

In the Court of Appeal of Alberta

Citation: LaGrange v Red Deer Catholic Separate School Division, 2026 ABCA 284

Date: 20260902

Docket: 2401-0343AC;
2501-0023AC

Registry: Calgary

Between:

Monique LaGrange

Appellant

- and -

The Board of Trustees of Red Deer Catholic Separate School Division

Respondent

The Court:

**The Honourable Justice Jane Fagnan
The Honourable Justice Alice Woolley
The Honourable Justice Tamara Friesen**

Memorandum of Judgment

Appeal from the Orders by
The Honourable Justice C.L. Arcand-Kootenay
Dated the 14th day of November, 2024
Filed on the 29th day of April, 2025
Dated the 16th day of December, 2024
Filed on the 29th day of April, 2025
(2024 ABKB 665; 2024 ABKB 751, Docket: 2310 01396; 2310 01422)

Memorandum of Judgment

The Court:

[1] The appellant, Monique LaGrange, appeals two Court of King's Bench decisions dismissing her applications for judicial review of two interrelated disciplinary decisions of the Board of Trustees of the Red Deer Catholic Separate School Division (the "Board"), the latter of which resulted in her disqualification as a member of the Board. The proceedings arose from Ms. LaGrange's decision to post an image on her personal Facebook account which juxtaposed a historical image of children waving swastika flags with a contemporary image of children waving rainbow pride flags (the "meme"). The caption on the post read "brainwashing is brainwashing."

[2] Ms. LaGrange resigned from her position on the Board after the disqualification decision. On appeal she seeks declarations that both Board decisions were unreasonable and procedurally unfair, and that she did not breach certain restrictions imposed as sanctions in the first Board decision.

[3] For the reasons below, the first appeal is allowed in part, with respect to the Board's imposition of a sanction requiring Ms. LaGrange to issue a public apology. The second appeal, regarding the Board's decision to disqualify Ms. LaGrange, is dismissed.

I. Background

[4] Ms. LaGrange was elected as a school board trustee for the Red Deer Catholic Separate School Division in 2021. On August 27, 2023, Ms. LaGrange disseminated the meme as a "disappearing" social media post on her personal Facebook account. After the post came to the Board's attention, the parties had an informal meeting in which Ms. LaGrange maintained the post was appropriate. Following this meeting, on September 7, 2023, the Board chair wrote to the Minister of Education requesting assistance in dismissing Ms. LaGrange as a trustee, based on a misunderstanding that the Minister's involvement was required.

[5] The same day, in an interview published on the Western Standard website, Ms. LaGrange was quoted as saying:

The story meme is centered around indoctrination and how children are vulnerable to evil agendas (agendas coming from organizations like Planned Parenthood, the UN or SOGI 123) filtering through culture. This meme is not comparing or attacking the LGBTQ community, it is about protecting our children and keeping parents as the primary educators.

[6] Also on September 7, 2023, the Board Vice Chair (the complainant) sent a formal complaint to the Board Chair asserting that posting a meme equating children holding pride flags to children holding swastika flags violated Board policies, including the Trustee Code of Conduct.

[7] On September 13, 2023, the True North website posted an article in which Ms. LaGrange was quoted as saying:

The intention was to and always is to bring awareness to protecting the kids. This is why I stepped up, it's about protecting the kids from agendas that are not healthy. This is something that shouldn't be in the schools. This should be between kids and their parents. ...I don't regret posting it at all. People need to learn. This is not about comparing one community to another or saying they're Nazis, or anything to do with that; this is about indoctrination.

[8] The Board then followed the process for responding to the complaint as set out in its Code of Conduct. On September 26, 2023, following a two-day hearing, the Board passed a resolution finding Ms. LaGrange had violated its Code of Conduct and related policy by posting the meme. The Board imposed restrictions on Ms. LaGrange including that she: not represent the Board in any official capacity; "cease making any public statements in areas touching upon or relating to the 2SLGBTQ+ community [and] the Holocaust"; complete sensitivity training; and, issue a "sincere public letter of apology".

[9] Two days later, Ms. LaGrange made two further social media posts. The first included a meme depicting a wolf wearing makeup with the caption, "I just want to read some books to your chickens". The second was a news article about a non-binary children's book author who was quoted as saying "Parental rights really anger me". The Board chair emailed Ms. LaGrange on September 29, 2023 reminding her of the restrictions imposed by the first Board decision and her obligations as a trustee. He warned her that violating those restrictions could lead to another hearing and possible disqualification as a trustee.

[10] Ms. LaGrange nevertheless gave two video interviews, which were posted online on October 2 and October 19, 2023. In both interviews, she was introduced as a trustee, discussed the meme and the first complaint proceedings, and said that she would not do anything differently if given the chance. For example, in the October 19 interview, Ms. LaGrange said she would "still post" the meme again if she could "rewind time". She said, "it is not offensive if you understand"; and, "it's thought-provoking, it's a warning of what could be. History likes to repeat itself".

[11] A second Code of Conduct complaint was brought on October 16, 2023 in relation to Ms. LaGrange's second set of social media posts and the interviews. The Board again conducted a hearing and passed a motion finding Ms. LaGrange in breach of the sanctions imposed by its first decision and in further breach of its Code of Conduct. The Board disqualified Ms. LaGrange from serving as a trustee. Ms. LaGrange then resigned under protest.

