

CARLETON UNIVERSITY STUDENTS' ASSOCIATION
APPEALS COMMITTEE

In the Matter of:

MAXWELL HEROUX v. CHIEF RETURNING OFFICE
ELECTION APPEAL 2026 GE – ND – 003

Hearing Date: February 19, 2026

Decision Released: February 21, 2026

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

Appearances: _____ Maxwell Heroux, Basit Ur Rehman

DECISION

I. INTRODUCTION

1. On February 03rd, 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. “*Alleged Slate-Forming and Coordinated Campaign Planning.*”

- B. *“Alleged Coercion, Bribery, or Conditional Offers.”*
- C. *“Conduct of Campaign Team Members and Affiliates.”*
- D. *“Alleged Undermining of the Electoral Process.”*

3. Following investigation of the complaint, the CRO issued a written Ruling on February 7th, 2026. The CRO found that allegations “B”, “C” and “D” were substantiated or substantiated in part and imposed a total of twelve demerit points for three electoral offences. The allegation of Slate Forming and Coordinated Campaign Planning was determined to be unsubstantiated.
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 in relation to allegations B, C and D were unreasonable and unsupportable. The Ruling was set aside in relation to those 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 18th, 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 ALLEGATION OF COERCION, BRIBERY OR CONDITIONAL OFFERS

9. The CRO confirmed at the outset of the hearing that the evidence to support this allegation was confined to a series of screenshots reflecting a social media conversation between Heroux and the Complainant. The dialogue between them was said to have included discussion of future executive positions and the Complainant's possible participation therein, conditioned upon support for Heroux's candidacy. In his ruling, the CRT found that these communications constituted improper inducements to an elector and were inconsistent with the principles of free participation and independence under the *Code*.

10. The CRO explained at the hearing that the Complainant who had delivered these communications to him was extremely fearful of being identified as a result of concerns of possible harassment, retaliation and even physical harm if her involvement were known.

11. The *Code* provides in s. 63 that the name and personal information of an elector who lodges a complaint of an alleged offence shall be known only to the CRO, unless given voluntarily in testimony to the Appeals Committee. Here, the Complainant did not give such testimony. The name of the complainant was properly not disclosed to us by the CRO.

12. As the CRO also explained, however, the Complainant also considered that the communications which formed the basis of his finding might disclose to third parties her identity, or risked doing so. The complainant objected to any disclosure of those communications beyond the CRO, including disclosure to the affected candidate, Heroux or members of the Appeals Committee. The result was that the CRO withheld the screenshots from materials produced to Heroux in advance of our hearing, and from the record of evidence provided to the Appeals Committee. We add that the CRO had little choice in that regard, having regard to the firm direction given by the Complainant that the evidence was to remain undisclosed.

13. This left the CRO, Heroux and the Appeals Committee in an untenable position. From Heroux's perspective, it went without saying that a person accused of serious misconduct like coercion and bribery was entitled to full knowledge of the case against him, including disclosure of the very communications said to constitute the electoral offence. Procedural fairness required that Heroux have full access to the impugned communications in order to challenge the inferences and conclusions apparently drawn from them by the CRO. He was deprived of that basic right.

14. The position faced by the Appeals Committee was similar. Without seeing the evidence on which the CRO had substantiated this allegation, we could not assess the reasonableness of his findings either in fact or law.

15. After deliberations, therefore, the Appeals Committee indicated orally that the CRO's ruling on this allegation would be set aside on grounds of substantial procedural unfairness.

V. ALLEGATION "C": IMPROPER CONDUCT BY CAMPAIGN TEAM MEMBER

16. This allegation similarly stemmed from a social media conversation, this time not involving Heroux but between an acknowledged member of his campaign team, Mr. Nathan Harlan ("Harlan") and an elector. We were provided with fifteen pages of screenshots of the on-line exchange between those individuals, in which Harlan appeared under the unlikely moniker "*Earl of Squirrel*." Neither Harlan nor the elector in question was called to give evidence before the Appeals Committee.

