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August 29, 2023

By e-mail: minister.edu@gov.sk.ca

Honourable Jeremy Cockrill
Minister of Education
Room 361, 2405 Legislative Drive
Regina, SK S4S 0B3

Dear Minister Cockrill,

RE: “Use of Preferred First Name and Pronouns by Students” Policy

We represent the UR Pride Centre for Sexuality and Gender Diversity, a non-profit service provider housed at the University of Regina. UR Pride supports 2SLGBTQI youth in Saskatchewan by providing vital services such as social support groups, leadership and advocacy skill building camps and province-wide support for GSA initiatives. We also represent Egale Canada, the leading national 2SLGBTQI rights organization.

We write concerning the above-noted policy, which your predecessor announced on August 22, 2023. The policy does not appear to have been the result of any meaningful consultation or grounded in any good quality evidence about the best interests of students. If it is implemented at the imminent start of the school year, the policy will cause devastating and irreparable harm to gender diverse students under 16 years old who do not feel safe coming out at home. These students will face an impossible choice: be outed to their parents under the policy or remain closeted at school.

Imposing this choice on vulnerable young people is wrong. It is also repugnant to the laws of Saskatchewan and of Canada. On its face, the policy violates the rights of gender diverse students under the *Canadian Charter of Rights and Freedoms*. Even if the policy enjoys public support, as Premier Moe has recently asserted, it remains unreasonable, unjustified, and unlawful. In a constitutional democracy like ours, the rights of minorities are not decided by popularity contest.

UR Pride will commence legal action in the coming days. Among other relief, our client will ask the Court of King’s Bench to enjoin the implementation of the policy on an interlocutory basis pending the court’s determination of whether the policy is lawful. An injunction is urgently necessary to prevent imminent, significant, and irreparable harm to gender diverse young people in Saskatchewan.

Egale Canada

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To avoid the need for urgent interim relief — that is, an injunction to be in effect until the Court of King’s Bench has an opportunity to decide our client’s request for an interlocutory injunction on a complete record — we ask that the government immediately agree to suspend the implementation of the policy, and to consent to a court order to that effect. With the cooperation of your counsel, this interim delay could be limited to a few weeks’ pause, unless the court grants the interlocutory injunction that our client will be seeking, which would then remain in effect until the court makes a final determination of the policy’s lawfulness, including its constitutionality.

If you do not agree to pause the policy’s implementation on an interim basis as described above, we will move for interim as well as interlocutory court orders.

There are serious questions about the lawfulness of the policy you have enacted: in a free and democratic society, the state cannot require schools to “out” queer students to their parents against the students’ wishes. There would be no prejudice to anyone in delaying the implementation of this policy. By contrast, implementing the policy before its constitutionality has been determined would cause irreparable harm to gender diverse students under 16 years old who do not feel safe coming out at home. Pausing the policy, whether by agreement or by court order, is necessary to prevent that harm.

We therefore hope and expect that the government will consent to an interim order enjoining the policy, as well as a timetable for conducting the litigation efficiently. Unless you advise us of your consent by **5:00 p.m. C.S.T. on August 30, 2023**, we will request an urgent court attendance at which we will seek interim and interlocutory relief.

Yours truly,

Egale Canada

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Adam Goldenberg (*he, him*)
Partner

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Ljiljana Stanić (*she, her*), Holly Kallmeyer (*she, her*) and Eric Freeman (*he, him*),
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