II. Decisions below

a. The first Board decision

[12] The Board issued written reasons explaining its first decision on October 13, 2023. It noted it was bound by various policies and legislation which required it to govern itself in a way that was inclusive, safe, and respectful of the diversity of its student body. Then as a preliminary matter, it considered the issue of “whether the Meme and its content were contrary to Roman Catholic values”. Although this question was debated by both parties, the Board noted neither party had brought forward any expert evidence on the issue. The Board concluded it was unnecessary to determine whether the meme contravened Catholic values, focusing instead on whether Ms. LaGrange had complied with its Code of Conduct, as she was required to do under s 34(c) of the *Act*.

[13] Turning to that central question, the Board found Ms. LaGrange’s conduct in posting the meme violated its Code of Conduct and related policy in several overlapping ways, which it grouped into three categories.

[14] First, trustees must carry out their responsibilities with reasonable diligence and “refer queries, or issues and problems, not covered by Board policy, to the Board for corporate discussion and decision”: Code of Conduct, Clause 1; Policy 3, Clause 6.2. Ms. LaGrange asserted that she intended to raise the importance of questioning and debating ideas about “indoctrination”. Regardless of her intent, she violated policy provisions by unilaterally posting the meme publicly rather than acting diligently by first raising the issue with the Board for discussion.

[15] Second, trustees must “commit themselves to dignified, ethical, professional and lawful conduct”, “represent the Board responsibly in all Board-related matters with proper decorum and respect for others”, and “contribute to a positive and respectful learning and working culture”: Code of Conduct, Clauses 6, 22; Policy 3, Clause 6.18. Posting the meme violated these policy provisions because it lacked decorum and failed to communicate in a respectful and professional manner. The Board rejected Ms. LaGrange’s assertion that the meme was unrelated to Nazism and found that “a reasonably well-informed person would conclude that the Trustee’s conduct in having posted the meme reflected behavior that did not treat individuals respectfully, equitably and with courtesy”.

[16] Third, trustees must “be cognizant that they are representing the interests of the Board while posting or commenting on social media” and generally to “represent the best interest of the entire Division”: Code of Conduct, Clause 10; Policy 3, Clause 6.4. When asked what she was thinking when she posted the meme, Ms. LaGrange told the Board she posted it because it was “the truth about today” and the Holy Spirit told her, “Do it, go for it”. The Board concluded Ms. LaGrange violated its social media policy by failing to consider the potential public perception

of the meme when she posted it. It also found she had “placed her personal interests ahead of her public duty to carry out and advance Board work”.

[17] The Board imposed sanctions including restricting Ms. LaGrange from being part of Board committees or attending committee meetings and conferences, prohibiting her from representing the Board and school division in an official capacity, restricting her capacity to make public statements “in areas touching upon or relating to the 2SLGBTQ+ community [and] the Holocaust”, requiring her to enroll in sensitivity training, and requiring her to issue a sincere public letter of apology. It permitted Ms. LaGrange to continue to attend regular board meetings and to raise education-related matters.

[18] At the first Board hearing, Ms. LaGrange raised two arguments based on the *Canadian Charter of Rights and Freedoms*. First, she challenged the constitutionality of s 87(1)(c) of the *Education Act*, SA 2012, c E-0.3, which empowered the Board to disqualify a person from remaining as a trustee as a sanction for a breaching its Code of Conduct. She argued this provision violated s 3 of the *Charter*, which protects the right to vote for, or be qualified as, a member of the House of Commons or a legislative assembly. The Board found it lacked jurisdiction to answer this question, per s 11 of the *Administrative Procedures and Jurisdiction Act*, RSA 2000 c A-3.

[19] Second, Ms. LaGrange argued her conduct in posting the meme was protected by freedom of religion and freedom of expression: *Charter*, s 2(a) and (b). The Board found the *Charter* did not apply to its assessment of whether a trustee violated its Code of Conduct, citing ***Calgary Roman Catholic Separate School District No 1 v O'Malley***, 2007 ABQB 574 at paras 127-132 and ***Hamilton v Rocky View School Division No 41***, 2009 ABQB 225 at paras 13-17. However, in the event it was incorrect, and the *Charter* applied, the Board considered Ms. LaGrange’s *Charter* rights and the *Charter* values implicated by its decision.

[20] The Board first noted it had a duty under s 33(1)(d) of the *Education Act* to provide students a “welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging” and was required to implement policy to carry out this objective. The Board reasoned that the purpose of regulating trustee communication pursuant to these policies was to “foster care and compassion of students and families, and address student issues such as safety, bullying, justice and respectful relationships”.

[21] The Board concluded that pursuing these objectives outweighed “potential negative effects” of imposing the contemplated sanctions on Ms. LaGrange. With respect to freedom of expression, the Board found Ms. LaGrange had “an obligation to communicate appropriately” and “any expressive rights held by the Trustee must properly be subordinate to the obligation to create an inclusive environment for students”. The Board considered the sanctions to constitute only “limited, moderate and reasonable” limitations on Ms. LaGrange’s freedom of expression, as she would still be “permitted to attend regular Board meetings to bring forward educational-related issues for discussion and debate”. With respect to freedom of religion, the Board reasoned that

there was no interference with Ms. LaGrange's religious beliefs "in a manner that is more than trivial". Ms. LaGrange was "not sanctioned for holding certain religious beliefs" but rather for posting the meme in violation of Board policies. Ultimately, the Board reasoned its decision "reflects an appropriate balance between the statutory objectives of the *Education Act* and Board Policy and, the *Charter* values at stake".

b. The second Board decision

[22] The Board held a hearing in response to the second complaint on November 13 and 14, 2023, following which it passed a resolution disqualifying Ms. LaGrange from acting as a school trustee per s 87(1)(c) of the *Education Act*. It released written reasons for its second decision on November 24, 2023.

