

October 17, 2024



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

Hon. Jill Dunlop, Minister of Education
Ministry of Colleges and Universities
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Toronto, ON M7A 1N3

Via Email to: jill.dunlop@pc.ola.org

Hon. Doug Ford, Premier of Ontario
Premier's Office
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Via Email to: doug.fordco@pc.ola.org

Re: Gender Ideology in the Classroom

Dear Ms. Dunlop and Premier Ford:

The Foundation Against Intolerance & Racism (FAIR) is a non-partisan, non-profit organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity. We have chapters and tens of thousands of members across the United States and Canada, including three chapters in Ontario. Our website, www.fairforall.org, can give you a fuller sense of our values and activities.

We write out of concern over the continuing influence and overreach of gender ideology in the Ontario public school system. In particular, we are concerned that school boards have been instituting policies that prevent parents from being informed about the “social transition” of their children in the classroom.

Further, the rights of students to freedom of conscience, religion, and expression may be infringed by the requirement that they use pronouns for another student or teacher that are incongruous with their sex, or by being forced to disclose their own preferred pronouns.

Finally, we note that school boards are increasingly demanding that students not only learn about 2SLGBTQI+ identities with a laudable goal of increasing tolerance but that they actively *celebrate* them, with no opportunity to opt-out and no consideration for the impact on constitutionally-protected religious freedoms.

There are additional concerns with the wholesale adoption of gender ideology into Ontario’s public school classrooms, but these are the three we wish to focus on for the purposes of this communication, which we will elaborate upon below.

Before doing so, you should understand what we mean by “gender ideology”. Gender ideology is a belief system that holds that a person’s gender, be it male, female, neither, or fluid, is a matter of personal feelings rather than biological reality. It posits that gender (which it often conflates with sex) is on a spectrum and that if one does not conform to regressive sex stereotypes, then one may actually be the opposite sex. The theory is filled with contradictory and illogical ideas but it has enjoyed widespread

adoption and has led to a dramatic uptake in impressionable young people (mainly girls, who are susceptible to social contagion) concluding that natural feelings of discomfort with their changing bodies must mean that they were born in the wrong body.

Schools are teaching these ideas informally through “teachable moments” to children as young as six. See, for example, the case of 6-year-old NB at the Ottawa-Carleton District School Board (“OCDSB”), described in the [National Post](#), who was told by her grade 1 teacher that there is no such thing as boys and girls. Suffice it to say that the Ontario education system has been playing a critical role in inculcating in children the notion that they might be born in the wrong body, leading some young people to take steps to permanently alter their bodies, risking their fertility and other medical consequences and harms, which many are coming to regret.

The harms from this ideology are not experienced solely on an individual level but on a societal one. You can learn more about gender ideology, sometimes referred to as Queer Theory, and its non-benign efforts to politically indoctrinate and radicalize our youth in the school system, [here](#) and [here](#). FAIR supports **ideological neutrality** in public school classrooms, which is consistent with the constitutional protections under the Canadian *Charter of Rights and Freedoms* (“the *Charter*”).

With that introduction, we turn to the three specific concerns for FAIR and the parents who belong to our network.

Keeping Secrets from Parents

Many Ontario school boards, including the OCDSB and the Toronto District School Board (“TDSB”), have enacted policies that prevent the disclosure of the “social transition” of a child (usually a change in name or pronouns) to that child’s parents. The various policies in place across Ontario are highlighted in [this piece](#) in the National Post.

The TDSB’s version is found in its transgender accommodation [guidelines](#) which state: “A school should never disclose a student’s gender nonconformity or transgender status to the student’s parent(s)/guardian(s)/caregiver(s) without the student’s explicit prior consent. This is true regardless of the age of the student.”

This essentially creates an “open secret,” whereby a student’s new identity is known to the school community, and by extension to the parents of other students, but not to the child’s own parents.

