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January 6, 2023

VIA EMAIL

Derek Lennox
Principal
St. Joseph's Catholic High School
855 First St
Renfrew, ON K7V 4E1
Phone: 613-432-5846
Email: Derek.Lennox@rccdsb.ca

Dear Mr. Lennox,

RE: Unlawful Conditions of School Attendance – Josh Alexander

I write as counsel for Josh Alexander, a grade 11 student at St. Joseph's Catholic High School. I require that you copy me on all written communication to Mr. Alexander. I also request you refrain from attempting to engage in substantive oral discussions with Mr. Alexander regarding his recent suspension or the conditions of his continued attendance at St. Joseph's unless I am in attendance by phone or videoconference.

As you well know, the issue underlying the conflict between Mr. Alexander and St. Joseph's is that Mr. Alexander has expressed beliefs and ideas some St. Joseph's students and teachers, who have the support of woke elites, disagree with. Under the guise of "safety", those who oppose Mr. Alexander's views regarding gender seek to censor, publicly humiliate, and exclude him. By suspending Mr. Alexander, you have wrongfully permitted your authority as principal of St. Joseph's to penalize students when appropriate to be captured by Mr. Alexander's ideological opponents and wielded as a weapon by them in their tyrannical bid to control culture and undemocratically cancel dissidents such as Mr. Alexander.

Conditions of Attendance at St. Joseph's

On December 20, 2022, you confirmed a 20-day suspension you issued to Mr. Alexander on November 23. An appeal of that suspension has been initiated.

You subsequently met with Mr. Alexander to discuss his “re-entry” on January 9, 2023, at which time you purported to impose a series of conditions Mr. Alexander must comply with in order to continue receiving education at St. Joseph’s (the “Conditions”). You confirmed the Conditions in an email to Mr. Alexander’s mother on or about December 29 (enclosed). The Conditions are:

1. Mr. Alexander must “limit” his “contact” with two transgender students;
2. Mr. Alexander must not use the “dead name” of any transgender students; and
3. Mr. Alexander is prohibited from attending two of his four daily classes because the two transgender students identified above attend those classes.

Needless to say, the Conditions are absurd and lack any basis in law. Although you, as principal, have wide latitude to direct the affairs of St. Joseph’s, your discretion and authority is limited by your obligations to be reasonable in your dealings with students and to not discriminate against students on the basis of their sincerely held religious beliefs.

The first Condition is hopelessly vague, and, absent the provision of particulars as to what is actually expected of Mr. Alexander regarding the two students in question, is unenforceable.

As for the second Condition, although it is not clear what is meant by the invented term “dead name”, insofar as this Condition requires Mr. Alexander to refer to students by whatever name they dictate, he is unable to comply. Notwithstanding your insinuations and suggestions to the contrary, Mr. Alexander has no intention of harassing or bullying transgender students, as those concepts are objectively understood and applied. However, he will not, and cannot, due to his sincere religious beliefs, knowingly speak a falsehood, such as acknowledging the fiction that people can change from male to female (or vice-versa) or can change to some other invented gender altogether. As a matter of his Christian beliefs, which happen to be consistent with biological truths regarding gender, Mr. Alexander believes all human beings, except in rare circumstances of developmental abnormality, are made by God as either immutably male or female. He has made known to you and others at St. Joseph’s that his expressed views regarding gender are fully informed by the Bible and his Christian beliefs arising therefrom.

Regarding the third Condition, excluding Mr. Alexander from classes for no other reason than because students who disagree with his religious beliefs and views about gender also attend those classes is patently unreasonable and unlawful. Most obviously, such exclusion is a repugnant form of religious discrimination.

Mr. Alexander respectfully declines to comply with the third Condition. He will attend all his classes upon his return on January 9. He is hopeful you will acknowledge this condition is both unnecessary and unjust. He requests you cease disingenuously suggesting his presence in class with transgender students raises any legitimate concerns regarding objective safety. If you insist on excluding him from class, he will be compelled to submit an application to the Ontario Human Rights Tribunal claiming discrimination on the basis of his sincere religious beliefs.

Any legitimate concerns you have regarding transgender students not being objectively bullied by Mr. Alexander have and will continue to be without merit. Mr. Alexander has not and will not

intentionally intimidate or otherwise harass any transgender student. However, he will not be responsible for transgender students unreasonably experiencing subjective feelings of offence or being “unsafe” as a result of Mr. Alexander expressing his religious beliefs, or expressing his opinions during class debates about gender and access to bathrooms by both genders simultaneously.

No reasonable person would conclude Mr. Alexander poses any risk whatsoever to transgender students. He will not—as he has not—seek out these students in social settings or during non-class time. However, if he is required to refer to these students during class, he will not, while making every attempt to be respectful, refer to a student in a way that acknowledges a purported gender change or the adoption of a gender that does not exist. The same applies if a teacher attempts to create a scenario to trap Mr. Alexander, which is possible based on the hostility of some teachers toward Mr. Alexander as a result of his beliefs and views regarding gender. Further, Mr. Alexander expects to be treated fairly and to the degree minor forms of jest, sarcasm, and satire are permitted of other students as part of class debates, he expects them to be permitted of him, regardless of the unpopularity of his views.

Conclusion

Mr. Alexander does not seek controversy for its own sake. But he will not be silent about his beliefs or his concerns for female students. If controversy is imposed upon him by those who oppose his viewpoints, he will not shy away from it. He prefers to work cooperatively with you on ways he can receive education at St. Joseph’s while being treated fairly that also allow you to achieve your objectives, whatever they may be. He is hopeful the involvement of counsel will encourage such cooperation. However, should you, St. Joseph’s teachers, or Renfrew County Catholic District School Board persist in unjustifiably interfering with his right to access education free of religious discrimination and unreasonable censorship, he will publicly oppose such interference and assert any legal claims he has.

In the event you wish to discuss the above, whether directly or through counsel, Mr. Alexander and his counsel will make themselves available.

Regards,



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

cc Mary-Lise Rowat, Superintendent of Educational Services (Mary-Lise.Rowat@rccdsb.ca)

Enclosure