

CARLETON UNIVERSITY STUDENTS' ASSOCIATION
APPEALS COMMITTEE

In the Matter of:

MAXWELL HEROUX v. CHIEF RETURNING OFFICE
ELECTION APPEAL 2026 GE – ND – 012

Hearing Date: February 23, 2026

Decision Released: February 24, 2026

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

Appearances: _____ Maxwell Heroux, Basit Ur Rehman

DECISION

I. INTRODUCTION

1. On February 03, 2026, the Office of the Chief Returning Officer, Mr. Basit Ur Rehman (hereinafter “the CRO”) received a formal complaint alleging violation on the part of a candidate in the CUSA presidential election, Mr. Maxwell Heroux (“Heroux”) of the provisions of the CUSA *Electoral Code* (“*the Code*”). Notice of the Complaint was issued on February 8, 2026.

2. The CRO framed the allegations in this complaint around two electoral offences, as follows:
 - A. “*Interference with free and fair elections,*” and

B. *“Harassment of students at large.”*

3. Following investigation of the complaint, the CRO issued a written Ruling on February 17th, 2026. The CRO found that both allegations were substantiated. Because both offences arose from the same factual circumstances, however, the CRO elected to treat the result as constituting a single offence and imposed five demerit points.
4. Having regard to other penalties imposed upon Heroux in relation to separate electoral offences (themselves subject to pending reviews by the Appeals Committee) this matter was referred to the Appeals Committee for review and decision, pursuant to Schedule IV (“Electoral Offences, Demerits and Disqualifications”) s.2.

II. **OUTCOME OF AUTOMATIC REVIEW**

5. At the commencement of our hearing, the CRO advised that he sought to uphold his decision solely on the basis of the offence of harassment in ss. 1(q) of Schedule IV. For the reasons below, the Appeals Committee found that the CRO’s findings were reasonable and supportable and the penalty was appropriate. The appeal was dismissed.

iii. **THE ALLEGATIONS AGAINST THE CANDIDATE**

6. The complaint against Mr. Heroux was filed by Ms. Siena Scullion (“Scullion”), one of two students who were approached by Heroux in the History lounge on campus on January 27, 2026. The other student was Mr. Mohamad El-Fitori (“El-Fitori”). Both individuals gave evidence before the Appeals Committee.

7. Ms. Scullion and Mr. El-Fitori alleged that Heroux appeared in the lounge space while they were engaged in a conversation about the CUSA elections. Following a brief interaction, Scullion and El-Fitori got up to leave. Heroux left at the same time and allegedly followed as Scullion and Heroux crossed the campus on foot through tunnels before eventually arriving at the residence building where Scullion resided.

8. It was made clear to Heroux that the other individuals did not want him following them, according to the complaint. Scullion and El-Fitori perceived that Heroux's actions were related to their election discussion, which Heroux may have partly overheard. Both said that they felt bothered and uncomfortable when he persisted in following them, and that his presence in close proximity restricted their ability to converse freely about election-related issues.

III. THE CRO'S RULING

9. The CRO found that the initial interaction between the parties in the lounge took place in a politically-charged atmosphere, since Heroux acknowledged that he went there to investigate what he believed were "defamatory statements" about him. Having inserted himself into the discussion between Scullion and El-Fitori, he proceeded to follow them across successive locations on campus, without explanation.

10. That behaviour was reasonably seen as troubling and harassing, the CRO considered. Heroux's conduct extended beyond normal engaging with electors and caused them to feel pressured and uncomfortable. Heroux knew or ought reasonably to have known that his actions would cause consternation and discomfort but persisted to the point that he could follow Scullion and El-Fitori no further. His intention was to intimidate, the CRO found. The offence in s. 1(q) was held to be proven beyond reasonable doubt.

IV. THE EVIDENCE

A. The Complainant and El Fitori

11. Scullion and El-Fitori gave similar accounts of the encounter with Heroux. They were actually discussing the previous year's election when they noticed Heroux's presence in the lounge. He joined their conversation uninvited. They did not know how long he had been present, both indicated.

12. It is convenient to note at this point that Heroux and El-Fitori were well-acquainted with each other, and not on good terms. According to El-Fitori,, there were multiple prior occasions when Heroux had caused him to feel pressured and intimidated about his failure to give active support for Heroux's candidacy. The ill will between them was mutual, we observed.

13. Scullion was mainly quiet during the conversation that followed, she told us. She was disturbed by Heroux's intrusive participation in the discussion. It ranged over a number of topics, including election-related matters. Scullion and El-Fitori got up to leave after five or ten minutes, both recalled, because they felt uncomfortable around Heroux.

