

**CARLETON UNIVERSITY STUDENTS' ASSOCIATION**  
**APPEALS COMMITTEE**

In the Matter of:

**MAXWELL HEROUX v. CHIEF RETURNING OFFICE**

**ELECTION APPEAL 2026 GE – ND – 008**

**DECISION**

Hearing Date: February 19, 2026

Decision Released: February 21, 2026

Panel: John H. McNair (Chair), Pilar Balbuena Bulla, Cherry Zhang,  
Antonela Palacios, Ali Aaouda

Appearances: \_\_\_\_\_ Maxwell Heroux, Basit Ur Rehman

**DECISION**

**I. INTRODUCTION**

1. On February 04, 2026, the Office of the Chief Returning Officer, Mr. Basit Ur Rehman (hereinafter “the CRO”) notified a candidate in the CUSA presidential election, Mr. Maxwell Heroux (“Heroux”) that the CRO had received a complaint alleging violations on the part of Heroux and his campaign team under the CUSA *Electoral Code* (“the Code”)

2. The CRO framed the allegations in the complaint around four electoral offences, as follows:

A. “*Campaigning in a university library;*”

- B. *“Interference with free and fair elections;”*
- C. *“Undermining the electoral process;” and*
- D. *“Failure to control or disclose campaign actors.”*

3. Following investigation of the complaint, the CRO issued a written Ruling on February 6<sup>th</sup>, 2026. The CRO found that all four offences were substantiated and imposed a total of seventeen demerit points.
4. The penalties imposed upon Heroux exceeded the threshold of ten points prescribed in the *Code* for disqualification of a candidate. The matter was automatically referred to the Appeals committee for review and decision, therefore, pursuant to Schedule IV (*“Electoral Offences, Demerits and Disqualifications”*) s.2.

## **II. OUTCOME OF AUTOMATIC REVIEW**

5. For the reasons below, the Appeals Committee found that the CRO’s findings were unreasonable and unsupportable. The Ruling was set aside in relation to all four allegations.

## **III. PRELIMINARY RULING**

6. In advance of the Appeal Committee’s hearing, Mr. Heroux requested that he be granted anonymity in the automatic review, and further that our review hearing be conducted *in-camera*.

7. The Appeal's Committee's authority to grant such a request was conferred in ss. 58 and 59 of CUSA's Appeals Policy. The decision to grant or withhold anonymity was allocated to the Chair.
  
8. On February 18<sup>th</sup>, 2026, the Appeals Committee issued an Interim Ruling denying Heroux's request. The Chair's reasons were stated in the Interim Ruling as follows:

*The Appeals Policy contemplates an adjudication process that is open, fair and transparent. The general principle of openness is confirmed in section 36 of the Appeals Policy, which provides that every hearing shall be publicly accessible to all Carleton University students.*

*While Mr. Heroux asserts in his request that confidentiality is needed for protection from slander and personal attacks no particulars are offered beyond that bald suggestion.*

*Mr. Heroux further indicates concern for the confidentiality of certain text conversations which are said to be "reliant on one-party consent to be shared with the Committee." It is unclear whether this is new evidence or if it has already been provided to the CRO, and is, therefore, available to the Committee. In either case, the confidentiality of such records is a matter that can be raised at the hearing.*

*We note that Mr. Heroux is also the subject of two further automatic reviews to be heard by the Appeals Committee after these hearings. Any grant of anonymity would presumably be sought for all proceedings in which he is involved.*

*All parties who come before the Committee may well share the same preference to avoid attention. No basis has been shown for this exceptional relief, I have concluded.*

#### **IV. THE CRO's RULING**

9. In his February 06<sup>th</sup> decision, the CRO held that Heroux was responsible as candidate for an incident said to have occurred at the MacOdrum Library during the campaign period. The incident was captured by the Complainant on her cellphone camera. She provided to the CRO a short video clip of an encounter in a designated study space in the library.
10. Under the *Code*, campaigning in any library space was an offence under Schedule IV.
11. The video depicted the interaction between a seated student and an individual who entered the space and solicited the student's vote in favour of Heroux. The Complainant told the CRO that the individual in question was a female wearing a white top and black pants. This person was unknown to the Complainant, she indicated.
12. The video was produced to Heroux and was reviewed by the Appeals Committee prior to our hearing.

