the position.

The University of Toronto maintains that "No offer of employment was made because of legal constraints on cross-border hiring that meant that a candidate could not meet the Faculty's timing needs" (*Toronto Star*, 18 September 2020). Yet internal emails contradict this claim. An email sent by Assistant Dean Alexis Archbold to hiring committee members on 9 August confirms that the university was offering the position to Dr. Azarova: "I have a meeting booked with Robyn tomorrow to discuss our offer to Valentina. I plan to get in touch with Valentina first thing Tuesday morning." On 21 August, an email from Assistant Dean Alexis Archbold to Dr. Macklin and another committee member stated: "Spoke to the UT employment lawyers today and they confirmed that we can hire Valentina as an independent contractor and roll her into the permanent position when she has her permit in hand. Valentina is happy with this." Another email sent the day before by Archbold states clearly that the University planned to hire Dr. Azarova on a temporary basis before the work permit was issued so that she could take up the position remotely at once: "In a nutshell, we are hoping to work out a way for Valentina to start work for us before she has a Cdn work permit in hand ... Valentina is willing to start working remotely immediately. She plans to move to Canada by December."

The sequence of events leading up to the rescinding of the offer made to Dr. Azarova clearly indicates not only external interference in academic decision-making but also a serious breach of confidentiality in the hiring process. We therefore view the decision to rescind Dr. Azarova's appointment as a serious violation of academic freedom, which the University of Toronto's Statement of Institutional Purpose pledges to uphold. Moreover, we share the alarm expressed by faculty members at the University of Toronto and around the world about the potential precedent that this incident may set for future hires across university units. We note in this context that all the members of the IHRP's advisory board have resigned to protest the university's decision to rescind the offer of employment made to Dr. Azarova.

Academic freedom is a foundational value in a democratic society and is vital to the mission of any reputable institution of higher education. We therefore call on you to immediately reinstate the offer to Dr. Azarova. We further urge you to publicly reaffirm your commitment to academic freedom at the University of



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Toronto and to take concrete measures to ensure that this kind of external interference in a hiring process does not recur. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dina Rizk Khoury', with a long, sweeping underline.

Dina Rizk Khoury

MESA President

Professor, George Washington University

A handwritten signature in black ink, appearing to read 'Laurie Brand', with a stylized, cursive script.

Laurie Brand

Chair, Committee on Academic Freedom

Professor, University of Southern California