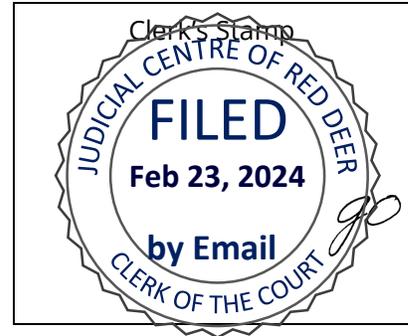


COURT FILE NO. 2310 01422

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE RED DEER



APPLICANT MONIQUE LAGRANGE

RESPONDENT THE BOARD OF THE TRUSTEES OF THE RED DEER CATHOLIC REGIONAL SCHOOLS

DOCUMENT **AMENDED CERTIFIED RECORD OF PROCEEDINGS**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	McLENNAN ROSS LLP #600 McLennan Ross Building 12220 Stony Plain Road Edmonton, AB T5N 3Y4	Lawyer: Teresa Haykowsky, K.C. Telephone: 780.482.9247 Fax: 780.733.9751 Email: teresa.haykowsky@mross.com File No.: 20234805
---	--	---

1. Please find attached:
 - (a) The decision or written record of the act that is the subject of the originating application for judicial review of the September 26, 2023 motion ("Motion") of the Board of Trustees of The Red Deer Catholic Separate School Division ("Board") carried at the September 25 and 26, 2023 Special Board Meeting ("Special Board Meeting") (at para. 1.(e)(i));
 - (b) The October 13, 2023, Reasons for Decision issued by the Board on the same date in support of the Motion;
 - (c) The document which initiated the Special Board Meeting, being the September 7, 2023, complaint letter ("September 7, 2023, Complaint Letter") (see para. 1.(d)(i)(B) Schedule 'B') and the September 7, 2023, letter of support ("September 7, 2023, Letter of Support") (see para. 1(d)(i)(C) Schedule 'C');
 - (d) The evidence and exhibits filed with us;
 - (i) Submissions in support of the September 7, 2023, Complaint Letter included:
 - (A) Schedule 'A' – LaGrange Social Media Post
 - (B) Schedule 'B' – September 7, 2023, Complaint Letter

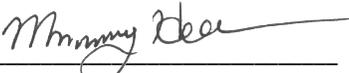
- (C) Schedule 'C' – September 7, 2023, Letter of Support
 - (D) Schedule 'D' – Western Standard News Article dated September 7, 2023
 - (E) Schedule 'E' – Policy 1: Division Foundation Statements
 - (F) Schedule 'F' – Policy 4: Trustee Code of Conduct
 - (G) Schedule 'G' – Policy 3: Trustee Role Description
 - (H) Schedule 'H' – CCSA's LIFE Framework
 - (I) Schedule 'I' – Excerpt from "*Catechism of the Catholic Church*", 1994
 - (J) Schedule 'J' – TrueNorth Article dated September 13, 2023
 - (K) Schedule 'K' –September 7, 2023, Letter to the Minister of Education
 - (L) Schedule 'L' – Email dated September 7, 2023, re Website Submission
 - (M) Schedule 'M' – Email dated September 14, 2023, re Monique LaGrange
 - (N) Schedule 'N' – Friends of Simon Wiesenthal Center September 6, 2023, Letter
- (ii) September 22, 2023, Submissions of the then Trustee LaGrange
 - (iii) Appendix A. Supporting Emails for then Trustee LaGrange
- (e) Anything else in our possession relevant to the decision or act, namely:
- (i) Minutes of the Special Meeting of the Board of Trustees of The Red Deer Catholic Separate School Division, held September 25, 2023;
 - (ii) Minutes of the Special Meeting of the Board of Trustees of The Red Deer Catholic Separate School Division, held October 13, 2023.
2. The following are parts of the notice to obtain record of proceedings that cannot be fully complied with and the reasons why:

There are no such records.

3. I certify that I have attached all records as required by Rule 3.19(1).

Name of person who certifies this record: Murray Hollman

Position: Board Chair of The Board of Red Deer Catholic Separate School Division

Signature: 
Murray Hollman

**REASONS FOR DECISION IN FURTHERANCE OF THE
SEPTEMBER 25 and 26, 2023, SPECIAL BOARD MEETING**

I. Background

These reasons (“Reasons”) are issued further to the September 25 and 26, 2023, special meeting (“Meeting”) of the Board of Trustees of the Red Deer Catholic Regional Schools (“Board”) during which Meeting the Board passed a motion (“Decision” or “Motion”) in relation to Board Trustee Monique LaGrange (“Trustee” or “Respondent”). The Decision, which is set out at Schedule “A” to these Reasons, found the Trustee to be in violation of the Trustee Code of Conduct and the Alberta Education Act (“*Education Act*”).

The Trustee was elected Trustee of the Board in 2021. The Meeting was called to address a complaint relating to certain conduct of the Trustee on social media, as will be elaborated upon below.

At the Meeting the Trustee was provided with a full opportunity to make submissions, and she was represented by counsel who submitted written and oral arguments to the Board.

It is undisputed that, on or about August 27, 2023, the Trustee posted on her personal Facebook account a meme displaying two photographs which respectively showed:

- a) a group of children holding Nazi flags with swastikas; and
 - b) a contemporary photograph of children holding rainbow Pride flags,
- and captioned “Brainwashing is brainwashing” (collectively, the “Meme” or the “Meme Posting”).

During the Meeting, the Trustee stated that her intentions were that the Meme Post was not directed toward Red Deer Catholic Regional Schools (“School Division”) (“Understand that this was not directed at Red Deer Catholic”) and that the Meme was not a challenge to School Division practices.

The School Division serves over 10,650 students in twenty-one schools in Red Deer, Blackfalds, Sylvan Lake, Rocky Mountain House, Innisfail, and Olds, as well as an At-Home Learning Program, and supports the learning of over 1,095 students in a Traditional Home Education Program.

II. Procedure

In response to a Board trustee complaint to the Board (“Complaint”) with respect to the Meme Posting, the Board called the Meeting as per Appendix “A” to Board Policy 4: Trustee Code of Conduct (“Code of Conduct”) to review the Complaint and determine if there was a breach of the *Education Act*, the Code of Conduct and/or Board Policy.

Prior to the Meeting, the materials considered by Board included the following:

- a) Written Submissions of the Complainant which included:
 - i. a photocopied picture of the Meme;
 - ii. the Complaint;
 - iii. a package of materials in support of the complaint:
 - September 7, 2023, media article from the Western Standard entitled, *EXCLUSIVE: Trustee says her post was about protecting children, involving parents*;
 - September 13, 2023, media article from the True North entitled, Alberta trustee reprimanded for Instagram post critical of gender “indoctrination”;
 - a copy of Board Policies 1: Divisional Foundational Statements (“Board Policy 1”), the Code of Conduct (including Appendix “A” and “B”), Board Policy 3: Trustee Role Description including Appendix “A” (“Board Policy 3”), the CCSSA’s LIFE Framework, Statement 22358 from the Catechism of the Catholic Church, 1994;
 - iv. September 7, 2023, letter to the Minister of Education, from Board Chair Hollman;

- 2 -

- V. written reaction submitted to the Board in response to the Meme, which consisted of seven emails/letters from School Division employees, parents, School Division student alumni, and the Simon Wiesenthal Centre of Holocaust Studies which were critical of the Meme, and four emails from individuals who expressed support for the Trustee's actions in relation to the Meme;
 - VI. written submissions in support of the Complaint.
- b) Written submissions from the Trustee's legal counsel.

The complainant and Respondent were both present and were represented by Counsel at the Meeting.

Pursuant to Board policy governing trustee-conduct related complaints, the Meeting comprised an *in camera* portion which lasted for more than a full day, at which submissions were made to the Board. Board members also posed questions at the Meeting.

Not having completed their deliberations, the Board reconvened on September 26, 2023, to complete the same. Following the completion of their deliberations, the Board returned to a public session and voted on the Motion. The Board voted 3-1 in favour of the Motion.

III. Alberta's Education Act

The Board's conduct is governed by the *Education Act* which grants the Board jurisdiction to review trustee-related complaints, consider Trustee conduct, and determine appropriate responses and remedies.

The preamble of the *Education Act* provides strong statements supporting the importance of inclusiveness and respect in the provision of education to Alberta students:

WHEREAS students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self;

WHEREAS the Government of Alberta recognizes the importance of an inclusive education system that provides each student with the relevant learning opportunities and supports necessary to achieve success;

These recitals are reflected in clauses 9 and 10 of Board Policy 1:

- 9. The schools will foster the mental and physical well-being of all students through:
 - 9.1 Selection of appropriate programs which emphasize physical, leisure activities; and
 - 9.2 A respect for the worth and dignity of the individual.
- 10. The schools will foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values. Schools will be comprehensive and holistic in their approach to inclusion and other potential student issues including bullying, justice, respectful relationships, language and human sexuality.

Section 2 of the *Education Act* states:

Limitations

2. The exercise of any right or the receipt of any benefit under this Act is subject to the limitations that are reasonable in the circumstances under which the right is being exercised or the benefit is being received.

Section 33 of the *Education Act* imposes statutory duties on the Board, some of which are:

- develop and implement a school trustee code of conduct: s. 33(1)(k);
- establish and maintain governance and organization structures that promote student well-being and success, and monitor and evaluate their effectiveness: s. 33(1)(h);
- ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging: s. 33(1)(d);
- establish, implement and maintain a policy respecting the board's obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour: section 33(2); and
- to provide a statement of purpose that provided a rationale for the student code of conduct, with a focus on welcoming, caring, respectful and safe learning environments: section 33(3)(d)(i).

School board trustees in Alberta must adhere to their Code of Conduct. This requirement is contained in Board Policy 1 and is a statutory requirement under the *Education Act* pursuant to s. 34(1)(c) which states:

34(1)(c) A trustee of a board, as a partner in education, has the responsibility to (...) comply with the board's code of conduct (...).

This requirement is also contained at clause 6.20 of Board Policy 3.

Finally, school boards have an obligation to enforce a minimum of standard of conduct expected of trustees. This principle is noted in the Ontario decision of *Del Grande v. Toronto Catholic District School Board*, 2023 ONSC 691 ("*Del Grande*") which is equally applicable here:

(...) the Board has a statutory obligation to promote student well-being and a positive and inclusive school climate. The Board also has an obligation to enforce a minimum standard of conduct expected of its Trustees. All Trustees have an obligation to comply with the *Code of Conduct* and to assist the Board in fulfilling its duties. Sanctioning the Applicant for making disrespectful comments was not contrary to the *Education Act*, but consistent with the *Act's* statutory objectives. (para. 81).

IV. Board Policy and Compliance with the *Education Act*

The Board's mission is as follows:

The Red Deer Catholic Separate School Division is committed to supporting inclusive communities that foster care and compassion of students, families and staff with a complete offering of learning opportunities delivered within the context of Catholic teachings and tradition, and within the means of the Division.
[Board Policy 1]

The purpose of the Mission statement is to govern the interactions within the School Division and among members of the School Division including Board members. Board Policy 1 sets forth beliefs that are meant to govern the interactions of the Division as stewards of Catholic Education, including Belief 10 which reads:

- 4 -

The schools will **foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students**, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values. **Schools will be comprehensive and holistic in their approach to inclusion and other potential student issues including bullying, justice, respectful relationships, language and human sexuality.** [Emphasis added.]

Administrative Procedure 103 - Welcoming, Safe and Caring, Inclusive and Respectful Learning Environments (“AP 103”) details how the Division Foundational Statements are to be carried out by School Division staff. Among other things, a “Christ-centered, welcoming, caring, respectful and safe learning environment **that respects diversity, equity and human rights and fosters a sense of inclusion and belonging**” is to be maintained. [Emphasis added.]

The Code of Conduct states that the Board “commits itself and its members to conduct that meets the highest ethical standards.” In doing so it is expected that all Board members treat others with mutual respect and affirm the worth of each person. The preamble to the Code of Conduct includes the following:

That trustees are the children’s advocates and their first and greatest concern is the **best interest of each and every one of these children without distinction as to who they are or what their background may be.** [Emphasis added.]

The Code of Conduct, which was carefully reviewed, considered and applied by the Board in this matter, is attached to these Reasons at Schedule “B”. The Board addresses the Trustee’s Code of Conduct violations further in these Reasons.

Consequences for the failure of an individual trustee to adhere to the Code of Conduct are specified in Appendix A to the Code of Conduct, which sets out a range of sanctions and remedial measures, which supplement the disqualification sanction at s. 87(1)(c) of the *Education Act*.

V. Position of the Complainant

The Complaint requested that a formal hearing be held with respect to the Meme Posting. It was argued that the Meme Posting and subsequent interviews with the media given by the Trustee were in direct violation of parts of the Code of Conduct, Board Policy and the *Education Act*. In particular, the Complainant submitted that the Trustee’s conduct undermined the Division’s legal obligations imposed by the *Education Act* and its commitment to inclusion. It was further submitted that this was in contravention of Roman Catholic teachings and was a direct attack on work done by Division teachers to support 2SLGBTQ+ initiatives.

VI. Position of the Respondent

The Respondent’s Views Expressed at the Meeting

At the Meeting the Trustee made the following statements as summarized by the Board:

- the Meme Post is not about the LGBTQ (“2SLGBTQ1A+”) community;
- the Meme Post is about indoctrination through the United Nations which directly correlates to World War II and Nazism; it is about the agenda of the United Nations and Planned Parenthood which is an attempt to sabotage our youths’ identities and destinies and hijacks the LGBTQ [*sic*] community’s original mandate;

- 5 -

- if history is not talked about or taught to our children, it will all be forgotten, and if we forget what happened in the past, it will most definitely repeat itself in some form or another. It is important to understand history and teach the lessons we have learned;
- the Trustee's intent of the Meme Post is to show what road we are going down and that we must be vigilant as to what we are allowing in to influence our children;
- the sexuality and beliefs of students is a topic that should be between God, parent and a child; sexual orientation decisions should not be made or influenced at school, especially Catholic Schools;
- that, through the Meme, the Trustee was talking about indoctrination and exposing children who were too young to understand this indoctrination;
- the Trustee posted the Meme to bring attention to what her legal counsel characterized as "objectionable ideology";
- the Respondent's position is that the juxtaposition of the two pictures in the Meme relates to the concept of indoctrination and does not make any particular comparisons to the Nazi regime; and
- that the Pride flag is used to silence people; children are being kicked out of school and people are being fired which is antithetical to the Trustee's religious beliefs; and that "cancel culture" is not what is good, lawful, appropriate or democratic.

The Trustee was clear that her beliefs informed her views: she stated the Holy Spirit had told her to post the Meme and that this was something she should do. The Trustee submitted that Catholic school trustees rely on their beliefs to do their work and should be able to express their religious beliefs as school board trustees.

The Trustee's Rationale for Having Posted the Meme

The Trustee informed the Board that her religious beliefs informed her views. When asked to explain her discernment process around the Meme Post, the Trustee:

- thought that the Meme Post reflected the truth about today;
- was thinking more about the political part of it than anything; asked is this something that would be understood;
- informed the Board that the Holy Spirit said to the Trustee, Go for it;
- trusts the Holy Spirit and decided to share the Meme Post;
- thought it was such a good outline as to what was going on in the world.

In addition, the Trustee and her legal counsel advanced various arguments which were set forth in the Trustee's written submissions filed with the Board. Those written submissions are outlined in the following section.

The Respondent's Written Submissions

The written submissions of Counsel for the Trustee can be broken down into the following main points:

- a) The Meme did not contravene Roman Catholic values in any way, because it was targeted at what the Trustee views to be an objectionable ideology;
- b) The Meme did not contravene the *Education Act* or any Board policy, including the Code of Conduct;
- c) The Meme is protected by the *Canadian Charter of Rights and Freedoms* ("*Charter*"), in particular, the right to freedom of expression and the right to freedom of religion; and

- 6 -

- d) The Board's conduct demonstrates a reasonable apprehension of bias and lack of procedural fairness.

VII. Issues

These Reasons address the following issues:

1. Did the Meme contravene Roman Catholic values?
2. Did the Meme contravene the Code of Conduct?
3. Is the Meme protected by the Trustee's *Charter* rights?
4. Is the Decision reasonable?
5. Was the Decision procedurally unfair?

VIII. Did the Meme Contravene Roman Catholic Values?

Both the Complainant and the Respondent made submissions with respect to whether the Meme and its content were contrary to Roman Catholic values. No expert evidence was adduced at the Meeting with respect to Roman Catholic values in this context. The Complainant's submissions did include the CCSSA's LIFE Framework and a section from The Catechism of the Catholic Church, 1994.

In any event, the Board focused on the *Education Act* and the Code of Conduct in reviewing the Complaint and, therefore, did not find it necessary to determine whether the Meme was in contravention of Roman Catholic values.

To be clear, the Board's decision does not turn on whether the Meme contravened Roman Catholic values and the Board does not make a finding in this respect.

IX. Did the Meme Contravene the Code of Conduct?

The Board does not dispute that the Trustee has sincerely held religious beliefs. However, the primary concern before the Board was whether the Trustee, through her Meme Post, breached the Code of Conduct.

These Reasons are limited to the matter before the Board at the Meeting.

Introduction

The Board recognizes that elected school board trustees may hold and express their views. As noted in *Calgary Roman Catholic Separate School District No. 1 v. O'Malley* 2006 ABQB 364:

The trustees collectively and individually owe a public duty to carry out their responsibilities and the work for the Board in good faith and with reasonable diligence. They are elected for that purpose. They need not be of like mind. They may hold strong and conflicting views. They may debate with vigour, and occasionally with rancour. There is no rule requiring trustees to like each other. But they do have one overarching responsibility – a shared public duty to advance the work of the Board to which they had the privilege of being elected. (...) [para. 41]

- 7 -

The Trustee's argument focused, to a large extent, on her freedom to hold her beliefs and her ability to act on the same in her private life (i.e., to post the Meme).

However, freedom of expression generally, including that of a school board trustee is not absolute. These Reasons will address this concept further below.

The principle that rights are not absolute is recognized at section 2 of the *Education Act*, which reads, "the exercise of any right or the receipt of any benefit under this Act is subject to the limitations that are reasonable in the circumstances under which the right is being exercised or the benefit is being received." This is further addressed in Board Policy 3 and, in particular, clause 6.4 which directly addresses social media use:

Trustees will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division.

The Trustee's freedom to express her views (via the Meme Post) must be balanced against the Board's duty and right to operate in the context of, and in a manner consistent with, the preservation and enhancement of the Board's mandate. This includes the Board's duty to comply with the *Education Act* and to maintain a positive school environment.

While the Trustee may hold religious beliefs, in her role as a school Board trustee, the Trustee's actions may not unreasonably impinge upon the Board's statutory mandate to ensure that each student enrolled in its schools and each staff member employed by the Board is provided with a welcoming, caring, respectful and safe learning environment that *respects diversity and fosters a sense of belonging*.

Students have the right to a school system free from bias, prejudice and intolerance, and as a role model and representative of the corporate Board, the Trustee occupies an important role within the education system that extends beyond the classroom. The Division's principles of respecting the needs of our diverse students are legitimately reflected, for example, in Belief 10 of Board Policy 1, Board Policy 4, and AP 103.

Within the context of the *Constitution Act*, the *Education Act*, the Code of Conduct and corresponding Board Policy, Catholic school board trustees, as role models within the school board and as corporate leaders at the top of the Division hierarchy must be, and be seen to be, tolerant of the pluralistic and diverse nature of society.

Alleged Code of Conduct Breaches

i. Clause 1 of the Code of Conduct and Clause 6.2 of Board Policy 3

Clause 1 of Board Policy 4 requires Board trustees to carry out their responsibilities, as detailed in Board Policy 3, with reasonable diligence.

Under clause 6.2 of Board Policy 3, the Trustee "will refer queries, or issues and problems, not covered by Board policy, to the Board for corporate discussion and decision."

Analysis

The Trustee's position is that she did not violate Board policy because she did not make a comparison; rather, the Meme Post was about layers of ideology and about children not understanding those layers. According to the Trustee, the Meme Post was not about people or individuals, rather, it was about ideas which must always be open to criticism and must be tested and challenged.

If the Trustee were of the view there were ideas that had to be tested or challenged, clause 6.2 of Board Policy 3 required the Trustee to refer the same to the Board for corporate discussion. This was not done. Rather, the Trustee took it upon herself to post the Meme.

Finding

In having posted the Meme, the Trustee breached clause 6.2 of Board Policy 3 and thus is in breach of clause 1 of the Code of Conduct. Pursuant to clause 1 of the Code of Conduct, Board trustees shall carry out their responsibilities in accordance with Board Policy 3 with reasonable diligence. A breach of Board Policy 3, is therefore also a breach of Board Policy 4.

ii. Clauses 6 and 22 of the Code of Conduct

The Code of Conduct provides that the Board must commit itself and its members to conduct that "meets the highest ethical standards." Clause 6 requires the Board trustees to "commit themselves to dignified, ethical, professional and lawful conduct." Clause 22 requires the Board trustees to represent the "Board responsibly in all Board-related matters with proper decorum and respect for others."

Analysis

The Trustee made the following arguments:

- a Trustee cannot be responsible for all reactions to social media posts, in particular when such reactions unreasonably take offence based on unreasonable interpretations;
- respect and decorum go both ways; there will be a negative response to something objectively inappropriate, but offence taken to a reasonable position is simply the reality of free speech and the exchange of ideas in the marketplace;
- that someone might be offended by the Meme is not a basis to institute discipline against the Trustee; and
- while the Complainant had a particular reaction to the Meme, that does not mean that someone's personal subjective definition as to decorum can be imposed on the Trustee. That is the essence of "cancel culture."

The Trustee's position is further that there is nothing unprofessional or undignified about the Meme Post:

- there is nothing unprofessional about sharing a dissident minority opinion which did not give rise to a general level of unacceptability;
- the Meme Post reflects a minority opinion that many people do not like and are offended by, but that is a matter for public comment and disagreement. It is an attempt at censorship to claim something is unethical (instead of saying one does not agree); and
- no reasonable person would conclude from the Meme, that what the Nazis did was acceptable or that had anything to do with the LGBTQ (*sic*) community, and that rather, the Meme is about ideas which must always be open to criticism, tested and challenged.

- 9 -

The Trustee's legal counsel submitted that the first loyalty of a trustee is to the school board, however it was also submitted that the Trustee is espousing a minority view (through the Meme Post) which has struggled to get exposure, and that what the Trustee is saying is that children should not be indoctrinated and that she has a duty to bring up difficult conversations, that she does not lose her rights as a private citizen, and that the Board wants to "shut her up."

The Board is mindful of the September 6, 2023, letter it received from the Friends of Simon Wiesenthal Center noting that the Meme Post is "a form of Holocaust distortion and minimization and feeds into rhetoric promoting anti-LGBTQ+ hate and discrimination. What makes this post even more abhorrent is the fact that tens of thousands of victims of the Nazis were people who identified as part of the LGBTQ+ community."

When asked about this letter, the Trustee indicated that the author may not understand the Meme Post as it did not compare two groups but rather, it is about layers of ideology, and about protecting kids. The Trustee stated that the author of the letter did not understand the meaning of the Meme.

The material from the Complainant contained reactions against and in favour of the Meme. Below are two examples from School Division student alumni:

[Public Version is redacted for privacy purposes.]

And,

[Public version is redacted for privacy purposes.]

A medical professional communicated with the Board as follows:

[Public version is redacted for privacy purposes.]

Three School Division employees communicated in writing to the Board their personal offence to the Meme Post. One employee, who is also a parent within the School Division, sent this:

[Public version is redacted for privacy purposes.]

Another School Division employee submitted the following:

[Public version is redacted for privacy purposes.]

Another:

[Public version is redacted for privacy purposes.]

The Board also received four emails from parents who supported the Meme Post. These were included in the materials before the Board and were accordingly reviewed and considered during the Board deliberations.

The Board's summary above is not intended to illustrate that greater weight was given to favourable versus unfavourable comments. The conclusion the Board draws, in part, from the public comments is that, contrary to the Trustee's submissions, it is possible and indeed likely for the Meme to be understood in a

negative and hurtful way towards the 2SLGBTQ1A+ community, and School Division students from that community in particular.

The Board accepts the Trustee's view that she is entitled to her personal religious beliefs, and that she is entitled to express them. However, the Trustee has statutory and ethical obligations towards the School Division students as well. In her Trustee role, the Respondent has an obligation to communicate respectfully and inclusively (pursuant to the *Education Act*, Code of Conduct and other Board Policies already addressed above). The Board does not accept the Trustee's submission that the Meme was clearly unrelated to Nazism. Regardless of the Trustee's intent, in the Board's view, a reasonable person viewing two photographs (one over the other) could reasonably conclude that a negative comparison was being made.

Further, the complex and nuanced position which the Trustee is attempting to advance is simply not made clear in a Meme which is limited to two photographs and three words. Had the Trustee wished to communicate this concept, communication methods set out in Board Policies 3 and 4 should have been used. The Trustee had an obligation to ensure her communication was in accordance with Board policy.

Finding

By posting the Meme the Trustee violated clauses 6 and 22 of the Code of Conduct.

Providing, through the Meme Post, a display of students waving Pride flags and a display of children of Nazi Germany waving flags and thereby inferring that children waving Pride flags have been brainwashed in a manner akin to children in Germany at or before WWII, conveys a negative implication. The Meme Post is not, on a reasonably objective standard, dignified nor professional, and based on the above reactions to the Meme Post, was not viewed as inclusive or reflective of supportive school environments that welcome students of all orientations.

The Board disagrees with the Trustee's submission that there is no lack of decorum in the Meme Post or that the same does not show disrespect for others, and that the Meme Post was more about raising the conversation about really difficult controversial issues that are important to parents and students.

School board trustees are open to public inspection - employees, students and their parents and other school stakeholders scrutinize trustee conduct. A trustee's personal online conduct can attract as much attention as in-school or at-Board-meeting conduct. Though posted on a personal Facebook page, the Meme Post, in fact, did attract media attention: the September 7, 2023, media article from the Western Standard entitled, "EXCLUSIVE: Trustee says her post was about protecting children, involving parents"; and, the September 13, 2023, media article from the True North entitled, "Alberta trustee reprimanded for Instagram post critical of gender "indoctrination".

The Trustee holds a position of trust and influence within the education system. As a role model within the school system, the Trustee is required to represent the Board in all Board-related matters with proper decorum and respect for others. In having posted the Meme, the Trustee did not display proper decorum and respect for others. The principles noted in *Del Grande* are equally applicable here (at para. 55):

The focus of the *Education Act* is thus the public education system and **the well-being and achievement of the students who participate in it**, with the goal of ensuring they develop into caring, contributing citizens. **It is the Board**, and **therefore its Trustees**, who are **in service to these objectives** and not the public education system that serves a trustee's objectives. [Emphasis added.]

The Board acknowledges that the Trustee sought to distinguish the *Del Grande* decision and argued that the Saskatchewan decision in *Strom* is more applicable. While noting that the law in Ontario is not identical to that in Alberta, the Board finds that the principles outlined in *Del Grande* as noted in these Reasons are applicable to the issues before the Board.

The Board Motion is intended to allow the Trustee to continue to bring forward issues before the Board. Elected school trustees may form views and opinions and declare themselves on issues. However, the place for the Trustee to express her views was at the Board table where a fulsome debate may occur. In this instance, the Meme Post did not reflect reasonable decorum. In the Board's view, a reasonably well-informed person would conclude that the Trustee's conduct in having posted the Meme reflected behaviour that did not treat individuals respectfully, equitably and with courtesy.

The Trustee's legal counsel noted that the Trustee espouses a minority view (through the Meme Post) which has struggled to get exposure. However, the Board has established a strong policy framework that demonstrates its unequivocal position that Red Deer Catholic Regional Schools require schools to foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values.

In this case, the Trustee placed her personal interests ahead of her public duty to carry out her duties in a dignified, ethical and professional manner, and to represent the Board with proper decorum, which means that the Trustee must conduct herself in her communications in a respectful and professional manner. Posting a highly controversial Meme which does not elaborate or explain the Trustee's rationale and requires schoolchildren and their parents to draw significant inferences if they are to understand the Meme as the Trustee claims to have intended, does not reflect this standard.

Additional Comment

While this section deals with clauses 6 and 22 of the Code of Conduct, the Board is also of the view, for the reasons noted above, that by the Meme Post the Trustee did not "contribute to a positive and respectful learning and working culture both within the Board and the Division" and thus breached clause 6.18 of Board Policy #3 and thus was an additional violation of the Code of Conduct.

iii. Clause 6.4 of Board Policy 3

Clause 6.4 of Board Policy 3 states that trustees "will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division."

Analysis

When asked at the Meeting how the Trustee squares her duty under Board Policy 4 to act for all voters with the posting of the Meme, the Trustee indicated that just because one person does not like it does not mean that everyone else should not like it.

When asked what the Trustee was thinking when she posted the Meme, she stated that she thought the Meme Post was the truth about today. She had asked The Holy Spirit about it. She stated that she was more thinking about the political part of the Meme Post than anything; that it was something that would be understood; the Holy Spirit said, "Do it, go for it." So, the Trustee "shared it and that was it." The Trustee thought it was such a good outline as to what was going on in the world. The Trustee also indicated that

- 12 -

you read books and this is happening and it is right there in your face. “I did not think “education when I looked at this.” That was my thought process walking through that.”

At the time the Trustee posted the Meme Post, she did not consider the interests of the Board nor did she give consideration to the potential public perception of the same. Again, therefore, the Trustee placed her personal interests ahead of her public duty to carry out and advance Board work.

The Board is also mindful of clause 10 of Board Policy #4 states that “while elected from specific wards, trustees shall represent the best interest of the entire Division.” This did not occur here.

Finding

In having posted the Meme, the Trustee breached clause 6.4 of Board Policy 3 and thus is in breach of clause 1 of the Code of Conduct.

X. Is the Meme Protected by the Trustee’s Charter Rights?

The Education Act

The Board is aware of the Trustee’s submission that s. 87(1)(c) of the *Education Act* infringes section 3 of the *Charter*. Pursuant to section 11 of the *Administrative Procedures and Jurisdiction Act, RSA 2000 c A-3* (“*Administrative Act*”) this Board does not have the jurisdiction to consider a question of constitutional law with respect to the *Education Act*. Further, and in any event, the Trustee did not provide notice of the intention to raise a question of constitutional law as required by section 12 of the *Administrative Act*. The Board is also mindful of the *Designation of Constitutional Decision Makers Regulation* (Alta Reg. 69/2006).

