

KYLE KIRKUP

University of Ottawa Faculty of Law (Common Law Section)

Fauteux Hall, 57 Louis Pasteur St. Ottawa, ON K1N 6N5

Email: Kyle.Kirkup@uOttawa.ca | www.kylekirkup.com | Twitter: [@kylekirkup](https://twitter.com/kylekirkup)

Research Interests: Criminal law, constitutional law, gender & sexuality law, human rights law, prison law

EDUCATION

- **Doctor of Juridical Science (SJD)**, 2012-2017, Faculty of Law, University of Toronto
- **Master of Laws (LLM)**, 2011-2012, Yale Law School, Yale University
- **Juris Doctor (JD)**, *cum laude*, 2006-2009, Faculty of Law (Common Law Section), University of Ottawa
- **Bachelor of Humanities (BHum)**, highest honours, 2002-2006, Carleton University

EMPLOYMENT HISTORY

2021-present **Associate Professor (with tenure)**, Faculty of Law, University of Ottawa

2016-2021 **Assistant Professor (tenure-track)**, Faculty of Law, University of Ottawa

2010-2011 **Clerkship**, The Honourable Madam Justice Louise Charron, Supreme Court of Canada

AWARDS AND DISTINCTIONS

- **University of Ottawa (2016-present):** Award for Excellence in Public Engagement, Faculty of Law (Common Law Section), 2016
- **University of Toronto (2012-2017):** 2013 Trudeau Scholar, Pierre Elliott Trudeau Foundation (\$180,000); Joseph-Armand Bombardier Canada Graduate Scholar, SSHRC (\$105,000); University of Toronto Faculty of Law Fellowship (\$5000); Hallam Award (highest standing in Theory and Methods in Sexual Diversity Studies) (\$1000); Junior Fellow, Centre for Criminology & Sociolegal Studies, University of Toronto
- **Yale University (2010-2011):** Yale University Scholarship (\$33,105); Conditional Academic Grant (\$17,500)
- **University of Ottawa (2006-2009):** Osgoode Society Prize for Canadian Legal History (top ten graduating students); Regional Senior Justice Prize (highest standing in Moot Court); CCH Canadian Limited Prize (outstanding contribution to the Ottawa Law Review); Gilbert Ngieme Prize (highest standing in International Law and Developing Countries); University of Ottawa Merit Scholarship (\$500); Gowling Lafleur Henderson LLP Entrance Scholarship (\$6,500)
- **Carleton University (2002-2006):** Senate Medal (top 3% of graduating students); Faculty Scholarship (\$14,000); Lee Valley Entrance Scholarship (\$500)

RESEARCH FUNDING

Year	Project Title	Amount	Source	Role
2020-2021	“Gender expression is for everyone: A trickle-up approach to systemic human rights-related changes in Ontario schools”	\$57,807	SSHRC Connection Grant	Co-Investigator (PI: Lee Airton)
2018-2021	“‘Gender expression’ under construction: How school boards are shaping Ontario’s newest human rights category”	\$66,568	SSHRC Insight Development Grant	Co-Investigator (PI: Lee Airton)

2018	“‘Gender expression’ under construction: How school boards are shaping Ontario’s newest human rights category”	\$10,000	University of Ottawa, Faculty of Law, Seed Grant	Principal Investigator (Co-PI: Lee Airton)
2018	“‘Gender expression’ under construction: How school boards are shaping Ontario’s newest human rights category”	\$5,000	Queen’s University, Faculty of Education, Seed Grant	Co-Investigator (PI: Lee Airton)
2018	“‘Gender expression’ under construction: How school boards are shaping Ontario’s newest human rights category”	\$6,932	SSHRC SIG Explore Grant, Queen’s University	Co-Investigator (PI: Lee Airton)
2017	“Transgender Human Rights Law: Past, Present, Future”	\$9,720	Foundation for Legal Research	Principal Investigator
2017	“Law and Order Queers: Respectability: Victimhood, and the Carceral State”	\$1,800	University of Ottawa Faculty of Law (Common Law Section) Emerging Researcher Fellowship Program	Principal Investigator

PUBLICATIONS

Career totals:

Monographs	1
Refereed Articles	9
Refereed Book Chapters	3
Non-Refereed Articles	1
Book Reviews	1
Reports	2
Works in Progress	6
Other Publications	16

Monographs

1. *Law and Order Queers: Respectability, Victimhood, and the Carceral State* [under contract, UBC Press, 280 pp.]