The National Post [recently featured](#) the story of a young girl who was adversely impacted by the York District Catholic School Board’s efforts to facilitate her “transition” from girl to boy behind her parents’ backs, beginning at the tender age of 10, including inviting her to use the boys’ bathroom and telling her that her parents were harming her by not “affirming” her new identity as a boy. She later “desisted” when she came to understand that she had been affected by a cult-like social contagion (this is not uncommon). Of course, it was her parents who had to endure this ordeal, support their daughter throughout, and manage the underlying and consequent mental health issues that impacted her. The school appears to have actively worked against this family in getting to the root cause of her issues. This should not be happening in Ontario’s public schools.

We wish to remind you that longstanding jurisprudence in this country supports parents’ rights to direct the upbringing of their children. In the seminal Supreme Court of Canada (“SCC”) decision of *B. (R.) v. Children’s Aid Society of Metropolitan Toronto*, the court held:

83 ...I would have thought it plain that the right to nurture a child, to care for its development, and to make decisions for it in fundamental matters, such as medical care, are part of the liberty interest of a parent....The common law has long recognized that parents are in the best position to

take care of their children and make all the decisions necessary to ensure their well-being. In *Hepton v. Maat*, [1957] S.C.R. 606, our court stated (at p. 607): "The view of the child's welfare conceives it to lie, first, within the warmth and security of the home provided by his parents." This recognition was based on the presumption that parents act in the best interest of their child...In recent years, courts have expressed some reluctance to interfere with parental rights, and state intervention has been tolerated only when necessity was demonstrated. This only serves to confirm that the parental interest in bringing up, nurturing, and caring for a child, including medical care and moral upbringing, is an individual interest of fundamental importance to our society.

In the subsequent decision of *Chamberlain v. Surrey School District No.36*, the SCC had this to say:

110 The Canadian approach is also loosely analogous to the situation in the United States, where the notions of parental rights and the integrity of the family unit have been granted constitutional status as a result of judicial interpretation of the First and Fourteenth Constitutional Amendments...In *Prince v. Massachusetts*, 321 U.S. 158 (U.S. Mass. 1944), at p. 166, Rutledge J., speaking for the Court, stated: "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder."

111 Other cases of this Court have reiterated the paramount parental role by construing the nature of the authority schools and teachers have over children as a "delegated authority": ... "In our society the role of the teacher is second in importance only to the parent."...

112 The notion of a school's authority being "delegated," if it permits the parental control response of removing a child from the public school system, also entails that parents must be guaranteed the role of having input with regard to the values which their children will receive in school. This is generally brought about by electing representatives who will develop consensus and govern on matters pertaining to public education, which may occur at the provincial level and at the local level. As noted above, when consensus is developed at the provincial level and becomes reflected in a provincial curriculum and a provincial list of approved resources, any teacher in any school in the province may employ those resources in teaching the curriculum. The future development of the general nature of the provincially developed curriculum may, of course, be modified by results at the provincial ballot box or by changes in politically developed consensus.

Speaking of the "ballot box," an [Angus Reid survey](#) in August 2023 found nearly four-fifths (78 percent) of Canadians believe parents should be informed of any pronoun changes at school. As you are likely aware, several provinces have introduced legislation to protect the fundamental right of parents to know what is happening with their children when at school. We strongly encourage your government to do the same.

Because gender transition profoundly affects a child's mental, emotional, and physical development, involvement in that process is well within the scope of parental rights. Even "social transition" has been shown to be a significant psychosocial intervention, which teachers are not trained to administer and certainly do not have the authority to do without the involvement of parents.

The National Post spoke to Dr. Kenneth Zucker, a renowned expert on gender dysphoria in children. "In Zucker's view, teachers are ill-equipped to guide children through gender dysphoria decisions on their own. "Changing (a) name, pronouns, et cetera, is a type of psychosocial treatment for a mental health diagnosis," Zucker told the Post. "I greatly respect people who work in the school system — teachers, social workers, guidance counsellors — (but) they do not have the qualifications to make a diagnosis of a mental health condition and therefore are going beyond their pay grade in agreeing or not agreeing with a kid's request," he said. "The second part of that is, it's not particularly helpful to not involve parents in

any discussion about this because it's splitting the family," Zucker said."