Further, and in the alternative, the Board has not exercised its jurisdiction to disqualify the Trustee and therefore, s.87(1)(c) of the *Education Act* has not been engaged.

Finally, the Board notes the submission of counsel for the Trustee that section 87(1) violates the section 3 *Charter* rights of Trustee LaGrange’s constituents. This Board lacks jurisdiction to consider the rights of constituents and, in any event, this is not the issue before the Board.

Accordingly, the Board declines to consider the constitutionality of s.87(1)(c) of the *Education Act*.

Charter Rights

As per *Calgary Roman Catholic Separate School District No. 1 v. O’Malley*, 2007 ABQB 574 (paras. 127 to 132) and *Hamilton v. Rocky View School Division No. 41*, 2009 ABQB 225 (paras. 13 to 17), the *Charter* does not have a bearing on the assessment of whether the Trustee violated the Board’s internal Code of Conduct. This matter relates to an internal self-regulatory process governed by Board Policy. Furthermore, the Trustee is not challenging the constitutionality of Board Policy; she made it clear at the Meeting that the Meme Post was not directed toward Red Deer Catholic Regional Schools nor was it a challenge to School Division practices. Accordingly, the *Charter* does not apply here.

In the alternative, if the Board is wrong and the *Charter* does apply in this instance, the Board’s objectives of regulating the Board and school board trustee communications - as per Board Policy, including in relation

to messages of inclusivity within the School Division that foster care and compassion of students and families, and address student issues such as safety, bullying, justice and respectful relationships - outweigh any potential negative effects of the Trustee restrictions set out in the Motion. The Trustee has ethical and fiduciary responsibilities which carry with it a corresponding obligation to communicate appropriately. The Meme does not meet this threshold and in the circumstances, any expressive rights held by the Trustee must properly be subordinate to the obligation to create an inclusive environment for students.

Further, in the Board's view the limitations on the Trustee's conduct are limited, moderate and reasonable. Under the Motion, the Trustee may attend regular Board meetings to bring forward educational-related issues for discussion and debate to the Board through the Board's standard procedures and practices (para. 3 of the Motion).

The Motion strikes a balance between the Board's educational mandate and the Trustee's freedom of expression; the Motion does not interfere with the Trustee's ability, as an elected school board trustee, to act in accordance with her religious beliefs in a manner that is more than trivial or insubstantial. Furthermore, there is evidence noted above before the Board as to the impact of the Meme Post on others (in the context of competing rights and societal concerns).

Charter Values

To the extent an analysis is required as per *Doré v. Barreau du Québec*, 2012 SCC 12 in this matter, the Board is required to balance the severity of the Charter interference with the statutory objectives set out in the *Education Act* and Board Policy, and then ascertain how the Charter values at stake will best be protected in view of these objectives. As described in the prior section, in the Board's view an appropriate balance has been struck.

The Motion is consistent with the statutory objectives set out in the *Education Act* and in Board Policy.

The Board has a statutory duty under s. 33(1)(d) of the *Education Act* to ensure that each student enrolled in a school operated by the board and each staff member employed by the Board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. (As earlier noted, the preamble in the *Education Act* states that "students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.") The Board is also required to implement and maintain a policy to provide a welcoming, caring, respectful and safe learning environment; school principals must provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

All Board members, including the Trustee, have a duty to comply with the Code of Conduct, and to assist the Board in fulfilling the above-referenced duties.

The Trustee, as per the Motion, was not sanctioned for holding certain religious beliefs. Rather, the Trustee was sanctioned for having posted the Meme in violation of the Board's Code of Conduct: 6.2, 6.4 and 6.18 of Board Policy 3 and clauses 1, 6, 10 and 22 of Board Policy 4.

The Motion reflects an appropriate balance between the statutory objectives of the *Education Act* and Board Policy and, the Charter values at stake should they be applicable in the unique facts of this case. When a

Board member wishes to advance education-related issues, they must do so in accordance with the Code of Conduct. This did not occur in this instance.

XI. Is the Decision Reasonable?

The Trustee's written submissions at paragraphs 54 to 62 advance the argument that the outcome of the Decision must be reasonable. The Board agrees. In the Board's view, the Decision was made carefully and with full consideration of the evidence and argument presented to it and reflects an appropriate balancing of the Trustee's ability to hold and express beliefs with the Board's statutory mandate to provide a safe and inclusive environment for its students. The Decision was accordingly reasonable as measured by the principles brought forward by the Trustee.

XII. Was The Decision Procedurally Unfair?

The Trustee argued that these proceedings are tainted by procedural unfairness and bias, and as such, should be stayed. The Board has carefully considered this argument and dismissed the stay of proceedings request.

The foundation of this argument is that, prior to the commencement of the Code of Conduct complaint process, the Board initially passed a motion asking the Minister of Education to dismiss the Trustee. This process was undertaken based on the Board's initial misunderstanding that the Minister was responsible for the review and assessment of the Trustee's conduct. However, the Minister's response informed the Board that this process was in fact the Board's responsibility.

Subsequently, a letter of complaint was filed which triggered the Code of Conduct hearing under Appendix "A" of the Code of Conduct. Prior to the Meeting, each Board member hearing this matter conducted a serious and self-reflective assessment of its ability to hear the matter impartially and without bias. Each Board member determined that they held an open mind and were able to fairly and impartially hear the Trustee's arguments, consider them without pre-determination, and render a fair decision.

The proof of this ability is the outcome of the hearing. Although the Trustee's argument (reflected in her written submissions at paragraphs 96 to 99) focused on the Trustee's objection to the possibility of her disqualification or Trustee removal - including arguments as to the unconstitutionality of the relevant section of the *Education Act* - ultimately the Board did not decide that disqualification or removal was the appropriate sanction. Instead, the above-described Motion was passed.

The Board finds that:

1. the careful and considered self-assessment by each Board member who heard this matter, concluding each maintained an open mind and was able to be impartial; and
2. the fact that the Board's ultimate decision was not, in fact, the same sanction as initially referenced in the request to the Minister of Education,

shows that the Board's decision in this case is not tainted by procedural unfairness or bias. Accordingly, the Board declines to stay these proceedings or the Decision.

- 15 -

XIII. Conclusion

The Board finds that the Trustee breached clauses 1, 6.2, 6.4 and 6.18 of Board Policy 3 and clauses 1, 6, 10 and 22 of Board Policy 4.

The Board finds that the appropriate sanctions are those set out in the Motion.

Finally, the Board wishes to comment on paragraph 1(e) of the Motion.

The Board has required the Trustee to issue a sincere public letter of apology to School Division students, staff and the Board in relation to the Meme Post.

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.

Dated this 13th day of October 2023.

TRUSTEE CODE OF CONDUCT SUBMISSION TO THE BOARD OF TRUSTEES BOARD POLICY 4

On or about August 27, 2023 Trustee Monique LaGrange ("Trustee LaGrange") posted on social media a photo of children waving pride flags with a photo of what appears to be children waving Nazi flags. The post pictured children waving flags associated with the Nazi regime in Germany and kids in a school waving flags with the 2SLGBTQ+ pride symbols on them. The post was captioned "Brainwashing is Brainwashing" attached as Schedule "A" and was taken down shortly after.

Upon coming to the attention of the Board an informal meeting was scheduled. This was held on September 6, 2023, shortly after the post was made and in accordance with Board Policy 4: Trustee Code of Conduct, Appendix A (hereinafter "Policy 4"). This meeting was conciliatory in nature and pre-dated any official complaint being made. During this meeting Trustee LaGrange was offered the opportunity to explain her actions and to potentially put forth an apology. Trustee LaGrange did not offer any apology for her actions, nor did she demonstrate any remorse or wrongdoing for her actions. In fact, she felt justified and considered her post appropriate.

Following the conclusion of this meeting, I made a formal written complaint by letter to Chair Murray Hollman (the "LaGrange Complaint") Schedule "B". This complaint was completed in accordance with Policy 4 and stated that Trustee LaGrange had violated Policy 4 sections 1, 6, 7, and 22. An additional letter was sent by Trustee Cynthia Leyson in support of the complaint and stating that a Code of Conduct hearing should occur see Schedule "C". This additional letter satisfies the procedural requirements of Appendix A #5 of Policy 4.

On or about September 7, following the September 6 informal meeting, Trustee LaGrange was interviewed by the Western Standard Newspaper. In this interview Trustee LaGrange conveyed a similar message see Schedule "D". The interview and comments attributed to Trustee LaGrange regarding the social post is that the "story meme is centred 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,". Further, Trustee LaGrange reiterated that she didn't do anything wrong.

It is a strongly held view and conviction echoed by many members of our Red Deer Catholic Separate School Division community that the social media post by Trustee LaGrange and the interview above-referenced undermine the core values and processes of our Division, not to mention our society as a whole. Further, the use of social media by Trustee LaGrange contradicts Board Policy, undermines the Division's ability to meet legal obligations imposed by the Education Act with respect to inclusion, is contrary to

the Roman Catholic teachings and directly attacks the wonderful work and support that Division teachers undertake to support 2SLGBTQ+ initiatives equating these initiatives to brainwashing and indoctrination of evil agendas.

How can we as a board of trustees on the one hand expect our Division staff and students to be respectful of 2SLGBTQ+ initiatives and create policy and administrative procedures to support these initiatives and yet allow a member of the board of trustees to espouse views that undermine these same initiatives, which views are anything but inclusive?

Policy framework

The Red Deer Catholic Separate School Division (the "Division") Policy 1 contains the Division's Foundational Statements and it is attached as Schedule "E". The Mission statement contained within this Policy provides the following:

The Red Deer Catholic Separate School Division is committed to supporting inclusive communities that foster care and compassion of students, families and staff with a complete offering of learning opportunities delivered within the context of Catholic teachings and tradition, and within the means of the Division."

The purpose of the Mission Statement is to govern the interactions within the Division and among members of the Division including members of the Board of Trustees. Policy 1: Division Foundational Statements further provides beliefs that are meant to govern the interactions of the Division as stewards of Catholic Education. This includes Belief 10 which reads:

The schools will foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values. Schools will be comprehensive and holistic in their approach to inclusion and other potential student issues including bullying, justice, respectful relationships, language and human sexuality.

Also included in the same Schedule "E" is the Administrative Procedure 103: Welcoming, Safe and Caring, Inclusive and Respectful Learning Environments, which administrative procedure guides and details how the Division Foundational Statements are to be carried out by Division staff which provides among other things that a "Christ-centered, welcoming, caring, respectful and safe learning environment that respects diversity, equity and human rights and fosters a sense of inclusion and belonging".

In line with the Policy 1: Division Foundational Statements, Policy 4: Trustee Code of Conduct Schedule "F" provides that the Board must commit itself and its members to

conduct that “meets the highest ethical standards.” In doing so it is expected that all members of the Board of Trustees treat others with mutual respect and affirm the worth of each person. The preamble of Board Policy 4: Trustee Code of Conduct states the following:

The Board commits itself and its members to conduct which meets the highest ethical standards. It is expected that all personal interactions and relationships will be characterized by mutual respect, which acknowledges the dignity and affirms the worth of each person.

- That trustees are the children’s advocates and their first and greatest concern is the best interest of each and every one of these children without distinction as to who they are or what their background may be.

We as a board of trustees have adopted Division Foundational Statements and a Trustee Code of Conduct that as foundational principles that trustee conduct requires that we speak for every child including 2SLGBTQ+ students. These expectations are core to our identity and our obligations as members of the Board of the Trustees, Roman Catholics and the leaders of the Red Deer Catholic Separate School Division.

The Code of Conduct must be adhered to by trustees, which is not only a requirement contained within Board Policy 1; Division Foundational Statements itself, but a legal requirement pursuant to s 34(1)(c) of the *Education Act* which states:

34 A trustee of a board, as a partner in education, has the responsibility to (...)

(c) comply with the board’s code of conduct, (...)

Section 1 of the Code of Conduct requires that Trustees carry out their responsibilities as detailed in Policy 3 with reasonable diligence. Policy 3: Role of the Trustee is attached in full as Schedule “G” and the following excerpts from said policy are of note:

6. Specific Responsibilities of Individual Trustees

(...)

6.3 The trustee can engage with the public through a variety of communication methods, understanding that all communications and interactions must reflect the principles of the Trustee Code of Conduct.

6.4 Trustees will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division.

(...)

6.7 The trustee will support the decision of the Board and refrain from making any statements that may give the impression that such a statement reflects the corporate opinion of the Board when it does not.

(...)

6.18 The trustee will contribute to a positive and respectful learning and working culture both within the Board and the Division.

(...)

6.20 The trustee will adhere to the Trustee Code of Conduct.

Failure to adhere to these responsibilities is considered to be a breach of the Code of Conduct pursuant to section 1 of Policy 4. Further, Policy 4 provides the following:

Section 6

Trustees shall commit themselves to dignified, ethical, professional and lawful conduct.

Section 7

Trustees shall reflect the Board's policies and resolutions when communicating to the public.

Section 15

Work together with fellow trustees to communicate to the electorate.

Section 16

Remember at all times that individual trustees have no legal authority outside the meeting of the Board, and therefore relationships with school staff, the community, and all media of communication is to be conducted on the basis of fact.

Section 22

Represent the Board responsibly in all Board-related matters with proper decorum and respect for others.

I also believe that the actions of Trustee LaGrange undermine several board policies and motions supporting inclusion and also our pastoral obligations as Roman Catholic leaders not to mention that the actions violate legal obligations as provided for in the Education Act.

Education Act Breaches

The preamble of the Education Act provides strong statements similar to that of the Division Foundational Statements some of which are included below:

WHEREAS students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self;

WHEREAS the Government of Alberta recognizes the importance of an inclusive education system that provides each student with the relevant learning opportunities and supports necessary to achieve success;

Limitations

2 The exercise of any right or the receipt of any benefit under this Act is subject to the limitations that are reasonable in the circumstances under which the right is being exercised or the benefit is being received.

We as a board of trustees must support all students including students who identify as 2SLGBTQ+. This is not brainwashing akin to the horrible indoctrination that occurred in Nazi Germany, but our Division's efforts regarding inclusion is required to comply with legal obligations provided for in the Education Act, but more importantly as trustees of a Roman Catholic Division we are called upon to act with compassion and as Christians we are to bring anyone suffering care, love, hope, and the light of the Cross. Trustee LaGrange's comments in the meme and in the news articles clearly are not inclusive and it denigrates the work this Division has put towards creating an inclusive environment, which is contrary to our Roman Catholic beliefs and values and also contrary to the Education Act requirements set out below:

Board responsibilities

33(1) A board, as a partner in education, has the responsibility to

- (a) deliver appropriate education programming to meet the needs of all students enrolled in a school operated by the board and to enable their success,
- (...)
- (d) ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging,
- (e) provide a continuum of supports and services to students that is consistent with the principles of inclusive education,
- (...)
- (2)** A board shall establish, implement and maintain a policy respecting the board's obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the

establishment of a code of conduct for students that addresses bullying behaviour.

- (3)** A code of conduct established under subsection (2) must
- (a) be made publicly available,
 - (b) be reviewed every year,
 - (c) be provided to all staff of the board, students of the board and parents of students of the board,
 - (d) contain the following elements:
 - (i) a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;
 - (ii) one or more statements that address the prohibited grounds of discrimination set out in the [Alberta Human Rights Act](#);
 - (iii) one or more statements about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means;
 - (iv) one or more statements about the consequences of unacceptable behaviour, which must take account of the student's age, maturity and individual circumstances, and which must ensure that support is provided for students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour,
 - (...)

In failing to meet the Trustee Code of Conduct and the above-referenced statutory requirements Trustee LaGrange has violated the statutory obligations set out in the Education Act for a trustee. The relevant excerpts are reproduced below for ease of reference:

Trustee responsibilities

34 A trustee of a board, as a partner in education, has the responsibility to:

- (a) fulfil the responsibilities of the board as set out in [section 33](#),
- (b) be present and participate in meetings of the board and committees of the board,
- (c) comply with the board's code of conduct, and

- (d) engage parents, students and the community in matters related to education.

The obligation to provide a welcoming, caring, respectful and safe learning environment relates to both staff and students including those who identify as 2SLGBTQ+. Our Division's initiatives relative to 2SLGBTQ+ are done with a view to support and provide a safe space for all concerned. Equating efforts at inclusion and creating safe spaces in any school for the 2SLGBTQ+ community to "brainwashing" similar to the Nazi indoctrination is offensive and goes against the Division's policy framework, Education Act provisions and the Division's obligations flowing and also our Roman Catholic Faith.

In collaboration with Alberta Catholic Bishops, the Council of Catholic School Superintendents of Alberta developed a document entitled CCSSA'S LIFE Framework "Living Inclusion Faithfully for Everyone" which document is attached as Schedule "H" which guides all Roman Catholic school divisions in the Province of Alberta including our own. I have reproduced below for ease of reference a key excerpt to show what is expected of a Catholic Schools:

Catholic Schools are committed to using the *Pastoral Guideline for the LIFE Framework* (2018) and the LIFE Framework (2015, revised 2018 & 2019) to inform the creation and operation of student groups and activities which seek to promote student inclusion within the schools and, in fidelity to Catholic teachings, eliminates all forms of bullying including - but not restricted to - harassment and discrimination with regard to sexual orientation and gender identity; and to promote justice, respectful relationships and language within Catholic schools.

The activities that Trustee LaGrange is critiquing are the same or similar activities approved by Bishops and relayed by Superintendents to teachers, which Trustee LaGrange equates to brainwashing and indoctrination akin to Nazi efforts in this regard.

I also note that the Roman Catholic Catechism of the Catholic Church see Schedule "I", which provides for a supportive role of the 2SLGBTQ+ community including those that attend or work in our schools. Our board policies and procedures strive to support all from a Roman Catholic perspective, but this support is equated to a regime that engaged in horrific crimes against humanity. I believe we as a board of trustees must reject such public comments in the strongest possible terms to comply with our ethical, legal and moral obligations and Catholic leaders.

I also wish to remind members of the board of the trustees that a motion was passed by the board of trustees to send a letter to the Minister of Education on September 5 seeking the removal of Trustee LaGrange. Since that letter was sent Trustee LaGrange has repeated the offensive statements in various other media platforms.

I have been provided with a recent case *Del Grande v. Toronto Catholic District School Board*, 2023 ONSC 349, which demonstrates the seriousness of public comments. In that case the offending trustee acknowledged the comments were flippant; the comments made during a school board debate over a motion to provide provincially mandated protections to the 2SLGBTQ+ students. Though the trustee in that case was making flippant comments and did not claim them to be justified or accurate, as does Trustee LaGrange, he nonetheless faced significant sanctions. The Toronto trustee made the comments to voice his displeasure in response to that board of trustees complying with the legislative amendments required by the Province of Ontario to the school division's code of conduct. The amendments speak to protection and inclusion of all individuals regardless of their gender identity or gender expression, which is what our inclusion initiatives attempt to do in Division schools. These legislative requirements are similar in substance to those in place in the Province of Alberta, which our Division has also implemented. The board of trustees in the Toronto case censured the offending trustee for the comments.

To be clear, in this case Trustee LaGrange did not make flippant comments but rather expressly states and I quote from the Western Standard article:

"The story meme is centred 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," LaGrange said."

"I did not resign because I believe I didn't do anything wrong. I was elected to stand up and protect our children and that is what I am doing."

I have also been made aware that Trustee LaGrange made similar comments to a journalist with the True North media outlet see Schedule "J". In an exclusive interview with True North, Trustee LaGrange says that she uploaded the picture to social media because she thought the picture was a "great representation of what is happening within our culture and within our schools." ..."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."

Trustee LaGrange's comments are planned, repeated, intentional, inflammatory, hurtful, disrespectful of staff and students and contrary to Red Deer Catholic Separate School Division policy including the Trustee Code of Conduct. Further she has made the comments on at least three occasions. This conduct is in contrast to the Toronto Trustee, whose comments were made on one occasion in a debate. In the Toronto situation, the conduct was arguably of a lesser severity to that of Trustee LaGrange. Despite the comments being flippant and being on one occasion, the board of trustees imposed significant censure sanctions on the offending trustee. The offending trustee

had the board of trustees' decision reviewed and the Court upheld the sanctions determining that they were reasonable.

I also wish to remind members of the Board of Trustees that in January, February and again in March 2023, we received training from a pastoral perspective on sexual orientation, gender identity on how to support students. This was to provide professional development for the supports we as Division leaders should bring to 2SLGBTQ+ students from a Roman Catholic perspective. We outlined and referenced this training in our correspondence sent to the Minister of Education as provided for in Schedule "K" following the earlier letter requesting that the Minister of Education consider the removal of Trustee LaGrange.

I have received and been provided some communications from members of the public regarding the public comments made by Trustee LaGrange. I enclose several examples of email that I have received. The vast majority of the comments are not supportive of Trustee LaGrange's comments, however a few are. I have attached a few examples of those that view Trustee LaGrange's comments as problematic as Schedule "L", and a few examples of those that are supportive of the comments as Schedule "M".

Lastly, I received a copy of a letter from the Simon Wiesenthal Center for Holocaust Studies dated September 6, 2023 see Schedule "N". I cannot help but point out the gravity of the comments made and repeated by Trustee LaGrange, all to underscore the offensive nature of these views and the pain and hurt caused by these comments. Below I have reproduced one passage of the letter:

This post is a form of Holocaust distortion and minimization and feeds into rhetoric promoting anti-LGBTQ+ hate and discrimination. What makes this post even more abhorrent is the fact that tens of thousands of victims of the Nazis were people who identified as part of the LGBTQ+ community.

Invoking Nazi indoctrination and equating its inclusion efforts is to say the least an inappropriate Holocaust comparison to highlight Trustee LaGrange view of the ostensible "danger" of this statutory obligation. This reference Nazi actions is outrageous and likely profoundly hurtful to students or staff that identify as 2SLGBTQ+ in addition to people of the Jewish faith, many of whom lost family members owing to the Nazi regime, which minimizes the atrocities of the Holocaust in an attempt to further her views. We see from the email attached and the above-referenced correspondence the extent to which the social media posts and the interviews by Trustee LaGrange have generated hate, intolerance and run contrary to our Roman Catholic values. There is no place for these views in a Division that strives to provide each student and staff member with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

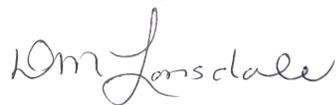
There was a point in time where in my opinion an apology could have addressed the hurt and pain caused by the comments. However, we have in my estimation passed the point of no return. This is particularly true owing to the repeated nature of the interviews granted after the gravity and the concerns expressed to Trustee LaGrange had no impact.

As a result, I am asking the board of trustees to vote for trustee disqualification owing to the seriousness of the comments, the fact that the comments were not only repeated and the intention behind them. If the board of trustees does not agree with my recommendation, but chooses instead to issue a motion of censure, I suggest that the motion of censure include the following:

- removal of Trustee LaGrange from all Division committees;
- suspension of all remuneration in any form to Trustee LaGrange;
- that a letter be issued by the board chair condemning the comments;
- that the motion be made in public to condemn the comments in the most strenuous terms;
- the censure can only be purged by a sincere letter of apology to Division students, staff and members of the board of the trustees;
- that Trustee LaGrange cease making any public statements on this matter save including interviews with the various news outlets save for issuing a suitable letter of apology all to demonstrate sincere remorse; and
- that Trustee LaGrange agrees to undergo some form of suitable sensitive training relative to the challenges and discrimination faced by members of the 2SLGBTQ+ community along with sensitivity training about the Holocaust.

Thank you for your consideration.

Respectfully,



Dorraine Lonsdale, Vice Chair
Red Deer Catholic Regional Schools

/DML
Attachments

monique_lagrange 23h

Brainwashing is brainwashing.





September 7, 2023

Murray Hollman, Chair
 Red Deer Catholic Regional Schools
 5210 - 61 Avenue
 Red Deer, Alberta
 T4N 6N8

Dear Chair Hollman,

RE: Trustee Monique LaGrange Violation of Policy 4: Trustee Code of Conduct

It is with disappointment that I find myself compelled to write this letter of complaint. I request that a formal hearing be held for the review of Policy 4: Trustee Code of Conduct in respect to the recent social media story posted by Trustee Monique LaGrange. I understand to ensure that the complaint has merit to be considered and reviewed, at least one other trustee must provide to the Board Chair, within three (3) days of this notice in writing of the complaint being forwarded to all trustees, a letter indicating support for having the complaint heard at a Code of Conduct hearing.

Specifically, I believe that there is a correlation between RDCRS Policy 4 and the actions taken by Trustee LaGrange when she willingly posted a picture on social media. The sections I believe Trustee LaGrange has violated are as follows:

Policy 4: Trustee Code of Conduct Sections 1, 6, 7, and 22

1. Trustees shall carry out their responsibilities as detailed in Policy 3 - The Role of the Trustee with reasonable diligence. (**NOTE: Policy 3 - Items 6.3, 6.4, 6.7, and 6.20**)

6.3 The trustee can engage with the public through a variety of communication methods, understanding that all communications and interactions must reflect the principles of the Trustee Code of Conduct.

6.4 Trustees will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division.

...2

~ 2 ~

6.7 The trustee will support the decisions of the Board and refrain from making any statements that may give the impression that such a statement reflects the corporate opinion of the Board when it does not.

6.20 The trustee will adhere to the Trustee Code of Conduct.

6. Trustees shall commit themselves to dignified, ethical, professional and lawful conduct.
7. Trustees shall reflect the Board's policies and resolutions when communicating to the public.
22. Represent the Board responsibly in all Board-related matters with proper decorum and respect for others.

Our Board has been working diligently to create and implement a strategic plan for our school communities that includes fostering love and acceptance to all our students. Our students are of the highest priority and any breaches of the code of conduct require a review.

Respectfully,



Dorraine Lonsdale, Vice Chair
Red Deer Catholic Regional Schools

/DML



September 7, 2023

Murray Hollman, Chair
Red Deer Catholic Regional Schools
5210 - 61 Avenue
Red Deer, Alberta
T4N 6N8

Dear Chair Hollman,

RE: Trustee Monique LaGrange Violation of Policy 4: Trustee Code of Conduct

Dear Chair Hollman,

I am writing this letter in support of Trustee Dorraine Lonsdale's letter of complaint. In compliance of Appendix A #5 of Policy 4: Trustee Code of Conduct.

I wholeheartedly endorse her letter, and her complaint should indeed be heard at a Code of Conduct hearing.

Thank you for your thoughtful consideration and God Bless.

Sincerely,

Cynthia Leyson, Trustee
RED DEER CATHOLIC REGIONAL SCHOOLS
Email: cynthia.leyson@rdcrs.ca

https://www.westernstandard.news/alberta/exclusive-trustee-says-her-post-was-about-protecting-children-involving-parents/article_81fd0346-4dae-11ee-ac1f-0f5dd04c2e16.html

FEATURED

EXCLUSIVE: Trustee says her post was about protecting children, involving parents

Arthur C. Green
Sep 7, 2023



Red Deer Catholic Regional Schools (RDCRS) Trustee Monique LaGrange.

Submitted Photo

Red Deer Catholic Regional Schools (RDCRS) Trustee Monique LaGrange's social media post is causing quite a stir in Alberta and said she was just protecting children.



"I posted a story on social media that received a lot of attention," LaGrange told the *Western Standard* in an exclusive interview on Thursday.

"The Chair of the Board called me and asked me to take it down, which by then the story had expired and was already down."

In the social media story post, LaGrange said "Brainwashing is brainwashing," which had a black and white picture of children in Nazi Germany waving Nazi flags during a parade. In the same post, a picture of children holding Pride flags was included.



"The story meme is centred 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," LaGrange said.

"This meme is not comparing or attacking the LGBTQ community, it is about protecting our children and keeping parents as the primary educators."

Calls are growing for the resignation of LaGrange and the school board is asking Alberta's Education minister to dismiss her.

RDCRS also convened a Special Board Meeting on Tuesday to discuss the Trustee Code of Conduct matter, related procedures and next steps regarding LaGrange's social media post.

According to a statement sent out by RDCRS on Wednesday afternoon, an additional motion was also passed for the Board of Trustees to write to the Minister of Education and to ask him to dismiss LaGrange.



"Our Division is built upon a foundation of providing quality inclusive education, diversity, trustworthiness and a commitment to the well-being of our students. Our students and staff, their education, and their safety remain our priority," states the division in a released statement.

"To this end, if any student, staff or parent requires support, please do not hesitate to contact us."

LaGrange has never publicly commented or apologized for the post. She also told the *Western Standard* she would not resign.

According to past practice, the minutes of Tuesday's school board meeting will not be made public until after trustees approve them at their next meeting on September 26.

LaGrange is a distant relative, through marriage, of Alberta Health Minister Adriana LaGrange.

"Adrianna's husband is distant cousins with my husband," LaGrange said.

"I did not resign because I believe I didn't do anything wrong. I was elected to stand up and protect our children and that is what I am doing."



LaGrange said in the interview with *Western Standard* she was not attacking anyone and she is not homophobic or hateful.

"I have friends and family that are gay and love them all," LaGrange said.

"I am so grateful for all the people that have supported and encouraged me through this time, thank you."

READ MORE: Alberta education minister open to dialogue on pronoun issue

Alberta Minister of Education Demetrios Nicolaides says he is willing to listen to teachers, students and other professionals to create an inclusive environment for all students.

"All students, including those in the LGBTQ community, must feel safe at school," Nicolaides said in an exclusive statement to the *Western Standard*.

Recently, a new Angus Reid Institute poll showed most Canadians support parental rights in the education system.

READ MORE Parents overwhelmingly support new sex ed, gender identity policies in SK, ON

Saskatchewan Premier Scott Moe tweeted almost 90% of Saskatchewanians support the new sex education and parental rights policies his government released last week.

"A new poll from Angus Reid Institute shows strong support in SK and across Canada for Parental Inclusion and Consent in education with 86% in SK supporting some level of notification for parents when children want to change their gender identity in school," tweeted Moe.



Recently, Ontario Education Minister Stephen Lecce said it's important "parents must be fully involved" if their child wants to change pronouns at school.

Nicolaides said Alberta schools should always be welcoming, caring, respectful and inclusive environments.

"I'm always happy to listen to parents, teachers, students and other professionals to create an inclusive environment for all students while recognizing the fundamental role parents play in the education and development of their children," Nicolaides said.

Arthur C. Green

Arthur Green is the Alberta Legislative Reporter for the Western Standard and Alberta Report based in the Edmonton Bureau. He is an award-winning journalist and has worked for the CBC and Post Media.