13. According to the CRO, the interaction shown in the video amounted to voter intimidation and interference with ballot secrecy and independence, inasmuch as the elector's computer screen was visible as she cast her ballot at the urging of the other individual.
  
14. This conduct "*materially benefitted*" the candidate, Heroux, the CRO found. Such conduct was reasonably foreseeable and preventable by the candidate in view of the guidance given to candidates at an All-Candidates Meeting about third-party conduct. The CRO also relied upon Schedule II of the *Code*, which is a form of sworn declaration in which candidates for CUSA office promise to follow election rules, treat competitors with respect and decency, act in good faith, refrain from spreading misinformation and "*ensure individuals associated with (their) campaign do the same.*"
  
15. As a result, the CRO held that the unidentified campaigner in the library was deemed to be a member of Heroux's campaign team. Section 70 of the *Code* provides that demerit points shall be counted against a candidate when that candidate, "*or any member of his campaign team,*" is found responsible for an offence. Heroux was responsible, therefore, for the misconduct of the individual seen in the Complainant's video.

## **V. THE EVIDENCE AND SUBMISSIONS OF THE PARTIES**

16. Aside from the contents of the video, most of the factual underpinning for the Appeals Committee's review of the case was not in dispute. It was agreed that:
- a. the short video clip in question was recorded during the campaign period in a study area of the university library, where campaigning was expressly prohibited;
  - b. the CRO did not know the identity of either the individual who entered and allegedly solicited voting for Heroux or the elector whose vote was allegedly solicited and interfered with;
  - c. the Complainant did not capture on camera the faces of either individual and was unable to tell the CRO who they were;
  - d. candidates in the CUSA elections were made aware of the prohibition against campaigning in the library and their obligation to ensure compliance by those campaigning on their behalf;
  - e. there was no evidence linking the unidentified person shown in the video to Heroux, beyond the fact that the person was heard to state that she was seeking to persuade the elector to vote for him;
  - f. there was no evidence to contradict the assertion of Heroux and his campaign team that they did not know the individual in the video and that the Heroux campaign had no known connection with him.

17. The CRO argued forcefully before us that these admitted facts disclosed commission of the offence of campaigning in university libraries, contrary to Schedule IV, ss. 1(g), and that responsibility attached to Heroux by virtue of s. 70 and the extended definition of campaign team in s. 1 of the *Code*.
18. The Code did not require that a personal connection or relationship be established between a candidate and a campaigner in order to fix responsibility for the latter's conduct on the candidate, it was submitted. The evidence established that Heroux derived a direct and material benefit from the actions of the person who purported to seek support for him in a prohibited fashion, the CRO emphasized.
19. The term "*reasonable foresight*" in the definition of campaign team (discussed below) did not merely amount to asking if the candidate knew the person in question, the CRO continued. Candidates needed to ensure that controls were in place to ensure that they discharged their positive obligation in Schedule II to enforce compliance by those acting on their belief. The regulatory scheme in the *Code* was tailored to prevent candidates from shielding themselves from third party actions benefitting their campaigns through the device of leaving such individuals off campaign lists, or by simply disavowing knowledge of them.
20. Elections could not function fairly if campaigning could take place without any responsibility on the part of the candidate, the CRO warned. Moreover, if this finding

were overturned, it would signal that violations like campaigning in prohibited areas could be committed without consequence.

21. In his evidence and submissions, Mr. Heroux urged that there were numerous indications that the videotaped encounter in the library was actually staged. The absence of any showing of faces in the video, particularly the individual approaching the elector, was a striking omission when the incident was purportedly recorded to capture an election violation. The position and angle of the camera appeared to shift more than once to *avoid* depicting faces. The unidentified elector waited until the other individual had finished directing her how to vote on her computer before calmly reminding that person that this was taking place in an area where campaigning was not allowed. The unidentified individual seemed unfamiliar with the candidate he was purportedly supporting, saying Heroux's name as "Heroux Maxwell." The entire incident was contrived, Heroux contended.

22. Beyond that, Heroux argued, he could not be responsible for enforcing compliance with the *Code* by a stranger. The element of reasonable foresight which was needed to fasten him with responsibility for the actions depicted at the library was absent. He had never met this person, who was also unknown to his campaign team, and had acted on his own and without direction, Heroux averred.