Refereed Articles

1. “The Gross Indecency of Criminalizing HIV Non-Disclosure” (2020) 73:3 *University of Toronto Law Journal* 263-282
2. “The Aftermath of Human Rights Protections: Gender Identity, Gender Expression, and the Socio-Legal Regulation of Schools” (2020) 35:2 *Canadian Journal of Law and Society* 245-265 [with Lee Airton, Allison McMillan & Jacob DesRochers]
3. “What is ‘gender expression’? How a new and nebulous human rights construct is taking shape in Ontario school board policy documents” (2019) 42:4 *Canadian Journal of Education* 1154-1182 [with Lee Airton, Allison McMillan & Jacob DesRochers]
4. “Assessing the Influence of the *Ottawa Law Review* at the Supreme Court of Canada: 1966-2017” (2019) 50:3 *Ottawa Law Review* 55-117 [with Yan Campagnolo]
5. “The Origins of Gender Identity and Gender Expression in Anglo-American Legal Discourse” (2018) 68 *University of Toronto Law Journal* 80-117

6. “Releasing Stigma: Police, Journalists, and Crimes of HIV Non-Disclosure in Canada” (2015) 46:1 *Ottawa Law Review* 127-160
7. “The Everyday Practice of Canadian Criminal Law: The ‘as of right’ jurisprudence of Justice Louise Charron” (2014) 65 *Supreme Court Law Review* 55-77
 - a. Reprinted in Graham Mayeda & Peter Oliver, eds. *Principles and Pragmatism: Justice Louise Charron’s Contributions to Canadian Law* (Markham, ON: LexisNexis, 2014)
8. “Locating the Trans Legal Subject in Canadian Law: XY v Ontario” (2013) 33 *Windsor Review of Legal and Social Issues* 96-140 [with Jena McGill]
9. “Indocile Bodies: Gender Identity and Strip Searches in Canadian Criminal Law” (2009) 24 *Canadian Journal of Law and Society* 107-125

Refereed Book Chapters

1. “Competing Masculinities and Political Campaigns” in Angelia Wagner & Joanna Everitt, eds. *Gendered Mediation: Identity and Image Making in Canadian Politics* (Vancouver: UBC Press, 2019), pp. 45-65 [with Jerald Sabin].
Nominated for the Jill Vickers Award for best paper on gender and politics, Canadian Political Science Association (2016)
2. “Gender Dysphoria and the Medical Gaze in Anglo-American Carceral Regimes” in Jennifer M. Kilty & Erin DeJ, eds. *Containing Madness: Gender and ‘Psy’ in Institutional Contexts* (London, UK: Palgrave Macmillan, 2018), pp. 145-165.
3. “After Marriage Equality: Courting Queer and Trans Rights” in Emmett Macfarlane, ed. *Policy Change, Courts, and the Canadian Constitution* (Toronto: University of Toronto Press, 2018), pp. 378-394.

Non-Refereed Articles

1. “Interlocking Systems of Oppression: Disability, Gender, and Race in the Context of Transgender Legal Claims” (2009) 4:2 *Journal of Race, Gender and Ethnicity* 72-77 [conference proceedings]

Book Reviews

1. Review of Ummni Khan, *Vicarious Kinks: S/M in the Socio-Legal Imaginary* (2015-2016) 53 *Osgoode Hall Law Journal* 387-392.

Reports

1. Principal Investigator, *Relations Between Police and LGBTQ2S+ Communities*, commissioned by the Independent Civilian Review into Missing Person Investigations (Chair: The Honourable Justice J. Gloria Epstein, 2020), pp. 1-61.
2. Principal Investigator, *Best Practices in Policing and LGBTQ Communities in Ontario*, commissioned by the Ontario Association of Chiefs of Police (November 2013), pp. 1-80.