POLICY 1: DIVISION FOUNDATIONAL STATEMENTS

Mission

The Red Deer Catholic Separate School Division is committed to supporting inclusive communities that foster care and compassion of students, families and staff with a complete offering of learning opportunities delivered within the context of Catholic teachings and tradition, and within the means of the Division.

Our schools are gospel-centred communities of hope, fostering a Catholic Christian value system within a pluralistic society.

CONTINUING THE MISSION OF JESUS, PROPHET, PRIEST AND SERVANT KING

We make His life, mission and teaching our focal points of belief and conduct within our Catholic schools. Therefore, the education of the whole child -- intellectual, aesthetic, emotional, social, physical, and spiritual -- is our service commitment.

As stewards of Catholic Education nothing in this policy, or any other policy or administrative procedure, is to be interpreted so as to limit or be a waiver of the Red Deer Catholic Regional School Board's rights and powers pursuant the Constitution Act, 1867 and the Canadian Charter of Rights and Freedoms to maintain the denominational character of Catholic Schools.

If any of the provisions in this policy conflict with the Red Deer Catholic Separate School Division's rights and powers pursuant to the Constitution Act, 1867 and the Canadian Charter of Rights and Freedoms to maintain the denominational character of Catholic schools, the Red Deer Catholic Separate School Division's rights and powers pursuant the Constitution Act, 1867 and the Canadian Charter of Rights and Freedoms to maintain the denominational character of Catholic schools will govern.

Abbreviated Mission Statement

Making Christ known to children.

Beliefs

1. Catholic schools, as stewards of Catholic education, have the responsibility to help all children to develop their unique, individual capabilities to learn and to live, and thereby to experience humanity and the world as created by God and redeemed by Jesus Christ.

2. Catholic schools and Catholic parishes are complementary to the family, which is the primary steward for the child's formation.
3. Education must be based on the Christian concept that each person is a unique and special child of God. The objectives and purpose of education as stated by Alberta Education must be set in this total Christian concept.
4. Students must participate in all Catholic education activities including Religious Studies classes, liturgies, celebrations, and sacramental preparations, at all grade levels.
5. The schools will strive for excellence in education for all students to develop their academic and interpersonal skills. In this way, students will be prepared to use their God-given talents to live and work effectively in society.
6. The schools will assist all students to choose and develop a hierarchy of values consistent with the teachings of the Catholic faith.
7. The schools, in cooperation with parents and parishes, will strive to develop the gift of Catholic faith by assisting all students to:
 - 7.1 Perceive faith as a personal, free and joyful response to the gift of God himself;
 - 7.2 Experience the person of Christ in their own lives through relationships with others and with the community of believers;
 - 7.3 Pray and celebrate their faith as a source of strength in daily life; and
 - 7.4 Become aware of their religious heritage and acquire a better understanding of the various rites of the Catholic Church.
8. The schools will help all students, families and staff to realize their responsibility to transform the world by practicing the Catholic faith and values in a pluralistic society.
9. The schools will foster the mental and physical well-being of all students through:
 - 9.1 Selection of appropriate programs which emphasize physical, leisure activities; and
 - 9.2 A respect for the worth and dignity of the individual.
10. The schools will foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values. Schools will be comprehensive and holistic in their approach to inclusion and other potential student issues including bullying, justice, respectful relationships, language and human sexuality.

11. Staff of The Red Deer Catholic Separate School Division will support families in the faith development of students by serving as witnesses to their Catholic beliefs. Catholic social teachings will provide a foundation for the future contributions of our students to society and this connection will be formed by authentic Catholic schools shaped by those employed in the Division. Staff also share in the responsibility of helping students see the relevance of our faith in today's world and solving current problems within a Catholic world-view.

Principles of Practice

- We honour our children.
- We provide a safe and secure environment.
- We live and proudly proclaim our Catholic Christian faith.
- We provide quality education in a Catholic environment.
- We pray as an educational community.
- We practice servant-leadership.
- We focus on our mission through clarity of purpose.
- We value our staff.

Motto

Inspired by Christ. Aspiring to Excellence.

Logo



Logo Description

- The central feature is a cross which depicts Christ-centered education.
- The four stylized books represent the Gospels, which define our faith and provide the foundation elements for ongoing personal development.
- The circle represents the head of a child, whose arms are open, embracing Christ and knowledge. In full stride, the child exudes youth and potential.
- Green and blue represent creation and beauty, which are eternal gifts from God.



POLICY 4: TRUSTEE CODE OF CONDUCT

The Board commits itself and its members to conduct which meets the highest ethical standards. It is expected that all personal interactions and relationships will be characterized by mutual respect, which acknowledges the dignity and affirms the worth of each person.

- Each trustee, representing all Catholic school supporters of the community and responsible to this electorate through the democratic process, recognizes:
 - That trustees are accountable to the Magisterium of the Church, and that, according to the Code of Canon Law, a Catholic school is an instrument of the Church and is one in which Catholic education is established, directed, recognized or converted to, by the local bishop, who is competent to issue prescriptions dealing with the general regulation of Catholic schools.
 - That legally, the authority of the Board is derived from the province, through the Constitution Act, which ultimately controls the organization and operation of the Division and which determines the degree of discretionary power left with the Board and the people of this community for the exercise of local autonomy.
 - That fellow citizens have entrusted them, through the electoral process, with the educational development of the children and youth of the community.
 - That trustees are the children's advocates and their first and greatest concern is the best interest of each and every one of these children without distinction as to who they are or what their background may be.
 - That trustees are educational leaders who realize that the future welfare of the community, of the province, and of Canada depends in the largest measure upon the quality of education provided in schools to fit the needs of every learner.

Specifically

Whereas the aim of Catholic Education is the development of each student towards personal fulfillment and responsible citizenship motivated by the Spirit of the Gospel and modeled on the example of Jesus Christ, the Catholic School Trustee shall, within the duties prescribed in Acts and Regulations and reflecting a ministry within the Church, adhere to the following Code of Conduct:

1. Trustees shall carry out their responsibilities as detailed in Policy 3 – Role of the

- Trustee with reasonable diligence.
2. Provide an example to the Catholic Community by active participation in the communal life of a parish and by a personal lifestyle that reflects the teachings of the Church.
 3. Devote time, thought and study to the duties of a trustee so that they may render effective and credible service.
 4. Exercise the powers and duties of their office honestly and in good faith. Trustees shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
 5. Trustees shall endeavour to work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during debate.
 6. Trustees shall commit themselves to dignified, ethical, professional and lawful conduct.
 7. Trustees shall reflect the Board's policies and resolutions when communicating with the public.
 8. Consider information received from all sources and base personal decisions upon all available facts in every case; unswayed by partisan bias of any kind, and thereafter, abide by and uphold the final majority decision of the Board.
 9. Trustees shall keep confidential any personal, privileged or confidential information obtained in their capacity as a trustee and not disclose the information except when authorized by law or by the Board to do so.
 10. While elected from specific wards, trustees shall represent the best interests of the entire Division.
 11. Trustees shall honor their fiduciary responsibility to the Board and be loyal to the interests of the Division as a whole in the context of Catholic Education. This loyalty supersedes loyalty to:
 - 11.1 Any advocacy or special interest groups; and
 - 11.2 The personal interest of any trustee.
 12. Trustees shall report all conflicts of interest and abstain from voting on or discussing any matter that has been identified as a conflict, in accordance with Appendix 'B' – Conflicts of Interest.
 13. In determining whether an actual or perceived conflict of interest exists, the

Trustees shall be guided by the following question:

Would a reasonable person, being informed of all of the circumstances, be more likely than not to regard the interest of the trustee as likely to influence that trustee's action and decision on the question?

14. Maintain the confidentiality of privileged information, including statements made during in-camera sessions of the Board.
15. Work together with fellow trustees to communicate to the electorate.
16. Remember at all times that individual trustees have no legal authority outside the meeting of the Board, and therefore relationships with school staff, the community, and all media of communication is to be conducted on the basis of this fact.
17. Refrain from using the trustee position to benefit either oneself or any other individual or agency apart from the total interest of the Division.
18. Recognize that a key responsibility of the Board is to establish the policies by which the system is to be administered, and that the administration of the educational program and conduct of school business shall be left to the Superintendent and Division staff.
19. Encourage active cooperation by stakeholders with respect to establishing policies.
20. Support provincial and national school board associations for the future of trusteeship in this province and the nation.
21. Provide effective trustee service to the Catholic community in a spirit of teamwork and devotion to education as the greatest instrument for the preservation and perpetuation of our representative democracy.
22. Represent the Board responsibly in all Board-related matters with proper decorum and respect for others.
23. Represent the perceived concerns or needs of the community to the Board or Superintendent as appropriate and accurately communicate the Board's decisions to those who we serve.
24. Abstain from participation in personnel selection when family relatives are involved.
25. Trustees shall disclose any conflict of interest between their personal life and the position of the Board, and abstain and absent themselves from discussion or voting on the matter in question.
26. Trustees shall not use their influence to advance personal, family or friends' interests or the interests of any organization with which the trustee is

associated.

27. Consequences for the failure of individual trustees to adhere to the Trustee Code of Conduct are specified in Policy 4 Appendix A – Trustee Code of Conduct Sanctions.

Legal Reference: Section 33, 34, 51, 52, 53, 64, 67, 85, 86, 87, 88, 89 Education Act

April 2008

Reviewed: April 2011, February 2018

Revised: September 2019, June 2022, April 2023

APPENDIX 'A'

1. Trustees shall conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct, Policy 4. The failure by trustees to conduct themselves in compliance with this policy may result in the Board instituting sanctions.
2. A trustee who believes that a fellow trustee has violated the Code of Conduct may seek resolution of the matter through appropriate conciliatory measures prior to commencing an official complaint under the Code of Conduct.
3. A trustee who wishes to commence an official complaint under the Code of Conduct shall file a letter of complaint with the Board Chair within ninety (90) days of the alleged event occurring and indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the trustee. The trustee who is alleged to have violated the Code of Conduct and all other trustees shall be forwarded a copy of the letter of complaint by the Board Chair, or where otherwise applicable in what follows, by the Vice-Chair, within five (5) days of receipt by the Board Chair of the letter of complaint. If the complaint is with respect to the conduct of the Board Chair, the letter of complaint shall be filed with the Vice-Chair.
4. When a trustee files a letter of complaint and a copy of that letter of complaint is forwarded to all trustees, the filing, notification, content, and nature of the complaint shall be deemed to be strictly confidential, the public disclosure of which shall be deemed to be a violation of the Code of Conduct. Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Board Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct hearing.
5. To ensure that the complaint has merit to be considered and reviewed, at least one other trustee must provide to the Board Chair, within three (3) days of the notice in writing of the complaint being forwarded to all trustees, a letter indicating support for having the complaint heard at a Code of Conduct hearing. Any trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon the complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.
6. Where no letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, the complaint shall not be heard. The Board Chair shall notify all other trustees in writing that no further action of the Board shall occur.
7. Where a letter supporting a hearing is received by the Board Chair in the three (3) day period referred to in section 5 above, the Board Chair shall convene, as soon as is reasonable, a special meeting of the Board to allow the complaining trustee to present his or her views of the alleged violation of the Code of Conduct.
8. At the special meeting of the Board, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting. Without limiting what appears below, the Board Chair shall ensure fairness in dealing with the complaint by adhering to the

following procedures.

- 8.1 The Code of Conduct complaint shall be conducted at an in-camera session, Code of Conduct hearing, of a special Board meeting convened for that purpose. All preliminary matters, including whether one or more trustees may have a conflict of interest in hearing the presentations regarding the complaint, shall be dealt with prior to the presentation of the complaint on behalf of the complaining trustee.
- 8.2 The sequence of the Code of Conduct hearing shall be:
 - 8.2.1 The complaining trustee shall provide a presentation which may be written or oral or both;
 - 8.2.2 The respondent trustee shall provide a presentation which may be written or oral or both;
 - 8.2.3 The complaining trustee shall then be given an opportunity to reply to the respondent trustee's presentation;
 - 8.2.4 The respondent trustee shall then be provided a further opportunity to respond to the complaining trustee's presentation and subsequent remarks;
 - 8.2.5 The remaining trustees of the Board shall be given the opportunity to ask questions of both parties;
 - 8.2.6 The complaining trustee shall be given the opportunity to make final comments; and
 - 8.2.7 The respondent trustee shall be given the opportunity to make final comments.
- 8.3 Following the presentation of the respective positions of the parties, the parties and all persons other than the remaining trustees who do not have a conflict of interest shall be required to leave the room, and the remaining trustees shall deliberate in private, without assistance from administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or the drafting of a possible resolution.
- 8.4 If the remaining trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the presence of both parties. If the information is not readily available, the presiding Chair may request a recess or, if necessary, an adjournment of the Code of Conduct hearing to a later date.
- 8.5 In the case of an adjournment, no discussion by trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.
- 8.6 The remaining trustees in deliberation may draft a resolution indicating what action,

- if any, may be taken regarding the respondent trustee.
- 8.7 The presiding Chair shall reconvene the parties to the Code of Conduct hearing and request a motion to revert to the open meeting in order to pass the resolution.
 - 8.8 All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
 - 8.9 The presiding Chair shall declare the special Board meeting adjourned.
9. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
- 9.1 Having the Board Chair write a letter of censure marked "personal and confidential" to the offending trustee, on the approval of a majority of those trustees present and allowed to vote at the special meeting of the Board;
 - 9.2 Having a motion of censure passed by a majority of those trustees present and allowed to vote at the special meeting of the Board;
 - 9.3 Having a motion to remove the offending trustee from one, some or all Board committees or other appointments of the Board passed by a majority of those trustees present and allowed to vote at the special meeting of the Board, for a time not to exceed the trustee's term as trustee.
10. The Board may, in its discretion, make public its findings at the special meeting or at a regular meeting of the Board where the Board has not upheld the complaint alleging a violation of the Board's Code of Conduct or where there has been a withdrawal of the complaint or under any other circumstances that the Board deems reasonable and appropriate to indicate publicly its disposition of the complaint.

Legal Reference: Sections 60, 61, 68, 72, 80, 81, 82, 83, 84, 85, 86, 246 *Education Act*

APPENDIX B – CONFLICTS OF INTEREST

Trustees should not gain benefits or monetary rewards because of their position as a trustee except for any allowances, honorarium or remuneration approved by the Board for duties performed. The requirements outlined herein are in addition to Article 16 of Policy 19 – Board Operations.

1. Trustees are expected to avoid both actual potential and perceived conflicts of interest with respect to their fiduciary duties and in all matters considered by the Board. Trustees shall act at all times in the best interests of the Board and the entire Division rather than any personal interests.
2. Trustees shall report any actual, potential or perceived conflict of interest. An actual or potential conflict of interest exists when a trustee is confronted with an issue in which the trustee has a personal or pecuniary interest. A perceived conflict of interest exists when a trustee is confronted with an issue in which the trustee may be seen to have a conflict, such as an issue or question involving or impact a family member of the trustee. For greater clarity,
 - a. a “personal interest” includes, but is not limited to, matters in which the trustee has any interest that may reasonably be regarded as likely to have influence on them when carrying out their duties and responsibilities; and
 - b. a “pecuniary interest” includes, but is not limited to, where a matter would or could give rise to the expectation of a gain or loss of money and includes “pecuniary interest” as defined in the *Education Act*.
3. In connection with any actual, potential or perceived conflict of interest in any matter being considered by the Board or a committee of the Board, a trustee must disclose the existence of the actual, potential or perceived conflict of interest and be given the opportunity to disclose all material facts to the other trustees and members of committees of the Board. Full disclosure, in itself, does not remove a conflict of interest.
4. Upon disclosing the actual, potential or perceived conflict of interest and all material facts, and after any desired discussion with the Board, the trustee shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.
5. If the Board or committee members determine that a conflict of interest does exist, the trustee shall not vote on the matter and shall not participate in the decision and shall not attempt to influence the decision of other Board or committee members.
6. It is the responsibility of other trustees who are aware of an actual, potential or perceived conflict of interest on the part of a fellow trustee to raise the issue for clarification, first with the trustee and then, if needed, with the Board Chair or committee chair.
7. If the Board or committee has reasonable cause to believe a trustee has failed to disclose actual, potential or perceived conflicts of interest, it shall inform the trustee of the basis for such belief and afford the trustee an opportunity to explain the alleged failure to disclose.

- a. If, after hearing the trustee's response and after making any further investigation as deemed necessary by the circumstances, the Board or committee determines that the trustee has failed to disclose an actual, potential or perceived conflict of interest, it shall take appropriate disciplinary and corrective action.
8. The minutes of the Board and all committees of the Board shall contain the names of the persons who disclosed or otherwise were found to have an actual, potential or perceived conflict of interest, the nature of the conflict, any action taken to determine whether the conflict was in fact present, and the Board's or committee's decision as to whether a conflict of interest in fact existed.
9. A trustee shall not also be an employee of the Division, nor shall a trustee receive any compensation for services rendered to the Division in any non-governance capacity. This provision shall not prohibit trustees from receiving authorized compensation for serving as a member of the Board or from receiving reimbursement for authorized expenses incurred during the performance of Board duties, as outlined in Policy 19 – Board Operations.
10. The Board shall not enter into any contract or arrangement with any of its trustees or with a firm, organization, corporation, or partnership in which a trustee has a financial interest unless a more advantageous contract or arrangement is not reasonable possible with another firm, organization, corporation or partnership and the Board or committee of the Board have determined by majority vote of the disinterested trustees whether the contract or arrangement is in the Division's best interests, for its own benefit, and whether it is fair and reasonable.



POLICY 3: TRUSTEE ROLE DESCRIPTION

The role of the trustee is to contribute to the work of the Board as it carries out its mandate to govern and achieve its vision, mission, beliefs, values and principles. The Board believes that its ability to fulfill its obligations is enhanced when leadership and guidance are forthcoming from within its membership. The oath of office taken by each trustee when she/he assumes office binds that person to work diligently and faithfully in the cause of public education.

Catholic trustees have a unique, dual challenge. They must ensure that students are provided an education which meets or exceeds the goals of Alberta Education and at the same time, ensure that Catholic values and principles are reflected at all times in its policies and practices.

As leaders in the Catholic faith community, Catholic trustees require an understanding, a willingness to grow and a commitment to bearing daily witness to the faith. To meet this challenge, Catholic trustees are entrusted with certain denominational school rights, powers and privileges enshrined in the Canadian Constitution. They exercise these rights with the religious guidance of parish and diocesan authorities.

The Board is a corporation. The decisions of the Board in a properly constituted meeting are those of the corporation. A trustee who is given corporate authority to act on behalf of the Board may carry out duties individually but only as an agent of the Board. In such cases, the actions of the trustee are those of the Board, which is then responsible for them. A trustee acting individually has only the authority and status of any other citizen of the Division.

1. Board Orientation

As a result of elections, the Board may experience changes in membership. To ensure continuity and facilitate smooth transition from one Board to the next following an election, trustees must be adequately briefed concerning existing Board policy and practice, statutory requirements, initiatives and long-range plans.

The Board believes an orientation program is necessary for effective trusteeship. All trustees will attend all aspects of the orientation program.

The Division will offer an orientation program for all newly elected trustees that provides information on:

- 1.1 Role of the trustee and the Board;
- 1.2 Organizational structures and procedures of the Division;
- 1.3 Board policy, agendas and minutes;
- 1.4 Existing Division initiatives, annual reports, budgets, financial statements and long-range plans;

- 1.5 Division programs and services;
 - 1.6 Board's function as an appeal body; and
 - 1.7 Statutory and regulatory requirements, including responsibilities with regard to conflict of interest.
2. The Division will provide financial support for trustees to attend Alberta School Boards Association (ASBA) and Alberta Catholic School Trustees Association (ACSTA) sponsored orientation seminars.
 3. The Division will provide financial support for trustees to attend Alberta Education sponsored trustee workshops or information sessions.
 4. The Board Chair and Superintendent are responsible for developing and implementing the Division's orientation program for newly elected trustees. The Superintendent shall provide each trustee with access to the Board Policy Handbook and the Administrative Procedures Manual at the organizational meeting following a general election or at the first regular meeting of the Board following a by-election.
 5. Incumbent trustees are encouraged to help newly elected trustees become informed about the history, functions, policies, procedures and issues.

6. Specific Responsibilities of Individual Trustees

- 6.1 The trustee will model involvement in the faith community.
- 6.2 The trustee will refer queries, or issues and problems, not covered by Board policy, to the Board for corporate discussion and decision.
- 6.3 The trustee can engage with the public through a variety of communication methods, understanding that all communications and interactions must reflect the principles of the Trustee Code of Conduct.
- 6.4 Trustees will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division.
- 6.5 If trustees choose to post pictures of students on their social media sites, permission must be given by the relevant school authority.
- 6.6 The trustee will participate in, and contribute to, the decisions of the Board in order to provide the best solutions possible for the education of children within the Division.
- 6.7 The trustee will support the decisions of the Board and refrain from making any statements that may give the impression that such a statement reflects the corporate opinion of the Board when it does not.

- 6.8 The trustee will participate in training opportunities in order to ensure that the appropriate skills, knowledge and understandings are acquired.
- 6.9 The trustee will ensure that Catholic values and principles are reflected at all times in the Board's policies and practices.
- 6.10 The trustee will become familiar with Division policies, meeting agendas and reports in order to participate in Board business.
- 6.11 The Trustee will keep the Board Chair and/or the Superintendent informed in a timely manner of all matters coming to his/her attention that might affect the Division. Refer administration matters to the Superintendent.
- 6.12 The trustee will provide the Superintendent with counsel and advice, giving the benefit of the trustee's judgment, experience and familiarity with the community.
- 6.13 Trustees are encouraged to share Divisional information, key messages, Board priorities, exemplary practices, and student achievement and learning results.
- 6.14 The trustee will, in alignment with the Board engagement efforts, provide for the engagement of parents, students and the community in matters related to education.
 - 6.14.1 Respectfully bring forward and advocate for local issues and concerns prior to a Board decision;
 - 6.14.2 Interpret the needs of the community to the Board and the Board's action to those we serve; and
 - 6.14.3 Liaise with designated School Council(s).
- 6.15 Trustees are encouraged to develop individual growth plans on an annual basis.
- 6.16 The trustee will share the materials and ideas gained from a trustee development activity with fellow trustees at the next available opportunity.
- 6.17 The trustee will stay current with respect to provincial, national and international education issues and trends.
- 6.18 The trustee will contribute to a positive and respectful learning and working culture both within the Board and the Division.
- 6.19 The trustee will attend Division or school functions where possible.
- 6.20 The trustee will adhere to the Trustee Code of Conduct.
- 6.21 The trustee will report any violation of the Trustee Code of Conduct to the Board Chair or when applicable, to the Vice-Chair.

Reviewed: March 2011, January 2018
Revised: November 2019, June 2022

APPENDIX 'A'**SERVICES, MATERIALS AND EQUIPMENT
PROVIDED TO TRUSTEES**

Trustees shall be provided with the following services, materials and equipment while in office:

1. Reference:

- ◆ Access to *The Education Act*
- ◆ Board Policy Handbook and Administrative Procedures Manual
- ◆ School year and Annual Work Plan
- ◆ Current telephone listings of schools, principals, vice-principals and school secretarial staff
- ◆ List of School Council Chairs
- ◆ These items shall be available online on the RDCRS Board Portal

2. Communications/Public Relations:

- ◆ Access to Superintendent weekly updates on Division News
- ◆ Notification of significant media events, reminders of special meetings
- ◆ Access to school newsletters to trustee liaison
- ◆ Name tags, business cards, lapel pins
- ◆ Speaker's notes
- ◆ Individual and Board photographs

3. Administrative/Secretarial Services:

- ◆ Access to interoffice mail
- ◆ Conference registration, travel and accommodation arrangements
- ◆ E-mail address and Information Technology service support
- ◆ Document management, photocopying and related secretarial services

4. Equipment

- ◆ A computer or stipend, with appropriate software and access. The equipment shall be returned to the Board upon completion of the term in office.
- ◆ Cell phone stipend.

5. Corporate Clothing

- ◆ One piece of corporate clothing

6. Briefcase

7. Professional Development Allowance of \$5,000 per year. This includes mileage, hotel, registration and meals.

8. Mileage compensation for all Board business (stipend)

Appendix revised June 2022

CCSSA's LIFE Framework

“Living Inclusion Faithfully for Everyone”

A. BACKGROUND

Catholic Schools share a foundational belief that all children are loved by God, are individually unique and that the school has a mission to help each student to fulfill their God-given potential in all aspects of their person: physically, academically, socially, morally and spiritually.

Alberta's Catholic school districts are responsible for creating a Catholic faith community, which provides education for all students within the Catholic tradition. The authenticity of each school's faith community is determined by its adherence to the faith under the collective leadership of the teachers, administrators, clerical advisors, and all other adults within the school. It is the task of those individuals to integrate the faith into every program and aspect of their Catholic school. Parents and guardians, the primary educators of children, entrust their children to Catholic schools so that they may flourish and be pastorally nurtured as they learn the subjects in the Alberta curriculum.

To provide guidance to the Catholic school faith community, in order that it may act in accord with the teachings of the Roman Catholic Church, Alberta's Catholic Bishops have provided the *Pastoral Guideline for the LIFE Framework* in 2018 to support the faithfulness of the *LIFE Framework*. This Guideline provides an explanation in accordance with the episcopal teaching role described in Canon Law, Can. 806 §1, and is fundamental to the understanding and application of the *LIFE Framework*. The *Pastoral Guideline* consists of a thematic overview, followed by some practical and more specific guidance for the development of policy and administrative guidelines regarding the establishment of student-led organizations and activities in Catholic schools as well as information about discerning conflict resolution to further positive relationships between all partners in Catholic Education.

B. COMMITMENT TO THE LIFE FRAMEWORK

Catholic Schools are committed to using the *Pastoral Guideline for the LIFE Framework* (2018) and the *LIFE Framework* (2015, revised 2018 & 2019) to inform the creation and operation of student groups and activities which seek to promote student inclusion within the schools and, in fidelity to Catholic teachings, eliminates all forms of bullying including - but not restricted to - harassment and discrimination with regard to sexual orientation and gender identity; and to promote justice, respectful relationships and language within Catholic schools.

C. NAMING OF LIFE FRAMEWORK STUDENT GROUPS AND ACTIVITIES

Students may select a respectful and inclusive name for the LIFE group or activity after consulting with the principal. The principal will adhere to the *Education Act*, s.35.1 (3).

D. WHO MIGHT BE SERVED BY LIFE FRAMEWORK STUDENT GROUPS/ACTIVITIES

- All students

Vision Statement

“The Council of Catholic School Superintendents of Alberta is a community of disciples providing a valuable and valued voice that influences the development and direction of Catholic Education in Alberta”

E. GUIDELINES FOR THE ESTABLISHMENT OF STUDENT GROUPS AND ACTIVITIES

These Guidelines will be interpreted and applied so as to be in concert with the *Pastoral Guideline for the LIFE Framework* (2018).

Some students, especially those with same sex attractions, and those who identify with different genders, as well as those who experience discrimination or isolation based on body image, race, culture, language, performance in school, social anxiety/lack of social connection, or other individual attributes, may be at-risk in schools. Therefore, every school is required to respond to establish student groups and/or activities when there is a student request.

When students wish to establish a group or hold an activity, it is important to determine the nature of the request and how best to meet the expressed needs. ‘What are you looking for?’ Through conversations with students, the purpose for the group needs to be identified, so it can be properly structured within the guidelines. Flexibility and responsiveness, based on needs, are critical. Student groups may be established for the following purposes:

Advocacy

- To support a faithful vision of an inclusive Catholic school

Peer support

- To foster and support the individual student and inclusion within the Catholic school

In each type of group, issues that result in discrimination and bullying may be addressed, including, but not limited to:

- Sexual orientation
- Gender identity
- Gender
- Body image
- Race, culture or language
- Performance in school
- Social rejection, peer acceptance

General norms also govern all types of student groups. Groups shall:

- Support the mission, vision and core religious values of the school and the school jurisdiction
- Reflect the philosophy and theology of communion and emphasize inclusion, hospitality, respect, justice and religious fidelity.

Since each type of group addresses different needs (advocacy, peer support), specific guidelines and additional norms follow.

Vision Statement

“The Council of Catholic School Superintendents of Alberta is a community of disciples providing a valuable and valued voice that influences the development and direction of Catholic Education in Alberta”

Advocacy Groups

Purpose

- To advocate in the Catholic tradition against all forms of discrimination and/or behaviours that cause students to feel isolated and not included.
- To provide students who experience discrimination and isolation, the opportunity to engage with other students so as to support them and to engage in anti-discriminatory activities.
- To empower students to use their unique God-given gifts for the benefit of furthering a more just community for everyone.
- To discuss issues that cause harm to young people in society.

Norms

- Ensure the student groups are led by trained Catholic facilitators and assisted, when possible, by counsellors, chaplains or social workers.
- Be open to exploration of a variety of issues, including sexual orientation, gender identity, bullying, discrimination, justice, and respectful relationships and language from the Catholic tradition.
- Ensure advocacy efforts are directed against all forms of bullying and discrimination.

Activities

- Exploring how inclusive practices enhance the lives of all within the school's faith community.
- Sponsoring activities throughout the school year to address these areas (i.e. bullying awareness week activities, peer advocacy, guest speakers, and frequent liaison with the school principal).
- Promoting social justice activities to address needs locally, nationally or internationally.

Peer Support Groups

Purpose

- To provide students who experience discrimination, isolation, and a lack of feeling included in their school community or society an opportunity to meet with other students who offer their support through facilitated discussions. To support students experiencing a variety of challenges related to, but not restricted to, feelings of belonging, self-worth, identity, and friendship.
- To support marginalized students suffering from bullying, and/or social exclusion based on gender, sexual orientation, culture, size, physical or academic ability, or other criteria.
- To support students who may be experiencing challenges related to their sexuality (e.g. how to talk to parents, friends, etc.).

Norms

- Ensure that student groups are led by trained Catholic facilitators and assisted, when possible, by counselors, chaplains or social workers, as appropriate.
- Ensure boundaries, related to personal privacy and confidentiality, prior to the discussion of any topic, so members do not feel pressured to make personal disclosures.