14. Ms. Scullion testified that Heroux left the lounge when they did and thereafter followed the two of them over the course of about ten minutes of walking through the on-campus tunnels and eventually to her residence building. When they were passing through the University Centre, El-Fitori asked Heroux to stop following them, she recalled. She could not remember his exact words. It felt to her that Heroux was trying to listen to their conversation. She was disturbed at being followed across campus by a male, Scullion said, although she was accompanied to her residence elevator by El-Fitori. As she reached the elevator, she saw Heroux disappear in the direction of the tunnels.

15. El-Fitori told us that he was made to feel uncomfortable from the outset of the encounter, when Heroux announced in the lounge that someone had overheard them talking about him. Heroux's appearance in the space was unsettling since the lounge was a seldom-visited location. El-Fitori decided to walk Scullion home because he feared that Heroux might follow her to try to get information.

16. There were several points en route to Scullion's building when the two paused to let Heroux go on and told him they were going in a different direction than him. Heroux stayed a step or two behind, nevertheless. He involved himself in their conversation briefly at several points, but mostly stayed silent. This was "weird," disturbing behaviour, El-Fitori said.

B. Maxwell Heroux

17. In advance of the hearing, Heroux produced to the CRO and Appeals Committee an audio recording of the above encounter, made from his mobile phone without the knowledge of Scullion or El-Fitori. Much of the recording was inaudible beyond the point when Heroux, Scullion and El-Fitori left the History lounge.

18. Heroux offered his explanation for appearing in the History lounge and making this covert recording. He was on campus that day when he received a message from a friend to the effect that someone in the History lounge was saying "defamatory" things about Heroux. He did not know who was uttering such comments, but went straight to the History lounge to investigate.

19. Upon seeing El-Fitori in the space, Heroux began recording so as to "*protect myself,*" as he put it. There had been issues and disagreements between them. He feared that El-Fitori might somehow use their impending conversation against him,

although he did not elaborate as to how that might occur, He was uneasy about being in El-Fitori's presence.

20. Heroux acknowledged that El-Fitori voiced discomfort about being in the same space as Heroux during the lounge discussion that followed. He took that comment as sarcasm and did not consider that El-Fitori meant it seriously, Heroux told us. There was nothing remarkable about the lounge conversation. When Scullion and El-Fitori got up to leave, Heroux did the same. He was actually intending to leave anyway, Heroux said.

21. Heroux had some time between his previous class and his next scheduled commitment. He decided to go with Scullion and El-Fitori since he was "*stuck on campus anyway.*" Pressed as to why he accompanied them, Heroux said that he was bored. Also, it would have felt odd to leave the interaction between the three of them. He kept on recording as they left the lounge and began walking, Heroux acknowledged. Again, this was just a "precaution" in case El-Fitori made some form of complaint about their conversation. Such a safety precaution was reasonable for a candidate running for CUSA president, Heroux suggested.

22. He walked behind Scullion and El-Fitori because the tunnels were crowded with students and were too narrow to walk three abreast, Heroux explained further. The other two engaged with him from time to time as they walked. The conversation

circled back to the elections. Questions were directed to him, but he could not recall what they were.

23. The CRO's assertions in his Ruling were a "gross mischaracterization" of events, Heroux contended. As the audio evidence suggested, this encounter did not involve him following through the campus, but was merely a conversation that carried on beyond the parties' initial location.

V. ANALYSIS

24. Heroux's explanation of his behaviour of January 28th was wholly unpersuasive, the Appeals Committee found. He claimed that he was apprehensive about El-Fitori's possible misrepresentation of what might be said between them, to the extent that it was necessary to keep a secret recording of their conversation. Despite such concern, he then extended his participation in the conversation by following El-Fitori and his companion across the campus, uninvited. He could offer no cogent reason for doing so.

25. Heroux's real motivation was a matter of conjecture. The most likely explanation was that he wished to capture his adversary, El-Fitori, saying something objectionable. Whatever the explanation,, this was bizarre, objectionable behaviour.

26. We could not take issue with the CRO's characterization of this conduct as harassing. While we placed less weight on El-Fitor's evidence, Ms. Scullion appeared genuine in describing the anxiety which she experienced in Heroux's unwanted, unwelcomed presence.

27. The CRO rejected Heroux's contention that this was merely the continuation of a casual conversation. That was a conclusion that the CRO could reasonably draw from these circumstances, we concluded. He viewed Heroux's conduct as intrusive and intimidating. The audio evidence did not alter that view, the CRO held. Heroux engaged in behaviour that he must have known would be disturbing and offensive. We did not regard his finding that this amounted to harassment as unreasonable or ungrounded in the evidence.

VI. CONCLUSION

28. No challenge was raised before us to the penalty imposed by the CRO. We were of the view that the CRO properly exercised his discretion in considering that this elector offence merited five demerit points rather than the maximum penalty provided in the *Code*.

29. For the foregoing reasons, this appeal was dismissed and the Ruling of the CRO was confirmed.

John H. McNair
Chair
CUSA Appeals Committee