[23] First, the Board found Ms. LaGrange breached the first Board decision by representing herself as a trustee during media interviews in which she discussed the first complaint. The Board found a reasonable person would not interpret Ms. LaGrange's comments as offered solely in her personal capacity. It also found Ms. LaGrange had continued to make public comments "in areas touching upon or relating to the 2SLGBTQ+ community", contrary to the sanctions directed in the first Board decision.

[24] Second, the Board found Ms. LaGrange had further breached the Code of Conduct. She had failed, among other things, to: communicate in a way that reflected the principles of the Code, represent the interests of the Board or her duties as a trustee, cultivate a positive and respectful learning environment, exercise due diligence in carrying out her responsibilities, foster trust and co-operation with fellow trustees, and conduct herself in a professional and ethical matter.

[25] Ms. LaGrange again raised the issue of Roman Catholic values before the Board. The Board found:

To the extent [Ms. LaGrange] is suggesting that her personal interpretation of Catholic doctrine entitles her to disregard the Act and Board Policies 3 and 4, which the Board views as reasonable, it does not. [Ms. LaGrange] has obligations to the Board on which she serves, to the Division, and to its students, which obligations are set forth in legislation and in Division and Board policy, all of which govern trustee conduct.

The Board further noted Ms. LaGrange could have sought to change Board policies and practices, by bringing her concerns to the Board for debate. Instead, she decided to comment publicly. The Board again found that arguments related to Roman Catholic values had no bearing on its decision as to whether Ms. LaGrange had breached the Code of Conduct or the first Board decision.

[26] In submissions before the Board at the second hearing, Ms. LaGrange did not raise the *Charter* or any constitutional arguments, and the second Board decision is silent on this point.

[27] With respect to sanction, the Board found Ms. LaGrange's response to the first Board decision clearly indicated she did not give it any weight or treat the imposed sanctions seriously. The Board found that Ms. LaGrange should be disqualified as a trustee pursuant to s 87(1)(c) of the *Education Act*. At the conclusion of the second hearing, Ms. LaGrange resigned under protest, on the understanding that s 90 of the *Education Act* required her to resign.

c. The first judicial review

[28] On judicial review of the Board's first decision, Ms. LaGrange argued that the decision was unreasonable and procedurally unfair. She did not challenge the Board's conclusion that it lacked jurisdiction to determine the constitutionality of s 87(1)(c). She also did not challenge the Board's preliminary conclusion that the *Charter* did not apply to its decision, nor did she engage with its alternative finding. Her counsel stated: "there's no applicability for the *Charter* here ... The Board got it right. The *Charter* doesn't apply".

[29] The judicial review court affirmed the decision as procedurally fair and reasonable, except for certain aspects of the sanctions. First, the court struck out the training requirements imposed on Ms. LaGrange finding them to be redundant since the Board had separately resolved to participate in similar training as a group, and Ms. LaGrange could participate in that group training. Second, the court struck out the requirement that the ordered apology be "sincere." The court held it could not prescribe personally held feelings, and there is no objective standard to determine whether an apology is sincere.

d. The second judicial review

[30] On the judicial review of the Board's second decision, the court concluded the Board reasonably found that Ms. LaGrange had breached two sanctions from the first decision by posting the new social media posts and engaging in the two media interviews, as a result of which she committed a new policy violation. The court held that disqualification was a reasonable sanction in the circumstances. The Board had reasonably found that a collaborative resolution was not possible because Ms. LaGrange had repeatedly stated she had no intention of complying with the sanctions imposed by the Board and would not do anything differently if given the chance.

III. Legislative amendment

[31] We note that after the second judicial review, but prior to the hearing of this appeal, the Alberta legislature repealed s 87(1)(c) of the *Education Act*, which was the subject of Ms. LaGrange's s 3 *Charter* challenge before the Board during the first hearing: *Education Amendment Act*, 2025, SA 2025, c 6, royal assent granted May 15, 2025.

IV. Grounds of appeal

[32] Ms. LaGrange argues four grounds of appeal. She asserts the lower court erred by:

1. Upholding both Board decisions as reasonable despite the Board's failure to resolve the central issue of Catholic values;
2. Finding the Board did not engage in procedural unfairness in making the first Board decision;
3. Upholding compelled speech as a reasonable sanction in relation to the first Board decision; and
4. Upholding the Board's decision that Ms. LaGrange breached sanctions 1(b) and 1(c)(i) of the first Board decision.

[33] The Board argues all four grounds should be dismissed. The Board also raises a preliminary issue, arguing both appeals should be dismissed as moot because Ms. LaGrange resigned immediately after the second Board decision, rather than following the process for challenging a disqualification under the *Education Act*.