Vision Statement

“The Council of Catholic School Superintendents of Alberta is a community of disciples providing a valuable and valued voice that influences the development and direction of Catholic Education in Alberta”

- If a student discloses information to a staff member, regarding her or his sexual orientation or gender identity, it is important to respect the student's right to confidentiality subject to the necessity to protect the safety of the student and others.
- Be sensitive to the safety of all students who are at risk.
- Do not label or discuss students who are not members.
- Consider inviting students to develop additional norms and procedures with the facilitator carefully guiding this process.
- Ensure all normal group processes, as understood and practiced by Catholic school counselors, are followed.
- If individuals are experiencing mental health issues, and/or are 'at-risk', to provide individual counselling support, separate from the group, to best support this student and maintain privacy and confidentiality.

Activities

- Exploring those areas with staff facilitators where inclusion could be improved (e.g. student group discussions as per "norms" outlined through the leadership of the facilitator).

F. FACILITATION OF STUDENT GROUPS/ACTIVITIES:

- The principal shall designate a Catholic teacher(s) to facilitate all LIFE groups/activities.
- As faith guides, strengthening every aspect of Catholic education, facilitators integrate prayer, scripture, and Catholic teaching (e.g. 'the dignity of the human person' and 'a preferential option for the poor and vulnerable') into their discussions as appropriate. The groups will be permeated in a manner consistent with all Catholic school programming.
- The principal shall ensure the facilitator(s) receives in-service or information on both relevant Catholic teachings and the facilitation of group discussion.
- At the principal's discretion, if the school has a counsellor, social worker, Family School Liaison Worker (FSLW), chaplain or a staff member with a similar designation, that staff member should co-facilitate.
- The facilitator(s) shall attend every meeting.

G. INFORMING PARENTS ABOUT STUDENT GROUPS:

The *Alberta Bill of Rights*, s.1 (g) recognizes that parents have the right to make informed decisions respecting the education of their children. The eighth paragraph of the preamble to the *Education Act*, recognizes parent's rights and responsibility to make informed decisions respecting the education of their children.

The following two step process is recommended to advise parents regarding the formation of student groups/organizations:

Vision Statement

"The Council of Catholic School Superintendents of Alberta is a community of disciples providing a valuable and valued voice that influences the development and direction of Catholic Education in Alberta"

Step 1 – A general notice is provided to the school community (included in each school’s student handbook) that students may be organizing groups or clubs at the school in the future based on interest or need, and notifying parents that human sexuality topics may be addressed within the groups or clubs.

Step 2 – If a new student group or club is established in a school, as in Step 1, notification of the establishment of the group or club is sent to all parents (not naming any students involved in the group or club). This notification will include a statement that it is the parents who are responsible for discussing with their child the purpose and nature of the club, whether their child wishes to become a member, and their child’s obligation to contribute to a welcoming, caring, respectful, and safe learning environment that respects diversity and fosters a sense of belonging. Parents will be invited to discuss with the school administration all aspects of student groups, clubs, and activities excepting that the names of student members will not be provided.

September 16, 2019

Vision Statement

“The Council of Catholic School Superintendents of Alberta is a community of disciples providing a valuable and valued voice that influences the development and direction of Catholic Education in Alberta”

From The Catechism of the Catholic Church, 1994

2358 The number of men and women who have deep-seated homosexual tendencies is not negligible. They do not choose their homosexual condition; for most of them it is a trial. They must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided. These persons are called to fulfill God's will in their lives and, if they are Christians, to unite to the sacrifice of the Lord's Cross the difficulties they may encounter from their condition.

Alberta trustee reprimanded for Instagram post critical of gender "indoctrination"

By Noah Jarvis - September 13, 2023



A Red Deer, Alta. school board trustee says she wasn't comparing LGBT activists to Nazis in a social media post that got her condemned by her own school board, but rather was making a point about "indoctrination."

Monique LaGrange, a first time school board trustee for Red Deer Catholic Regional Schools, uploaded to Instagram an archival photo of German children waving the Nazi flag juxtaposed with a contemporary picture of children waving the Pride Progress flag. The post had the caption "brainwashing is brainwashing."

In an exclusive interview with True North, Lagrange says that she uploaded the picture to social media because she thought the picture was a "great representation of what is happening within our culture and within our schools."

"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."

Hours after posting the picture, Lagrange said the then-chair of the school board asked her to take it down.

The post drew the attention of the rest of the Red Deer school board, as well as the Alberta Catholic School Trustees’ Association (ACSTA), on which she sat as a director representing Red Deer.

LaGrange was stripped of her position as a director on the ACSTA and was condemned by the ACSTA’s president Harry Salm.

“Our Catholic schools love all students as gifts from God made in His image, irrespective of their sexual orientation and gender expression,” wrote Salm in a statement.

“Removing a representative from our board is not a decision we take lightly, and Red Deer Catholic Regional Schools is invited to select a replacement Director to represent them. Given the manner in which the previous Director’s post has the potential to undermine the charitable learning environment offered by Alberta’s Catholic school system, we consider this to be the most appropriate response.”

Despite being reprimanded, LaGrange defended uploading the post.

“No, I don’t regret posting it at all. People need to learn,” she said. “This is not about comparing one community to another or saying they’re Nazis, or anything to do with that; this is about indoctrination,” said Lagrange.

Alberta Teachers Association president Jason Schilling [condemned](#) LaGrange’s post, calling it “repugnant” and a “form of repression.”

“Not only does it serve to undermine the atrocities of the Nazi regime, but it also acts as a form of oppression to entice further hatred toward members of the 2SLGBTQ+ community,” said Schilling.

“So to see this posting by Ms. LaGrange that is repugnant, vile [and] hate-filled really undermines that safe space that we try very hard to create at

schools.”

LaGrange responded by saying Schilling “doesn’t understand history.”

“Obviously he doesn’t understand what has taken place, but that’s okay like he’s obviously still asleep which most people are,” she said.

“I think he doesn’t understand that we’re here to protect our children, I’m here to protect the children and that’s what this is about.”

LaGrange said she has received a lot of negative pushback to her post, especially with early news reporters about it, but that she has already received an outpouring from “hundreds” of people who agree with her message.

Author



Noah Jarvis

[View all posts](#) 



Sent via email: education.minister@gov.ab.ca

September 7, 2023

Minister of Education
228 Legislature Building
10800 97 Avenue
Edmonton, AB
T5K 2B6

Dear Honourable Demetrios Nicolaides:

Re: Red Deer Catholic School Board Trustee Matter

I am writing further to a social media post (Post) relating to the 2SLGBTQ+ community which we understand had been reposted, at or around August 30, 2023, by a member of the Board of Trustees of Red Deer Catholic Schools (Board), which included a Nazi-related photograph coupled with a school Pride photograph.

We are writing to assure you and your office that, from an operational perspective, our Superintendent of Schools, Dr. Kathleen Finnigan, has been working with Division System Leaders and School Administrators to continue to ensure our schools are safe, caring and welcoming and to ensure this message is clear; the Division staff and students at our Division schools have been informed that our schools are safe, welcoming and caring, and that if anyone does not feel welcomed, safe or supported, they are to contact Division personnel immediately.

To this end, we are also mindful of your September 1, 2023, Twitter statement which indicated that "No one should have to live in fear of violence, discrimination, or exclusion."

Because student safety, caring and creating a welcoming environment is a priority, last year, as a Board, we received training on January 16, 2023: Sexual Orientation and Gender Identity; February 13, 2023: Transgender Presentation; and March 13, 2023: Presentation of the Professional Development Model on the topic, "A Pastoral Approach to Support Students in the Development and Understanding of Their Sexuality" as part of our ongoing professional development. As we continue to strive to support our Division, staff and students, I will recommend that we seek additional training from the Alberta Human Rights Commission in the areas of 2SLGBTQ+, diversity, equity, and inclusion, as well as social media training.



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.

Sincerely,

A handwritten signature in black ink, appearing to read "Murray Hollman", followed by a horizontal line.

Murray Hollman
Board Chair

cc. Board of Trustees, The Red Deer Catholic Regional Schools
Dr. Kathleen Finnigan, Superintendent of Schools



Fwd: Website Submission: Send Us An Email - [Redacted]

1 message

Thu, Sep 14, 2023 at 6:06 PM

To: [Redacted]

A student from last year. Chose our Division as he felt safe and transitioned in the time he was with us.

----- Forwarded message -----

[Redacted]

Date: Mon, Sep 4, 2023 at 12:09 PM

Subject: Website Submission: Send Us An Email - [Redacted]

To: [Redacted]

Form Submission Info

Contact Emailed: [Redacted]

Your Name: [Redacted]

Your Email: [Redacted]

Message: Good morning. I am a recent graduate of Notre Dame High School class of 2023. I fought for Notre Dame United, proudly running the group as a transgender man for three years. My relationship with Christ has always been fragile as those within Christianity weaponize my love, declaring that my being is less than or disgusts them. Hearing that Monique Lagrange has compared my love to Nazism is downright unacceptable after all the love, hope, and student connection I have spurred within the past three years at one of the schools under RDCRS. I am not a Nazi. I am not a threat. I am a man trying to love and treat others with the upmost respect just as God has told me to, regardless of their identity. I apologize for the harshness of this email, but I feel as if I am rightfully upset at the comparison. Thank you for you time, [Redacted] (he/him/his) Proud gay, transgender man NDHS grad 2023



Fwd: Website Submission: Send Us An Email - [Redacted]

1 message

Thu, Sep 14, 2023 at 5:57 PM

To: [Redacted]

A former student.

----- Forwarded message -----

Date: Wed, Sep 6, 2023 at 3:13 PM

Subject: Website Submission: Send Us An Email - [Redacted]

To: [Redacted]

Form Submission Info

Contact Emailed: [Redacted]

Your Name: [Redacted]

Your Email: [Redacted]

Message: Dear Ms. [Redacted], My name is [Redacted], I am a proud 2023 École Sécondaire Notre Dame High School graduate, as well as a former member of the schools GSA, Notre Dame United, who is currently studying at the University of Victoria. I am deeply saddened and disturbed by the recent (now deleted) instagram post by the Red Deer Catholic School Board Trustee, Monique LaGrange. The post implied the comparison of 2SLGBTQIA+ pride to Nazis with a picture of children holding pride flags next to one of children with Nazi flags along with the text "Brainwashing is brainwashing." Considering the devastating tragedy that is the Holocaust and the Nazi uprising, which caused the death of over 6 million Jews, and millions of others, I do not find it appropriate to be comparing that situation to 2SLGBTQIA+ pride. While I respect that every individual reserves the right to have their own opinions and views, for someone as important and as trusted in the educational lives of thousands of children in the Red Deer area as a School Board Trustee, should not be posting openly hateful content on social media, nor should they promote hateful, outdated and potentially misleading ideas. As both a Christian and a queer alumni, it hurts me that an individual meant to be promoting the deep rooted Christian value to love others, as well as someone with a large amount of responsibility and influence in the Red Deer Catholic School System is spreading hateful messages publicly. I do not believe that the best interest of all students, regardless of identity, will be coming first with Monique LaGrange present as a Trustee. I ask that Monique LaGrange issues a formal apology for this action, as it is damaging to the queer community present in the RDCRS division. In addition, I believe it would be in the best interest of all students if Monique LaGrange either step down, or be removed as a trustee for the time being. I have met with both yourself and Ms. [Redacted], Associate Superintendent of Human Resources, with the Notre Dame United group to discuss how we can work to make our schools a better place for all students, including the 2SLGBTQIA+ students who may be apart of the community. I know that the Red Deer Catholic School Division does care about its students of all identities, and I hope that an informed, thoughtful decision is made in regards to this situation. "And he said to him, "You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment. And a second is like it: You shall love your neighbor as yourself." (Matthew 22:37-39). "But I tell you, love your enemies and pray for those who persecute you, that you may be children of your Father in heaven. He causes his sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous." (Matthew 5:44-45) "A new command I give you: Love one another. As I have loved you, so you must love one another" (John 13:34) Sincerely, [Redacted] (she/her)

[Redacted]

[Redacted]

CONFIDENTIAL

Fax

To: [Redacted] From: [Redacted]

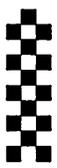
Company: Red Deer Catholic School Pages: (including this one) 3

Fax: [Redacted] Date: Sept 7, 2023

Re: _____

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

• Please Note: This message is intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone.



While the current Minister of Education Demetrios Nicolaides may claim he does not have the authority to remove or dismiss a single trustee, perhaps this board should reflect that in 1999 the minister responsible for education Lyle Oberg dismissed all the Calgary Board of Education Trustees after they had become "completely dysfunctional." The failure of your board to act on this hate propaganda brings into question the integrity of the entire board.

Thank you very much.

Very truly yours,

[REDACTED]

[REDACTED] MD, FRCPC

Psychiatrist

CC Honorable Minister Demetrios Nicolaides

Monique LaGrange

[REDACTED]

Incident involving Trustee Monique LaGrange

2 messages

Thu, Sep 7, 2023 at 7:30 PM

To: [REDACTED]
Cc: [REDACTED]

Dear Mr. [REDACTED],

As a follow up to my previous letter to Trustee [REDACTED] and pursuant to the recent statement by Alberta Minister of Education Demetrios Nicolaidis, I feel compelled to write to you to implore that further action be taken against the irresponsible and abhorrent actions of Trustee Monique LaGrange.

As both an employee of Red Deer Catholic Regional Schools and as a parent of two children in the division, I am profoundly concerned about the message conveyed by Trustee LaGrange and its inevitable, albeit wrongful, comparison to the fundamental values of the school division and its members. The ignorance with which she compares the 2SLGBTQIA+ community and the Nazis is not only hurtful to the members of both communities and their loved ones, but extremely offensive.

Trustee LaGrange's claim that the aforementioned post was about "protecting our children and keeping parents as the primary educators" unfortunately, fails to address the fact that the views she expressed by making that post directly contradict the fundamental values of both Red Deer Catholic Regional Schools and Catholic education as a whole. These are the values and principles that she has sworn to uphold as an elected official in our community.

I feel very strongly that it is the duty of the Red Deer Catholic Regional Schools' Board of Trustees to exercise due diligence to ensure that this issue is addressed promptly and thoroughly. An apology from Trustee LaGrange simply will not suffice. How much damage, not only to the reputation of Red Deer Catholic Regional Schools, but to Catholic education as a whole does Trustee LaGrange need to inflict before she is held responsible for her actions? This is not the first incident in which she has made outrageous and highly inaccurate comparisons. I am referring to her wildly atrocious comparison of the mask and vaccine mandate during the COVID-19 pandemic to the mass and systematic murder of approximately six million Jews.

The investigation into the conduct of Trustee LaGrange should be of the utmost priority. I implore the Board of Trustees to take action in order to ensure that such incidents do not occur again and that Red Deer Catholic Regional Schools can continue to convey its message of faith, inclusivity, diversity and tolerance.

Regards,

[REDACTED]

Fri, Sep 8, 2023 at 9:52 AM

To: [REDACTED]

[Quoted text hidden]

Fwd: Response to Post

1 message

Fri, Sep 8, 2023 at 9:48 A

To: [Redacted]

----- Forwarded message -----

Date: Wed, Sep 6, 2023 at 11:20 AM
Subject: Fwd: Response to Post
To: [Redacted]

Please respond

[Redacted]
Trustee
Red Deer Catholic Regional Schools

*"Inspired by Christ on a journey to encounter, nurture, and serve."
"Inspiré par Dieu dans une aventure à découvrir, grandir, et servir."*

----- Forwarded message -----

Date: Tue, Sep 5, 2023 at 8:11 AM
Subject: Response to Post
To: [Redacted]

Good morning, Trustee [Redacted],

First of all, I want to thank you for providing a forum to allow questions surrounding this very challenging and polarizing situation. I can't imagine what these last few days have been like for you, the board, and the senior admin team.

I respect the unique role the board has in bridging Catholic doctrine and secular beliefs, especially those surrounding 2SLGBTQ+ issues. With that being said, please allow me to share with you some concerns I have as a result of Trustee LaGrange's post and the subsequent response the board provided.

The post that Trustee LaGrange shared on social media was brought to my attention by colleagues because I am one of the staff liaisons of our school's GSA: ND UNITED and have been for the last two years. I was deeply saddened and angry that this hateful message would be shared by one of our trustees. I was encouraged at our Faith Day opening on Monday to hear, and be reminded of, our division's goal to continue to make our schools safe and caring havens for all of our students. That the division's commitment to include all of God's children is unwavering was a loud message that resonated with me and one that I believe is the cornerstone of Catholic education: All Are Welcome. All Belong. Three days later, an elected official who is "Obsessed with Jesus Christ" destroys it all in a single post and discredits the hard work the board, senior administration, and GSAs have done over the past two years to build trust in our 2SLGBTQ+ students.

I wonder how we go about rebuilding the trust of our 2SLGBTQ+ students that is now, almost certainly, ruined. Per the letter that you shared on Division News, I am disappointed that the board limited their response to just asking Trustee LaGrange to remove the post. While I believe that the board does not share this message, by not initiating more severe consequences it feels more like a slap on the wrist than a strong message of zero tolerance of hate speech by any member of our community.

The response by the board parallels our queer students' experience in schools when they hear homophobic/transphobic/sexist etc jokes or comments in the classroom and the teacher either says nothing or simply tells the offenders to, "Knock it off," and then continue with the lesson. I am worried that if/when our 2SLGBTQ+ students see this, and the response of the board, it will push them away from us. Many already feel less than in our division. This will only reinforce that feeling. How can we profess that we are working towards creating safe and caring schools when one of our trustees publicly shares hate speech against some of our most marginalized students and the only immediate consequence is tantamount to telling her to "Knock it off?"

Moving forward, how do we, as a school division, plan on rebuilding the trust with students and staff that was broken by Trustee LaGrange's post?

Again, thank you for this opportunity to share with you some concerns and to ask some questions about this situation. I have always felt that Red Deer Catholic Schools wants all of its students to feel safe in our buildings and it is why I feel compelled to advocate on behalf of our 2SLGBTQ+ students.

Sincerely,

[Redacted]

--
[Redacted] (he/him)

Ecole Secondaire Notre Dame High School
[Redacted]

[Redacted]

Phone: [Redacted]

For **After Hours** community support call 211 or press the link below.

For emergencies call 911.



FREE | CONFIDENTIAL | AVAILABLE 24/7 | 170+ LANGUAGES

<https://ab.211.ca/>

recent social media post

1 message

Fri, Sep 1, 2023 at 11:17 PM

To: Monique LaGrange

Cc:

Ms. Lagrange,

I've tried about six times and I honestly still do not know how to start this email in response to your recent disgusting social media post. While the content of your post was unbelievable, unfortunately the fact that it originated from you is not.

Previously you had used the Nazi regime in comparison to Covid protocols. Now, you are using the promotion of the Pride flag in comparison to Nazi brainwashing. **You have shown the embodiment of Godwin's Law.** If you are not sure what that is, I suggest a quick Google search might enlighten you.

I do believe that this is something that could have been prevented. When we deal with undesirable behaviour in a student, we understand that if discipline is not properly installed, the behaviour will reoccur. When it does reoccur, we understand that the second occurrence may be worse than the first time.

I do not believe that the first occurrence was handled with the discipline needed to prevent a second occurrence – obviously, it was not, as we are dealing with this again. If that is the case, you simply do not care about how the discipline was handled the first time, nor was it any kind of deterrent. The second possibility is that you simply do not understand the impact of your post. Neither of these is a favourable outcome.

There is something called the Dunning-Kruger effect, where people of lower competence overestimate their intelligence and abilities. While I do not believe we are discussing intelligence, I believe that we are dealing with a similar condition but in the socio-emotional sphere. I do not believe that you have the socio-emotional competence to understand the negative impact that you have created.

I teach and have taught many members of the 2lgbtqia+ community that are very open. They have been very open because we have provided a safe space for these students to be themselves, without having to conform to some archaic 20th or 19th century beliefs. I cannot fathom what these students must be thinking, going to school in a division where one of the board members who runs the school division posts something of this sort on social media. Further to that, your post is extremely hurtful to any members of our Division who are or have family of Jewish descent that may have been affected by the Holocaust.

Perhaps you can explain to me what my response should be to students on Tuesday morning when I am asked why a member of our school board is posting homophobic social media posts? Is that inclusion? Is that welcoming?

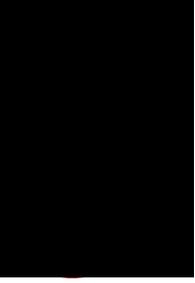
This is not simply a social media slip. This is indicative of your personal beliefs, beliefs that go against the very foundation of "All are welcome, all belong."

In my opinion, this has no place in RDCRS, and you have forever tainted our public image. I believe you should do the correct thing and resign. If you choose not to, then I hope the Board does the correct thing and removes you, which should have been done at the time of the first incident in order to prevent this second and unbelievably disgusting social media post incident. Failure to do so not only condones the behaviour, but further reinforces the belief that this is acceptable.

If a student posts something inappropriate on social media, there is more of a consequence than simple removal of that post. Board members should be held to a higher standard than that which we expect from the children that we teach.

[REDACTED]

[REDACTED]



Phone: [Redacted]
Email: [Redacted]

Monique LaGrange

1 message

Fri, Sep 8, 2023 at 9:52 PM

To: [REDACTED]

Ms [REDACTED]

There is no place for sexual or political ideology within Alberta Schools period.

As a Jewish descendant I also shared the same picture that Monique LaGrange did as I saw the common ground on how brainwashing children happens in both circumstances. Children's lives are being negatively impacted even if the children seem joyous in the moment which is what was being depicted in both pictures. Fact is the children do not understand what is happening.

My understanding of the post is as follows

It is about how children can be indoctrinated by a small part of society to align with their beliefs. The picture shows children waving flags placed in their hands by those who have an agenda. Regardless of the flag being flown the classroom and at school is not the place where adults should be spreading any ideology. I believe this is the loud left trying to stain a wonderful member of our society who has taken it upon herself to educate people on the extent the left has taken to groom and confuse children with our educational systems. In no way was this an attempt to incite hate and it saddens me that so many are quick to jump on board with the woke left in an attempt to destroy productive members of our society.

I hope that you consider your faith and choose carefully which side of history you would like to be on, I personally stand with Mrs LaGrange and her valiant efforts to protect children.

[REDACTED]



Fwd: Website Submission: Send Us An Email - [Redacted]

1 message

To: [Redacted]

Fri, Sep 8, 2023 at 4:02 PM



Trustee
Red Deer Catholic Regional Schools

*"Inspired by Christ on a journey to encounter, nurture, and serve."
"Inspiré par Dieu dans une aventure à découvrir, grandir, et servir."*

----- Forwarded message -----



Date: Thu, Sep 7, 2023 at 5:13 PM
Subject: Website Submission: Send Us An Email - [Redacted]
To: [Redacted]

Form Submission Info

Contact Emailed: [Redacted]

Your Name: [Redacted]

Your Email: [Redacted]

Message: We support Monique Lagrange who has identified, rightly, that children in the school system are being indoctrinated and confused about their gender, without parental consent or involvement. This is a problem. I know several morally distressed teachers who do not agree with using pronouns opposite a child's gender, but feel they have no choice or they will receive the backlash Ms. Lagrange is currently facing. Ms. Lagrange is entitled to her own opinions, and should not be disciplined.



Fwd: Website Submission: Send Us An Email - [Redacted]

1 message

To: [Redacted]

Fri, Sep 8, 2023 at 4:02 PM



Trustee
Red Deer Catholic Regional Schools

*"Inspired by Christ on a journey to encounter, nurture, and serve."
"Inspiré par Dieu dans une aventure à découvrir, grandir, et servir."*

----- Forwarded message -----



Date: Thu, Sep 7, 2023 at 4:13 PM
Subject: Website Submission: Send Us An Email - [Redacted]
To: [Redacted]

Form Submission Info

Contact Emailed: [Redacted]

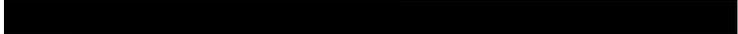
Your Name: [Redacted]
Your Email: [Redacted]

Message: Dear chairperson, I am writing in support of your brave trustee, Monique LaGrange. I am asking that your board also stand in solidarity. She is protecting kids from ideology that is too complex for children to navigate. Leave these complex, social issues for families to guide their kids. Also stand for your Catholic church direction of Christ's teaching. If no different than public school then why create a separate school?



Website Submission: Send Us An Email - [Redacted]

3 messages



Wed, Sep 6, 2023 at 9:21 PM

Reply-To: [Redacted]
To: [Redacted]

Form Submission Info

Contact Emailed: [Redacted]

Your Name: [Redacted]

Your Email: [Redacted]

Message: I am very ashamed of you, how easily you sold out. Instead of protecting family values, protecting your children. You have sold your soul to the devil. You and your push fo satanic LGBTQ agenda. You are a disgrace to your country, your ancestors, and your children. Thank you for destroying everything valuable that our parents gave us, that God gave us.



Wed, Sep 6, 2023 at 9:39 PM

To: [Redacted]

FYI

~ [Redacted]

[Quoted text hidden]



Fri, Sep 8, 2023 at 9:51 AM

To: [Redacted]

[Quoted text hidden]

September 6, 2023

Anne Marie Watson
Board Chair
Red Deer Catholic Regional Schools

Dear Board Chair Anne Marie Watson,

I write to you on behalf of Friends of Simon Wiesenthal Center, a Jewish human rights organization dedicated to sharing the lessons of the Holocaust and combatting antisemitism and all forms of hate.

We were incredibly disturbed to come across news of an offensive social media post shared by Red Deer Catholic Regional Schools board member Monique LaGrange, which compares the LGBTQ+ community to the Nazi regime and the community's messages of diversity and inclusion to horrid Nazi propaganda.

This post is a form of Holocaust distortion and minimization and feeds into rhetoric promoting anti-LGBTQ+ hate and discrimination. What makes this post even more abhorrent is the fact that tens of thousands of victims of the Nazis were people who identified as part of the LGBTQ+ community.

Unfortunately, we have yet to see an apology from LaGrange nor details of the actions being taken by the school board to rectify this concerning situation.

In addition to a public apology from LaGrange, we encourage the school board to work with our organization to provide Holocaust education to all members of the board. At this time of rising hate in Canada, with Jewish, Black and LGBTQ+ communities seeing the biggest surge, it's critical for leaders in education to stand against hate and intolerance and empower students to do the same.

We welcome the opportunity to bring our educational workshops to your school board and schools within your community, and would like to meet with you to discuss our concerns and educational opportunities further.

I look forward to hearing from you and talking with you soon.

Sincerely,

Melissa Mikel
Director of Education
Friends of Simon Wiesenthal Center



**IN THE MATTER OF THE CONDUCT HEARING
BEFORE THE RED DEER CATHOLIC REGIONAL
SCHOOL DISTRICT**

**pursuant to
POLICY 4: TRUSTEE CODE OF CONDUCT**

**Regarding the conduct of Trustee Monique LaGrange
and the Complaint of Trustee Dorraine Lonsdale**

SUBMISSIONS OF TRUSTEE LAGRANGE

September 22, 2023

James S.M. Kitchen
Barrister & Solicitor
203-304 Main St S, Suite 224
Airdrie, AB T4B 3C3
Direct: 587-200-7052
Office: 587-200-7035
Email: james@jsmklaw.ca

Counsel for Monique LaGrange

I. OVERVIEW

A. Introduction

1. Monique LaGrange is a Red Deer Catholic Regional School (RDCRS) trustee.
2. On or about August 27, 2023, Trustee LaGrange posted a “disappearing” story on her personal Facebook account. The post took the form of a meme, displaying two photographs: a historical photograph of children holding flags depicting swastikas; and a contemporary photograph of children holding flags depicting rainbows. The meme was captioned, “Brainwashing is brainwashing”.
3. The meme had struck Trustee LaGrange as apropos; it succinctly addressed an issue troubling to Trustee LaGrange, both politically and perhaps more significantly, spiritually. For this reason, Trustee LaGrange, who is a Christian, carefully considered and prayed for God’s guidance as to whether she should share the meme on her personal social media account. Ultimately, she was led by the stirring of the Holy Spirit in her conscience to share the meme.
4. Trustee LaGrange received many messages in support of her communication. Unsurprisingly, there were also detractors, as one might expect in the trenches of *the messy business of democracy*.

B. September 5 – 13, 2023

5. On September 5, 2023 “a motion was passed by the board of trustees to send a letter to the Minister of Education...seeking the removal of Trustee LaGrange”.
6. On September 6, 2023, a “conciliatory” meeting was held during which Trustee LaGrange “was offered the opportunity to explain her actions and to potentially put forth an apology”. Trustee LaGrange neither apologized nor demonstrated “remorse”, holding the conviction she had done nothing wrong or inappropriate in making the post.
7. In a letter dated September 7, 2023, Chair Murray Hollman enlisted the assistance of the Minister of Education to remove Trustee LaGrange: “[O]n September 5, 2023, our Board

passed, by majority vote a motion (Motion) seeking your assistance to have the Trustee dismissed”.

8. On September 7, 2023, RDCRS Vice Chair Dorraine Lonsdale sent a letter to RDCRS Chair Murray Hollman, alleging that Trustee LaGrange’s communication breached sections 1, 6, 7 and 22 of Policy 4: Trustee Code of Conduct. On the same date, RDCRS Trustee Cynthia Leyson provided a letter in support of Ms. Lonsdale’s complaint, pursuant to the policy requirement.
9. On September 7, 2023, Trustee LaGrange was interviewed by a reporter from the Western Standard, in which Trustee LaGrange conveyed her position that the meme is “centred 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” and stated, “I did not resign because I believe I didn’t do anything wrong. I was elected to stand up and protect our children and that is what I am doing”.
10. On or about September 13, 2023, Trustee LaGrange gave an interview to a reporter from True North, in which she reiterated her position: “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”.

C. Submissions provided by Trustee Lonsdale

11. Ms. Lonsdale subsequently provided undated written submissions containing an expanded list of “infractions” entitled, “TRUSTEE CODE OF CONDUCT SUBMISSION TO THE BOARD OF TRUSTEES BOARD POLICY 4”.