17. The *Code* provides in s. 70 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. The CRO found that Harlan was a registered member of Heroux's campaign team at the relevant time who:

- *“engaged in election-related discussion with an elector;*
- *questioned the elector regarding their intention to vote for a competing candidate;*
- *commented on the feasibility of that competing candidate's platform; and*
- *failed to clearly disclose his status as a campaign team member when directly questioned.*

18. The CRO relied in his Ruling upon Schedule II of the *Code*, which is a form of sworn declaration in which candidates for 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) campaigns do the same.*”
19. The CRO urged the Appeals Committee that the dialogue in question involved improper voter influence, inasmuch as Harlan failed to acknowledge to the elector that he was a Heroux campaign member – saying, when asked about that connection by the elector, “*we’re not close.*” As Harlan acknowledged to the CRO during an investigation interview, he also commented to the elector that a student loan proposal made by the competing candidate, Aryan Singh (“Singh”) was “*not actually possible.*” Harlan added: “*Cause you can’t just give loans . . . It makes you a bank.*”
20. This exchange was occurring at the same time as the presidential candidates’ debate, the CRO noted. The elector was entitled to know that she was speaking with a Heroux team member. Harlan failed to be transparent when the context required transparency, the CRO argued.
21. Mr. Heroux gave evidence before us that he believed that the elector in question was an undisclosed member of the Singh campaign team. The elector was acting in bad faith with a view to readying a “*false and vexatious*” complaint, Heroux contended.

22. The Appeals Committee carefully reviewed the record of the conversation between the two individuals. We did so not for the purpose of merely second-guessing the CRO's interpretation of the exchange, but to determine whether his conclusions were reasonably supported by the recorded evidence. We were not satisfied that the dialogue demonstrated beyond reasonable doubt that Harlan somehow interfered with the free election choice of this elector, or that it could reasonably be construed in such manner.

23. The conversation was conducted between two individuals who were clearly very familiar with each other. (At one point, the elector urged Harlan to go for drinks). Both participants were notably reticent about revealing their campaign loyalties. The elector seemed inordinately determined to press Harlan for an acknowledgement in that regard, we observed. She brought the conversation repeatedly back to Heroux and Harlan's relationship with him, seemingly fishing for Harlan's admission that he was a Heroux supporter. She conspicuously avoided openly endorsing Singh, though she eventually conceded to Harlan, "*we are on different sides for this election.*"

24. For their private reasons, we concluded, neither of these individuals wanted to declare their campaign affiliations. Neither was transparent in that regard, but we were not persuaded that either person was actually misled during their coy, casual exchange.

25. The CRO's objections to this conversation had no grounding in the *Code*, in our view. It was open to Harlan to comment on the feasibility of Singh's loan proposal, whether as a

declared or undeclared member of a rival campaign team. Discussions about the merits of candidate platforms were surely at the heart of the election process. Nothing in the context surrounding this dialogue made the elector vulnerable or unfairly susceptible to Harlan's opinions. Taken as a whole, we concluded, the conversation was an awkward but unremarkable exchange between persons on an equal footing with each other. We did not consider that the CRO's characterization of the event was supportable.

26. The CRO's finding on this allegation was undermined on a second and more fundamental ground, the Appeals Committee found. The Ruling cited no applicable offence in Schedule IV, which lists twenty separate electoral offences. Instead, the Ruling referred to the candidate declaration in Schedule II, which sets out in somewhat vague terms a candidate's commitment to proper campaign conduct and to ensuring the same good behaviour by persons associated with his campaign.

27. The *Code* does not prescribe an offence(s) for violation of those broad commitments, either in Schedule II or in the list of electoral offences in Schedule IV.

28. It was not clear to us, therefore (or to the candidate, Heroux, it should be said), what specifically prescribed election offence was alleged to have been committed here.

29. For these reasons, we concluded that the finding in allegation "C" could not be upheld.

VI. ALLEGED UNDERMINING OF THE ELECTORAL PROCESS

30. The CRO took the position that the misconduct which he found on the part of the candidate in relation to allegations “B” and “C” supported the further finding that Heroux undermined the CUSA electoral process (allegation “D”).

31. We have concluded on review that those previous parts of the Ruling should be set aside, with the result that any basis for substantiating the offence alleged in “D” was removed. That finding too will be set aside.

32. We make no comment in this appeal whether the previous allegations, if substantiated, could reasonably have been construed as undermining the electoral process, as the CRO contended.

VII. CONCLUSION

33. The automatic appeal is allowed. The CRO’s findings of responsibility and resulting penalties in 2026GE – ND – 003 are vacated and the complaint is declared to be unsubstantiated.

John H. McNair, Chair
CUSA Appeals Committee