V. Standard of review

[34] When reviewing a judicial review of an administrative decision, an appellate court must determine whether the reviewing court chose the proper standard of review and applied it properly: *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 36 and 51. It follows that no deference is owed to the reviewing court on appeal; rather, the appellate court's role is to step into the shoes of the reviewing court in order to conduct the appropriate analysis of the administrative decision at issue: *Northern Regional Health Authority v Horrocks*, 2021 SCC 42 at paras 10-12; see also *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at paras 45-47; *Westcan Recyclers Ltd v Calgary (City)*, 2025 ABCA 67 at para 23; *Cavendish Farms Corporation v Lethbridge (City)*, 2022 ABCA 312 at paras 17-19.

[35] The second ground of appeal deals with procedural fairness. Questions of procedural fairness are reviewed to determine whether the party received the degree of procedural fairness which they were entitled to receive in law: *Campbell v Alberta (Public Interest Commissioner)*, 2026 ABCA 184 at para 13; *Westcan* at para 25.

[36] The other grounds of appeal require us to consider the reasonableness of the Board's decisions: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 23-25. A reasonable decision is internally coherent and is justified considering the legal and factual constraints that bear on it: *Vavilov* at paras 99, 101; *Mason* at para 64.

VI. Analysis

a. Mootness

[37] As a preliminary issue, the Board argues Ms. LaGrange’s resignation at the conclusion of the second Board hearing renders both applications for judicial review moot. The Board also argues she failed to exhaust her administrative remedies under the *Education Act* and should not be permitted to circumvent the statutory scheme by way of judicial review.

[38] Pursuant to the *Act*, a person will be disqualified as a trustee in various circumstances set out in ss 87 and 88. Not all these circumstances involve administrative decision-making; for example, a person is disqualified if they are a member of the legislature: s 87(1)(h). A person disqualified for any reason under ss 87 or 88 “shall immediately resign”: s 90. If the disqualified person does not immediately resign, a “board may by resolution declare that person to be disqualified from remaining as a trustee and the seat on the board to be vacant”: s 91(a). A board’s determination under s 91(a) is subject to a statutory appeal to King’s Bench: s 92; see also *Dion v Peace River School Division*, 2025 ABKB 359 at paras 8-37.

[39] We agree with the Board that Ms. LaGrange’s resignation rendered these appeals moot, as their outcome cannot affect her right to hold the position from which she has now resigned: *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342 at 355-57, 1989 CanLII 123 (SCC). Ms. LaGrange appears to recognize this point, seeking only declaratory relief, not reinstatement. However, we do not endorse the Board’s characterization of Ms. LaGrange’s resignation as “attorning” to its s 87(1)(c) decision, such that she should not now be permitted to challenge it by way of judicial review. The record reflects that Ms. LaGrange resigned “under protest”, because she understood s 90 of the *Act* as a statutory requirement to resign. In so doing, she foreclosed the possibility of the Board rendering a decision under s 91(a), which in turn precludes access to the s 92 appeal mechanism. However, her resignation did not oust judicial review of the Board’s prior decisions under its Code of Conduct and s 87(1)(c). It is well settled that “the existence of a circumscribed right of appeal in a statutory scheme does not on its own preclude applications for judicial review of decisions, or of aspects of decisions, to which the appeal mechanism does not apply”: *Vavilov* at para 52.

[40] Considering all the circumstances, we consider judicial review to be appropriate: *Yatar v TD Insurance Meloche Monnex*, 2024 SCC 8 at paras 51-56; *Democracy Watch v Canada (Attorney General)*, 2026 SCC 28 at paras 17-20. Likewise, we exercise our discretion to hear these appeals despite their mootness: *Borowski* at 358-62. Ms. LaGrange has consistently maintained her objection to the Board decisions, and the merits of these appeals have been fully argued before us.

b. Roman Catholic values

[41] We start with the general proposition that nothing in the *Judicature Act*, RSA 2000, c J-2, or otherwise, gives this Court jurisdiction over Roman Catholic values; that jurisdiction lies with the Church itself. However, Ms. LaGrange has squarely raised the issue of whether the Board, being a Catholic School Board, erred in refusing to take Catholic values into account when considering whether Ms. LaGrange had breached the Code of Conduct. Ms. LaGrange points out that the Board's policies are built on the foundation of Catholicism, a position abundantly supported by the relevant policy documents. Furthermore, the complainant asserted in her complaint that Ms. LaGrange's actions were "contrary to our Roman Catholic beliefs and values." Before the Board, both parties made submissions on the issue of whether the meme violated Catholic teachings. Ms. LaGrange argues that, for all of these reasons and more, the Board unreasonably failed to consider Roman Catholic values in both its decisions.

[42] The Board noted that neither party had adduced expert evidence on Roman Catholic values in this context. The Board reasonably concluded it was not necessary to determine whether the meme contravened Catholic values.

[43] While we agree with Ms. LaGrange that Catholic values infuse and underpin the Board's policies, we note that nothing within them empowers trustees to violate Board policies in order to advance Catholic values. In other words, even if the content of the meme properly reflected Catholic values (a claim with which there is considerable disagreement), that would not excuse Ms. LaGrange's policy violations. As such, the Board reasonably concluded it was unnecessary to resolve the issue of whether the meme's content was consistent with Catholic values in order to determine whether Ms. LaGrange had violated its policies. This is borne out by a review of the Board's reasons for finding she had done so.

