

Date: 2026-03-12

Reference: 2026 ACUOSU 9

UNIVERSITY OF OTTAWA STUDENT UNION'S APPEALS COMMITTEE

BETWEEN

CHIEF ELECTORAL OFFICER

The Appellant

AND

DANIEL THORP & ELNAZ ENAYATPOUR

The Respondents

Indexed as

Chief Electoral Officer v Thorp & Enayatpour

In a matter concerning an appeal of a decision of the Elections Appeal Board decision under the University of Ottawa Student Union's Constitution

Before: a panel of the UOSU Appeals Committee composed of:

Philippe Giguère, Chair of Appeals Committee

Élodie Proulx, Faculty of Law Member

Charles-Édouard Corgier, Alternate Faculty of Law Member

For the Appellant: Ben Cameron, Chief Electoral Officer

For the Respondents: Daniel Thorp & Elnaz Enayatpour

REASONS FOR DECISION

I. Decision

1. This matter concerns an appeal arising from a decision of the Elections Appeals Board (“EAB”) overturning the determination of the Chief Electoral Officer (“CEO”) in decision 2026 BEO 01.
2. The original elections complaint concerns a comment posted by respondent presidential candidate Elnaz Enayatpour on a Reddit thread during the election campaign referring to another presidential candidate, Daniel Thorp.
3. Reddit is a social media platform where registered users submit content to the site such as links, text posts, images, and videos, which are then voted up or down or commented on by other members. Posts are organized by subject into user-created boards called “subreddits”.
4. Ms. Enayatpour’s comment was posted in response to an earlier Reddit post that stated:

“Well, he’s at it again. Daniel Thorp opened legal action against the student union to get access to the student list for his president run, and can now spam all of our emails. Actually how many times do people need to say no to this guy before he gets the message?”

5. In response to that post, she published the following comment:

“Hi folks! My name is Elnaz Enayatpour and I’m running for President against Daniel Thorp. You can check out my campaign and message me to chat about my platform and elections on Instagram, @elnaz.seuo.uosu.

I’ve also been the Operations Commissioner of the UOSU for the past year, where part of my job is the management and protection of student lists. We maintain confidentiality agreements on our student lists, especially because they can contain sensitive information.

I am so upset to hear that my opponent believed this was an appropriate thing to request and even wanted to open a lawsuit which is a ridiculous use of our student fees.

If you are looking for a candidate who knows UOSU and its rules, wants to improve it for students and maintain excellent services and programs with lower costs, and advocate against the likely tuition hikes we’re going to see next year, I invite you to check out my campaign and get in touch.”

5. Mr. Thorp's elections complaint alleged that this statement violated section 7.1.10 of the *Code*, which provides that no one shall publish information that is demonstrably false or maliciously misleading:

7.1.10. No one shall publish information that is demonstrably false or maliciously misleading

6. Following an investigation, the Chief Electoral Officer concluded that Ms. Enayatpour's comment did not violate the *Code* and dismissed Mr. Thorp's complaint.
7. Mr. Thorp subsequently appealed this decision to the Elections Appeals Board. The Elections Appeal's Board overturned the CEO's determination and concluded that Ms. Enayatpour's conduct breached the *Code*, referring both to section 7.1.10 and section 7.1.6 of the *Code*, which concerns harassment, intimidation, or bullying:

7.1.6 No one shall harass, intimidate, bully, or sabotage Elections Office employees, Electors, or Candidates.

8. Following the decision of the Elections Appeals Board, the CEO appealed that decision to the Appeals Committee and sought a stay of the Election's Appeal Board's decision, particularly with respect to the requirement that the respondent issue a public apology prior to the determination of this appeal.
9. The Appeals Committee granted the stay on an interim basis in order to preserve the integrity and effectiveness of the appellate process.
10. The Appeals Committee was satisfied that the appeal raised a serious issue to be determined, particularly in relation to the interpretation of section 7.1.10 of the *Code* and the interaction between campaign speech, reputational interests, and the limits placed on candidates by the *Code*.
11. The Appeals Committee was also satisfied that irreparable harm could arise if the stay were denied. A compelled public apology is commonly understood as an admission of wrongdoing. If the Appeals Committee were ultimately to overturn the Elections Appeals Board's decision, Ms. Enayatpour would have already been required to publish such a statement, and any later clarification would be unlikely to fully undo the reputational consequences.
12. The balance of convenience also favoured granting the stay. The election had already concluded and delaying the apology pending the outcome of the appeal would therefore have minimal practical impact on the electoral process.
13. The Appeals Committee was therefore satisfied that granting a stay was appropriate to preserve the effectiveness and fairness of the appellate process.

14. The Appeals Committee was also satisfied that it possessed the inherent authority to grant interlocutory relief, including a stay, where necessary to preserve the effectiveness of the appeal process.
15. The stay was therefore granted pending the determination of the present appeal.
16. With that said, the present appeal requires the Appeals Committee to determine whether the Elections Appeals Board erroneously concluded that Ms. Enayatpour's statement breached the *Code*.
17. For the reasons that follow, the Appeals Committee allows the CEO's appeal in part.
18. The Appeals Committee analysis begins by considering the scope of the Mr. Thorp's complaint that was originally before the CEO.
19. Mr. Thorp's original elections complaint only alleged a violation of section 7.1.10 of the *Code*, which concerns the publication of information that is demonstrably false or maliciously misleading. It did not contain an allegation that the statements violated section 7.1.6 of the *Code* which prohibits harassment, intimidation, bullying, or sabotage.
20. Moreover, none of those allegations were raised by the parties at the appeals hearing before the Elections Appeals Board. In its decision, the Elections Appeals Board nevertheless determined that Ms. Enayatpour's comments violated section 7.1.6 of the *Code*.
21. The CEO argues that the Elections Appeals Board had no jurisdiction to make such a finding. The Appeals Committee agrees and finds that the Elections Appeals Board erred in expanding the scope of the complaint in this manner beyond the original allegations contained in Mr. Thorp's Complaint.
22. New allegations of violations of the *Code* should ordinarily be raised through the complaint process so that the Chief Electoral Officer may investigate them, and the responding party may know what case it needs to meet and respond to them in the first instance.
23. By introducing and making findings and assessing liability for an additional allegation that was not part of Mr. Thorp's original elections complaint, nor raised by the parties at the hearing, the Elections Appeals Board not only exceeded its authority, but it breached the parties' procedural fairness rights. It prevented the responding party from knowing the case they must meet and providing evidence to defend their position on the matter.
24. The Appeals Committee therefore concludes that the Elections Appeal Board erred in finding that Ms. Enayatpour's comments violated section 7.1.6 of the *Code*.

25. Moreover, the Appeals Committee also does not believe that the impugned statements would amount to bullying, harassment or intimidation within the meaning of 7.1.6 of the *Code*.
26. With respect to the Elections Appeal Board's determination that Ms. Enayatpour's comments violated section 7.1.10 of the *Code*. The Appeals Committee notes that Section 7.1.10 provides:

No one shall publish information that is demonstrably false or maliciously misleading.

