



## **Decision of the Chief Electoral Officer**

UOSU Elections Office

**Rendered:** 2026-03-10

**Reference:** 2026 BEO 02

**Respondent:** Elnaz Enayatpour



## **A. BACKGROUND**

1. A debate was hosted on March 2, 2026 between the two presidential candidates. In her closing statement, one of the candidates, and the respondent to this complaint, criticized the other candidate, which is the subject of this decision.

## **B. SUBMISSIONS**

2. The complainant submitted that the respondent said the following:

I have never been impeached by a student association for harassment, I have never sued my union because the board made a decision I disagreed with, I have never threatened legal action to get the emails of 40 thousand students, even after I was told that there were safety concerns... but I'm not asking you to vote for me because I'm not Daniel Thorp.

3. They submit that many of these statements are either demonstrably false or maliciously misleading. On the issue of harassment, they state: "When those allegations are used as part of a broader pattern of public denigration directed at another candidate, the conduct also raises concerns under section 7.1.6."
4. The respondent submitted that she did not know that Daniel Thorp's impeachment was amended to remove harassment as one of the reasons. She also put forward that it was fair for her to state that Daniel would sue in the case where he did not receive the student list.

## **C. ANALYSIS**

5. The Elections Office accepts the submissions of the complainant on what the respondent said and of the respondent.



6. The Elections Office recognizes that undesirable behaviour is not necessarily prohibited by the *Code*, and that as long as conduct stays within the bounds of the *Code*, candidates are ultimately responsible for the tone of the campaign.
7. As mentioned in 2026 BEO 01, the Elections Office must balance the objectives of the *Code* and the rights of candidates to express themselves to the electorate.

### **Demonstrably False or Maliciously Misleading**

8. The Elections Office accepts that, despite the statements being framed about the respondent (“I have never...”), they can still be understood to be referring to Daniel Thorp because of the closing clause (“because I’m not Daniel Thorp”).
9. On the first clause, it is arguably true that Daniel Thorp was impeached for harassment. While the impeachment for harassment was later retracted, that fact does not negate that the initial impeachment happened. Further, the Elections Office is not prepared to determine that someone violated the *Code* when their comments are arguable. We determine that that is part of the purpose of the requirement for “demonstrable” falsity—which means that something is clearly apparent. This interpretation also aligns with the necessary balance between candidates’ right to speech and the prohibitions in the *Code*.
10. The aforementioned clause could potentially be considered maliciously misleading for leaving out the impeachment’s amendment, but the respondent confirmed that she did not know that fact. Therefore, it was not malicious—something intended to cause injury, distress, or harm. This clause did not violate the *Code*.
11. To address the second clause, it is also arguable that Daniel Thorp sued the UOSU because of a decision that he disagreed with. Candidates are allowed to express a point without explaining every nuance of a situation; this comment



may leave out context but gets effectively to the heart of the issue—whether the electorate wants someone as president who is willing to sue the UOSU over a disagreement, irrespective of the circumstances leading to that situation. This characterization may be too broad for the complainant’s liking, but Daniel Thorp is in a place to refute this characterization within the public discourse.

12. The Elections Office does not believe that Daniel Thorp sued the UOSU because he agreed with its decision. So, this seems to be an argument on the circumstances in which someone should sue the UOSU or if someone should sue the UOSU at all—and that should be left to the political realm. Again, where a comment is arguable, the Elections Office will not determine that there was a *Code* violation for being “demonstrably false,” as the complainant argues. This clause did not violate the *Code*.
13. The third clause addresses a similar issue to the Election Office’s previous ruling. It was determined in that ruling that Daniel Thorp did not threaten to sue the UOSU to obtain a student list. In asserting that he did seek to sue, the respondent published information that was demonstrably false and violated the *Code*.
14. To address the fourth clause, the complainant argues that this statement is misleading because it “implies [Daniel] pursued access to the list in disregard of legitimate safety risks” and that “that implication is not supported by the nature of the dataset involved.”
15. The Elections Office believes that this comment addresses—at least in part—posts on Reddit. After reviewing the Reddit post that was the subject of 2026 BEO 01, the Elections Office found that a student had raised concerns around stalking and someone having access to their email to contact them involuntarily.
16. Whatever the content of the list, this is a legitimate concern for students to bring up and for the respondent to address, including stating her position on it. That is what the respondent is doing in this case.



17. Like all candidates, the respondent has the right to critique her adversary's judgement on various bases, including based on the personal judgement of the respondent that it is inappropriate for candidates to request the student list for whatever reasons she wishes to propose, within the bounds of the *Code*. The presented reasons—that there are safety concerns with accessing students' emails—do fall within those bounds.
18. The correct response from the complainant is to argue against the position of the respondent, not to file a complaint about it. This clause did not violate the *Code*.

### **Harassment**

19. The Elections Office will use the widely accepted definition of harassment, which is defined in the Ontario Human Rights Code, to address the complaint: "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." Vexatious, in this context, means "upsetting, disturbing or frustrating."
20. On the face of it, this case does not seem to meet the definition above. The comments were based on Daniel Thorp's record. When he signed up to run in the election, he was aware that this record would be up for criticism from candidates. Running in an election does not mean that candidates cannot be harassed, but in this case, as the comments were criticism focused on Daniel Thorp's record, insofar as they complied with section 7.1.10, they fall within the bounds of the *Code*.
21. The Canadian Human Rights Commission lists various actions that act as a guide on what could be considered harassment.<sup>1</sup> In this case, the Elections Office thinks that "spreading rumours or gossip" and "public ridicule" are the most appropriate cases to examine.

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<sup>1</sup> <https://www.chrc-ccdp.gc.ca/resources/publications/preventing-and-addressing-workplace-harassment-and-violence>



22. On public ridicule, the Cambridge Dictionary defines ridicule as: “unkind words or actions that make someone or something look stupid.” In the Elections Office’s view, the comments were critical in nature, not disrespectful or meant to make Daniel Thorp look stupid, and therefore do not meet the definition of public ridicule.
23. On spreading rumours or gossip, in the Election Office’s opinion, this is a higher bar to prove than demonstrably false or maliciously misleading information, as it implies something said behind someone’s back or in bad faith. In this case, everything was said to Daniel Thorp’s face, and he had the immediate opportunity to respond to what was said—and did. We can conclude that the respondent did not harass or bully Daniel Thorp.

#### **D. JUDGEMENT**

24. For these reasons, I find that the respondent violated section 7.1.10 of the Elections Code.
25. The following sanctions are issued:
  - i. The respondent is ordered to issue an apology for claiming that Daniel Thorp attempted to sue the UOSU to obtain the student list on her campaign Instagram for a minimum of 24 hours. The apology shall be issued before Thursday, March 12, 2026 at 11:59 PM.
  - ii. The respondent’s campaign expense limit is reduced by 20%, from \$200 to \$160.