[44] First, the Board found that Ms. LaGrange violated policy by unilaterally raising her concerns through a social media post rather than diligently raising them with the Board for internal debate. This policy is process-oriented, concerned with *how* trustees raise issues rather than the content of the issue raised or the trustee's position on it. It was logically unnecessary to resolve whether Ms. LaGrange's message was consistent with Catholic values to reach the conclusion that the manner in which she raised it—through a unilateral, public social media post rather than by referring the matter to the Board for corporate discussion—violated the Board's Code of Conduct and related policy. The same is true of the third category of violations identified by the Board, which found Ms. LaGrange posted the meme without considering possible public perceptions of it and her obligations as a trustee, contrary to the Board's social media use policy. This finding was based on Ms. LaGrange's own admission that she posted the meme simply because she felt it expressed the truth and the Holy Spirit encouraged her to post it, without regard for how it might be perceived and her obligations as a representative of the Board.

[45] Second, the Board found the meme failed to meet the standard of respectful and professional communications expected of a trustee. Ms. LaGrange's position before the Board and this Court is that the meme was merely commentary on indoctrination through the school system. She relies on letters of support from some people who agree with that interpretation. We accept that the meme can be characterized as a criticism of "indoctrination" or "brainwashing"; however, as the Board explained, the meme is reasonably understood as conveying that message in a manner that is on its face disrespectful of both the memory of the Holocaust victims and members of sexual and gender minority communities. The meme juxtaposes children waving Pride flags with children waving swastikas in support of Nazism; it is reasonably understood as conveying the idea that teaching children to accept sexual and gender diversity (indoctrinating them to be inclusive) is the same as teaching children to accept antisemitic genocide (indoctrinating them into Nazism).

[46] The Board referred to material before it, including a letter it received from the Friends of Simon Wiesenthal Center, which characterized the meme as "a form of Holocaust distortion and minimization". It also referred to letters from student alumni, including individuals identifying as a "[p]roud gay transgender man" and a "queer alumni", expressing that they felt hurt by the meme. This material, and the images in the meme itself, support the Board's conclusion that "the Meme Post is not, on a reasonably objective standard, dignified nor professional, and ... was not viewed as inclusive or reflective of supportive school environments that welcome students of all orientations", such that posting the meme violated Ms. LaGrange's obligation to communicate respectfully. Again, this conclusion does not depend on finding the intended message of the meme to be inconsistent with Catholic values. It was reasonably open for the Board to conclude that Ms. LaGrange's juxtaposition of children waving Pride flags and children waving swastika flags lacked the respect and decorum required of trustee communication, regardless of whether her underlying message could be said to be consistent with Catholic values.

[47] On this point, the Board properly identified that its statutory obligations, given effect through its Code of Conduct, were clear and dispositive of the matter. As set out in s 33 of the *Act*, the Board's statutory duties include providing "a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging" and implementing a policy to carry out this duty. It is a well-established principle in Canadian law that an elected official's right to free speech must be balanced with the operative tribunal's statutory mandate: ***Del Grande*** at para 36-37; ***Doré v Barreau du Québec***, 2012 SCC 12; ***Loyola High School v Quebec (Attorney General)***, 2015 SCC 12. Here, as in ***Del Grande***, Ms. LaGrange was not sanctioned for her religious beliefs – she was sanctioned for engaging in conduct contrary to the behavioural standards set out in the Code of Conduct. The offensive aspect of her conduct was not her personal beliefs about homosexuality or what she calls "gender ideology," but rather her choice to use her social media platform to ostensibly equate support for gender and sexual diversity with Nazism. The Board's decision to hold her accountable for her actions is consistent with Canadian jurisprudence, which recognizes the inherent dignity of gender and sexual minorities and strikes a balance between protecting them from hateful rhetoric in schools and protecting freedom of

expression: *Del Grande* at para 46 citing *Kempling v British Columbia College of Teachers*, 2005 BCCA 327 at para 79, leave to appeal refused, [2006] SCCA No 31088; *Law Society of British Columbia v Trinity Western University*, 2018 SCC 32 at para 98.

[48] Therefore, the Board reasonably concluded it did not need to make any determination as to whether the meme, or Ms. LaGrange's other actions, reflected or were in keeping with Catholic values to decide whether Ms. LaGrange had breached the *Education Act* and Code of Conduct. That the complainant raised the issue of Catholic values did not bind the Board's hands in terms of how it addressed the substance of that complaint.

[49] The Board went further in its second decision, addressing more directly Ms. LaGrange's argument that the Board members were acting as though they serve on a secular Board by refusing to engage in the discussion about Catholic values. The Board found that

[t]o the extent the Respondent is suggesting that her personal interpretation of Catholic doctrine entitles her to disregard the Act and Board Policies 3 and 4, which the Board views as reasonable, it does not. The Respondent has obligations to the Board on which she serves, to the Division and to its students, which obligations are set forth in legislation and in Division and Board policy, all of which govern trustee conduct.

[50] The Board's reasons on this point are logical, transparent and intelligible. We see no basis to interfere with its choice not to determine whether the section of the Catechism of the Catholic Church that discusses homosexuality provides Ms. LaGrange with a religious justification for posting the meme, when her obligations under the Code of Conduct clearly required her to respect the values of diversity and inclusion in the school system, and to communicate and use social media in a respectful manner.