12. While Ms. Lonsdale’s extensive narration of her concerns is largely untethered to Trustee LaGrange’s alleged infractions, the following is an attempt to characterize any legally relevant assertions:

- Trustee LaGrange’s communication(s) contravened “Roman Catholic beliefs and values” by failing to be “inclusive” and “denigrat[ing] the work this Division has put towards creating an inclusive environment”;
- Trustee LaGrange’s communication(s) contravened sections 33(1)(a), 33(1)(d), 33(1)(e), 33(2), 33(3)(a), 33(3)(b), 33(3)(c), 33(3)(d)(i), 33(3)(d)(ii), 33(3)(d)(iii) and 33(3)(d)(iv) of the *Education Act* by failing to be “inclusive” and “denigrat[ing] the work this Division has put towards creating an inclusive environment”;
- In contravening sections 33(1)(a), 33(1)(d), 33(1)(e), 33(2), 33(3)(a), 33(3)(b), 33(3)(c), 33(3)(d)(i), 33(3)(d)(ii), 33(3)(d)(iii) and 33(3)(d)(iv) of the *Education Act*, Trustee LaGrange’s communications contravened sections 34(a), 34(b), 34(c) and 34(d) of the *Education Act*;
- Trustee LaGrange’s communications contravened sections 6.3, 6.4, 6.7, 6.18 and 6.20 of Policy 3 in some unspecified way, which by implication contravened section 1 of Policy 4;
- Trustee LaGrange’s communications contravened sections 6, 7, and 22 of Policy 4 in some unspecified way, presumably by failing to be “inclusive” and “denigrat[ing] the work this Division has put towards creating an inclusive environment”.

II. ARGUMENT

A. Trustee LaGrange’s communications did not contravene “Roman Catholic values”

13. Ms. Lonsdale invoked Roman Catholic beliefs, values, faith, doctrine or perspectives about a dozen times throughout her submission to buttress her assertion that Trustee

LaGrange’s “actions” ran afoul of Roman Catholic beliefs, values, faith, doctrine and perspectives. The Roman Catholic materials upon which Ms. Lonsdale relied are CCSSA’s LIFE Framework and the Catechism of the Catholic Church.

a) CCSSA’s LIFE Framework

14. The CCSSA’s LIFE Framework is tangential to the analysis of Trustee LaGrange’s alleged infraction(s), given it appears to deal solely with opt-in student groups. Nevertheless, it does offer insight into the doctrinal foundation essential to all Catholic school activities, whether or not mandated.
15. Ms. Lonsdale states, quoting the CCSSA’s LIFE Framework:

Catholic Schools are committed to using the *Pastoral Guideline for the LIFE Framework* (2018) and the LIFE Framework (2015, revised 2018 & 2019) to inform the creation and operation of student groups and activities which seek to promote student inclusion within the schools and, **in fidelity to Catholic teachings**, eliminates all forms of bullying including - but not restricted to - **harassment** and **discrimination** with regard to sexual orientation and gender identity; and to promote justice, **respectful relationships and language** within Catholic schools.

16. The CCSSA further states that “the school has a mission to help each student to fulfill their God-given potential in all aspects of their person: physically, academically, socially, **morally and spiritually**”; “Alberta’s Catholic school districts are responsible for creating a Catholic faith community, which provides education for all students **within the Catholic tradition**”; “[t]he authenticity of each school’s faith community is determined by its **adherence to the faith**”; “[i]t is the task of [adult leaders] to integrate **the faith** into every program and aspect of their Catholic school”; “[p]arents and guardians, **the primary educators of children, entrust their children to Catholic schools** so that they may flourish and be **pastorally** nurtured”; “[t]o provide guidance to the Catholic school faith community, **in order that it may act in accord with the teachings of the Roman Catholic Church**, Alberta’s Catholic Bishops have provided the Pastoral Guideline”; “Groups shall...[r]eflect the philosophy and **theology of communion** and emphasize inclusion, hospitality, respect, justice and **religious fidelity**”; “facilitators integrate

prayer, scripture, and **Catholic teaching**”; and “[t]he principal shall ensure the facilitator(s) receives...information on...relevant **Catholic teachings**”.

17. The “Catholic tradition”, the “faith”, the moral and spiritual aspects of the person, the “teachings of the Roman Catholic Church”, the “theology of communion”, “religious fidelity” and pastoral nurturing all imply adherence to Roman Catholic theology, and in no way imply theological compromise. Love, respect and care for *people* has nothing to do with acceptance of an *ideology* that fails to conform to Catholic doctrine. This comes into sharp relief when viewing the other Roman Catholic publication to which Ms. Lonsdale referred: the Catechism.

b) The Catechism of the Catholic Church

18. Ms. Lonsdale next pointed to the Catechism of the Catholic Church [CCC #2358], albeit the outdated and errant 1994 edition which was subsequently corrected by Pope John Paul II in 1997. What Ms. Lonsdale did not point to, unsurprisingly, are the sections immediately preceding and following CCC #2358—which further cast doubt on the veracity of Ms. Lonsdale’s interpretation. All three sections from the corrected Second Edition are here reproduced:

Homosexuality refers to relations between men or between women who experience an exclusive or predominant sexual attraction toward persons of the same sex. It has taken a great variety of forms through the centuries and in different cultures. Its psychological genesis remains largely unexplained. Basing itself on **Sacred Scripture**, which presents homosexual acts as acts of **grave depravity**, tradition has always declared that “**homosexual acts are intrinsically disordered.**” They are **contrary to the natural law**. They close the sexual act to the gift of life. They **do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.** [CCC #2357, 1997 Second Edition.] [Emphasis added.]

The number of **men and women** who have deep-seated homosexual tendencies is not negligible. This inclination, which is **objectively disordered**, constitutes for most of them a **trial. They must be accepted with respect, compassion, and sensitivity.** Every sign of **unjust discrimination in their regard should be avoided.** These persons are called to fulfill God’s will in their lives and, if they are Christians, to **unite to the sacrifice of the Lord’s Cross the difficulties** they may encounter

from their **condition**. [CCC #2358, 1997 Second Edition.] [Emphasis added.]

Homosexual persons are called to **chastity**. By the virtues of **self-mastery** that teach them inner freedom, at times by the support of **disinterested** friendship, by **prayer** and **sacramental grace**, they can and should gradually and resolutely approach Christian perfection. [CCC #2359, 1997 Second Edition.] [Emphasis added.]

19. Pretending the Catechism of the Catholic Church can be relied on to foster, encourage or promote LGBTQ causes and activism is intellectually dishonest. At most, the CCC instructs Catholic believers to show “respect, compassion and sensitivity” to people whose “homosexual acts are **intrinsically disordered**”, having been presented by “Sacred Scripture” as “acts of **grave depravity**” which “[u]nder no circumstances can...be approved”, *supra*. The CCC instructs those suffering what it characterizes as an “objectively disordered inclination” to undertake lives of “chastity”, learn “self-mastery” and aim “resolutely” for “Christian perfection”. For further certainty, the Catechism explicitly states that “**they**”—“**men and women**”—must be accepted with respect, compassion and sensitivity **and** that “**under no circumstances**” can their “**grave[ly] deprav[ed]**” and “**intrinsically disordered**” “**acts**”, “**tendencies**”, and “**inclination[s]**” “**be approved**”.
20. The messaging is clear: compassionately accept and respect the sinner, but reject the sin.
21. “Provid[ing] for a supportive role of the 2SLGBTQ+ community including those that [*sic*] attend or work in our schools” and “striv[ing] to support all from a Roman Catholic perspective” does **not** imply championing activism and indoctrination that run counter to the teachings and doctrines of the Church. Loving, supporting and including *people* does **not** imply supporting *ideology*.
22. Ms. Lonsdale provided no support for her claim that “[t]he activities that Trustee LaGrange is critiquing are the same or similar activities approved by Bishops and relayed by Superintendents to teachers, which Trustee LaGrange equates to brainwashing and indoctrination akin to Nazi efforts in this regard”. There is no evidence from Ms. Lonsdale that “Bishops” have approved indoctrinating children in service to this cause, as

distinct from showing love and care for **people** themselves. The Catechism prescribes embracing people specifically **without** embracing values that run contrary to Church teachings. “[S]upport[ing] all from a Roman Catholic perspective”, as Ms. Lonsdale admits the requirement to be, means exactly that: supporting **people**, not ideology, from the **Roman Catholic perspective**, which **clearly omits to endorse** certain value systems, if the Catechism is to be believed.

23. Accordingly, the rather selective “Roman Catholic values” Ms. Lonsdale contemplates throughout her submission are properly given no weight in the assessment of this matter on the basis of their clear theological unreliability and the fact they are demonstrably untethered to the support and inclusion of **people** who happen to occupy places in the LGBTQ community, as opposed to activists seeking to socially engineer Catholicism and society at large according to their preferences. Nothing in Trustee LaGrange’s communications, ***properly understood***, is offside Roman Catholic teachings.

B. Trustee LaGrange’s communications did not contravene the *Education Act*

24. Ms. Lonsdale has not pointed to any way in which Trustee LaGrange failed to
- **deliver** appropriate education **programming** to meet the needs of all students enrolled in a school operated by the board and to enable their success;
 - **ensure** that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe **learning environment** that respects diversity and fosters a sense of belonging;
 - **provide** a continuum of **supports** and **services** to students that is consistent with the principles of inclusive education;
 - **establish, implement** and **maintain** a **policy** respecting the board’s obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour;
 - **make** the aforementioned **code publicly available**;
 - **review** said **code** every year;

- **provide** said **code** to all staff of the board, students of the board and parents of students of the board;
- **include** in the aforementioned policy a **statement of purpose** that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;
- **include** in said policy one or more **statements** that address the prohibited grounds of discrimination set out in the *Alberta Human Rights Act*;
- **include** in said policy one or more **statements** about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means;
- **include** in said policy one or more **statements** about the consequences of unacceptable behaviour, which must take account of the student’s age, maturity and individual circumstances, and which must ensure that support is provided for students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour;
- **fulfil** the preceding **responsibilities** of the board;
- **be present** and **participate** in **meetings** of the board and committees of the board;
- **comply** with the board’s **code** of conduct, *infra*;
- **engage parents, students** and the **community** in matters related to education.

25. Accordingly, Ms. Lonsdale has pointed to no way in which Trustee LaGrange has contravened sections 33(1)(a), 33(1)(d), 33(1)(e), 33(2), 33(3)(a), 33(3)(b), 33(3)(c), 33(3)(d)(i), 33(3)(d)(ii), 33(3)(d)(iii), 33(3)(d)(iv), 34(a), 34(b), 34(c) or 34(d) of the *Education Act*.

C. Trustee LaGrange’s communications did not contravene Policy 4

26. Ms. Lonsdale omitted to specify in her submission **how** Trustee LaGrange’s communications allegedly contravened Policy 4, including the relevant sections of Policy 3, enumerated by Ms. Lonsdale as sections 6.3, 6.4, 6.7, 6.18 and 6.20. Ms. Lonsdale’s initial complaint discloses only: “Specifically, I believe that there is a correlation between

RDCRS Policy 4 and the actions taken by Trustee LaGrange when she willingly posted a picture on social media”. Presumably, this alleged contravention, like the others, is based on supposed failure to be inclusive and supposed denigration of the work the Division has done in that regard.

27. At any rate, Trustee LaGrange did not contravene Policy 4. Trustee LaGrange did not contravene Policy 4 section 1 in that she did not fail to carry out her responsibilities pursuant to Policy 3, specifically: Trustee LaGrange did not fail to reflect the principles of the Trustee Code of Conduct in her communications with the public; Trustee LaGrange did not fail to be cognizant of the interests of the Board in her communications; Trustee LaGrange did not fail to be aware of public perception vis-à-vis her duties within the school division; Trustee LaGrange did not fail to support a decision of the Board; Trustee LaGrange did not make any statement giving the impression it reflected the corporate opinion of the Board when it did not; Trustee LaGrange did not fail to contribute to a positive and respectful learning and working culture within the Board and the Division; and Trustee LaGrange did not fail to adhere to the Trustee Code of Conduct.
28. Trustee LaGrange did not contravene Policy 4 sections 6, 7 and 22 in that Trustee LaGrange did not fail to commit herself to dignified, ethical, professional and lawful conduct; Trustee LaGrange did not fail to reflect the Board’s policies and resolutions when communicating with the public; and Trustee LaGrange did not fail to represent the Board responsibly in all Board-related matters with proper decorum and respect for others.
29. The fact is, Trustee LaGrange did not communicate **at all** in her capacity as a trustee, nor in a “Board-related matter”, nor in a capacity wherein she would have had an onus to reflect “the Board’s policies and resolutions”; but even if she had, nothing in her statement(s) failed to be “inclusive” of students or staff. Neither did anything in her statement(s) denigrate the inclusivity work of the Division. Efforts at inclusion and creating safe spaces need not involve indoctrination, which was and remains Trustee LaGrange’s point.

30. Neither has Ms. Lonsdale demonstrated that Trustee LaGrange’s “intention” was anything other than what Trustee LaGrange repeatedly stated her intention was: protecting children from indoctrination. The “seriousness of the comments” over which Ms. Lonsdale is seeking to disqualify Trustee LaGrange are mostly that Ms. Lonsdale does not agree with them, as distinct from there being anything undignified, unethical, unprofessional or unlawful about them.
31. Trustee LaGrange did not name a student, a staff member, a school, a division, a municipality, a province, a country, a particular inclusion “effort”, an instruction from a Bishop, or anything specifically connected to “the wonderful work and support that Division teachers undertake to support 2SLGBTQ+ initiatives”. Neither did Trustee LaGrange identify herself as a trustee. The most that can be taken from Trustee LaGrange’s post is that she opposes indoctrination (i.e. “brainwashing”) of children in any form—a fact concerning which she has been nothing if not candid.
32. Rather than squarely addressing the substance of Trustee LaGrange’s post and circumscribing her remarks to the substance of Trustee LaGrange’s communications, Ms. Lonsdale read into it a narrative casting Trustee LaGrange as the villain to the Division’s inclusivity efforts. But the simple fact is that Trustee LaGrange did not oppose any identifiable inclusivity effort by the Board. Trustee LaGrange opposed something very different from efforts to “include” children—she opposed the “brainwashing” of impressionable children into ideologies by having them wave flags which represent meanings they are not capable of comprehending, and may well entirely disapprove of if they were old enough and informed enough to comprehend.
33. Anything beyond the clear message of opposing state-sponsored indoctrination of children was quite simply imagined by Trustee LaGrange’s detractors. The photograph could just as easily have depicted Komsomol, Pioneers or Little Octobrists. The children could have been waving Soviet Communist Flags, Crusader flags, Confederate flags, or ISIS flags. The meme was children waving flags that represent complex political ideologies they cannot possibly understand and which have been placed in their hands by adults with political and/or ideological agendas. No reasonable person would assume that

Trustee LaGrange was comparing the RDCRS’s inclusivity initiatives with death camps, a tortured interpretation by any standard.

D. *Del Grande* is eminently distinguishable

34. Ms. Lonsdale at last invoked the case of *Del Grande v Toronto Catholic District School Board*¹ in support of the idea that the Toronto trustee’s milder behaviour attracted harsh sanction. The notion that the sanctionable conduct in *Del Grande* is remotely comparable with Trustee LaGrange’s conduct, to say nothing of somehow *better*, is absurd. Beyond that both matters involve school trustees, it is difficult to imagine two more dissimilar cases factually and legally.
35. *Del Grande* is a case wherein the trustee, **acting in his capacity as a trustee, on official school board business**, in a **public meeting**, with **members** of the LGBTQ community in attendance, one of whom had, **in the same public meeting**, spoken to his own traumatic experiences whilst attending a Board-operated school, saw fit to compare gender identity and expression to **pedophilia**, gerontophilia, **bestiality**, **vampirism**, **rape**, **cannibalism**, and a dozen or so more.
36. Ms. Lonsdale excuses Mr. Del Grande’s remarks as “flippant”—an erroneous interpretation and a misapprehension of the case in two ways: first, the idea that such invective constitutes mere cheek and brass is extraordinary; more significantly, contrary to Ms. Lonsdale’s assertion, the Court did not describe Mr. Del Grande’s rhetoric thus.
37. “Flippant” was the word used to describe the manner in which Mr. Del Grande addressed **concerns about the language he used**. The language itself was characterized as “disrespectful, not inclusive and lacking in compassion”; “distressing and demeaning”; and “extreme and derogatory”. Mr. Del Grande himself admitted, in writing, that his language was meant to convey “**rare, deviant, illegal, immoral, repulsive, unusual behaviours**”.

¹ [2023 ONSC 349](#) [*Del Grande*].

38. The investigator, and consequently the reviewing court, acknowledged Mr. Del Grande had been **aware** he was couching his remarks in the language of **deviance**, and **aware** that members of the community whose *personhood* and *behaviours* he was so describing **were in attendance**.
39. Mr. Del Grande attacked *behaviour*, not ideas. Even the errant edition (*supra*) of the Catechism of the Catholic Church Ms. Lonsdale brings to bear on the present matter characterizes alternative sexuality as something more like an affliction than an alternative, describing “homosexuality” as a “trial” and a “condition”.
40. Trustee LaGrange expressed absolutely nothing in any way like Mr. Del Grande, or even Catechism #2358. Moreover, Trustee LaGrange engaged in her expression on her personal social media account, in her personal name, absent association with the school board, not while on school board business, and not with a captive audience at a meeting they were obliged to attend in order to participate if they wanted their concerns heard. Vulnerable members of the public and the board have no choice but to attend school board meetings in order to be included in the process. Nobody is obliged to navigate to Trustee LaGrange’s personal social media account and read opinions they find offensive.
41. Moreover, the opinion to be found at Trustee LaGrange’s page made no attack on persons, their gender, their sexuality, or their sexual proclivities. Trustee LaGrange expressed an opinion about an *ideology* she views as insidious, pervasive and manipulative. She did not compare teaching respect for all human beings to the Nazi regime; she did not compare refusing to discriminate against any human being with the Nazi regime; she in fact did not compare **anything** to the Nazi regime, and interpreting the meme otherwise reveals a lack of reasoning ability. Trustee LaGrange called out placing flags in the hands of children who cannot possibly fathom what they mean. Trustee LaGrange opined that the family home is the proper venue for instilling and promoting values, beliefs, political perspectives, or worldviews. Trustee LaGrange expressed that the state is not the arbiter of *correct* values, beliefs, political perspectives, or worldviews, irrespective of what sort of government occupies office.

42. Whereas Mr. Del Grande admitted he does not actually believe what he said, Trustee LaGrange expressed her authentic opinion, absent sarcasm or insincerity. Her view, while not universally welcomed, reflected what she sincerely believes to be true. The Court was clear that Mr. Del Grande had every right to present his dissenting opinion in a thoughtful manner. Instead, he chose to sarcastically propose an odious amendment to a motion which sought to add, to the Toronto Catholic District School Board Code of Conduct, gender identity and gender expression as protected grounds pursuant to a specific ministerial mandate, and which are *Code*-protected grounds in any event.
43. Trustee LaGrange expressed a *general* opinion about the place of political activism and ideological indoctrination in *schools*—plural. Trustee LaGrange posted a meme embodying a *general* principle. Her post was not motivated by or in response to any specific board resolution, as evidenced by Ms. Lonsdale’s failure to point to one. Ms. Lonsdale feels as though Trustee LaGrange’s statements may have been aimed at something to do with the “wonderful work” of the Division, but she presented no evidence to support that notion.

E. The analogous case is *Strom*, not *Del Grande*

44. A case more comparable to the present matter is *Strom v Saskatchewan Registered Nurses’ Association*,² which involved a nurse who attracted the ire of her professional regulator when she spoke out concerning deficiencies she had observed in the healthcare system.
45. Ms. Strom posted what the regulator characterized as “impulsive, gratuitous social media venting” on her personal Facebook page, criticizing the staff of a specified care facility she believed had provided substandard care to her grandfather. Ms. Strom then proceeded to publicly tweet her Facebook post to Saskatchewan’s Minister of Health and the Saskatchewan Opposition Leader. Some care facility employees reported the post and tweets to Nurse Strom’s professional regulator, which found her guilty of professional misconduct pursuant to numerous standards: section 26(1) and (2) of the *Act*; the *Code of*

² [2020 SKCA 112](#) [*Strom*].

Ethics for Registered Nurses, 2008 [Code] and, more particularly, Part I: Nursing Values and Ethical Responsibilities A1, 3; B3; D1, 10; E1, 3, 4, 5, 7; F2; and G1; and the *Standards & Foundation Competencies for the Practice of Registered Nurses, 2013 [Standards]* and, more particularly, Standard I – Competencies 1, 5, 8 and 15; Standard III – Competencies 62 and 71; and, Standard IV – Competencies 76(a)(f) and 78.

46. Ms. Strom’s initial post read:

My Grandfather spent a week in “Palliative Care” before he died and after hearing about his and my family’s experience there (@ St. Joseph’s Health Facility in Macklin, SK) it is evident that Not Everyone is “up to speed” on how to approach end of life care ... Or how to help maintain an Ageing Senior’s Dignity (among other things!)

So ... I challenge the people involved in decision making with that facility, to please get All Your Staff a refresher on this topic AND More.

Don’t get me wrong, “some” people have provided excellent care so I thank you so very much for YOUR efforts, but to those who made Grandpa’s last years less than desirable, Please Do Better Next Time! My Grandmother has chosen to stay in your facility, so here is your chance to treat her “like you would want your own family member to be treated”.

That’s All I Ask!

And a caution to anyone that has loved ones at the facility mentioned above: keep an eye on things and report anything you Do Not Like! That’s the only way to get some things to change.

(I’m glad the column reference below surfaced, because it has given me a way to segway into this topic.)

The fact that I have to ask people, who work in health care, to take a step back and be more compassionate, saddens me more than you know!

47. The post was accompanied by a link to a newspaper article entitled, “We have right to die but not to quality palliative care”, and which stated: “[I]gnorance and lack of skill in attending to the needs of dying patients are still tragically common in Canada” and “[A]t their time of licensure, physicians have been taught less about pain management than those graduating from veterinary medicine”.

48. The post generated an online discussion with other Facebook users, during which Ms. Strom made the following additional comments:

... AND Being treated well/fairly is A HUMAN RIGHT FOR GOODNESS SAKES! They are NOT A ROOM NUMBER OR A CHART NUMBER!...We are advocating for our loved ones here and that's where our passion comes from. There IS NO FAULT IN THAT and it will Not Stop!...[T]his has been an ongoing struggle with the often subpar care given to my Hollman Grandparents (especially Grandpa) for many years now ... Hence my effort to bring more public attention to it (As not much else seems to be working). As an RN and avid health care advocate myself, I just HAVE to speak up! Whatever reasons/excuses people give for not giving quality care, I Do Not Care, It. Just. Needs. To. Be. Fixed. And NOW!...“Why do you do your job?” “Do you actually care about the people you WORK FOR/Care For?” “Or is it JUST A JOB, WITH A PAYCHEQUE?” ... If so, maybe it's time to take a step back...Either way I just want my Grandmother (and everyone else in that facility) to be treated well, ALWAYS!

49. The regulator cited as particularly problematic the fact Ms. Strom specifically identified the facility; disclosed that she was a registered nurse thus engaging “the professional image of registered nurses in general as well as your personal professional obligations”; and publicly called into question the capacity of the health facility and its employees and directors to deliver appropriate healthcare.
50. The regulator referred to “the principles of responsibility for off duty conduct” and found that despite having made her comments on her personal social media, Ms. Strom had identified herself as a registered nurse to give credibility and legitimacy to her comments, thereby “**establishing a link between her views**” and “**her position as a registered nurse**”.
51. The Saskatchewan Court of Queen's Bench agreed with the regulator, but the Court of Appeal overturned the decision, both on the basis of professional misconduct and Ms. Strom's *Charter* right to freedom of expression. Notably, the Court found that because Ms. Strom was a nurse, her public statements relating to the healthcare system, even though negative, more likely enhanced public confidence in the healthcare system, because the public would be able to see that someone on the inside was able to take an

active role in fixing what the public on its own cannot. In the alternative, even if Ms. Strom’s public criticism had the effect of eroding public confidence, the Court found that very erosion was likely to force the necessary change: such was “the messy business of democracy”.

52. It is worth quoting the Strom court in its own words:

[160] The freedom to criticize services extends equally to public services. Indeed, the right to criticize public services is an essential aspect of the “linchpin” connection between freedom of expression and democracy. In Canada, public healthcare is both a source of pride and a political preoccupation. It is a frequent subject of public discourse, engaging the political class, journalists, medical professionals, academics, and the general public. **Criticism of the healthcare system is manifestly in the public interest. Such criticism, even by those delivering those services, does not necessarily undermine public confidence in healthcare workers or the healthcare system. Indeed, it can enhance confidence by demonstrating that those with the greatest knowledge of this massive and opaque system, and who have the ability to effect change, are both prepared and permitted to speak and pursue positive change. In any event, the fact that public confidence in aspects of the healthcare system may suffer as a result of fair criticism can itself result in positive change. Such is the messy business of democracy.**

53. The word “school” or the name of any other public institution could be inserted in place of “healthcare” in the preceding quotation of the *Strom* court and it would be just as resonant. Criticism of public institutions “is manifestly in the public interest”.

F. The outcome must be reasonable

54. All administrative decisions are subject to the reasonableness standard imposed in *Canada (Minister of Citizenship and Immigration) v Vavilov*,³ wherein the Supreme Court of Canada (“SCC”) elucidates precisely how high the threshold for a reasonable decision is.

³ [2019 SCC 65](#) [*Vavilov*].

55. A decision maker’s decision will not be reasonable if the decision maker has failed to “**meaningfully grapple with key issues or central arguments**” raised.⁴ A decision maker must demonstrate it was “**actually alert and sensitive to the matter before it**”.⁵
56. “Justification and transparency require that an administrative decision maker’s reasons **meaningfully account for the central issues and concerns raised**”⁶ in order to prove it has “**actually listened**”.⁷ If the decision “cannot be said to exhibit the requisite degree of justification, intelligibility and transparency”, it will be unreasonable:⁸
- [A] reasonable decision is one that is justified in light of the facts...The decision maker must take the evidentiary record and the general factual matrix that bears on its decision into account, and its decision must be reasonable in light of them...The reasonableness of a decision may be jeopardized where the decision maker has **fundamentally misapprehended or failed to account for the evidence** before it.⁹
57. A decision will not be reasonable if it is not “justified in relation to the constellation of law and facts that are relevant to the decision...Elements of the **legal and factual contexts of a decision operate as constraints** on the decision maker”.¹⁰
58. A decision will not be reasonable if it involves an “irrational chain of analysis”:¹¹ “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”.¹²
59. A decision will not be reasonable if the decision maker strayed from the purpose and intent of the statute: “It [is] impossible for an administrative decision maker to justify a decision that strays beyond the limits set by the statutory language it is interpreting”.¹³
60. A decision will not be reasonable if the decision maker reasoned backward from a conclusion: The decision maker “cannot adopt an interpretation it knows to be inferior –

⁴ *Vavilov* at para 128. [Emphasis added.]

⁵ *Vavilov* at para 128. [Emphasis added.]

⁶ *Vavilov* at para 127. [Emphasis added.]

⁷ *Vavilov* at para 127. [Emphasis added.]

⁸ *Vavilov* at para 100.

⁹ *Vavilov* at para 126. [Emphasis added.]

¹⁰ *Vavilov* at para 105. [Emphasis added.]

¹¹ *Vavilov* at para 103.

¹² *Vavilov* at para 104. [Emphasis added.]

¹³ *Vavilov* at para 110.

albeit plausible – merely because the interpretation in question appears to be available and is expedient. The decision maker’s **responsibility is to discern meaning and legislative intent**, not to ‘reverse-engineer’ a desired outcome”.¹⁴

61. A decision maker must attend to legal precedent and “established internal decisions” unless it can “*justify*” the “departure”, to prevent erosion of “public confidence in administrative decision makers and in the justice system as a whole”.¹⁵
62. *Vavilov* states: “The principle of responsive justification means that if a decision has particularly harsh consequences for the affected individual, the decision maker must explain why its decision best reflects the **legislature’s intention**. **This includes decisions with consequences that threaten an individual’s life, liberty, dignity or livelihood**”.¹⁶

G. Trustee LaGrange made statements pursuant to her expressive and religious rights and any discipline will infringe those rights

63. As both political expression and religious expression, Trustee LaGrange’s post and statements are protected.

a) Section 2(b) of the *Canadian Charter of Rights and Freedoms*

64. The protection of freedom of expression is premised upon fundamental principles and values that promote the search for and attainment of truth, participation in social and political decision-making and the opportunity for individual self-fulfillment through expression.¹⁷
65. The Supreme Court of Canada has maintained:

Freedom of expression is a crucial aspect of the democratic commitment, not merely because it permits the best policies to be chosen from among a wide array of proffered options, but additionally because it helps to ensure that participation in the political process is open to all persons... The state therefore cannot act to hinder or condemn a political view without to some

¹⁴ *Vavilov* at para 121. [Emphasis added.]

¹⁵ *Vavilov* at paras 112, 131. [Emphasis added.]

¹⁶ *Vavilov* at para 133. [Emphasis added.]

¹⁷ *Irwin Toy Ltd. v Quebec (Attorney General)*, [1989] 1 SCR 927 [*Irwin Toy*] at 976; *Ford v Quebec*, [1988] 2 SCR 712 at 765-66.

extent harming the openness of Canadian democracy and its associated tenet of equality for all.¹⁸

66. The Supreme Court of Canada explained the philosophical underpinning of free expression with reference to John Milton’s 1644 publication, *Areopagitica; A Speech for the Liberty of Unlicenc’d Printing, to the Parliament of England* and John Stuart Mill’s “On Liberty” (Oxford 1946):

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.

And, after stating that “All silencing of discussion is an assumption of infallibility”, he said, at p. 16:

Yet it is as evident in itself, as any amount of argument can make it, that ages are no more infallible than individuals; every age having held many opinions which subsequent ages have deemed not only false but absurd; and it is as certain that many opinions now general will be rejected by future ages, as it is that many, once general, are rejected by the present.

Nothing in the vast literature on this subject reduces the importance of Mill’s words. The principle of freedom of speech and expression has been firmly accepted as a necessary feature of modern democracy.¹⁹

67. Free expression is valued above all as being instrumental to democratic governance. The two other rationales for protecting freedom of expression—encouraging the **search** for truth through the **open exchange of ideas**, and fostering individual self-actualization, thus directly engaging individual human dignity—are also key values that animate the section 2(b) analysis.²⁰

¹⁸ *R. v Keegstra*, [1990] 3 SCR 697 [Keegstra].

¹⁹ *RWDSU v Dolphin Delivery Ltd.*, [1986] 2 SCR 573 at 583.

²⁰ *Sierra Club of Canada v Canada (Minister of Finance)*, 2002 SCC 41, at para 75.

