

CARLETON UNIVERSITY STUDENTS' ASSOCIATION
APPEALS COMMITTEE

In the Matter of:

MAXWELL HEROUX v. CHIEF RETURNING OFFICE
ELECTION APPEAL 2026 GE – ND – 009

Hearing Date: February 23, 2026

Decision Released: February 24, 2026

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

Appearances: _____ Maxwell Heroux, Basit Ur Rehman

DECISION

I. INTRODUCTION

1. On February 05, 2026, the Office of the Chief Returning Officer, Mr. Basit Ur Rehman (hereinafter “the CRO”) received a formal complaint alleging violations on the part of a candidate in the CUSA presidential election, Mr. Maxwell Heroux (“Heroux”) pursuant to the CUSA *Electoral Code* (“*the Code*”)

2. The CRO framed the allegations in the complaint around four electoral offences, as follows:
 - A. “*Unauthorized Disclosure/Improper Handling of Nomination Materials.*”

- B. *“Election Interference through Coercive Political Messaging/Intimidation.”*
- C. *“Campaign Team Non-Disclosure.”*
- D. *“Alleged Slate-Forming/Coordinated Recruitment.”*

3. Following investigation of the complaint, the CRO issued a written Ruling on February 17th, 2026. The CRO found that allegation “B” was substantiated and imposed a total of ten demerit points for that electoral offence. The remaining allegations in the complaint were determined to be unsubstantiated.
4. The penalty imposed upon Heroux reached 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 the allegation of intimidation were unreasonable and unsupportable. The Ruling was set aside.

III. THE ALLEGATION OF INTIMIDATING AN ELECTOR

6. The CRO confirmed at the outset of the hearing that the evidence to support this allegation was contained in four pages of screenshots reflecting an Instagram conversation between Mr. Heroux and the Complainant, Mr. Mohamed El-Fitori

(“El-Fitori”) during the campaign period. The dialogue between them was said to have included coercive pressure upon El-Fitori to support Heroux’s candidacy. In his ruling, the CRO found that Heroux framed the election as a binary moral obligation and implied that “continued criticism or failure to assist (Heroux) would contribute to a morally reprehensible result.”

7. The CRO drew that conclusion from comments by Heroux in the Instagram exchange concerning criticism said to have been levelled against him by El-Fitori. Information suggested that El-Fitori’s discussion points were being “*commandeered by Hillel associates*,” Heroux told him. He continued:

“Yeah. The stuff you’ve been spewing left, right and centre about my reforms? People from Hillel are latching onto it to try and make a fuss now.”

8. He hoped El-Fitori would be happy with his “new supporters,” Heroux said. He added,

*“At the end of the day I want to do good work.
And unless you want the candidate who refused to say
genocide today to win, you need to help instead of hinder.”*

9. It was common ground between the parties that these messages were exchanged late on the evening of January 28, 2026 following the candidate debate held on that date. The reference to the candidate who allegedly refused to use the term genocide was to Heroux’s opponent in the presidential election campaign.

10. These statements by Heroux went beyond legitimate policy debate or campaign rhetoric and crossed into “coercive moral framing,” the CRO contended before the Appeals Committee. Although the electoral offence of intimidation was not defined in the *Electoral Code*, he argued that it had three elements:

- *Creating pressure on an elector;*
- *Suggesting moral or reputational consequences for withholding electoral support; and*
- *The design or intention to garner such support*

11. All three elements were present in Heroux’s remarks, the CRO considered.

IV. THE WITNESSES’ EVIDENCE

12. Both El-Fitori and Heroux gave evidence at our hearing. The only matter on which they agreed was that there had been bad blood between them in the weeks or months preceding the January 28th conversation. According to El-Fitori, Heroux was angry with him for declining to run for a Vice President position and refusing to support Heroux’s candidacy. Heroux claimed that El-Fitori resented him for Heroux’s refusal to endorse El-Fitori over another potential Vice President candidate. What was clear was that Heroux’s comments were directed not to a passive elector, but to an adversary who was thoroughly immersed in CUSA politics, as was Heroux.

13. El-Fitori claimed in his evidence that he found Heroux’s Instagram comments to be threatening and intimidating. He was being accused of being a “secret Zionist” and

working for Hillel, El-Fitori told us. As a member of Students for Justice in Palestine, he risked reputational harm if people accepted that he was working with or for Hillel, a Jewish organization. Heroux was demanding that he work for Heroux's campaign, even though El-Fitori had told him multiple times that he was staying out of this election.

14. Heroux raised the allegation that the record of the Instagram conversation had been tampered with or altered. The screenshots had been captured by El-Fitori during the discussion and before the Instagram messages disappeared so that Heroux could not retrieve them. They did not show the entire conversation, were arranged out of sequence and appeared to omit several deleted messages, according to Heroux.

15. In any event, Heroux indicated, what was produced in evidence showed no more than him making a statement about what he believed was an unacceptable position on the part of his opponent. Bringing it up as a reason for El-Fitori to support Heroux's candidacy was the legitimate exercise of campaign speech.

V. ANALYSIS

16. We were unable to find in this brief Instagram dialogue anything that amounted to intimidation or coercion.

17. Mr. El-Fitori was not an impressive witness, it must be said. His anger toward Heroux was palpable. He explained that he decided early in the Instagram exchange that if Heroux was going to threaten him as he had done on past occasions, it needed to be recorded so that it could be reported. That is why he began saving the screenshot images.
18. Despite El-Fitori's claim that he felt threatened by Heroux's remarks, the exchange of messages disclosed no such reaction. To Heroux's reference to Hillel, El-Fitori replied: "*Hillell will Hillell.*" He refused to be swayed by Heroux. "*I'm allowed to have an opinion on your moves the same way you do on mine and Hillel's existence doesn't change that,*" El-Fitori wrote.
19. El-Fitori gave no impression in his testimony of someone who felt cowed or pressured by this kind of back and forth. He did not need Heroux's approval to ask pointed questions at an all-candidates meeting, he declared. When Heroux warned that he needed to help him lest the other candidate win, El-Fitori responded bluntly: "*No, I don't.*" His testimony mirrored that note of firm resistance.
20. Moreover, we found that nothing in Heroux's message said or implied that El-Fitori was a Hillel supporter, or was working for Hillel. We recognized that the Israel-Palestine conflict represented a sensitive and difficult divide between students at Carleton and other university campuses. Heroux undoubtedly knew where

El-Fitori's loyalties lay on that issue, but flagging the fact that his opponent might not be prepared to denounce Israeli policy as genocide did not give Heroux particular leverage over El-Fitori, in our view.

21. We were not required to make findings whether, as Heroux alleged, portions of the Instagram exchange had been omitted or deliberately deleted. We accepted Mr. Ur Rehmen's explanation that the four pages were all that he was given by El-Fitori, and formed the basis of his Ruling.

22. We could not support the CRO's finding of intimidation in the January 28 exchange as warranted or reasonable in the circumstances. These parties were well-matched in temperament and in their mutual resentment. Neither was a delicate flower, politically speaking. No one was coerced or intimidated, we concluded.

VI. CONCLUSION

23. The automatic appeal is allowed. The CRO's finding of responsibility and resulting penalty in 2026GE -ND-009 is vacated and this complaint is declared to be unsubstantiated.

John H. McNair, Chair

CUSA Appeals Committee