[51] In choosing to decide the matter in this way the Board did not, as Ms. LaGrange argues, fail to resolve a central argument raised by the parties. This is entirely different from the situation in *Mason*, where the decision-maker failed to even mention two important arguments raised by the applicant, leading the Supreme Court to conclude there was no basis to find that the points had been considered, even implicitly. Nothing in the record provides any basis on which to assert that in rendering these decisions the Board was not "alert and sensitive" to the arguments engaging Catholic doctrine or that it did not "meaningfully grapple with key issues." The obligation to grapple with the parties' arguments does not require a decision-maker to conclude that those arguments raise a dispositive or even relevant point. In this case, the Board concluded the parties' debate about Catholic values was irrelevant to the issues it needed to decide, and the Board gave a clear explanation for that conclusion. There is no basis to interfere with the Board's decision on this point as no error has been identified.

c. Procedural fairness

[52] All public authorities deriving their power from statute have a duty to act fairly when rendering a decision that affects an individual: *Cardinal v Director of Kent Institution*, 1985 CanLII 23 at para 14 (SCC); *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 at para 20 (SCC). The extent of procedural fairness owed depends on the circumstances of the case, and the authority's actions are considered in the context of the statutory regime in which it operates: *Baker* at paras 21-28. The Board in this case owed Ms. LaGrange a high degree of procedural fairness in handling the complaints against her, given that she was an elected official facing possible disqualification from her position: *Baker* at para 25.

[53] Ms. LaGrange argues the first hearing was procedurally unfair because the Board had pre-judged the issue. She says the Board chair's letter to the Minister requesting assistance "to have the Trustee dismissed" is evidence the Board had formed an opinion on the matter prior to participating in the adjudication. Further, she argues that the procedure followed by the Board resulted in the Board being a "judge in its own cause" contrary to principles of natural justice.

[54] The relevant portion of the letter reads:

Additionally, on September 5, 2023, our Board passed, by majority vote a motion (Motion) seeking your assistance to have the Trustee dismissed.

Since that time the Board has conferred with legal counsel; ultimately, what we are seeking is all and any support that you or your office can provide to the Division as it continues to support our students and staff at this time.

From a governance perspective, the Board is guided by our enclosed Board Policy 4: Trustee Code of Conduct, including Appendix A - Trustee Code of Conduct Sanctions. As with all Board policy, Board Policy 4 will guide the Board as applicable.

Finally, we wish to assure you and your office that the safety of all Division students and staff remains of the utmost importance. Our Division has worked diligently to create and implement a strategic plan for our school communities that includes fostering love and acceptance to all our students. Student safety, care and support are of the highest priority to the Division.

Thank you again for your attention to this matter. Again, any assistance your office can provide is welcome.

[55] The legislative scheme envisions school boards controlling their own processes. As provided for in s 33(1)(k) and (m) of the *Education Act*, the Board is responsible for developing

and implementing a trustee code of conduct and establishing a dispute resolution process. Appendix A to the Board's Code of Conduct sets out the procedure for a Board hearing where a trustee commences a complaint against another trustee. While we agree that the Board in this case committed a "false start" by passing a motion to ask for the Minister's help "to have the Trustee dismissed", ultimately the Board followed the proper procedure prior to rendering its first decision. That procedure included: the right to make submissions, a right of reply, the opportunity for board members to ask questions, and the right to make final comments. Ms. LaGrange was represented by counsel throughout. Additionally, the trustee filing the official complaint was disqualified from deliberating on the complaint pursuant to s 8.1 of Appendix A to the Code of Conduct which requires conflicts of interest to be dealt with at the commencement of the hearing.

[56] The test for prejudgment amounting to impermissible bias is described in *Old St Boniface Residents Assn Inc v Winnipeg (City)*, [1990] 3 SCR 1170 at 1197, 1990 CanLII 31 (SCC) [*Boniface*]:

The party alleging disqualifying bias must establish that there is a prejudgment of the matter, in fact, to the extent that any representations at variance with the view, which has been adopted, would be futile. Statements by individual members of Council while they may very well give rise to an appearance of bias will not satisfy the test unless the court concludes that they are the expression of a final opinion on the matter, which cannot be dislodged. In this regard it is important to keep in mind that support in favour of a measure before a committee and a vote in favour will not constitute disqualifying bias in the absence of some indication that the position taken is incapable of change.

Expressing an opinion on a matter is not proof of bias, particularly when the person expressing the opinion is an elected school board trustee involved in matters of public policy administration, and not a legally trained adjudicator: *Newfoundland Telephone Co v Newfoundland (Board of Commissioners of Public Utilities)*, [1992] 1 SCR 623 at 639; 1992 CanLII 84 (SCC); *Boniface* at 1197.

[57] The fact that an administrative actor is involved at multiple stages of a proceeding is not, on its own, evidence of bias or procedural unfairness, and allowing a complainant to participate in the investigative or hearing process does not, on its own, raise a reasonable apprehension of bias. The statutory and factual context must be considered. In *Brosseau v Alberta Securities Commission*, [1989] 1 SCR 301 at 309-315, 1989 CanLII 121 (SCC), the Court found that a statutory scheme in which the chair was involved in both the investigatory and adjudicative functions of the tribunal did not, on its own, give rise to a reasonable apprehension of bias by the tribunal.

[58] More recently, and specifically in the context of school board trustees, the Court in *Sloat v Grand Erie District School Board*, 2024 ONSC 6209 at para 67 found

... no merit to the argument that there is a reasonable apprehension of bias by virtue of the complainants not recusing themselves from participation in the proceedings culminating in the Decisions. There is no suggestion that the complainants had any personal interest in the matters. Simply by being the trustee who filed the complaint does not raise a reasonable apprehension of bias in these circumstances.