68. Canadian courts have interpreted section 2(b) broadly, often finding a *prima facie* breach easily. The Supreme Court has adopted the following three-part test for analyzing section 2(b):
- (1) Whether the activity in question has expressive content, thereby bringing it within section 2(b) protection;
 - (2) Whether the method or location of the expression removes that protection;
 - (3) Whether the state action in question infringes that protection, either in purpose or effect.²¹
69. The courts have applied the principle of content neutrality in defining the scope of section 2(b), such that the content of expression, no matter how offensive, unpopular or disturbing, cannot deprive it of section 2(b) protection.²² Being content-neutral, the *Charter* also protects the expression of both truths and falsehoods.²³
70. Freedom of expression includes more than the right to express beliefs and opinions. It protects both speakers and listeners.²⁴ “Expression” may include all phases of the communication, from maker or originator through supplier, distributor, retailer, renter or exhibitor to receiver, whether listener or viewer.²⁵
71. Freedom of expression also protects the right not to express oneself. “[F]reedom of expression necessarily entails the right to say nothing or the right not to say certain things. Silence is in itself a form of expression which in some circumstances can express something more clearly than words could do”.²⁶ Thus, forced or compelled expression

²¹ *Canadian Broadcasting Corp. v Canada (Attorney General)*, [2011 SCC 2](#); *Montréal (City) v 2952-1366 Québec Inc.*, [2005 SCC 62](#); *Irwin Toy*.

²² *Keegstra*.

²³ *Canada (Attorney General) v JTI-Macdonald Corp.*, [2007 SCC 30](#) at para 60; *R. v Zundel*, [\[1992\] 2 SCR 731](#) at para 36; *R. v Lucas*, [\[1998\] 1 SCR 439](#) at para 25.

²⁴ *Edmonton Journal v Alberta (Attorney General)*, [\[1989\] 2 SCR 1326](#).

²⁵ *Dagenais v Canadian Broadcasting Corp.*, [\[1994\] 3 SCR 835](#); *Irwin Toy*; *Rocket v Royal College of Dental Surgeons of Ontario*, [\[1990\] 2 SCR 232](#); *R. v Videoflicks (1984)*, [14 DLR \(4th\) 10](#).

²⁶ *Slaight Communications Inc. v Davidson*, [\[1989\] 1 SCR 1038](#) [*Slaight*] at 1080.

can constitute a restriction of section 2(b).²⁷ The act of complying with the law is not the same as being compelled to express support for the law.²⁸

72. It is **not** necessary that an expression be received and **subjectively understood** for it to be protected expression under section 2(b):

[T]o attract constitutional protection, the claimant need not establish that his or her message was received and subjectively understood or appreciated by others. It is the conveying or the attempted conveying of the meaning, **not its receipt**, that triggers the guarantee under paragraph 2(b)...[I]t does not matter whether the Peace Camp and its constituent structures **successfully conveyed** a message of peace, or of general protest, or of specific protest against the policy of the federal government in allowing cruise missile testing in Canada. **It is enough that the appellant's conduct attempted to convey some meaning**, which it clearly did. This brings the appellant's expression *prima facie* within the scope of the expression protected by paragraph 2(b) of the *Charter*.²⁹

73. Neither expression that takes the form of violence³⁰ nor threat of violence is protected by the *Charter*.³¹ In other respects, the form or medium used to convey a message is generally considered part and parcel of the message and included within section 2(b) protection.³²
74. Trustee LaGrange's post and subsequent communications contained expressive content and attempted to convey meaning. The first part of the test is satisfied. As Trustee LaGrange's expression was non-violent and did not infringe others' property rights, the method and location of her expression are not subject to the limitation at the second part of the test.

²⁷ *Slaight; RJR-MacDonald Inc. v Canada (Attorney General)*, [1995] 3 SCR 199; *National Bank of Canada v Retail Clerks' International Union*, [1984] 1 SCR 269.

²⁸ *Rosen v Ontario (Attorney General)*, 131 DLR (4th) 708.

²⁹ *Weisfeld v Canada*, [1995] 1 FC 68 [*Weisfeld*].

³⁰ *Irwin Toy* at 969-70.

³¹ *Greater Vancouver Transportation Authority v Canadian Federation of Students*, 2009 SCC 31 at para 28; *Suresh v Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1 at paras 107-8; *R v Khawaja*, 2012 SCC 69 at para 70.

³² *Weisfeld*.

75. The action Trustee LaGrange faces infringes her freedom of expression in both purpose and effect, the former because it seeks to restrict the content of her expression; to control access to a certain message; and to limit her ability to attempt to convey a message to express herself,³³ and the latter because her expression advances one or more of the values underlying section 2(b), that is, participation in social and political decision making, the search for truth and individual self-fulfillment.³⁴ Accordingly, the third part of the test is satisfied.
76. Trustee LaGrange's expression is protected expression. The fact that Ms. Lonsdale does not find the meme particularly *de rigueur* is paradoxically at once beside the point and the entire point: protection of expression is content neutral; and, the idea that because something is offensive it is undeserving of protection runs counter to the entire purpose of freedom of expression. If Ms. Lonsdale and her ilk approved of the expression, it would not *need* protection. As former Chief Justice McLachlin of the Supreme Court of Canada observed:

Thus the guarantee of freedom of expression serves to protect the right of the minority to express its view, however unpopular it may be; adapted to this context, it serves to preclude the majority's perception of 'truth' or 'public interest' from smothering the minority's perception. The view of the majority has no need of constitutional protection; it is tolerated in any event.³⁵

b) Section 2(a) of the *Canadian Charter of Rights and Freedoms*

77. Trustee LaGrange made her post and her statements on the basis of her immutable, conduct-governing, sincerely held religious beliefs, which are protected pursuant to section 2(a) of the *Charter*.
78. The Supreme Court of Canada discloses in *Syndicat Northcrest v Amselem*³⁶ that a person advancing a freedom of religion claim need only show

³³ *Irwin Toy; Keegstra*.

³⁴ *Irwin Toy; Ramsden v Peterborough (City)*, [1993] 2 S.C.R. 1084.

³⁵ *R. v Zundel*, [1992] 2 S.C.R. 731 at para 22.

³⁶ 2004 SCC 47 [*Amselem*].

(1) he or she has a **practice or belief**, having a **nexus with religion**, which **calls for a particular line of conduct**, either by being **objectively or subjectively obligatory or customary**, or by, in general, **subjectively engendering a personal connection with the divine** or with the subject or object of an individual's spiritual faith, **irrespective of whether a particular practice or belief is required by official religious dogma or is in conformity with the position of religious officials**; and (2) he or she is **sincere** in his or her belief.³⁷

79. Religious belief **governs conduct**³⁸ and religious infringement is established when a policy interferes with conduct-governing beliefs in a way that is beyond trivial or insubstantial.³⁹
80. **No confirmation of the belief or practice by a religious leader** is necessary;⁴⁰ **no proof of the established practices of a religion** is necessary;⁴¹ **no mandatory doctrine of faith** supporting the belief is necessary;⁴² neither a government body nor a tribunal is in a position to interpret the content of an individual's **subjective understanding** of his or her religious obligations;⁴³ the role of a tribunal is to assess mere sincerity of belief, not validity of belief;⁴⁴ and sincerity of belief simply implies an honesty of belief.⁴⁵ *Amselem* also declines to endorse an objective standard and speaks to the appropriate nature of the inquiry: “[C]laimants seeking to invoke freedom of religion should not need to prove the objective validity of their beliefs in that their beliefs are objectively recognized as valid by other members of the same religion, nor is such an inquiry appropriate”.⁴⁶
81. *Amselem* rejects the idea that personal beliefs ought or even can be severed from the religious beliefs of the religious person, characterizing religion as inherently involving “personal convictions or beliefs”, “personal or subjective conception”, “personal autonomy”, “personal sincerity”, “personal notions of religious belief, ‘obligation’,

³⁷ *Amselem* at para 56. [Emphasis added.]

³⁸ *Amselem* at paras 41, 49, 56, 134.

³⁹ *Amselem* at para 59.

⁴⁰ *Amselem* at para 56. [Emphasis added.]

⁴¹ *Amselem* at para 54. [Emphasis added.]

⁴² *Amselem* at para 49. [Emphasis added.]

⁴³ *Amselem* at para 50. [Emphasis added.]

⁴⁴ *Amselem* at para 52.

⁴⁵ *Amselem* at para 51.

⁴⁶ *Amselem* at para 43.

precept, ‘commandment’, custom or ritual”, “voluntary expressions of faith”, “profoundly personal beliefs”, “intensely personal” beliefs and “personal religious ‘obligations’”.⁴⁷ **Amselem confirms that religious belief is personal belief.**

82. The Supreme Court of Canada states in *Corbiere v Canada (Minister of Indian and Northern Affairs)*⁴⁸ that religion is “constructively immutable” because it is “changeable only at unacceptable cost to personal identity”⁴⁹ and again affirms this principle in *Quebec (Attorney General) v A*,⁵⁰ the latter of which has also “firmly rejected” the notion that protected characteristics vary across legislative contexts: “they are not deemed immutable in some legislative contexts and a matter of choice in others”.⁵¹
83. Trustee LaGrange, as a matter of her religious faith, believes exactly what she said and said exactly what she believes. Trustee LaGrange’s refusal to apologise, retract, desist, feign remorse, or otherwise are not the evidence against her Ms. Lonsdale supposes. Rather, they are manifestations of Trustee LaGrange’s conduct-governing, sincerely held religious beliefs and immutable characteristic, which are unalterable and which the “state has no legitimate interest in altering”.
84. Ms. Lonsdale’s final three demands constitute a further infringement of both Trustee LaGrange’s *Charter* rights, given they not only seek to compel speech, *supra* at paragraph 64, but also compel *belief*:

[T]he censure can only be purged by a **sincere** letter of apology to Division students, staff and members of the board of the trustees;...that Trustee LaGrange cease making any public statements on this matter save including interviews with the various news outlets **save for issuing a suitable letter of apology all** to demonstrate **sincere remorse**;...that Trustee LaGrange agrees to undergo some form of suitable sensitive [*sic*] **training** relative to the challenges and discrimination faced by members of the 2SLGBTQ+ community along with sensitivity **training** about the Holocaust.

⁴⁷ *Amselem* at paras 39, 41-2, 47, 49, 54, 134, 191.

⁴⁸ [\[1999\] 2 SCR 203](#) [*Corbiere*].

⁴⁹ *Corbiere* at para 13.

⁵⁰ [2013 SCC 5](#) [*Quebec v A*] at paras 336-7.

⁵¹ *Quebec v A* at para 335. [Emphasis added.]

85. Ironically, such recommendations are a manifestation of the very coercive indoctrination the much-maligned meme contemplates. By punishing, censuring, re-educating or banishing Trustee LaGrange in such Orwellian fashion, the District will have done more to prove her point than she ever could.

H. Balancing *Charter* rights

86. A decision to impose discipline upon Trustee LeGrange will infringe her free expression and freedom of religion rights, as described above. No infringement of a *Charter* right is lawful unless it is justified. The District is precluded from issuing a decision adverse to Trustee LeGrange unless it can be demonstrated the outcome represents a proportionate balance as between the *Charter* rights engaged and any applicable statutory objectives of the District.⁵² A decision that disproportionately limits *Charter* protections is unreasonable and will not stand.⁵³ As the Supreme Court ruled in *Trinity Western*:

For a decision to be proportionate, it is not enough for the decision-maker to simply balance the statutory objectives with the *Charter* protection in making its decision. Rather, the reviewing court must be satisfied that the decision proportionately balances these factors, that is, that it “gives effect, as fully as possible to the *Charter* protections at stake given the particular statutory mandate” (*Loyola*, at para. 39). Put another way, the *Charter* protection must be “affected as little as reasonably possible” in light of the applicable statutory objectives (*Loyola*, at para. 40). When a decision engages the *Charter*, reasonableness and proportionality become synonymous. Simply put, a decision that has a disproportionate impact on *Charter* rights is not reasonable.⁵⁴

87. The onus will be on the District to demonstrate that the *Charter* limitation is proportionately balanced by giving effect, as fully as possible, to the *Charter* protections at stake.⁵⁵ This burden flows from the structure of the *Charter* and the language of

⁵² *Doré v Barreau du Québec*, [2012 SCC 12](#) [*Doré*] at paras 55-7; *Loyola High School v Quebec (Attorney General)*, [2015 SCC 12](#) [*Loyola*] at paras 37-9.

⁵³ *Law Society of British Columbia v Trinity Western University*, [2018 SCC 32](#) [*TWU*] at para 79, citing *Doré* at paras 3 and 7 and *Loyola* at para 32; see also *CHP v Hamilton (City)*, [2018 ONSC 3690](#) [*CHP*] at para 57: “Failure to balance said interests will, by definition, render a decision unreasonable as per *Doré v. Barreau du Québec*”.

⁵⁴ *TWU* at para 80.

⁵⁵ See *Canadian Centre for Bio-Ethical Reform v City of Peterborough*, [2016 ONSC 1972](#) at para 15: “The onus is first on the Applicant to establish that its constitutionally enshrined freedom has been limited. The onus then shifts to the Respondent to establish that the limit was imposed in pursuit of its statutory objectives and that the

section 1, which requires that limits on *Charter* rights and freedoms be “demonstrably justified in a free and democratic society”. The Alberta Court of Appeal recently stated:

To be consistent with the *Charter*, the limitation must, in my view, be demonstrably justified in a free and democratic society. Although that expression about demonstrable justification does not figure prominently in the cases from *Dore* onward, it is not erased from the *Charter* as linguistic frill. As pointed out in *Loyola*, at para 40, “*Doré*’s proportionality analysis is a robust one and ‘works the same justificatory muscles’ as the *Oakes* test”.

Furthermore, and of key importance, the onus on proving the ‘section 1 limit’ on freedom of expression even under administrative law should be on the state agent as it is the exercise of power by an emanate of the state.⁵⁶

88. As the Ontario Divisional Court reminds, a government decision the effect of which will be censorship is not “trifling, ephemeral or marginal in importance”, but rather “of profound significance”.⁵⁷ State censorship is never trivial in a free and democratic society.
89. The Supreme Court has stated that freedom of expression ensures that, “without fear of censure”, all individuals are able to “manifest their thoughts, opinions, beliefs, indeed all expressions of the heart and mind, however unpopular, distasteful or contrary to the mainstream”.⁵⁸ Government censorship is not justified by “mere ill-will as a product of controversy”.⁵⁹ The District is “expected to put up with some controversy in a free and democratic society”.⁶⁰

Applicant’s freedom of expression was not limited more than reasonably necessary given those statutory objectives.”

⁵⁶ *UAlberta Pro-Life v Governors of the University of Alberta*, [2020 ABCA 1](#) [*UAlberta*] at paras 161-2; see also *Doré* at para 63: “Disciplinary bodies must therefore demonstrate that they have given due regard to the importance of the expressive rights at issue, both in light of an individual lawyer’s right to expression and the public’s interest in open discussion”.

⁵⁷ *CHP* at para 53.

⁵⁸ *Irwin Toy* at paras 42-3.

⁵⁹ *Committee for the Commonwealth of Canada v Canada*, [\[1991\] 1 SCR 139](#) at para 79, quoting *Boucher v The King*, [\[1951\] SCR 265](#), at 288.

⁶⁰ *Greater Vancouver* at para 77.

90. On the facts and context of this case, no form of trustee discipline would be a proportionate outcome. It would therefore be unlawful for the District to discipline or censure Trustee LaGrange in any way.

I. Section 87(1)(c) infringes section 3 *Charter* rights

91. Trustee LaGrange was elected by her constituents to represent their interests, which is precisely what Trustee LaGrange has sought to do and stated she is doing. Should they find themselves discontent, their remedy is properly at the ballot box; but removing Trustee LaGrange in the way contemplated by the Board would constitute not only a disproportionate outcome in this matter; the section purporting to permit her ouster⁶¹ violates the section 3 *Charter* rights of Trustee LaGrange’s constituents.

92. Section 3 of the *Charter* affords perhaps the most “absolute” rights to citizens of Canada, sheltered even from section 33. This protection of “core democratic rights of Canadians...not fall[ing] within a ‘range of acceptable alternatives’ among which Parliament may pick and choose at its discretion”⁶² is not limited to mere voting rights; even if it were, however, the democratic right to vote is meaningless where the representative elected can be removed by the state for nothing other than representing the very interests the voters sent the representative to office to represent.

93. Section 3 goes further than the ballot box. Effective representation figures into the fundamental democratic rights of Canadians, envisaged in the role of elected representative as both the citizen’s “voice in the deliberations of government” and “ombudsman”.⁶³

94. Even “parity of voting power” may be subordinated to aspects of effective representation more central to Canada’s diverse social mosaic, characterized by the first Prime Minister as “different interests, classes and localities” which “should be fairly represented”.⁶⁴ The SCC confirmed that “[f]actors like geography, community history, community interests

⁶¹ *Education Act*, [Chapter E-0.3](#), section 87(1)(c).

⁶² *Sauvé v Canada (Chief Electoral Officer)*, [2002 SCC 68](#).

⁶³ *Reference Re Provincial Electoral Boundaries (Sask)*, [\[1991\] 2 SCR 158](#) [*Reference Sask*] at para 49.

⁶⁴ *Reference Sask* at para 51.

and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic”.⁶⁵

95. Such diverse interests to which elected representatives are said to give voice cannot be fairly deemed “represented”—effectively or otherwise—when representatives can be ousted in accordance with popular political agendas foisted on the very electorate attempting to vote against them.

J. Seeking Trustee LaGrange’s dismissal prior to establishing any contravention is procedurally unfair and raises the spectre of bias and reverse-engineering

96. At time of writing, Trustee LaGrange has not yet been found in contravention of any codes, policies or statutes—yet the Board has already sought her removal. In fact, the Board not only seeks Trustee LaGrange’s removal in advance of the hearing; the Board passed a motion to seek Trustee LaGrange’s removal in advance of the complaint.

97. The sanction section of Policy 4, “Appendix ‘A’”, read in context, indicates that sanction occurs after, not before, a contravention has been established, as distinct from alleged. Nowhere do the procedures contemplate beginning the process of seeking sanction pursuant to section 9 prior to finding a violation during a conduct hearing pursuant to section 8. Even the deliberative process and drafting of a proposed resolution do not occur until after submissions have been made by both parties and heard by the Board, pursuant to sections 8.3-8.6.

98. Any decision adverse to Trustee LaGrange is incurably tainted by bias and procedural unfairness fatal to the process. The proceedings should be stayed on this basis alone.

99. Additionally, Policy 4 does not contemplate outright dismissal of a trustee in any case. The only way that particular sanction could ostensibly be applied is pursuant to section 87(1)(c) of the *Education Act*—a section of questionable constitutionality, *supra*.

⁶⁵ *Reference Sask* at para 54.

K. Conclusion

100. Ms. Lonsdale has failed to tie any of her allegations to any act committed by Trustee LaGrange in contravention of any code, policy or statute or any doctrine of the Roman Catholic Church. Ms. Lonsdale's general feelings of antipathy toward what Trustee LaGrange communicated or delusion around whom or what Trustee LaGrange's remarks targeted or what Trustee LaGrange's intentions were do not constitute a contravention of any policy.

101. Even had Ms. Lonsdale successfully tied her allegations to a contravention of a code, policy or statute, Trustee LaGrange's fundamental right to express herself and fundamental right to manifest her religious beliefs cannot be unjustifiably infringed.

102. The "mildest" sanctions contemplated by the Board further infringe Trustee LaGrange's freedom of expression and freedom of religion because they aspire to force her to say something she does not mean and believe something she does not believe.

103. The harshest sanction contemplated by the board is based on a provision of a statute that is not *Charter*-compliant.

104. The apprehension of bias and procedural unfairness attendant to the Board's premature vote on sanction renders any adverse decision it might now make irredeemably tainted. The only acceptable cure is staying the proceedings against Trustee LaGrange.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 22nd of September, 2023.



James S.M. Kitchen
Counsel for Monique LaGrange

Fwd: Wed Sept. 20th 2023

From Monique LaGrange [REDACTED]

To [REDACTED]

Date Monday, September 25th, 2023 at 6:58 AM

----- Forwarded message -----

20.58 MB 14 files attached

From: <[REDACTED]>

Date: Sat, Sep 23, 2023 at 9:13 AM

Subject: Wed Sept. 20th 2023

To: <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>

- 20230920_083938.jpg 5.57 MB
- 20230920_101053.jpg 6.33 MB
- Screenshot_20230920-114753_Telegram.jpg 662.75 KB
- Screenshot_20230921-084844_Telegram.jpg 584.47 KB
- Screenshot_20230921-084858_Telegram.jpg 678.71 KB
- Screenshot_20230921-084935_Telegram.jpg 792.21 KB
- Screenshot_20230921-084948_Telegram.jpg 742.70 KB
- Screenshot_20230921-085005_Telegram.jpg 508.32 KB
- Screenshot_20230921-085021_Telegram.jpg 975.16 KB
- Screenshot_20230921-085104_Telegram.jpg 902.59 KB
- Screenshot_20230921-092049_Photos.jpg 716.78 KB
- Screenshot_20230921-092213_Photos.jpg 612.72 KB
- Screenshot_20230921-092233_Photos.jpg 1.07 MB
- Screenshot_20230921-092403_Photos.jpg 617.20 KB

Greetings,

These few amazing pictures from our Red Deer March I think show a small perspective of multi-culturalism in action. Hard to find where the lines of hate and division are apparent.

I have shared these same pictures with our local media, it saddens me that they have chosen not to use them.

The RCMP did a wonderful job and we were all grateful for their strong presence and interaction with the public. The Corporal assigned to us [REDACTED]

pointed out that there were some 1000+ in attendance and 30 in P4 with no arrests, good news for the community and organizers.

I want to make it known that I am of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Our own family including my sisters noticed right away how diverse and inclusive the March participants were. We were overjoyed to see such a wide mix of races, ages, and religions in attendance, and they all seemed to enjoy each others company.

While the media paints us as hateful, these photos show a very different picture. I feel they are important to share as they give a more accurate reflection of the diversity of our wonderful community than what the media is covering. An interesting observation to note is that the counter protestors to us were all Caucasian.....

Our message as parents is clear, we do not want gender studies and critical race theory taught to our under aged children, we want to be fully informed about the choices and health of our children and have our parental authority respected. This stance is not one of hate.

King Regards,



"Do all you have agreed to do,
and do not encroach on other
persons or their property" -
Richard J. Maybury.

Fwd: Our Thoughts and support

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 6:59 AM

----- Forwarded message -----

From: **Monique LaGrange** [REDACTED]

Date: Wed, Sep 20, 2023 at 7:36 PM

Subject: Re: Our Thoughts and support

To: [REDACTED]

[REDACTED]

Thank you for your message of support and encouragement. I appreciate the time and prayers you have put into this matter. You are making a difference.

Blessings,
Monique LaGrange

On Wed, Sep 20, 2023 at 2:00 PM [REDACTED] wrote:

My wife and I are with you and your family. Hang in there. There are alot of Albertans who are with you, don't give up. May our Lord and Savior be with you and your family.

We sent the Minister and the councilors the attached letter.

All the best.

Best Regards.

[REDACTED]

[REDACTED]

Fwd: FW: smear campaign against Trustee LeGrange

From Monique LaGrange [REDACTED]

To [REDACTED]

Date Monday, September 25th, 2023 at 6:59 AM

----- Forwarded message -----

From [REDACTED]

Date: Tue, Sep 19, 2023 at 3:10 PM

Subject: FW: smear campaign against Trustee LeGrange

To: [REDACTED]

My apologies - I hope that I have it right this time!

[REDACTED]

From: [REDACTED]

Sent: Tuesday, September 19, 2023 12:39 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: smear campaign against Trustee LeGrange

I agree absolutely with my husband, not only because Trustee LeGrange is simply living up to her faith but also because there is a grave risk that children may be misled about their sexuality and actually be both physically and emotionally harmed.

[REDACTED] I was a family counsellor at [REDACTED]

Several times I was visited by parents with their teenage child who was confused about his or her sexual orientation. Careful questioning elicited the fact that the child was at the normal developmental stage wherein intensive relationships were with a same sex 'best friend' and even that the other gender seemed somehow unattractive, even alien. I was able to explain that in two or three years their attitude would change completely.

They were advised to return if nothing changed. However I never did receive return visits.

Sincerely,

[REDACTED]

[REDACTED] MSW, PhD, RSW

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
From: [REDACTED]

Sent: Tuesday, September 19, 2023 12:00 PM

To: [REDACTED]

Subject: smear campaign against Trustee LeGrange

It seems you and your fellow trustees are intolerant of true Catholic teaching, and quite prepared to sacrifice trustee LeGrange on the altar of diversity. Her message was quite clear and very appropriate. Does the Catholic school system value activist practices policies more than freedom of religion? Do the activists recognize our religion, or is this a one way street?

[REDACTED]

Fwd: Thank you

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 6:59 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Tue, Sep 12, 2023 at 8:02 PM

Subject: Re: Thank you

To [REDACTED]

Hi [REDACTED]

Thank you so much for your encouragement and support. I so appreciate it. As parents, let's keep standing strong for our children.

Blessings,

Monique

On Sat, Sep 9, 2023 at 7:01 AM [REDACTED] wrote:

Monique,

Thank you for not caving in to the woke mob that have no idea what tolerance even means.

Please continue to stand by the Truth.

May God bless you and protect you.

[REDACTED]

"Communism, avowedly secularistic and materialistic, has no place for God. This I could never accept... I strongly disagreed with Communism's ethical relativism... there are no fixed, immutable principles; consequently, almost anything—force, violence, murder, lying—is a justifiable means to the 'millennial' end."

~ Rev. Dr. Martin Luther King, Jr.



Sent from Proton Mail mobile

Fwd: Thank you for standing for the truth

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:00 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Tue, Sep 12, 2023 at 2:15 PM

Subject: Re: Thank you for standing for the truth

To: [REDACTED]

Hi [REDACTED]

Thank you so much for your encouragement and support. I so appreciate it. As parents, let's keep standing strong for our children.

Blessings,
Monique

On Mon, Sep 11, 2023 at 8:31 AM [REDACTED] wrote:

Hello Monique

Thank you for standing up, [REDACTED] I am very worried now knowing in what direction they are going.

It my feel hard on you now because of the demonic attack on you but no matter how hard and painful are the consequences for standing up for the truth in the long run it's much better than just to comply with the lie.

Fwd: Persecution of the Truth

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:00 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Sun, Sep 10, 2023 at 8:17 PM

Subject: Re: Persecution of the Truth

To: [REDACTED]

[REDACTED]

Thank you so much for your encouragement and support. I so appreciate it. Standing strong.

Blessings,
Monique

On Sun, Sep 10, 2023 at 7:18 PM [REDACTED] wrote:

I hope this email finds you well, I'm inspired at your courage in defending our children.
Keep up the good work and don't be discouraged

Fwd: Thank you

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:01 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Sun, Sep 10, 2023 at 8:17 PM

Subject: Re: Thank you

To: [REDACTED]

[REDACTED]

Thank you so much for your encouragement and support. I so appreciate it. I am putting my defence team together this week and will definitely keep you in mind when strategizing. Please feel free to email me anytime with suggestions. Thanks for your kindness. Standing strong.

Blessings,
Monique

On Sat, Sep 9, 2023 at 8:09 PM [REDACTED] wrote:

Thank you for the courage to speak the truth. Please hold the line. And please let me know if I can be of any assistance (for background [REDACTED]). I would be happy to provide assistance at surveying your constituents on what they think about the LGBT take over of our schools and culture etc. and identify those who support you and who can then be mobilized into action.

Sincerely,
[REDACTED]
[REDACTED]

Fwd: Standing up for Truth

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:01 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Sun, Sep 10, 2023 at 8:08 PM

Subject: Re: Standing up for Truth

To: [REDACTED]

[REDACTED]

Thank you so much for your encouragement and support. I so appreciate it. Standing strong.

Blessings,

Monique

On Sat, Sep 9, 2023 at 11:49 AM [REDACTED] wrote:

Hi Monique,

Have been following your ordeal. Really appreciate you standing up for our children. There is a clear, indoctrination agenda going on in society in general, but especially in our schools, where young, malleable minds can easily be influenced and corrupted.

Unfortunately the "pride" community has seen this opportunity, and has taken to exploiting it for their own gain. There should be no agenda or indoctrination of any kind going on in our schools regarding sexuality or any other subject.

Unbiased, teaching, and learning is all that should be going on in our school settings. If what's going on isn't actually illegal, it's certainly immoral and despicable!

Thank you wholeheartedly for standing up for our children and the truth!

I'm sure you're under all kinds of pressure from the woke side and agenda to retract your statement or give in and say you were mistaken.

Please hold strong and steadfast, there are tens of thousands if not hundreds of thousands of Albertans (and Canadians) who support exactly what you have stated, and will back you up if they just see truth continue to stand in the face of lies!

It's people like you that make me proud to be an Albertan!

Hold the Line.

Staunch supporter,



Fwd: Thank you for your brave stance on the issue of gender ID

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:02 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Sun, Sep 10, 2023 at 6:42 PM

Subject: Re: Thank you for your brave stance on the issue of gender ID

To: [REDACTED]

Hi [REDACTED]

Thank you for your prayers and support. I so appreciate it. I also pray that a Holy Spirit boldness will be released on Albertan's, giving them courage to speak out. Let's continue to stand for our children.

Blessings,

Monique

On Sat, Sep 9, 2023 at 9:59 AM [REDACTED] wrote:

My husband, our extended family, and so many "silent majority" are so grateful for you. I do pray the "silent majority" will begin to speak with one very loud voice. We are being bulldozed into silence over this vile issue. May God have mercy on us, our province, and our country.

Thank you once again for being a beacon of encouragement. May God give you the strength to stand and may many thousands of Albertans stand with you.

Sincerely and with deep gratitude,

[REDACTED]

[REDACTED]

Fwd: Speaking out loud

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:02 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Fri, Sep 8, 2023 at 7:36 PM

Subject: Re: Speaking out loud

To [REDACTED]

[REDACTED]

Thank you so much for your encouragement and support. I so appreciate it. Standing strong.

Blessings,

Monique

On Fri, Sep 8, 2023 at 7:20 PM [REDACTED] wrote:

Monique

I am one of the those that don't put much stock in modern day hero's but ur one of the genuine modern day hero's. I applaud u for your stand. Keep the faith and keep up the good fight against evil.

[REDACTED]

Sent from my iPhone

Fwd:

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:02 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Fri, Sep 8, 2023 at 2:54 PM

Subject: Re:

To: [REDACTED]

Thank you [REDACTED] for your prayers and support. I so appreciate it. I am continuing to stand strong.

