

Mr. Lennox,

Your concern is unfounded, as I think you well know. My reference to a conflict was not to a physical conflict, as any reasonable reader would conclude, and no threat was communicated. I have cautioned you against acting disingenuously, yet you are again recklessly refusing to understand my communications to you. To put it plainly, you are playing games, which is beneath your position as principal. Your decision to exclude Mr. Alexander by suggesting his presence in the school would be detrimental to the physical or mental well-being of students is unreasonable. You will receive the notice of intention to appeal your decision shortly.

I am available for a call after 3:30 PM on Tuesday, Jan 10. Let me know if this or some other time works for you.

Regards,

**James S.M. Kitchen**

Barrister & Solicitor

203-304 Main St S  
Suite 224  
Airdrie, AB T4B 3C3  
Phone: 986-213-6321  
Email: james@jsmklaw.ca  
<https://jsmklaw.ca/>

----- Original Message -----

On Sunday, January 8th, 2023 at 7:54 PM, Derek Lennox <Derek.Lennox@rccdsb.ca> wrote:

James Kitchen,

I can confirm receipt of your email.

I will be happy to schedule a call with you next week to discuss this further. Josh's parents will need to be in attendance on the call. Based on the information provided, Josh has not withdrawn from parental control and therefore his parents must be involved in decisions concerning his education.

I am very concerned with your threat that "there will likely be an unfortunate and unnecessary conflict tomorrow, as Mr. Alexander's position as communicated in my letter to you of January 6 also remains unchanged". In the circumstances, you leave me no option but to exercise my authority under section 265(1)(m) under the *Education Act*, and section 3 (1) of Regulation 474/00 – *Access to School Premises*, to exclude Josh from St. Joseph's Catholic H.S. on the basis that his presence in the school or classroom would be detrimental to the physical or mental well-being of the pupils. As noted in the *Education Act*, Josh does have the right to appeal. Notice of intention to appeal must be provided within ten (10) school days of the commencement of the exclusion. The written notice must set out the grounds or reasons why

the exclusion is being appealed.

I note that the exclusion is temporary, is not a disciplinary measure, and that this decision was taken with considerable thought and caution, taking into account the current circumstances, Josh's rights and those of other students.

I am hopeful that through our discussions, we can find a resolution that would permit Josh's to return to the school without delay, but in the interim period, he is directed not to attend St. Joseph's.

A copy of the Board's Policy: Safe Schools-Pupil Exclusion and Procedure: Pupil Expulsion Appeal are attached.

Derek Lennox  
Principal  
St. Joseph High School  
835 First St.  
Renfrew, ON  
Tel 613-432-5846

"Dear young people, do not bury your talents, the gifts that God has given you! Do not be afraid to dream of great things!" Pope Francis

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**From:** James S.M. Kitchen <james@jasmklaw.ca>  
**Sent:** January 8, 2023 6:38 PM  
**To:** Derek Lennox <Derek.Lennox@rccdsb.ca>  
**Cc:** Mary-Lise Rowat <Mary-Lise.Rowat@rccdsb.ca>  
**Subject:** Re: Unlawful Conditions of School Attendance – Josh Alexander

Mr. Lennox,

As you know from reading the January 5 letter to Ms. Rowat, my client has only withdrawn from parental control for the purposes of the appeal of the suspension. I've re-attached the notice of intention to appeal suspension with that portion highlighted. If you wish to challenge that claimed withdrawal for the purposes of the appeal, the appropriate context in which to do that is in responding to the appeal. In any event, for the purposes of returning to classes, this issue is irrelevant, as Mr. Alexander has not withdrawn from parental control generally, only as he has indicated through counsel. Mr. Alexander does not object to you including his parents on email communications to me or to him.

I expect you to involve me in all communications with Mr. Alexander regarding the expectations. Mr. Alexander reserves his right to refer to your failure to cooperate with that expectation, if you do not, as part of any legal proceeding initiated against you, St. Joseph's, or RCCDSB.

Your expectations, among other things, constitute unlawful religious discrimination. If you persist in enforcing

them, a human rights complaint will result. It is a matter of lawfulness, not mere disagreement. I caution you against disingenuously misidentifying Mr. Alexander's objections to the expectations.

Certainly Josh would prefer to work together with you in his return to school, but it does not appear you do, judging by the tone and content of your email. However, if you do in fact desire a level of cooperation, I invite you to let me know if you would agree to a call with me sometime today. You are, of course, entitled to include the participation of your counsel or to be represented by counsel in communicating with me. Absent some sort of arrangement arrived at today, there will likely be an unfortunate and unnecessary conflict tomorrow, as Mr. Alexander's position as communicated in my letter to you of January 6 also remains unchanged.

Regards,

**James S.M. Kitchen**

Barrister & Solicitor

203-304 Main St S

Suite 224

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----- Original Message -----

On Sunday, January 8th, 2023 at 4:08 PM, Derek Lennox <Derek.Lennox@rccdsb.ca> wrote:

Please see the response below, there was an error within my last email. My apologies.

James S. M. Kitchen

Re: Josh Alexander-Your Notice of Intention to Appeal Suspension

I acknowledge receipt of your letters dated January 5 and 6, 2023, which includes your notice of intention to appeal the 20-day suspension which was confirmed on December 20, 2023. While we will be responding to those communications separately, there are a few more pressing matters in your letters to which I need to respond immediately.

In your letter of January 5, 2023, you have stated that you are counsel to Josh Alexander and that he has withdrawn from parental control. The Ministry of Education has identified the "*establishment of a separate residence, a separate source of income, and independence over life choices*" as some of the factors to be considered in confirming withdrawal from parental control. At this time, the Renfrew County Catholic District School Board's records reflect that Josh does not have a separate address from his parents. Further, Josh's parents participated in the investigation process that ultimately resulted in the twenty-day suspension and sent a follow-up email following the re-entry meeting on December 20, 2022. Accordingly, we have copied Josh's parents on this email as we are required to include them in our communications until such time as we can

confirm that Josh has in fact withdrawn from parental control. If you or Mr. or Mrs. Alexander have additional information for the me or the Board to consider on this front, please forward this immediately.

At my meeting with Josh and his parents on December 20, 2022, I set out expectations on his return to school tomorrow. While we understand that Josh may not agree with these expectations, these expectations were provided to facilitate Josh's return and ensure the safety and security of all students. These expectations remain unchanged. To confirm, Josh is again directed to report to Student Success for his afternoon classes. It is possible that his classroom teacher may ask him to do the same for his morning classes to catch up on missed work, as is our regular practice.

While I understand that you have requested that all communications be with you on this matter, I will be communicating with Josh directly tomorrow, if necessary, if there are any issues that trigger my responsibilities as Principal with respect to the school.

I trust that the above is clear and we can work together to assist Josh in his return to school.

Derek Lennox  
Principal  
St. Joseph High School  
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