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January 5, 2023

VIA EMAIL

Mary-Lise Rowat
Superintendent of Educational Services
Renfrew County Catholic District School Board
499 Pembroke St W
Pembroke, ON K8A 5P1
Phone: 613-735-1031
Email: Mary-Lise.Rowat@rccdsb.ca

Dear Ms. Rowat,

RE: Notice of Intention to Appeal Suspension – Josh Alexander

I write as counsel for Josh Alexander, a 16-year-old grade 11 student at St. Joseph’s Catholic High School.

On December 20, 2022, Principal of St. Joseph’s, Derek Lennox confirmed a 20-day suspension (enclosed) issued to Mr. Alexander on November 23, 2022 (the “Suspension”).

Mr. Alexander herein appeals the Suspension pursuant to section 1.1(b)(ii) of RCCDSB Policy *Pupil Suspension Appeal* (the “Appeal Policy”). For the purposes of this appeal, Mr. Alexander has withdrawn from parental control, is a mature minor, and is competent to instruct counsel in the conduct of the appeal.

As the Suspension has already been served, there is no urgency regarding the timeliness of an Appeal Hearing. Mr. Alexander consents to a hearing date being set later than 15 school days from the date of this Notice and suggests a date be selected that is convenient for all the individuals involved, including his counsel.

Mr. Alexander herein also gives notice of his intention, pursuant to section 2.11(a) of the Appeal Policy, to request the Hearing Committee exercise its discretion to dispense with section 2.8 of the Appeal Policy and thereby open the hearing to the public. He submits the issues underlying the

appeal of the Suspension are matters of public interest and the public interest is best served by removing the hearing from the cover of secrecy. Mr. Alexander will consent to the anonymization of all names excepting his own and that of Mr. Lennox.

Mr. Alexander is agreeable to participating, alongside his counsel, in a settlement meeting as described in section 3.2 of the Appeal Policy.

Mr. Alexander requests the hearing be conducted electronically in accordance with the *Electronic Hearing Guidelines*. He suggests permitting up to 100 members of the public to attend the virtual hearing will satisfy the public interest in an open hearing in this matter.

Regards,

A handwritten signature in black ink, appearing to be 'JK', written in a cursive style.

James S.M. Kitchen
Barrister & Solicitor
Counsel for Josh Alexander

cc Derek Lennox, Principal, St. Joseph High School (Derek.Lennox@rccdsb.ca)



December 20, 2022

Mr. and Mrs. Alexander



Re: Suspension for Josh Alexander (d.o.b. [REDACTED]) – Expulsion Not Recommended

Dear Mr. and Mrs. Alexander:

I am writing to you to report the results of my investigation following Josh's suspension from St. Joseph's Catholic H.S. on November 23, 2022. As you are aware, Josh was suspended pending the investigation into behaviours which required an investigation to determine if they warranted suspension and/or expulsion under *Education Act*, *Safe Schools Act* and Board Policy, as set out in more detail in a letter to you dated November 23, 2022.

As you are aware, despite extending several requests to meet with you and Josh as part of the investigation, you elected not to meet with me; however, you did forward correspondence to me on December 15, 2022 which I did consider as part of my investigation.

As a result of my investigation, I have concluded that Josh:

- made inappropriate comments to trans students;
- continued to refer to a trans student by their "dead name" and refused to recognize the gender they lived by;
- made comments that trans students were a risk to other students in reference to use of washroom facilities at St. Joseph's Catholic HS;
- made inappropriate comments with respect to trans students in the school and on social media which tagged St. Joseph's Catholic H.S.; and
- used a derogatory term in reference to a trans student.

Following my investigation and consideration of the application of mitigating factors , I have decided not to recommend to the Discipline Committee that Josh be expelled, accordingly, Josh will not be subject to an expulsion hearing. However, my findings ultimately indicate that Josh's behaviour and activities warranted a suspension. As such, I have determined that Josh's suspension of 20 days should be confirmed. The grounds for the suspension are that Josh engaged in activities that are:

- bullying and harassment;
- injurious to the moral tone of the school or to the physical or mental well-being of others in the school; and
- "motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identify, gender expression, or other similar factor".

Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Superintendent of Education, Mary-lise Rowat, within 5 school days of the receipt of this notice, i.e. by January 12, 2023. If you provide notice of your intention to appeal, you may contact the Superintendent of Education to discuss the appeal. Please be aware that an appeal does not stay the suspension. A copy of the Board's Student Discipline Policy, Procedures and Suspension Appeal Guideline are enclosed.

Please note that as a part of Josh's return to school, there will be a re-entry meeting with Josh and as parents you are welcome to attend. The purpose of the meeting is to identify the strategies and supports required to ensure that Josh's return to school is successful. We will also review expectations for respectful communications in a school environment. This meeting has been scheduled for 8:00 am Wednesday, December 21, 2022.

Sincerely,



Derek Lennox
Enclosure
CC. OSR, Mary-Lise Rowat, Superintendent of Educational Services