According to the United Kingdom's recent comprehensive review of gender identity treatment, called the Cass Review, those who had socially transitioned at an earlier age and/or prior to being seen in clinic were *more likely to proceed to a medical pathway*. In other words, this is not a benign act – socially transitioning a child at school makes it *more likely* they will persist with a medical transition (with all the risks and consequences that entails), rather than simply grow out of it as the vast majority would naturally do.

In its decision on an application for an injunction to stop the Saskatchewan government's policy to inform parents, the Saskatchewan Court of King's Bench stated the following about the proposed evidence:

The affidavit of Dr. Anderson on behalf of the Government identifies that "social transitioning", the use of names, pronouns, or gender, other than those assigned at birth, can have significant psychological impact on a young person. She further identifies that professional medical support is required to assist a young person to deal with gender related issues. It is fair to recognize that all of the experts, and for that matter the lay witness affidavits submitted by UR Pride, recognize the importance of parental involvement and support in a young person's experience with their name, pronoun, and gender identification.

Dr. Anderson's evidence further confirmed that there was little substantive research on the ultimate effect of having begun the process of social transitioning and then the youth determining not to follow through with it. This uncertainty causes Dr. Anderson to opine in her affidavit as follows:

31. Thus, while social transition is too often described as nothing more than a harmless "exploration" of gender and identity, at this time we cannot rule out that a social transition may have a causal effect on a child's or adolescent's future development of their internal sense of identity. On the contrary, the early research we have is consistent with the hypothesis that social transition causes some children to persist who otherwise might have desisted from experiencing gender dysphoria and transgender identification. [Emphasis added]

The Cass Review found that a substantial minority of minors referred to the Gender Identity Development Service in England presented with autistic traits while other studies found that trans-identified minors have elevated rates of depression and anxiety. ADHD and obsessive-compulsive traits were also found to be more common among patients with gender dysphoria or gender variance. The Cass Review was highly critical of the "affirmative" model of care, in part due to "diagnostic overshadowing," where co-existing mental health issues are overlooked and only gender distress is treated.

There is also **no** high-quality evidence to suggest that social or medical transition mitigates suicide risk, as is frequently alleged by gender activists to convince parents and others that a child must transition or they might commit suicide. Indeed, proceeding through medical transition appears to increase the risk of suicide in adults, according to one long-term Swedish study. And a German study found that positive family and peer relations was more beneficial to psychological functioning than social transition status.

Many children who are targeted for social interventions to treat them as having the "wrong body" would, if left alone, simply grow up to be gay or lesbian. As a consequence of this "affirmation only" approach, we are now seeing a growing number of "detransitioners" or "desisters"—children or young adults who proceeded some distance down the transgender affirmation path and who have stopped and tried to undo the damage to themselves. Some may choose to sue school boards and government for pushing these ideas on them as impressionable children.

Again, these are issues and decisions that parents must be involved in, and that teachers are neither entitled nor equipped to handle. Assessing the capacity of a child to consent to a psychotherapeutic

intervention like gender transition, for example, is likely beyond the scope of school officials, and staff may be violating the *Psychotherapy Act, 2007*, by practicing psychotherapy without a licence and without informed consent when they encourage or facilitate social transition at school for students claiming to have gender dysphoria or distress. In the majority of cases, these social transitions are being facilitated on the basis of self-diagnosis by a minor. This practice is both illegal and unethical.

Minister Dunlop and Premier Ford: this ideology has worked its way into so many of our province's institutions. While you are in power, you can do something about this. Recently, former Education Minister Stephen Lecce stated that “parents must be fully involved and fully aware of what’s happening in the life of their children.” We agree.

Social transition must be treated as the serious psychotherapeutic intervention that it is, and it must be put beyond the scope of school board policies to engage in this intervention behind the backs of parents. It should certainly *not* be assumed to be in the “best interests of the child” in every case, such that parental rights to oppose transition for their child are subordinated to the state.