Blessings,

Monique

On Fri, Sep 8, 2023 at 2:04 PM [REDACTED] wrote:

Lagrange. It does my heart well to see you stand for truth and Justice. There are so many of us out here away from the political bubble that fully agree with your well thought out position on the indoctrination of our most valuable future, our children grandchildren our heritage.

If I may now look at scripture: Jesus said "It would be better for him if a millstone be hung around his neck and he was cast into the sea than that he should cause one of these little ones to sin". Lk 17:2

The battle is a spiritual one. Stand firm and do not compromise.

God bless you in your efforts.

[REDACTED]

Sent from my iPhone

Fwd: We Stand With Monique LaGrange

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:03 AM

----- Forwarded message -----

From: [REDACTED]

Date: Fri, Sep 8, 2023 at 12:34 PM

Subject: We Stand With Monique LaGrange

To: <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>

CC: [REDACTED] <[REDACTED]>

Dear Red Deer Catholic School Board,

Our family stands with Monique LaGrange and freedom of speech.

We **do not stand for cancel culture** over freedom of speech.

Please bring back Monique LaGrange as ACSTA Director.

[REDACTED]

Fwd: Stay strong.

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:03 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Fri, Sep 8, 2023 at 11:09 AM

Subject: Re: Stay strong.

To: [REDACTED]

Thanks [REDACTED] for your encouragement and support. I really appreciate it. The more voices the louder we are. Thank you 🙏 for the email.

Blessings,

Monique

On Fri, Sep 8, 2023 at 11:06 AM [REDACTED] wrote:

Hello Monique,

Just wanted to shoot you a quick email from here in [REDACTED]. Some of us are firmly behind you for speaking the truth! It might not be much but your voice reminds those that continue to remain quiet that we are the real majority.

Take care and God bless.

[REDACTED]

Sent from Proton Mail for iOS

Fwd: You are great thank you

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:03 AM

----- Forwarded message -----

From: [REDACTED]

Date: Fri, Sep 8, 2023 at 8:01 AM

Subject: Re: You are great thank you

To: Monique LaGrange <[REDACTED]>

Many want to do more in support. Not sure who to express this to ... but will find out.

[REDACTED]
[REDACTED]

Sent from my iPhone

On Sep 8, 2023, at 7:57 AM, Monique LaGrange <[REDACTED]> wrote:

Good morning,

Thank you for your encouragement and support. I so appreciate it.

Blessings,
Monique

On Fri, Sep 8, 2023 at 7:45 AM [REDACTED] wrote:

Dear Ms. Lagrange

Thank you for speaking the truth! We honour you! And this time when things are upside down – each of us must be a true speaker.

I don't see how they can remove you. That should be decision of the parents. We are parents. You should not be removed for telling the truth.

[REDACTED]
[REDACTED]

Sent from my iPhone

Fwd: Stay Strong

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:04 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Fri, Sep 8, 2023 at 10:15 AM

Subject: Re: Stay Strong

To: [REDACTED]

Hi [REDACTED]

Thank you for your encouragement and support. I so appreciate it. Keep standing for truth.

Blessings,

Monique

On Fri, Sep 8, 2023 at 10:07 AM [REDACTED] wrote:

Hi Monique,

You dont know me but I live in [REDACTED] and just read the article on the western standard. You have done absolutely nothing wrong in speaking the truth. There is definitely an agenda going on and if people speak against it then they chastise you for having an opinion. Just giving you support through this which is not easy or easy to understand. Both [REDACTED] and happy someone is standing up and saying the right things. Trust in the good Lord that things will work out.

Isaiah 41:13

"For I, the LORD your God, hold your right hand; it is I who say to you, 'Fear not, I am the one who helps you.'"

[REDACTED]

Fwd: Good morning Monique.

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:04 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Fri, Sep 8, 2023 at 9:55 AM

Subject: Re: Good morning Monique.

To [REDACTED]

Hi [REDACTED]

Thank you for your encouragement and support. I really appreciate it. I am so grateful for my God and His goodness.

Blessings,

Monique

On Fri, Sep 8, 2023 at 9:04 AM [REDACTED] wrote:

I just want you to know that I am appalled and horrified with what has happened to you. I so much appreciate you being a truth teller and standing up for children. Yes the consequences are ugly, but I'm sure you were aware of the consequences to your soul are worse if you don't stand on the truth. So thank you, I support you, and I will do what I can to keep supporting you and all of our other truth tellers. And I pray that God uses this situation to give you a new voice and a new place to work on behalf of our children. God bless, keep the faith. [REDACTED]

Sent from my iPhone

Fwd: We support you

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:04 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Thu, Sep 7, 2023 at 5:28 PM

Subject: Re: We support you

To [REDACTED]

Hi [REDACTED]

Thank you so much for your support. I really appreciate you standing up and writing emails.

Blessings,

Monique

On Thu, Sep 7, 2023 at 5:19 PM [REDACTED] wrote:

Thank you for drawing attention to the indoctrination of children that is happening in our public schools. I know several teachers, who are not comfortable with the pressure they feel to identify children as the opposite of their biological sex, but they are fearful of speaking out against it because of the backlash they know would follow. As some premiers take a stand against this indoctrination of children in schools, especially without parental knowledge or consent, hopefully this crazy gender affirming care that is so harmful to vulnerable children and excludes parents from their right to teach their children about sexuality will be dealt with appropriately. I have sent emails to the Superintendent and chair of the board of trustees, and the Minister of Education, supporting you. I am sorry that you are another victim of this radical woke ideology that censors all dissenting opinion and makes examples of good people speaking truth, like you.

[REDACTED]

----- Forwarded message -----

From: [REDACTED]

Date: Thu, Sep 7, 2023 at 11:22 AM

Subject: Support for Monique Lagrange

To: [REDACTED]

To whom it may concern,

I am sending this email in support of Monique Lagrange. She is a woman who is entitled to her opinion even if it goes against the "woke" narrative that is being pushed now.

She did not condone nazi-ism by posting an image to her social media but was merely demonstrating the tactics used by governing bodies throughout history and how they target youth. If we as a society truly can't look at an image and view it critically but rather bow because someone somewhere may be offended we will continue to fall as a society. If nothing else the image posted should spark some discussion amongst people. This is what we expect of our students is it not? To view history, images, art, music, etc. through a critical thinking lens and come to their own conclusions. We want students to be freethinkers and contribute to our democratic society but how is that possible when the people who are trying to speak out and who are people to look up to are silenced for their opinions. This is now being done in our day and age by pushing a narrative that unless you identify as something other than who God made you to be you are no longer welcome to have an opinion. By silencing her and calling for her resignation she is yet another conservative who is being told that unless she demonstrates "groupthink" she is no longer welcome in her position. This is ludicrous. Not only should she be supported for speaking out against this narrative but she should be celebrated for having the courage to do so, in the Catholic school system no less.

For those that are questioning her actions/views/beliefs and are contemplating her discipline or removal from her position I earnestly ask you to think about what is better for shaping a democratic society, being pushed to ask questions/have free thought or eliminating voices that have a different opinion than yours?

I thank you, Monique, for what you are contributing to your position as a Catholic school trustee and I pray that you continue to use your voice to speak out and challenge the thought processes of those around you.

Thank you and God bless,

[REDACTED]

Fwd: Truth

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:07 AM

----- Forwarded message -----

From: [REDACTED]

Date: Wed, Sep 6, 2023 at 10:05 PM

Subject: Re: Truth

To: Monique LaGrange <[REDACTED]>

The least we can do. Thank you so much for stepping up to the plate into a public life. We need more people like you.

On Wed, Sept 6, 2023, 9:52 p.m. Monique LaGrange <[REDACTED]> wrote:

Awesome!

On Wed, Sep 6, 2023 at 9:46 PM [REDACTED] wrote:

----- Forwarded message -----

From: [REDACTED]

Date: Wed, Sept 6, 2023, 9:43 p.m.

Subject: Truth

To: <[REDACTED]>, <[REDACTED]>

Ms Lagrange spoke the truth. Brainwashing is brainwashing, whether it's Nazi indoctrination, or otherwise. Maybe it's offensive but she's making a point. **That's exactly the point.** Brainwashing children makes you no better than Nazis, communists, etc. We should do better. Just educate, not indoctrinate.

Fwd: Good for you ❤️

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:07 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Wed, Sep 6, 2023 at 10:02 PM

Subject: Re: Good for you ❤️

To: [REDACTED]

[REDACTED]

Thank you so much for your support. I really appreciate it.

Blessings,

Monique

On Wed, Sep 6, 2023 at 9:56 PM [REDACTED] wrote:

I want you to know I support you in every way!! Good for you for calling out the wicked!! [REDACTED]

Sent from my iPhone

Fwd: Thank you

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:08 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Wed, Sep 6, 2023 at 9:41 PM

Subject: Re: Thank you

To: [REDACTED]

Thank you so much.

On Wed, Sep 6, 2023 at 9:41 PM [REDACTED] wrote:

I wrote to the education minister and board secretary. Hopefully, it helps.

God bless,

On Wed, Sept 6, 2023, 9:15 p.m. [REDACTED] wrote:

We want to email those who may be making any decisions. Do you have their email addresses?

Board chair, other trustees, etc?

ATA

Any other suggestions?

On Wed, Sept 6, 2023, 9:07 p.m. [REDACTED] wrote:

You are so welcome! Praying for you and please stand strong for Canada.

On Wed, Sept 6, 2023, 1:16 p.m. Monique LaGrange <[REDACTED]> wrote:

Thank you for your email of support. I really appreciate it.

Blessings,
Monique

On Sat, Sep 2, 2023 at 11:00 PM [REDACTED] wrote:

Thank you for speaking the truth

Fwd: support

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:08 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Wed, Sep 6, 2023 at 1:14 PM

Subject: Re: support

To: [REDACTED]

Good to here [REDACTED] Thank you so much. I am surviving.

Blessings



On Wed, Sep 6, 2023 at 9:22 AM [REDACTED] wrote:

I finally got my respectful email off to Minister Nikolaides.

How are you doing?

On Sat, Sep 2, 2023 at 4:54 PM [REDACTED] wrote:

For sure!

I haven't looked up his address yet but will.

On Sat., Sep. 2, 2023, 10:35 Monique LaGrange, <[REDACTED]> wrote:

Thank you [REDACTED] for your support. I so need it and appreciate it. This is just craziness! Your letter is awesome. You should send it to the Minister of Education as I heard he is not in support.

Thank you so much

Blessings,

Monique

On Sat, Sep 2, 2023 at 9:49 AM [REDACTED] wrote:

Hi there brave lady,

I have written to the Red Deer advocate and the Red Deer Council and mayor in support.

Here is what I've written so far. Pretty mild but the hornets are buzzing. 🐝

Blessings,

[REDACTED]

Fwd: Support for you

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:09 AM

----- Forwarded message -----

From: **Monique LaGrange** <[REDACTED]>

Date: Mon, Sep 4, 2023 at 7:30 PM

Subject: Re: Support for you

To: [REDACTED]

Thank you for your email and support. I really appreciate it. Your prayers are so important.

Blessings

Monique

On Sun, Sep 3, 2023 at 2:09 PM, [REDACTED] wrote:

Ms. Lagrange,

I just wanted to say you have our full support with regards to your message about brainwashing that is occurring in our society.

Of course the left media will twist your message but in this battle it is important for our leaders to fight for Catholic education, it is to be expected. Stand firm in your convictions as many stand with you. Ignore the noise that is directed at you and see it for what it is. Just noise. You have shown Courage head on, in the face of the Enemy.

It's refreshing to have conservative Board members.

We are Grateful for your Leadership.

"If God is for me who can be against me" --Roman's 8:31

Kind Regards,

[REDACTED]

Fwd: Letter regarding Global News Article

From Monique LaGrange <[REDACTED]>

To [REDACTED]

Date Monday, September 25th, 2023 at 7:09 AM

----- Forwarded message -----

From: [REDACTED]

Date: Mon, Sep 4, 2023 at 2:46 PM

Subject: Letter regarding Global News Article

To:

215.05 KB 2 files attached

Letter to the Board.docx 16.78 KB

Letter to the Board.pdf 198.27 KB

This letter is confidential and not to be shared or discussed outside of the trustees and the board without my consent. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

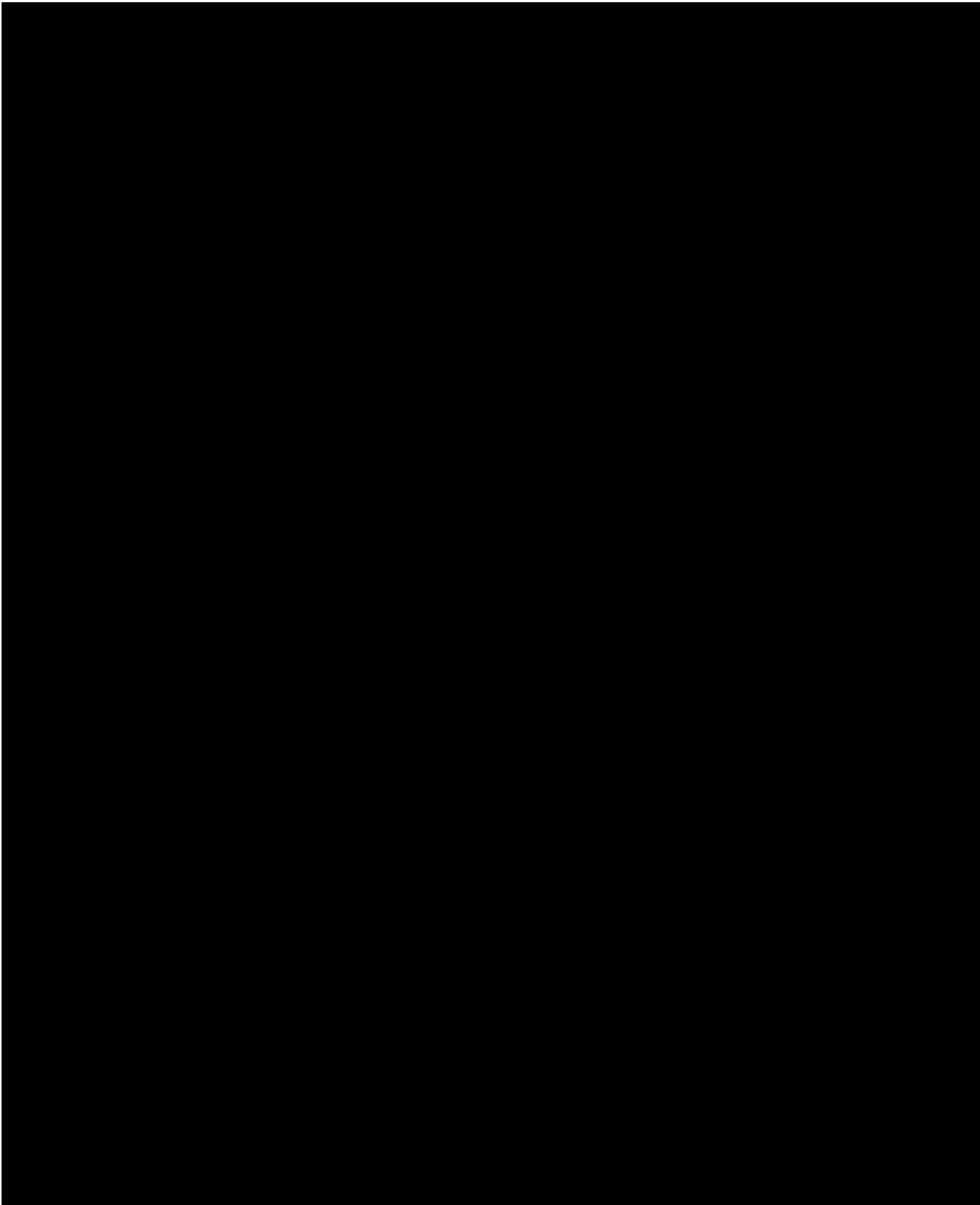
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Minutes of a Special Meeting of the Board of Trustees of the The Red Deer Catholic Separate School Division, held September 25, 2023.

Present: S. Heistad
 M. Hollman
 M. LaGrange
 C. Leyson
 D. Lonsdale
 K. Pasula
 A. Watson, Trustees
 L. Latka, Secretary-Treasurer
 K. Finnigan, Superintendent of Schools
 M. St. Pierre, Executive Assistant

Joined via Zoom: T. Haykowsky, Legal Counsel
 W. Teed, Law Student
 J. Kitchen, Legal Counsel
 Y. Prefontaine, Legal Counsel
 M. Spelliscy, Legal
 J. Wells, Legal (JMSSLAW)

Board Chair Hollman called the meeting to order at 9:50 a.m.

Trustee Leyson read the opening prayer aloud.

1. APPROVAL OF AGENDA

09/25/23-01-Watson

THAT THE AGENDA BE ACCEPTED AS PRESENTED.

CARRIED.

Board Chair Hollman asked Administration to leave the meeting room as they will not be deliberating in or decision makers in the proceedings. Superintendent Finnigan, Secretary-Treasurer Latka and Executive Assistant St. Pierre left the room at 9:53 a.m.

Executive Assistant St. Pierre was asked to enter the meeting at 9:56 a.m to provide administrative and technical support.

09/25/23-02-Pasula

THAT THE COMMITTEE OF THE WHOLE MOVE INTO CAMERA AT 9:56 A.M.

CARRIED.

09/25/23-03-Pasula

THAT THE BOARD MOVE OUT OF CAMERA AT 7:04 P.M.

CARRIED.

09/25/23-04-Pasula

THAT THE SPECIAL MEETING IS RECESSED AT 7:05 P.M. UNTIL 3:00 PM ON SEPTEMBER 26, 2023.

CARRIED.

Trustee Pasula read a closing prayer aloud.

Board Chair Hollman called the Special Meeting back to order at 3:04 p.m on September 26, 2023 with the following in attendance.

Present: S. Heistad
M. Hollman
C. Leyson
A. Watson, Trustees
M. St. Pierre, Executive Assistant

Joined via Zoom: Teresa Haykowsky, Legal Counsel

Not in Attendance: D. Lonsdale
M. LaGrange
K. Pasula, Trustees

09/25/23-05-Watson

THAT THE BOARD OF TRUSTEES COME OUT OF RECESS AT 3:05 P.M. ON SEPTEMBER 26, 2023.

CARRIED.

09/25/23-06-Heistad

THAT THE COMMITTEE OF THE WHOLE MOVE INTO CAMERA AT 3:05 P.M.

CARRIED.

Trustee Lagrange and Vice-Chair Lonsdale entered the meeting at 4:08 p.m.
Mr. James Kitchen, Legal Counsel and Mary Spelliscy, Legal Counsel joined the meeting via Zoom at 4:08 p.m.

Mr. Teresa Haykowsky left the meeting via Zoom at 4:12 p.m.

23/08/25-08-Watson

**THAT THE COMMITTEE OF THE WHOLE MOVE OUT OF CAMERA
AT 4:23 P.M.**

CARRIED.

Board Chair Hollman stated that Trustee Pasula was unable to attend the meeting due to an emergency situation but stated that Trustee Pasula partook in the deliberations on the matter during the September 25, 2023 portion of the in camera meeting.

Trustee Watson read an opening prayer aloud.

Trustee Heistad read the proposed motion aloud.

Trustee Leyson requested that it be recorded that she opposed the motion, as she felt the decision did not go far enough because of the extremely serious nature of the breach.

09/25/23-09-Heistad

BE IT RESOLVED THAT,

1. further to the, on or about August 27, 2023, posting on Trustee Monique LaGrange's personal Facebook account which took the form of a meme displaying two photographs:

- a) one of a group of children holding Nazi flags with swastikas; and
- b) a contemporary photograph of children holding rainbow Pride flags; and
- c) the meme was captioned "Brainwashing is brainwashing" (collectively, the "Meme"),

the Board of Trustees ("Board") finds Trustee Monique LaGrange ("Trustee") to be in violation of Trustee Code of Conduct and the Education Act.

As a result, as of today's date and up to and including the Trustee's Term of Office ("End Date"), the Trustee

- a) is censured from being part of all and any part of Board Committees and is censured from attending and participating in all Board committee meetings, including any part thereof. This also includes all and any ASBA and ACSTA meetings and conferences;
- b) shall not represent the Board / School Division in any official capacity, including Board/School Division functions, events, award ceremonies, conferences, assemblies, school masses, graduation events, school council meetings and speaking with news/media outlets;
- c) shall cease making any public statements in areas touching upon or relating to,
 - i. the 2SLGBTQ+ community; and
 - ii. the Holocaust,including presenting at meetings and conferences on these topics or related areas and speaking with various news outlets.
- d) within 90 days of this motion, the Trustee shall enroll in, at her own expense, and successfully complete:
 - i. suitable sensitivity training about the Holocaust;
 - ii. suitable sensitivity training relative to the challenges and discrimination faced by members of the 2SLGBTQ+ community; and
 - iii. suitable sensitivity training covering professional school trustee boundaries and appropriate use of social media, cultural sensitivity and human rights;
 - iv. The Trustee shall inform the Board as to the proposed training, and prior to the Trustee's commencement of said training, the Board shall determine the suitability of the proposed training and approve each course;
 - v. the Trustee shall provide the Board with written certificate from the course providers stating that the Trustee has successfully completed said sensitivity training courses; and
 - vi. The above training is intended to remind the Trustee of her role and responsibilities as a school board trustee and to assist the Trustee to make better decisions in any further communications, including on social media
- e) shall issue, at the first public Board meeting following the completion of the ninety (90) day period set out above at paragraph 1(d), a sincere public letter of apology to School Division students, staff, and the Board in relation to the

Meme; said sincere apology shall recognize the inappropriateness of the Trustee's actions and that the Trustee is deeply sorry for having offended anyone through her actions; and

- f) shall refrain from posting any content of a similar nature relating to Meme. (This term and condition shall be ongoing up and including the End Date.)
2. The censure referenced at paragraphs 1(a), (b) and (c) may be removed by the Board prior to the End Date, if the terms and conditions set out at paragraphs 1(d),(e), and (f) are met to the satisfaction of the Board, and if, and as long as, the Trustee acts in accordance with Board Policy and the Trustee Code of Conduct.
 3. The Trustee, who may attend regular Board meetings, may bring forward any educational related issues for discussion and debate to the Board through the Board's standard procedures and practices.

To ensure clarity, the Board welcomes open debate of education-related issues in accordance with Board policy and procedures, including sensitive or difficult topics.

4. The Board hereby directs the Superintendent of Schools, Dr. Kathleen Finnigan, to arrange for the following within the next twenty (20) days:
 - a) a meeting with the Director of Education of the Friends of Simon Wiesenthal Centre to discuss their September 6, 2023, letter and to confirm the date of an educational workshop by the Friends of Simon Wiesenthal Centre for the Board;
 - b) a meeting with Alberta's Human Rights Commission to confirm an educational workshop for the Board;
 - c) a follow up meeting further to the January 16, February 13 and March 13, 2023, Board workshops on a pastoral approach to support students in the development and understanding of their sexuality for the purpose of confirming a follow up workshop for the Board.
5. The Board shall provide written reasons in support of this motion to be provided to the Trustee in the next twenty (20) days.
6. The Board Chair and the Superintendent of Schools may take those steps necessary to implement the terms and conditions set out in this motion.
7. Pursuant to paragraphs 4 and 10 of Appendix "A" of Board Policy 4, the Board Chair is hereby authorized to disclose the decision of the Board.

CARRIED.

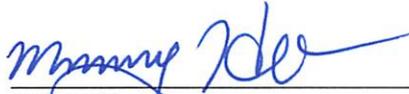
Recorded Vote requested
by Trustee Leyson:
In favor: Watson, Heistad,
Hollman
Opposed: Leyson
Abstained: Lonsdale,
LaGrange

Trustee Watson read the closing prayer aloud.

09/25/23-09-Leyson

**THAT THE SPECIAL MEETING ADJOURN, THE TIME BEING 4:31
P.M.**

CARRIED.



(CHAIR)



(SUPERINTENDENT)



Minutes of a Special Meeting of the Board of Trustees of the The Red Deer Catholic Separate School Division, held October 13, 2023.

Present: S. Heistad
 M. Hollman
 C. Leyson
 K. Pasula
 A. Watson, Trustees
 L. Latka, Secretary-Treasurer
 K. Finnigan, Superintendent of Schools
 T. Haykowsky, Legal Counsel
 W. Teed, Legal Student
 M. St. Pierre, Executive Assistant

Not in Attendance: M. LaGrange
 D. Lonsdale, Trustees

Board Chair Hollman called the meeting to order at 8:42 a.m.

Trustee Watson read the opening prayer aloud.

Trustee Heistad read the land acknowledgement aloud.

1. APPROVAL OF AGENDA

10/13/23-01-Leyson

THAT THE AGENDA BE ACCEPTED AS PRESENTED.

CARRIED.

10/13/23-02-Heistad

THAT THE COMMITTEE OF THE WHOLE MOVE INTO CAMERA AT 8:44 A.M.

CARRIED.

Board Chair Hollman asked Superintendent Finnigan and Secretary-Treasurer Latka to leave the meeting at 8:45 A.M. and asked Executive Assistant St. Pierre to stay present at the meeting to provide administrative and technical support. Superintendent Finnigan and

Secretary-Treasurer Latka left the meeting at 8:45 A.M.

10/13/23-03-Heistad

THAT THE BOARD MOVE OUT OF CAMERA AT 12:27 P.M.

CARRIED.

10/13/23-04-Watson

WHEREAS TRUSTEE PASULA WAS UNABLE TO PARTICIPATE IN THE SECOND DAY OF IN CAMERA DELIBERATIONS ON SEPTEMBER 26, 2023, DUE TO AN EMERGENCY, AS PER SECTION 8(2)(A) OF THE EDUCATION ACT BOARD PROCEDURES REGULATION (82/2019), BE IT RESOLVED THAT TRUSTEE PASULA BE EXCUSED FROM PROVIDING, AND VOTING ON, REASONS.

CARRIED.

Trustee Pasula recused himself from the meeting at 12:28 P.M.

10/13/23-05-Heistad

BE IT RESOLVED THAT THE BOARD ADOPT ITS REASONS IN FURTHERANCE OF THE SEPTEMBER 26, 2023, BOARD MOTION (link provided).

- [REASONS FOR DECISION IN FURTHERANCE OF THE SEPTEMBER 25 AND 26, 2023 SPECIAL BOARD MEETING](#)

CARRIED.

10/13/23-06-Leyson

BE IT FURTHER RESOLVED THAT THE BOARD CHAIR IS HEREBY DELEGATED, AND HAS THE DISCRETION, TO ASSESS WHETHER SAID REASONS SHALL BE DISCLOSED.

CARRIED.

Board Chair Hollman declared a conflict and recused himself from voting on the motion.
(10/13/23-06-Leyson)

10/13/23-07-Watson

THAT THE BOARD OF TRUSTEES IS RECESSED AT 12:30 P.M.

CARRIED.

Trustee Heistad left the meeting at 1:00 P.M.

10/13/23-08-Leyson

THAT THE BOARD OF TRUSTEES COME OUT OF RECESS AT 1:20 P.M.

CARRIED.

10/13/23-09-Watson

THAT THE BOARD OF TRUSTEES GO INTO CAMERA AT 1:21 P.M.

Vice Chair Lonsdale, Trustee LaGrange, Mr. James Kitchen - Legal Counsel, joined the meeting via Zoom at 1:22 P.M.

10/13/23-10-Watson

THAT THE BOARD OF TRUSTEES MOVE OUT OF CAMERA AT 2:38 PM.

CARRIED.

Trustee Leyson read a closing prayer aloud.

10/13/23-11-Watson

THAT THE SPECIAL MEETING ADJOURN, THE TIME BEING 2:39 P.M.

CARRIED.



(CHAIR)



(SUPERINTENDENT)

**REASONS FOR DECISION IN FURTHERANCE OF THE
SEPTEMBER 25 and 26, 2023, SPECIAL BOARD MEETING**

I. Background

These reasons (“Reasons”) are issued further to the September 25 and 26, 2023, special meeting (“Meeting”) of the Board of Trustees of the Red Deer Catholic Regional Schools (“Board”) during which Meeting the Board passed a motion (“Decision” or “Motion”) in relation to Board Trustee Monique LaGrange (“Trustee” or “Respondent”). The Decision, which is set out at Schedule “A” to these Reasons, found the Trustee to be in violation of the Trustee Code of Conduct and the Alberta Education Act (“*Education Act*”).

The Trustee was elected Trustee of the Board in 2021. The Meeting was called to address a complaint relating to certain conduct of the Trustee on social media, as will be elaborated upon below.

At the Meeting the Trustee was provided with a full opportunity to make submissions, and she was represented by counsel who submitted written and oral arguments to the Board.

It is undisputed that, on or about August 27, 2023, the Trustee posted on her personal Facebook account a meme displaying two photographs which respectively showed:

- a) a group of children holding Nazi flags with swastikas; and
 - b) a contemporary photograph of children holding rainbow Pride flags,
- and captioned “Brainwashing is brainwashing” (collectively, the “Meme” or the “Meme Posting”).

During the Meeting, the Trustee stated that her intentions were that the Meme Post was not directed toward Red Deer Catholic Regional Schools (“School Division”) (“Understand that this was not directed at Red Deer Catholic”) and that the Meme was not a challenge to School Division practices.

The School Division serves over 10,650 students in twenty-one schools in Red Deer, Blackfalds, Sylvan Lake, Rocky Mountain House, Innisfail, and Olds, as well as an At-Home Learning Program, and supports the learning of over 1,095 students in a Traditional Home Education Program.

II. Procedure

In response to a Board trustee complaint to the Board (“Complaint”) with respect to the Meme Posting, the Board called the Meeting as per Appendix “A” to Board Policy 4: Trustee Code of Conduct (“Code of Conduct”) to review the Complaint and determine if there was a breach of the *Education Act*, the Code of Conduct and/or Board Policy.