Works in Progress

1. “Toby goes to Catholic school: Ontario Catholic school board policy and the protection of gender expression”
2. “Law’s Sexual Infections”
3. “On the Basis of Sex? Expanding the Caselaw Archive for Litigating Gender Expression Discrimination” [with Lee Airton & Hardie Rath-Wilson]
4. “A Queer Embrace: Canadian Political Identity and LGBTQ Rights” [with Jerald Sabin]
5. “Queer Theory in an Age of Legal Risk” [invited chapter, Brenda Cossman & Joseph Fischel, eds]
6. “Who Do You Think I Am? Constructing the Beneficiary of Gender-Based Human Rights Protections in K-12 Education” [with Lee Airton, Allison McMillan & Jacob DesRochers]

Other Publications

1. “Canadian Human Rights Act”, *The Canadian Encyclopedia*, May 3, 2018
2. “Passage of Transgender Rights Bill a Strong Step Forward”, *Ottawa Citizen*, June 26, 2017
3. “Defending the Court Challenges Program”, *Policy Options*, February 22, 2017 [with Carissima Mathen]
4. “Courting Controversy: Substantive Equality and the New Court Challenges Program”, *Slaw.ca*, April 25, 2016 [with Jennifer Klinck]
5. “Beginning of the end for solitary confinement in Canada?”, *TVO*, March 18, 2016
6. “How Ontario’s prisons pioneered sensitivity to transgender inmates”, *TVO*, January 26, 2016
7. “Pride in Their Own Words: Kyle Kirkup”, *Torontoist*, June 24, 2015
8. “It’s unstoppable: Same-sex marriage is coming to the U.S.”, *The Globe and Mail*, April 28, 2015 [with Brenda Cossman]
9. “Solitary Confinement: An abuse by any other name”, *National Post*, March 31, 2015
10. “Ontario’s welcome move on rights shows reality of trans people in prisons”, *The Globe and Mail*, January 26, 2015
11. “Stop criminalizing sex work”, *The Winnipeg Free Press*, December 9, 2014
12. “The legal inquiry into Justice Lori Douglas must end”, *The Globe and Mail*, October 22, 2014
13. “New prostitution laws, same old harms to sex workers”, *The Globe and Mail*, June 4, 2014
14. “With sex-work ruling, Supreme Court can be on the right side of history”, *The Globe and Mail*, December 17, 2013
15. “Transforming Sentencing? Gender Identity, Prisons, and Canadian Criminal Law”, *Blogging for Equality*, October 7, 2013
16. “When should unprotected sex trigger the heavy hand of criminal law?”, *The Globe and Mail*, October 3, 2013

MEDIA APPEARANCES (SELECTED)

The Globe and Mail, *The Toronto Star*, *Global News*, *National Post*, *TVO’s The Agenda*, *BBC Canada*, *CTV Your Morning*, *Xtra!*, *The McGill Law Journal Podcast*, *CBA National Magazine*, *Postmedia News*, *Torontoist*, *University of Toronto News*, *CBC’s Metro Morning*, and *CBC’s Ontario Morning*

EXPERT TESTIMONY

- House of Commons Standing Committee on Justice and Human Rights, *Criminalization of Non-Disclosure of HIV Status*, April 9, 2019, online: <https://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-142/notice>
- Standing Senate Committee on Human Rights, *Respect for the human rights of federally-sentenced persons in the federal correctional system (Panel focus: Transgender people in federal prisons)*, January 30, 2019, online: <https://sencanada.ca/en/Content/Sen/Committee/421/RIDR/54518-e>
- House of Commons Standing Committee on Justice and Human Rights, *Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts*, July 10, 2014, online: <http://www.cpac.ca/en/programs/in-committee-house-of-commons/episodes/34169041/>

PRESENTATIONS

Career totals:

Invited Presentations within the Academic Community	20
Invited Presentations within the Legal Community & Other Professional Communities	18
Workshops Presented	2

PUBLIC SERVICE

- **MAX: Ottawa's Health Connection for Guys into Guys, Ottawa, ON**
Board of Directors, August 2016-September 2020
- **Egale Canada, Toronto, ON**
Legal Issues Committee, September 2012-September 2019
- **The WorldPride Human Rights Conference 2014, Toronto, ON**
Conference Coordinator, University of Toronto, December 2012-June 2014