The various school boards’ non-disclosure policies deprive parents of those rights without due process: there is no preliminary finding of parental unfitness, no appeal, and no notice. The extremely consequential matter of a child’s gender transition is conducted entirely without their knowledge or ability to weigh-in or exercise their higher parental authority—and when they do, like Julia’s parents in the National Post story, the school is likely to call the Children’s Aid Society on them.

FAIR advocates for a healthy partnership between and among educators, students and parents. That partnership, however, is not honoured when schools systematically foreclose parents from knowing about their child’s gender transition, in violation of their rights and responsibilities as their children’s primary caregivers. We urge the Ministry to clamp down on board policies that go too far in demanding obeisance to gender ideology and in doing so, usurp parental authority and lead to long-term harm to Ontario’s youth and families.

Compelled Pronoun Usage

The TDSB’s policy on transgender accommodation, for example, states:

All students, including transgender and gender non-conforming students have the right to be addressed by a preferred name and pronouns corresponding to their gender identity...Intentionally addressing a student by the incorrect name or pronoun may be considered a form of discrimination and is not condoned. This directive does not prohibit inadvertent slips or honest mistakes, but it does apply to the intentional and/or persistent refusal to acknowledge or use a student’s gender identity. Students who wish to use pronouns other than the masculine or the feminine, such as ‘ze’, ‘hir’ or ‘they’) need to be accommodated equally.

The concept of gender identity is a theory, not a fact—the belief that an internal “knowing” of gender exists independent of sex is ideological in nature and not scientifically based. The beliefs that some children are “born in the wrong body” or that “sex is assigned at birth” are also ideological. The notions that more than two genders exist, that one can be neither male nor female (or both), and that gender is a matter of personal choice rather than a biological condition, are ideological beliefs. Such beliefs are now taught in schools as fact. Alternative pronouns are not value-neutral terms such as name and age. They are politically loaded and premised on these ideological beliefs.

A truly inclusive education system would understand that there are many students who, for reasons of conscience, neurodivergence, religion—or simply on principle—will not be willing or able to use pronouns that do not accord with observed, sex-based reality. Some students, especially those who are autistic or “black and white thinkers,” worry about saying the wrong thing and being punished or called

out. This can cause them to shut down socially. Many world religions, practiced by students in Ontario's schools, deny the existence of numerous genders and the ability of an individual to select their own gender. These students have a right to learn in a supportive and neutral environment too.

Requiring students to use others' preferred pronouns (and punishing them if they do not) necessarily compels them to affirm faith in a gender ideology they may not accept. It confines them to the expression of those sentiments that are officially approved, which a public school may not do. An arm of the state may not prescribe what shall be orthodox in politics, religion or other matters of opinion.

The *Charter* protects students' freedom of expression, conscience, belief and religion, as well as students' right not to be compelled to utter certain speech. In the *Slaight Communications* case, referencing an earlier decision, the SCC found that compelling the speech of others was "totalitarian and as such alien to the tradition of free nations like Canada." The Court considered a situation where an employer was forced to write something about a former employee which he considered to be a lie, as though it were his own statement, and held:

"...[T]o order the affirmation of facts, apart from belief in their veracity by the person who is ordered to affirm them, constitutes a much more serious violation of the freedoms of opinion and expression, as was held in the case of the *National Bank of Canada, supra*. In my view, such a violation is totalitarian in nature and can never be justified under s. 1 of the *Charter*. It does not differ, essentially, from the command given to Galileo by the Inquisition to abjure the cosmology of Copernicus."

While FAIR understands and appreciates the importance of creating environments of tolerance, requiring students to use the preferred pronouns of others, under the guise of inclusivity, forces some to lie and thereby violates their *Charter* rights to freedom of expression and freedom from compelled expression.

In addition to school board policies, the *Education Act* ("the *Act*") contains disciplinary processes which may result in students being punished for not uttering speech which they consider to be untrue or against their religious beliefs.