## **VI. ANALYSIS**

23. The Appeals Committee had grave reservations about the authenticity of the event recorded in the brief video. Apart from the observations offered by Heroux in that regard, we noted that the Complainant began recording the encounter even before the unidentified “campaigner” uttered Heroux’s name. There was a scripted air to the encounter which called into question the possibility that it was contrived to set the candidate up for the complaint that followed.

24. That possibility was real and not fanciful, we considered. The CRO conceded that there were “ambiguities” in the video scene. He suggested speculatively that the Complainant may have avoided filming the faces of the participants because she feared harassment or another negative reaction.

25. The CRO’s dismissal of the uncertainty surrounding the video was at odds with the burden of proof in these cases. It was for the CRO to satisfy himself beyond a reasonable doubt that the encounter shown in the video was genuine and not bad acting. Apart from the Complainant’s report to him about the circumstances in which the video was taken, there was no evidence to confirm that it was not created and intended for the purpose suggested by Heroux, namely to discredit him with a campaign violation.

26. This is perhaps a convenient point to observe that the lack of technical or other evidence concerning the recording made in the library did not result from lack of

diligence on the part of the CRO. From the Appeals Committee's observation, the CRO was inundated with complaints and cross-complaints during the election period, all of which he attempted to deal with fairly and in an organized manner. On his own, however, the CRO was clearly unable to undertake a thorough, searching investigation of the circumstances of each alleged violation. This case was a reflection of that, we recognized.

27. Even if the video genuinely recorded campaigning for Heroux's benefit in a prohibited area, combined with active interference with an elector's choice, the Appeals Committee rejected the CRO's assertion that responsibility automatically attached to Heroux in such circumstances.

28. The definition of "campaign team" in the Code is as follows:

*"**campaign team**" means any individual(s) who is directly associated with a candidate. Each candidate must submit a list of campaign team members to the CRO. The list shall include all who are authorized to speak or post on behalf of the candidate. It also includes those who engage, under the reasonable foresight of the candidate, in campaigning, whether official or unofficial, above the level of a mere supporter or voter; Any changes to the team must be provided in writing to the CRO within 48 hours;*

29. It will be seen that this definition encompasses persons who, though not listed by the campaign as team members, engage *under the reasonable foresight* of the

candidate in campaigning. The narrow question on this review was whether the CRO reasonably concluded that the unidentified person depicted in the video was engaging in campaigning under Heroux's reasonable foresight, making Heroux responsible for that person's actions.

30. We agreed with the CRO that he did not need to establish the existence of a personal relationship between the candidate and the third-party campaigner, or to demonstrate that such person was directed or instructed by Heroux or his campaign. Here, however, it was accepted that the evidence established no nexus whatsoever between the Heroux campaign and the person in the library. That connection was said to be inferred from the fact that the library campaigner invoked Heroux's name (albeit incorrectly) and the fact that Heroux may have gained electoral benefit from such activity. We rejected that inference.

31. The CRO's evidence and submissions did not address what type of controls the Heroux campaign could or should have put in place to prevent the possibility of unknown supporters doing something contrary to the provisions of the *Code*. That was a significant omission in the evidence, since it was the candidate's failure to take such measures which made the actions of such a stranger foreseeable, in the CRO's view—thereby bringing an unidentified individual under the candidate's "reasonable foresight."

32. That reasoning was flawed and unreasonable, we concluded. It would have the effect of imposing a form of absolute liability on a candidate for all acts carried out in

his name or for his benefit. It would leave candidates vulnerable to being “set up” purposefully to demonstrate breach of the *Code* in the exact manner claimed by Heroux to have occurred here. It would create an intimidating disincentive for future prospective candidates, who would face the possibility of being penalized and/or disqualified for the conduct of strangers over whom they could not exercise effective control.

33. We considered that the words “*under the reasonable foresight of the candidate*” required that some connection be shown between the candidate and the putative team member, however tenuous or indirect. None was demonstrated here.

34. The CRO’s Ruling held that the incident recorded in the library constituted not only the offence of campaigning in an off-limits area but also three more offences, as enumerated in his Ruling. In view of our conclusion that responsibility for the library incident was not proven to attach to Heroux, the CRO’s Ruling in relation to the second, third and fourth offences could not stand.

## **VII. CONCLUSION**

The automatic appeal is allowed. The CRO’s findings and resulting penalties in 2026GE – ND – 008 are vacated and the complaint is declared to be unsubstantiated.

John H. McNair, Chair  
CUSA Appeals Committee