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January 23, 2023

VIA EMAIL

Jennifer Birrell
Emond Harnden LLP
707 Bank Street
Ottawa ON K1S 3V1
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Dear Ms. Birrell,

RE: Josh Alexander

I write further to your letter of January 11, 2023 and in light of the failure to negotiate a resolution to the January 8 Notice of Exclusion and January 9 Trespass Notice.

Although Mr. Alexander has effectively complied with the Notice of Exclusion and Trespass Notice, he does not condone the Renfrew County Catholic District School Board's (the "Board") actions in issuing these Notices as lawful and regards these actions as further instances of unlawful religious discrimination.

Return to School

Mr. Alexander will be returning to school upon the expiry of the Trespass Notice and on the first day of the next semester. It is his expectation he will no longer be discriminated against on the basis of his religious beliefs by way of, but not limited to:

- Attempted censorship by teachers of his expressed beliefs about Biblical sexuality and gender during class debates (i.e. people are one of either two genders and cannot change from one gender to the other, and boys must not be permitted to enter girls' private spaces as a matter of morality, modesty, and safety);
- Penalization of his statements regarding the above beliefs, whether expressed at school or online;

- Retaliation against his expressed opposition to St. Joseph’s policy of permitting biological males to enter the girls’ washrooms, whether expressed at school or online;
- Exclusion from attending classes in-person in response to expressing the above beliefs, whether under the pretense of preventing “bullying”, ensuring the “safety” of transgender students, or any other “woke” excuse inconsistent with objective reality; and
- Unreasonable demands he violate his religious beliefs and participate in compelled speech by referring to students with pronouns or names that are not consistent with students’ biological sex.

Mr. Alexander remains committed to not bullying any student at St. Joseph’s, as that term is objectively understood, including transgender students. He maintains his rejection of the Board’s accusation he engaged in bullying behaviour toward any student at St. Joseph’s.

As previously mentioned, Mr. Alexander is not 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 opposition to St. Joseph’s policy of permitting biological males to enter the girls’ washrooms. He expects the respectful expression of his religious beliefs regarding Biblical sexuality and gender to be tolerated by the School, not met with attempts at censorship by staff and/or students that disagree with his beliefs. Mr. Alexander suggests that any intelligible understanding of diversity, inclusion, and equality precludes intolerantly excluding or silencing his beliefs merely because they lack popular support or are found by some to be offensive.

Mr. Alexander expressly reserves the right to include in his forthcoming human rights complaint against the Board any further instances of religious discrimination he experiences as a result of the actions of St. Joseph’s staff or Principal Lennox.

Withdrawal from Parental Control

Josh Alexander has withdrawn from parental control, effective December 22, 2022. Enclosed are affidavits from Mr. Alexander and his father declaring he has withdrawn from parental control and discussing examples that demonstrate the lack of parental control in Mr. Alexander’s life over the last several months.¹

My client expects the Board will no longer refuse to accept his notices of appeal of the suspensions issued to him on November 23, 2022 and January 9, 2023 on the basis he lacks standing to bring the appeals.

You have asserted there is a “fact-based test” for determining whether a student has in fact withdrawn from parental control, yet have not indicated what you believe the relevant factors are or cited any relevant authority. As it is, there are no factors listed in the relevant legislation.²

Withdrawal from parental control continues to be a matter of discretion and governed by the common law. As the Ontario Court of Appeal stated in 2017:

¹ Sworn copies will be provided shortly.

² See [L. \(N.\) v. M. \(R.R.\), 2016 ONSC 809](#) at paragraph 123.

Once a child declares an intention to withdraw from parental control, her independence may — as it was here — be recognized by the police and the schools.

...

...Ontario law does not have a formal process for withdrawing from parental control. The child simply has to take control of the incidents of custody which include decision making regarding residence and *education*.³

While Mr. Alexander has chosen to continue to live in the same dwelling as his parents, he exercises control over his employment, his income, his lifestyle choices, his educational choices, his statements at school, online, and publicly, his media appearances, and his choice of counsel. On balance, in fact and in law, Mr. Alexander has withdrawn from parental control. There is no support in the case law for the proposition that a 16-year-old *must not* live in the same dwelling as his parents as a precondition to withdrawing from parental control.

Contrary to your assertion, Mr. Alexander's notice of appeal of his November 23, 2022 suspension, served on January 5, 2023, is a valid appeal pursuant to section 1.1(b)(ii) of RCCDSB Policy *Pupil Suspension Appeal*. He therefore expects the Board will proceed with scheduling a hearing of said appeal.

Regards,



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

³ [G. \(R.\) v. G. \(K.\), 2017 ONCA 108](#), at paragraphs 44-45 [emphasis added].