Under section 306 of the *Act*, students may be suspended for bullying. The *Act* defines bullying (section 1(1)) as, "aggressive and typically repeated behaviour by a pupil where,

- (a) ... the pupil ought to know that the behaviour would be likely to have the effect of,
 - (i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm...or
 - (ii) creating a negative environment at a school for another individual, and
- (b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; ("intimidation")

Suspensions appear to be mandatory (pursuant to subsection 310(1)) where bullying is "motivated by bias, prejudice or hate based on...gender identity." It is easy to see how a student who does not intend to be a bully could be caught up in these provisions because they know that another student will not be happy (and will claim to be "harmed") if they are "misgendered"; and, by virtue of a lack of sufficient "oppression points," there exists a "power imbalance" which brings a student's principled refusal to say something that they do not believe to be true under this expansive definition of bullying.

As you are no doubt aware, subsection 306(6) enables the Minister to issue policies and guidelines to boards to assist principals in interpreting and administering this section. We ask your Ministry to ensure that principals are informed of these conscience rights and do not enforce suspensions or other discipline on any students who reasonably exercise them.

Forced Celebration

Gender inclusive policies can and do infringe on the rights of other students. School boards are increasingly demanding that students not only learn about 2SLGBQI+ identities, but that they *celebrate* them. This is a violation of the *Charter's* section 2 protection of freedom of religion, and freedom *from* religion.

As the Supreme Court held in *Chamberlain v. Surrey School District*:

66 Exposure to some cognitive dissonance is arguably necessary if children are to be taught what tolerance itself involves. As my colleague points out, the demand for tolerance cannot be interpreted as the demand to approve of another person's beliefs or practices. When we ask people to be tolerant of others, we do not ask them to abandon their personal convictions. We merely ask them to respect the rights, values and ways of being of those who may not share those convictions. The belief that others are entitled to equal respect depends, not on the belief that their values are right, but on the belief that they have a claim to equal respect regardless of whether they are right.

Students are entitled not only to hold religious beliefs, but to manifest them by not participating in activities which go against the tenets of their faith. It is possible to tolerate others having different beliefs without being forced to share them or, worse, celebrate them. Indeed, this is how a pluralistic society must function, if it is to thrive.

We also note that there is a growing misconception about “discrimination” under the *Human Rights Code* by educators. This was evident in a recent story about an elementary school in Listowel which required all students to attend a Pride event on the last day of classes this past June. No opting out was permitted. When the story reached the local media, the Board representative stated that it would have been “discrimination” not to have full participation in the Pride celebration, as that would have “contravened the human rights of another group”. This is nonsense. The *Code* prevents discrimination on the basis of certain characteristics in the provision of services, such as education, as well as housing and employment. It does not mandate the celebration of those characteristics.

The Ontario Human Rights Commission's *Creed Policy* is clear that there is no hierarchy of rights: “[T]he Supreme Court of Canada has confirmed that there is no hierarchy of rights, and creed deserves the same consideration, protection and respect as other human rights”.

Allowing some students to opt out of events does not cause discrimination against other students, any more than allowing non-Christian students to opt out of events which might celebrate Christian beliefs causes discrimination against Christians. No one should be forced to celebrate things they do not believe. It is illiberal and totalitarian, much like the compelled speech cases described above.

FAIR believes that school boards must allow students to freely participate, or not, in a manner that respects their own constitutionally-guaranteed fundamental freedoms. It is also important that the boards ensure that students who wish to abstain from participating are not subjected to bullying, harassment or punishment and do not otherwise feel compelled to participate. The importance of public schools' stringent protection of their students' *Charter* rights cannot be overstated. When it comes to social, political, and ideological matters, public schools are charged with teaching students *how* to think, and with avoiding teaching students *what* to think.

In conclusion, schools should prioritize creating safe and supportive environments for all students and focus on evidence-based curricula that promote inclusivity and respect. We trust that you will ensure that this is communicated to the boards and endeavor to rein in the overzealous focus on gender ideology in Ontario's classrooms, with legislation if need be.

Thank you for your attention to this matter. We would be pleased to address any questions or concerns you may have.

Sincerely,

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