Prior to the Meeting, the materials considered by Board included the following:

- a) Written Submissions of the Complainant which included:
 - i. a photocopied picture of the Meme;
 - ii. the Complaint;
 - iii. a package of materials in support of the complaint:
 - September 7, 2023, media article from the Western Standard entitled, *EXCLUSIVE: Trustee says her post was about protecting children, involving parents*;
 - September 13, 2023, media article from the True North entitled, Alberta trustee reprimanded for Instagram post critical of gender “indoctrination”;
 - a copy of Board Policies 1: Divisional Foundational Statements (“Board Policy 1”), the Code of Conduct (including Appendix “A” and “B”), Board Policy 3: Trustee Role Description including Appendix “A” (“Board Policy 3”), the CCSSA’s LIFE Framework, Statement 22358 from the Catechism of the Catholic Church, 1994;
 - iv. September 7, 2023, letter to the Minister of Education, from Board Chair Hollman;

- 2 -

- V. written reaction submitted to the Board in response to the Meme, which consisted of seven emails/letters from School Division employees, parents, School Division student alumni, and the Simon Wiesenthal Centre of Holocaust Studies which were critical of the Meme, and four emails from individuals who expressed support for the Trustee's actions in relation to the Meme;
 - vi. written submissions in support of the Complaint.
- b) Written submissions from the Trustee's legal counsel.

The complainant and Respondent were both present and were represented by Counsel at the Meeting.

Pursuant to Board policy governing trustee-conduct related complaints, the Meeting comprised an *in camera* portion which lasted for more than a full day, at which submissions were made to the Board. Board members also posed questions at the Meeting.

Not having completed their deliberations, the Board reconvened on September 26, 2023, to complete the same. Following the completion of their deliberations, the Board returned to a public session and voted on the Motion. The Board voted 3-1 in favour of the Motion.

III. Alberta's Education Act

The Board's conduct is governed by the *Education Act* which grants the Board jurisdiction to review trustee-related complaints, consider Trustee conduct, and determine appropriate responses and remedies.

The preamble of the *Education Act* provides strong statements supporting the importance of inclusiveness and respect in the provision of education to Alberta students:

WHEREAS students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self;

WHEREAS the Government of Alberta recognizes the importance of an inclusive education system that provides each student with the relevant learning opportunities and supports necessary to achieve success;

These recitals are reflected in clauses 9 and 10 of Board Policy 1:

- 9. The schools will foster the mental and physical well-being of all students through:
 - 9.1 Selection of appropriate programs which emphasize physical, leisure activities; and
 - 9.2 A respect for the worth and dignity of the individual.
- 10. The schools will foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values. Schools will be comprehensive and holistic in their approach to inclusion and other potential student issues including bullying, justice, respectful relationships, language and human sexuality.

Section 2 of the *Education Act* states:

- 3 -

Limitations

2. The exercise of any right or the receipt of any benefit under this Act is subject to the limitations that are reasonable in the circumstances under which the right is being exercised or the benefit is being received.

Section 33 of the *Education Act* imposes statutory duties on the Board, some of which are:

- develop and implement a school trustee code of conduct: s. 33(1)(k);
- establish and maintain governance and organization structures that promote student well-being and success, and monitor and evaluate their effectiveness: s. 33(1)(h);
- ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging: s. 33(1)(d);
- establish, implement and maintain a policy respecting the board's obligation under subsection (1)(d) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour: section 33(2); and
- to provide a statement of purpose that provided a rationale for the student code of conduct, with a focus on welcoming, caring, respectful and safe learning environments: section 33(3)(d)(i).

School board trustees in Alberta must adhere to their Code of Conduct. This requirement is contained in Board Policy 1 and is a statutory requirement under the *Education Act* pursuant to s. 34(1)(c) which states:

34(1)(c) A trustee of a board, as a partner in education, has the responsibility to (...) comply with the board's code of conduct (...).

This requirement is also contained at clause 6.20 of Board Policy 3.

Finally, school boards have an obligation to enforce a minimum of standard of conduct expected of trustees. This principle is noted in the Ontario decision of *Del Grande v. Toronto Catholic District School Board*, 2023 ONSC 691 ("*Del Grande*") which is equally applicable here:

(...) the Board has a statutory obligation to promote student well-being and a positive and inclusive school climate. The Board also has an obligation to enforce a minimum standard of conduct expected of its Trustees. All Trustees have an obligation to comply with the *Code of Conduct* and to assist the Board in fulfilling its duties. Sanctioning the Applicant for making disrespectful comments was not contrary to the *Education Act*, but consistent with the *Act's* statutory objectives. (para. 81).

IV. Board Policy and Compliance with the *Education Act*

The Board's mission is as follows:

The Red Deer Catholic Separate School Division is committed to supporting inclusive communities that foster care and compassion of students, families and staff with a complete offering of learning opportunities delivered within the context of Catholic teachings and tradition, and within the means of the Division. [Board Policy 1]

The purpose of the Mission statement is to govern the interactions within the School Division and among members of the School Division including Board members. Board Policy 1 sets forth beliefs that are meant to govern the interactions of the Division as stewards of Catholic Education, including Belief 10 which reads:

- 4 -

The schools will foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values. Schools will be comprehensive and holistic in their approach to inclusion and other potential student issues including bullying, justice, respectful relationships, language and human sexuality. [Emphasis added.]

Administrative Procedure 103 - Welcoming, Safe and Caring, Inclusive and Respectful Learning Environments (“AP 103”) details how the Division Foundational Statements are to be carried out by School Division staff. Among other things, a “Christ-centered, welcoming, caring, respectful and safe learning environment that respects diversity, equity and human rights and fosters a sense of inclusion and belonging” is to be maintained. [Emphasis added.]

The Code of Conduct states that the Board “commits itself and its members to conduct that meets the highest ethical standards.” In doing so it is expected that all Board members treat others with mutual respect and affirm the worth of each person. The preamble to the Code of Conduct includes the following:

That trustees are the children’s advocates and their first and greatest concern is the best interest of each and every one of these children without distinction as to who they are or what their background may be. [Emphasis added.]

The Code of Conduct, which was carefully reviewed, considered and applied by the Board in this matter, is attached to these Reasons at Schedule “B”. The Board addresses the Trustee’s Code of Conduct violations further in these Reasons.

Consequences for the failure of an individual trustee to adhere to the Code of Conduct are specified in Appendix A to the Code of Conduct, which sets out a range of sanctions and remedial measures, which supplement the disqualification sanction at s. 87(1)(c) of the *Education Act*.

V. Position of the Complainant

The Complaint requested that a formal hearing be held with respect to the Meme Posting. It was argued that the Meme Posting and subsequent interviews with the media given by the Trustee were in direct violation of parts of the Code of Conduct, Board Policy and the *Education Act*. In particular, the Complainant submitted that the Trustee’s conduct undermined the Division’s legal obligations imposed by the *Education Act* and its commitment to inclusion. It was further submitted that this was in contravention of Roman Catholic teachings and was a direct attack on work done by Division teachers to support 2SLGBTQ+ initiatives.

VI. Position of the Respondent

The Respondent’s Views Expressed at the Meeting

At the Meeting the Trustee made the following statements as summarized by the Board:

- the Meme Post is not about the LGBTQ (“2SLGBTQ1A+”) community;
- the Meme Post is about indoctrination through the United Nations which directly correlates to World War II and Nazism; it is about the agenda of the United Nations and Planned Parenthood which is an attempt to sabotage our youths’ identities and destinies and hijacks the LGBTQ [sic] community’s original mandate;

- 5 -

- if history is not talked about or taught to our children, it will all be forgotten, and if we forget what happened in the past, it will most definitely repeat itself in some form or another. It is important to understand history and teach the lessons we have learned;
- the Trustee's intent of the Meme Post is to show what road we are going down and that we must be vigilant as to what we are allowing in to influence our children;
- the sexuality and beliefs of students is a topic that should be between God, parent and a child; sexual orientation decisions should not be made or influenced at school, especially Catholic Schools;
- that, through the Meme, the Trustee was talking about indoctrination and exposing children who were too young to understand this indoctrination;
- the Trustee posted the Meme to bring attention to what her legal counsel characterized as "objectionable ideology";
- the Respondent's position is that the juxtaposition of the two pictures in the Meme relates to the concept of indoctrination and does not make any particular comparisons to the Nazi regime; and
- that the Pride flag is used to silence people; children are being kicked out of school and people are being fired which is antithetical to the Trustee's religious beliefs; and that "cancel culture" is not what is good, lawful, appropriate or democratic.

The Trustee was clear that her beliefs informed her views: she stated the Holy Spirit had told her to post the Meme and that this was something she should do. The Trustee submitted that Catholic school trustees rely on their beliefs to do their work and should be able to express their religious beliefs as school board trustees.

The Trustee's Rationale for Having Posted the Meme

The Trustee informed the Board that her religious beliefs informed her views. When asked to explain her discernment process around the Meme Post, the Trustee:

- thought that the Meme Post reflected the truth about today;
- was thinking more about the political part of it than anything; asked is this something that would be understood;
- informed the Board that the Holy Spirit said to the Trustee, Go for it;
- trusts the Holy Spirit and decided to share the Meme Post;
- thought it was such a good outline as to what was going on in the world.

In addition, the Trustee and her legal counsel advanced various arguments which were set forth in the Trustee's written submissions filed with the Board. Those written submissions are outlined in the following section.

The Respondent's Written Submissions

The written submissions of Counsel for the Trustee can be broken down into the following main points:

- a) The Meme did not contravene Roman Catholic values in any way, because it was targeted at what the Trustee views to be an objectionable ideology;
- b) The Meme did not contravene the *Education Act* or any Board policy, including the Code of Conduct;
- c) The Meme is protected by the Canadian *Charter of Rights and Freedoms* ("Charter"), in particular, the right to freedom of expression and the right to freedom of religion; and

- 6 -

- d) The Board's conduct demonstrates a reasonable apprehension of bias and lack of procedural fairness.

VII. Issues

These Reasons address the following issues:

1. Did the Meme contravene Roman Catholic values?
2. Did the Meme contravene the Code of Conduct?
3. Is the Meme protected by the Trustee's *Charter* rights?
4. Is the Decision reasonable?
5. Was the Decision procedurally unfair?

VIII. Did the Meme Contravene Roman Catholic Values?

Both the Complainant and the Respondent made submissions with respect to whether the Meme and its content were contrary to Roman Catholic values. No expert evidence was adduced at the Meeting with respect to Roman Catholic values in this context. The Complainant's submissions did include the CCSSA's LIFE Framework and a section from The Catechism of the Catholic Church, 1994.

In any event, the Board focused on the *Education Act* and the Code of Conduct in reviewing the Complaint and, therefore, did not find it necessary to determine whether the Meme was in contravention of Roman Catholic values.

To be clear, the Board's decision does not turn on whether the Meme contravened Roman Catholic values and the Board does not make a finding in this respect.

IX. Did the Meme Contravene the Code of Conduct?

The Board does not dispute that the Trustee has sincerely held religious beliefs. However, the primary concern before the Board was whether the Trustee, through her Meme Post, breached the Code of Conduct.

These Reasons are limited to the matter before the Board at the Meeting.

Introduction

The Board recognizes that elected school board trustees may hold and express their views. As noted in *Calgary Roman Catholic Separate School District No. 1 v. O'Malley* 2006 ABQB 364:

The trustees collectively and individually owe a public duty to carry out their responsibilities and the work for the Board in good faith and with reasonable diligence. They are elected for that purpose. They need not be of like mind. They may hold strong and conflicting views. They may debate with vigour, and occasionally with rancour. There is no rule requiring trustees to like each other. But they do have one overarching responsibility – a shared public duty to advance the work of the Board to which they had the privilege of being elected. (...) [para. 41]

- 7 -

The Trustee's argument focused, to a large extent, on her freedom to hold her beliefs and her ability to act on the same in her private life (i.e., to post the Meme).

However, freedom of expression generally, including that of a school board trustee is not absolute. These Reasons will address this concept further below.

The principle that rights are not absolute is recognized at section 2 of the *Education Act*, which reads, "the exercise of any right or the receipt of any benefit under this Act is subject to the limitations that are reasonable in the circumstances under which the right is being exercised or the benefit is being received." This is further addressed in Board Policy 3 and, in particular, clause 6.4 which directly addresses social media use:

Trustees will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division.

The Trustee's freedom to express her views (via the Meme Post) must be balanced against the Board's duty and right to operate in the context of, and in a manner consistent with, the preservation and enhancement of the Board's mandate. This includes the Board's duty to comply with the *Education Act* and to maintain a positive school environment.

While the Trustee may hold religious beliefs, in her role as a school Board trustee, the Trustee's actions may not unreasonably impinge upon the Board's statutory mandate to ensure that each student enrolled in its schools and each staff member employed by the Board is provided with a welcoming, caring, respectful and safe learning environment that *respects diversity and fosters a sense of belonging*.

Students have the right to a school system free from bias, prejudice and intolerance, and as a role model and representative of the corporate Board, the Trustee occupies an important role within the education system that extends beyond the classroom. The Division's principles of respecting the needs of our diverse students are legitimately reflected, for example, in Belief 10 of Board Policy 1, Board Policy 4, and AP 103.

Within the context of the *Constitution Act*, the *Education Act*, the Code of Conduct and corresponding Board Policy, Catholic school board trustees, as role models within the school board and as corporate leaders at the top of the Division hierarchy must be, and be seen to be, tolerant of the pluralistic and diverse nature of society.

Alleged Code of Conduct Breaches

i. Clause 1 of the Code of Conduct and Clause 6.2 of Board Policy 3

Clause 1 of Board Policy 4 requires Board trustees to carry out their responsibilities, as detailed in Board Policy 3, with reasonable diligence.

Under clause 6.2 of Board Policy 3, the Trustee "will refer queries, or issues and problems, not covered by Board policy, to the Board for corporate discussion and decision."

Analysis

- 8 -

The Trustee's position is that she did not violate Board policy because she did not make a comparison; rather, the Meme Post was about layers of ideology and about children not understanding those layers. According to the Trustee, the Meme Post was not about people or individuals, rather, it was about ideas which must always be open to criticism and must be tested and challenged.

If the Trustee were of the view there were ideas that had to be tested or challenged, clause 6.2 of Board Policy 3 required the Trustee to refer the same to the Board for corporate discussion. This was not done. Rather, the Trustee took it upon herself to post the Meme.

Finding

In having posted the Meme, the Trustee breached clause 6.2 of Board Policy 3 and thus is in breach of clause 1 of the Code of Conduct. Pursuant to clause 1 of the Code of Conduct, Board trustees shall carry out their responsibilities in accordance with Board Policy 3 with reasonable diligence. A breach of Board Policy 3, is therefore also a breach of Board Policy 4.

ii. Clauses 6 and 22 of the Code of Conduct

The Code of Conduct provides that the Board must commit itself and its members to conduct that "meets the highest ethical standards." Clause 6 requires the Board trustees to "commit themselves to dignified, ethical, professional and lawful conduct." Clause 22 requires the Board trustees to represent the "Board responsibly in all Board-related matters with proper decorum and respect for others."

Analysis

The Trustee made the following arguments:

- a Trustee cannot be responsible for all reactions to social media posts, in particular when such reactions unreasonably take offence based on unreasonable interpretations;
- respect and decorum go both ways; there will be a negative response to something objectively inappropriate, but offence taken to a reasonable position is simply the reality of free speech and the exchange of ideas in the marketplace;
- that someone might be offended by the Meme is not a basis to institute discipline against the Trustee; and
- while the Complainant had a particular reaction to the Meme, that does not mean that someone's personal subjective definition as to decorum can be imposed on the Trustee. That is the essence of "cancel culture."

The Trustee's position is further that there is nothing unprofessional or undignified about the Meme Post:

- there is nothing unprofessional about sharing a dissident minority opinion which did not give rise to a general level of unacceptability;
- the Meme Post reflects a minority opinion that many people do not like and are offended by, but that is a matter for public comment and disagreement. It is an attempt at censorship to claim something is unethical (instead of saying one does not agree); and
- no reasonable person would conclude from the Meme, that what the Nazis did was acceptable or that had anything to do with the LGBTQ (*sic*) community, and that rather, the Meme is about ideas which must always be open to criticism, tested and challenged.

The Trustee’s legal counsel submitted that the first loyalty of a trustee is to the school board, however it was also submitted that the Trustee is espousing a minority view (through the Meme Post) which has struggled to get exposure, and that what the Trustee is saying is that children should not be indoctrinated and that she has a duty to bring up difficult conversations, that she does not lose her rights as a private citizen, and that the Board wants to “shut her up.”

The Board is mindful of the September 6, 2023, letter it received from the Friends of Simon Wiesenthal Center noting that the Meme Post is “a form of Holocaust distortion and minimization and feeds into rhetoric promoting anti-LGBTQ+ hate and discrimination. What makes this post even more abhorrent is the fact that tens of thousands of victims of the Nazis were people who identified as part of the LGBTQ+ community.”

When asked about this letter, the Trustee indicated that the author may not understand the Meme Post as it did not compare two groups but rather, it is about layers of ideology, and about protecting kids. The Trustee stated that the author of the letter did not understand the meaning of the Meme.

The material from the Complainant contained reactions against and in favour of the Meme. Below are two examples from School Division student alumni:

[Redacted]

And,

[Redacted]

A medical professional communicated with the Board as follows:

[Redacted]

Three School Division employees communicated in writing to the Board their personal offence to the Meme Post. One employee, who is also a parent within the School Division, sent this:

[Redacted]

Another School Division employee submitted the following:

[Redacted]

Another:

[Redacted]

The Board also received four emails from parents who supported the Meme Post. These were included in the materials before the Board and were accordingly reviewed and considered during the Board deliberations.

The Board’s summary above is not intended to illustrate that greater weight was given to favourable versus unfavourable comments. The conclusion the Board draws, in part, from the public comments is that, contrary to the Trustee’s submissions, it is possible and indeed likely for the Meme to be understood in a

- 10 -

negative and hurtful way towards the 2SLGBTQ1A+ community, and School Division students from that community in particular.

The Board accepts the Trustee's view that she is entitled to her personal religious beliefs, and that she is entitled to express them. However, the Trustee has statutory and ethical obligations towards the School Division students as well. In her Trustee role, the Respondent has an obligation to communicate respectfully and inclusively (pursuant to the *Education Act*, Code of Conduct and other Board Policies already addressed above). The Board does not accept the Trustee's submission that the Meme was clearly unrelated to Nazism. Regardless of the Trustee's intent, in the Board's view, a reasonable person viewing two photographs (one over the other) could reasonably conclude that a negative comparison was being made.

Further, the complex and nuanced position which the Trustee is attempting to advance is simply not made clear in a Meme which is limited to two photographs and three words. Had the Trustee wished to communicate this concept, communication methods set out in Board Policies 3 and 4 should have been used. The Trustee had an obligation to ensure her communication was in accordance with Board policy.

Finding

By posting the Meme the Trustee violated clauses 6 and 22 of the Code of Conduct.

Providing, through the Meme Post, a display of students waving Pride flags and a display of children of Nazi Germany waving flags and thereby inferring that children waving Pride flags have been brainwashed in a manner akin to children in Germany at or before WWII, conveys a negative implication. The Meme Post is not, on a reasonably objective standard, dignified nor professional, and based on the above reactions to the Meme Post, was not viewed as inclusive or reflective of supportive school environments that welcome students of all orientations.

The Board disagrees with the Trustee's submission that there is no lack of decorum in the Meme Post or that the same does not show disrespect for others, and that the Meme Post was more about raising the conversation about really difficult controversial issues that are important to parents and students.

School board trustees are open to public inspection - employees, students and their parents and other school stakeholders scrutinize trustee conduct. A trustee's personal online conduct can attract as much attention as in-school or at-Board-meeting conduct. Though posted on a personal Facebook page, the Meme Post, in fact, did attract media attention: the September 7, 2023, media article from the Western Standard entitled, "EXCLUSIVE: Trustee says her post was about protecting children, involving parents"; and, the September 13, 2023, media article from the True North entitled, "Alberta trustee reprimanded for Instagram post critical of gender "indoctrination".

The Trustee holds a position of trust and influence within the education system. As a role model within the school system, the Trustee is required to represent the Board in all Board-related matters with proper decorum and respect for others. In having posted the Meme, the Trustee did not display proper decorum and respect for others. The principles noted in *Del Grande* are equally applicable here (at para. 55):

The focus of the *Education Act* is thus the public education system and the well-being and achievement of the students who participate in it, with the goal of ensuring they develop into caring, contributing citizens. It is the Board, and therefore its Trustees, who are in service to these objectives and not the public education system that serves a trustee's objectives. [Emphasis added.]

- 11 -

The Board acknowledges that the Trustee sought to distinguish the *Del Grande* decision and argued that the Saskatchewan decision in *Strom* is more applicable. While noting that the law in Ontario is not identical to that in Alberta, the Board finds that the principles outlined in *Del Grande* as noted in these Reasons are applicable to the issues before the Board.

The Board Motion is intended to allow the Trustee to continue to bring forward issues before the Board. Elected school trustees may form views and opinions and declare themselves on issues. However, the place for the Trustee to express her views was at the Board table where a fulsome debate may occur. In this instance, the Meme Post did not reflect reasonable decorum. In the Board's view, a reasonably well-informed person would conclude that the Trustee's conduct in having posted the Meme reflected behaviour that did not treat individuals respectfully, equitably and with courtesy.

The Trustee's legal counsel noted that the Trustee espouses a minority view (through the Meme Post) which has struggled to get exposure. However, the Board has established a strong policy framework that demonstrates its unequivocal position that Red Deer Catholic Regional Schools require schools to foster and maintain a safe, secure, caring, respectful and inclusive learning environment for all students, families and staff that is free from physical, emotional and social abuses and models our Catholic faith and values.

In this case, the Trustee placed her personal interests ahead of her public duty to carry out her duties in a dignified, ethical and professional manner, and to represent the Board with proper decorum, which means that the Trustee must conduct herself in her communications in a respectful and professional manner. Posting a highly controversial Meme which does not elaborate or explain the Trustee's rationale and requires schoolchildren and their parents to draw significant inferences if they are to understand the Meme as the Trustee claims to have intended, does not reflect this standard.

Additional Comment

While this section deals with clauses 6 and 22 of the Code of Conduct, the Board is also of the view, for the reasons noted above, that by the Meme Post the Trustee did not "contribute to a positive and respectful learning and working culture both within the Board and the Division" and thus breached clause 6.18 of Board Policy #3 and thus was an additional violation of the Code of Conduct.

iii. Clause 6.4 of Board Policy 3

Clause 6.4 of Board Policy 3 states that trustees "will be cognizant that they are representing the interests of the Board while posting or commenting on social media, and aware of public perception that their posts, comments and social media engagement, are in accordance with their duties within the school division."

Analysis

When asked at the Meeting how the Trustee squares her duty under Board Policy 4 to act for all voters with the posting of the Meme, the Trustee indicated that just because one person does not like it does not mean that everyone else should not like it.

When asked what the Trustee was thinking when she posted the Meme, she stated that she thought the Meme Post was the truth about today. She had asked The Holy Spirit about it. She stated that she was more thinking about the political part of the Meme Post than anything; that it was something that would be understood; the Holy Spirit said, "Do it, go for it." So, the Trustee "shared it and that was it." The Trustee thought it was such a good outline as to what was going on in the world. The Trustee also indicated that

- 12 -

you read books and this is happening and it is right there in your face. "I did not think "education when I looked at this." That was my thought process walking through that."

At the time the Trustee posted the Meme Post, she did not consider the interests of the Board nor did she give consideration to the potential public perception of the same. Again, therefore, the Trustee placed her personal interests ahead of her public duty to carry out and advance Board work.

The Board is also mindful of clause 10 of Board Policy #4 states that "while elected from specific wards, trustees shall represent the best interest of the entire Division." This did not occur here.

Finding

In having posted the Meme, the Trustee breached clause 6.4 of Board Policy 3 and thus is in breach of clause 1 of the Code of Conduct.

X. Is the Meme Protected by the Trustee's Charter Rights?

The Education Act

The Board is aware of the Trustee's submission that s. 87(1)(c) of the *Education Act* infringes section 3 of the *Charter*. Pursuant to section 11 of the *Administrative Procedures and Jurisdiction Act, RSA 2000 c A-3* ("*Administrative Act*") this Board does not have the jurisdiction to consider a question of constitutional law with respect to the *Education Act*. Further, and in any event, the Trustee did not provide notice of the intention to raise a question of constitutional law as required by section 12 of the *Administrative Act*. The Board is also mindful of the *Designation of Constitutional Decision Makers Regulation* (Alta Reg. 69/2006).

Further, and in the alternative, the Board has not exercised its jurisdiction to disqualify the Trustee and therefore, s.87(1)(c) of the *Education Act* has not been engaged.

Finally, the Board notes the submission of counsel for the Trustee that section 87(1) violates the section 3 *Charter* rights of Trustee LaGrange's constituents. This Board lacks jurisdiction to consider the rights of constituents and, in any event, this is not the issue before the Board.

Accordingly, the Board declines to consider the constitutionality of s.87(1)(c) of the *Education Act*.

Charter Rights

As per *Calgary Roman Catholic Separate School District No. 1 v. O'Malley*, 2007 ABQB 574 (paras. 127 to 132) and *Hamilton v. Rocky View School Division No. 41*, 2009 ABQB 225 (paras. 13 to 17), the Charter does not have a bearing on the assessment of whether the Trustee violated the Board's internal Code of Conduct. This matter relates to an internal self-regulatory process governed by Board Policy. Furthermore, the Trustee is not challenging the constitutionality of Board Policy; she made it clear at the Meeting that the Meme Post was not directed toward Red Deer Catholic Regional Schools nor was it a challenge to School Division practices. Accordingly, the Charter does not apply here.

In the alternative, if the Board is wrong and the Charter does apply in this instance, the Board's objectives of regulating the Board and school board trustee communications - as per Board Policy, including in relation

- 13 -

to messages of inclusivity within the School Division that foster care and compassion of students and families, and address student issues such as safety, bullying, justice and respectful relationships - outweigh any potential negative effects of the Trustee restrictions set out in the Motion. The Trustee has ethical and fiduciary responsibilities which carry with it a corresponding obligation to communicate appropriately. The Meme does not meet this threshold and in the circumstances, any expressive rights held by the Trustee must properly be subordinate to the obligation to create an inclusive environment for students.

Further, in the Board's view the limitations on the Trustee's conduct are limited, moderate and reasonable. Under the Motion, the Trustee may attend regular Board meetings to bring forward educational-related issues for discussion and debate to the Board through the Board's standard procedures and practices (para. 3 of the Motion).

The Motion strikes a balance between the Board's educational mandate and the Trustee's freedom of expression; the Motion does not interfere with the Trustee's ability, as an elected school board trustee, to act in accordance with her religious beliefs in a manner that is more than trivial or insubstantial. Furthermore, there is evidence noted above before the Board as to the impact of the Meme Post on others (in the context of competing rights and societal concerns).

Charter Values

To the extent an analysis is required as per *Doré v. Barreau du Québec*, 2012 SCC 12 in this matter, the Board is required to balance the severity of the Charter interference with the statutory objectives set out in the *Education Act* and Board Policy, and then ascertain how the Charter values at stake will best be protected in view of these objectives. As described in the prior section, in the Board's view an appropriate balance has been struck.

The Motion is consistent with the statutory objectives set out in the *Education Act* and in Board Policy.

The Board has a statutory duty under s. 33(1)(d) of the *Education Act* to ensure that each student enrolled in a school operated by the board and each staff member employed by the Board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. (As earlier noted, the preamble in the *Education Act* states that "students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self.") The Board is also required to implement and maintain a policy to provide a welcoming, caring, respectful and safe learning environment; school principals must provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

All Board members, including the Trustee, have a duty to comply with the Code of Conduct, and to assist the Board in fulfilling the above-referenced duties.

The Trustee, as per the Motion, was not sanctioned for holding certain religious beliefs. Rather, the Trustee was sanctioned for having posted the Meme in violation of the Board's Code of Conduct: 6.2, 6.4 and 6.18 of Board Policy 3 and clauses 1, 6, 10 and 22 of Board Policy 4.

The Motion reflects an appropriate balance between the statutory objectives of the *Education Act* and Board Policy and, the Charter values at stake should they be applicable in the unique facts of this case. When a

- 14 -

Board member wishes to advance education-related issues, they must do so in accordance with the Code of Conduct. This did not occur in this instance.

XI. Is the Decision Reasonable?

The Trustee's written submissions at paragraphs 54 to 62 advance the argument that the outcome of the Decision must be reasonable. The Board agrees. In the Board's view, the Decision was made carefully and with full consideration of the evidence and argument presented to it and reflects an appropriate balancing of the Trustee's ability to hold and express beliefs with the Board's statutory mandate to provide a safe and inclusive environment for its students. The Decision was accordingly reasonable as measured by the principles brought forward by the Trustee.

XII. Was The Decision Procedurally Unfair?

The Trustee argued that these proceedings are tainted by procedural unfairness and bias, and as such, should be stayed. The Board has carefully considered this argument and dismissed the stay of proceedings request.

The foundation of this argument is that, prior to the commencement of the Code of Conduct complaint process, the Board initially passed a motion asking the Minister of Education to dismiss the Trustee. This process was undertaken based on the Board's initial misunderstanding that the Minister was responsible for the review and assessment of the Trustee's conduct. However, the Minister's response informed the Board that this process was in fact the Board's responsibility.

Subsequently, a letter of complaint was filed which triggered the Code of Conduct hearing under Appendix "A" of the Code of Conduct. Prior to the Meeting, each Board member hearing this matter conducted a serious and self-reflective assessment of its ability to hear the matter impartially and without bias. Each Board member determined that they held an open mind and were able to fairly and impartially hear the Trustee's arguments, consider them without pre-determination, and render a fair decision.

The proof of this ability is the outcome of the hearing. Although the Trustee's argument (reflected in her written submissions at paragraphs 96 to 99) focused on the Trustee's objection to the possibility of her disqualification or Trustee removal - including arguments as to the unconstitutionality of the relevant section of the *Education Act* - ultimately the Board did not decide that disqualification or removal was the appropriate sanction. Instead, the above-described Motion was passed.

The Board finds that:

1. the careful and considered self-assessment by each Board member who heard this matter, concluding each maintained an open mind and was able to be impartial; and
2. the fact that the Board's ultimate decision was not, in fact, the same sanction as initially referenced in the request to the Minister of Education,

shows that the Board's decision in this case is not tainted by procedural unfairness or bias. Accordingly, the Board declines to stay these proceedings or the Decision.

- 15 -

XIII. Conclusion

The Board finds that the Trustee breached clauses 1, 6.2, 6.4 and 6.18 of Board Policy 3 and clauses 1, 6, 10 and 22 of Board Policy 4.

The Board finds that the appropriate sanctions are those set out in the Motion.

Finally, the Board wishes to comment on paragraph 1(e) of the Motion.

The Board has required the Trustee to issue a sincere public letter of apology to School Division students, staff and the Board in relation to the Meme Post.

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.

Dated this 13th day of October 2023.