[59] We understand Ms. LaGrange’s concerns with the letter sent to the Minister; however, we note the letter was written within a week of the social media post, and the vote to seek assistance appears to have occurred prior to the Board consulting with counsel. Most importantly, we do not interpret this letter as indicating the Board had settled on an intractable position with respect to how they would deal with Ms. LaGrange; rather, the record as a whole indicates that the Board acted quickly in the first instance, but moving forward they resolved to follow the process set out in the applicable Board policy. And that is precisely what they did: the complaint process was followed, the complaining trustee did not participate in the decision-making process, the involved trustees were aware that there could be an impression of bias based on the letter and cautioned themselves accordingly. The Board ultimately found that Ms. LaGrange violated the Code of Conduct and sanctioned her, but did not dismiss her from her position.

[60] Procedural fairness does not require perfection, and in the administrative context its requirements are informed by the nature of the proceedings and institutional constraints: *2747-3174 Québec Inc v Quebec (Régie des permis d'alcool)*, 1996 CanLII 153 at para 45 (SCC); *John Howard Society of Saskatchewan v Saskatchewan (Attorney General)*, 2025 SCC 6 at para 280 (per Côté J, dissenting but not on this point); *Baker* at paras 23-27. In this case, the legislature entrusted decision-making to a board of elected administrators who, for the most part, lack both experience and training in legal decision-making. Ultimately, the Board followed its policy, a policy that takes care to ensure a fair process for all participants. The process laid out is consistent with other similar administrative processes, and no procedural unfairness arises from allowing the same Board members who voted on the immediate motion to seek assistance to also participate in the substantive decision-making process. The letter to the Minister does not demonstrate the Board prejudged how the matter would be dealt with moving forward in a manner that amounts to bias. We find that Ms. LaGrange received the degree of procedural fairness which she was entitled to receive in the circumstances. This ground of appeal is dismissed.

d. Sanction compelling a sincere apology

[61] Among the sanctions in the first Board decision, the Board mandated that Ms. LaGrange provide “a sincere public letter of apology” which “shall recognize the inappropriateness of the Trustee’s actions and that the Trustee is deeply sorry.” Ms. LaGrange says this was an abuse of the Board’s power to sanction, as she would never have been able to satisfy it given that she does not think she did anything wrong, and would do the same thing again if given the opportunity.

[62] Unfortunately, Ms. LaGrange did not elaborate much further on this argument on appeal, nor did she raise s 2(b) *Charter* arguments with respect to compelled speech. As noted above, prior to the second Board hearing and judicial review, Ms. LaGrange abandoned both her challenge to the constitutionality of s 87(1)(c) of the *Education Act* and also her reliance on s 2(a) and 2(b), freedoms of religion and expression. Section 87(1)(c) is now also repealed, rendering the first issue moot. But as to the second issue, we question Ms. LaGrange’s concession that the Board “got it right” in concluding that the *Charter* simply did not apply to its decision-making, and her abandonment of all freedom of expression arguments before the judicial review court and this Court.

[63] The decisions relied on by the Board in determining that the *Charter* did not apply, *Hamilton* and *O’Malley*, were rendered prior to several significant jurisprudential developments in the application of the *Charter* in the administrative law context, including *Doré v Barreau du Québec*, 2012 SCC 12 and *York Region District School Board v Elementary Teachers’ Federation of Ontario*, 2024 SCC 22.

[64] We also note a significant body of case law expressing *Charter* concerns about compelled speech, including apologies, particularly those that are required to be expressed as if they were voluntary: see e.g. *National Bank of Canada v Retail Clerks’ International Union et al.*, [1984] 1 SCR 269 at 295-296, 1984 CanLII 2 (SCC); *Perera v Canada (CA)*, [1998] 3 CF at para 27, 1998 CanLII 9051 (FCTAD); *Moreau v Air Canada*, 2025 FC 675 at paras 38-40. While a freely given apology serves a number of valuable purposes, a coerced apology “is plainly no more than a reluctant concession to an opponent possessing, for the time being, an overwhelming advantage of some sort”, and is “likely to be regarded primarily as a form of unjust humiliation and not necessarily as a vindication of what is right”: *R v Northwest Territories Power Corp.*, [1990] NWTR 125 (NWT S Ct). The punitive and humiliating nature of forced apologies informed the conclusion in *Canada (Attorney General) v Stevenson*, 2003 FCT 341 that requiring an employer to apologize for discriminatory conduct was beyond the jurisdiction of the Canadian Human Rights Tribunal. The court reasoned that “an apology under compulsion”, which “lacks all the characteristics of a genuine apology and is surely worthless as such”, could not “possibly serve to advance the primary focus of the *Canadian Human Rights Act*, which is the eradication of discriminatory practices”: para 30.

[65] However, considering Ms. LaGrange’s position and the limits of the materials before us, we will confine our review of the Board’s apology sanction to the administrative law grounds she raises, accepting for the purpose of this appeal her concession that the *Charter* does not apply.

[66] The first judicial review court struck the apology sanction in part, holding that the requirement for the apology to be “sincere” was unreasonable because sincerity was “not measurable by any objective standard” and it is not “feasible ... to prescribe an individual’s personally held feelings”: para 125; see also *Dion* at paras 63-68. We go a step further. In the

circumstances of this case, we agree with Ms. LaGrange that the entirety of the apology sanction should be struck on administrative law grounds.

[67] The Board's first sanction resolution required Ms. LaGrange to issue "a sincere public letter of apology [which] shall recognize the inappropriateness of the Trustee's actions and that the Trustee is deeply sorry for having offended anyone through her actions". In its subsequent reasons, the Board explained:

The Trustee is being asked to recognize that her communication in relation to the Meme Post was not in accordance with Board Policy and to recognize that members of the School Division found it offensive and experienced hurt feelings. This, in the Board's view, does not offend the Trustee's sincerely held beliefs.

[68] Ms. LaGrange observes that the express terms of the apology requirement in the sanction resolution differ from the way it is articulated in the Board's subsequent written reasons. For example, the Board's reasons suggest that the sanction only required her to "recognize that members of the School Division found [the meme] offensive", but the apology sanction itself required her to be "deeply sorry" for having caused that offence. The difference is significant, particularly in light of Ms. LaGrange's submissions to the Board at the first hearing. As recited in the Board's reasons, Ms. LaGrange argued the meme "reflects a minority opinion that many people do not like and are offended by, but that is a matter for public comment and disagreement". In other words, at the time of the first Board hearing, Ms. LaGrange already recognized that members of the School Division found the meme offensive. If that is all the apology sanction required, it would have been redundant. Instead, the terms of the apology sanction required her to be "deeply sorry" for causing that offence. This requirement raises the same issues identified by the first judicial review judge as the requirement to be "genuine": it purports to prescribe Ms. LaGrange's personal feelings and imposes a disciplinary standard that is impossible to assess or enforce.

[69] While we would give effect to Ms. LaGrange's appeal with respect to the apology sanction, we reject her assertion that the imposition of the apology sanction taints the second Board decision and her disqualification. In the second Board decision, the Board expressly found that Ms. LaGrange had *not* violated the apology sanction, because the 90-day period for providing the apology had not yet elapsed.

e. Finding sanctions 1(b) and 1(c)(i) of the first Board decision had been breached

[70] Lastly, Ms. LaGrange argues the Board unreasonably concluded, in its second decision, that she had breached sanctions 1(b) and 1(c)(i), which it imposed in its first decision.

[71] Sanction 1(b) required Ms. LaGrange not to represent the Board or School Division in any official capacity, including by speaking with news or media outlets. In the second Board decision the Board found that she violated this section by conducting media interviews. Sanction 1(c)(i) flowing from the first Board decision required Ms. LaGrange to “cease making any public statements in areas touching upon or relating to the 2SLGBTQ+ community”. In the second Board decision the Board found that she violated this sanction through her comments in the interviews, and by making the further social media posts of the wolf wearing make-up and the non-binary author.

[72] Ms. LaGrange argues that the Board committed an error with respect to these findings, as she neither represented the Board in any official capacity, nor communicated anything reasonably related to the 2SLGBTQ+ community. She says the Board conflated “representing herself with representing the Board; personal capacity with official capacity; and ideology with community.” She says “such false equivalencies do not pass *Vavilov* muster because logical fallacies are fatal to the reasonableness of a decision pursuant to *Vavilov*” citing to para 104 of that decision. She does not elaborate.

[73] Paragraph 104 of *Vavilov* reads as follows:

Similarly, the internal rationality of a decision may be called into question if the reasons exhibit clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise. This is not an invitation to hold administrative decision makers to the formalistic constraints and standards of academic logicians. However, a reviewing court must ultimately be satisfied that the decision maker’s reasoning “adds up”.

[74] The Board’s reasoning with respect to the breaches of the sanctions ordered in the first hearing “adds up.” With respect to contravening the requirement not to represent the Board in media interviews, the Board noted that Ms. LaGrange participated in further interviews in which she “was identified, introduced or described as a school board trustee”. The topic of the interviews related to educational issues, the trustee’s role, and the first Board proceedings. The Board concluded that “a reasonable person, reading or hearing the comments or social media postings of a school board trustee introduced and/or self-described as such, would not anticipate that such comments were offered solely in the trustee’s personal capacity absent, at minimum, a specific declaration to that effect from the trustee”.

[75] With respect to contravening the requirement not to make further public comments related to the 2SLGBTQ+ community, the Board rejected Ms. LaGrange’s argument that her comments related only to “ideas and ideology”, including what she calls “transgender ideology”, and not the 2SLGBTQ+ community or individuals within it. But as the Board observed, “A critical feature of the 2SLGBTQ+ community is the gender and sexual orientation of its individual members ... To separate those individuals from that core understanding of their own identity is artificial”. It was

reasonable for the Board to conclude that Ms. LaGrange’s public commentary on what she calls “transgender ideology” was communication “touching upon or relating to the 2SLGBTQ+ community” and therefore violated sanction 1(c)(i).

VII. Disposition

[76] Appeal no. 2401-0343AC is allowed in part, with respect to the Board’s imposition of a sanction requiring Ms. LaGrange to issue an apology. Appeal no. 2501-0023AC is dismissed.

Appeals heard on April 17, 2026

Memorandum filed at Calgary, Alberta
this 2nd day of September, 2026

Fagnan J.A.

Woolley J.A.

Friesen J.A.

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