27. This provision thus establishes two distinct forms of prohibited conduct: (1) publication of information that is demonstrably false and (2) publication of information that is maliciously misleading.
28. The Appeals Committee must therefore determine whether Ms. Enayatpour's statement on the Reddit thread falls within either category. However, the Elections Appeals Board appears to have applied a different standard altogether.
29. In its reasoning, it stated that "*there is an onus on all Elections Candidates to issue no uncorroborated or heretical statements publicly... about other candidates.*" This formulation does not appear anywhere in the *Code*. The *Code* does not prohibit "uncorroborated" statements, nor does it impose a general duty on candidates to avoid making claims that lack prior verification.
30. Rather, the relevant provision narrowly prohibits publishing statements that are *demonstrably false or maliciously misleading*. By introducing a new standard, one focused on whether statements were "uncorroborated" the Appeals Board appears to have conflated the issue before it and assessed the statement under criteria that are not found in the governing rules under the *Code*.
31. The Elections Appeal Board's wording is also problematic in another respect. The use of the term "heretical" is quite unusual in this context. The word traditionally carries a religious connotation, referring to beliefs that deviate from established doctrine. Its meaning in the context of this complaint and election is unclear and undefined, which further illustrates the imprecision of the standard the Elections Appeals Board purported to apply. Such language risks obscuring the actual legal test set out in the *Code* and reinforces the concern that the Elections Appeal Board did not focus on the correct question, namely, whether the impugned statement was demonstrably false or maliciously misleading.
32. Applying the proper standard set out in the *Code*, the Appeals Committee must first consider whether the conduct at issue constitutes the publication of information, and if so, whether that information is either demonstrably false or maliciously misleading.

33. First, there is no question that Ms. Enayatpour engaged in the publication of information when she wrote a comment on a Reddit post concerning Mr. Thorp.
34. The central question is thus whether that information was either maliciously misleading or demonstrably false.
35. The Elections Appeals Board ultimately concluded that Ms. Enayatpour's statement constituted publishing maliciously misleading information, however, the factual record does not support such a finding.
36. The evidence does not establish that Ms. Enayatpour acted with the malicious intention of misleading electors. Her comments were made in response to information circulating publicly in the Reddit thread.
37. While the statement ultimately conveyed an incorrect factual proposition, the Appeals Committee is not persuaded that she acted in bad faith or maliciously intended to mislead electors. Her comments were merely a reaction to a public rumor she believed to be true at the time, lacking the deliberate intent to deceive required to meet the 'maliciously misleading' threshold under section 7.1.10 of the *Code*.
38. The Appeals Committee therefore concludes that the Elections Appeals Board erred in determining that the statement constituted publishing maliciously misleading information within the meaning of section 7.1.10 of the *Code*.
39. Finally, the Appeals Committee must determine whether the statement nevertheless constituted information that was demonstrably false within the meaning of section 7.1.10 of the *Code*.
40. Ms. Enayatpour's Reddit comment contains both expressions of opinion and factual assertions.
41. The statement: "*I am so upset to hear that my opponent believed this was an appropriate thing to request*" constitutes an expression of opinion regarding a matter of public importance. It reflects a personal reaction to conduct that, from the perspective of a reasonable person, could understandably cause concern or frustration namely, the access and use of personal contact information for campaign-related communication.
42. A reasonable individual might well be upset to learn that their personal email address could be accessed and used in this way. Importantly, the statement was also grounded in the fact that Mr. Thorp accessed a list of personal information that was otherwise private and used it for the purpose of campaign communication.
43. While he may have had the legal authority or right to access that information, the existence of such a right does not necessarily mean that the conduct would be universally regarded as appropriate. Ms. Enayatpour's statement therefore conveys a value judgment about the propriety of the conduct, rather than an assertion of a demonstrably false fact.

44. Election campaigns involve vigorous debate concerning candidates' actions, policies, and judgment. Similarly, the description of the alleged conduct as "*a ridiculous use of our student fees*" constitutes rhetorical criticism and political commentary. Such language reflects a value judgment about the propriety of the alleged conduct in question. These portions of the statement therefore constitute fair political commentary on a matter of public importance.
45. However, Ms. Enayatpour's comment also states that Mr. Thorp "*wanted to open a lawsuit.*" This statement constitutes a factual assertion rather than mere political commentary. While election campaigns properly include vigorous criticism, expressions of opinion, and rhetorical debate, a statement attributing a specific course of action or intention to another candidate conveys a factual proposition capable of verification.
46. The factual record before the Appeals Committee establishes that no lawsuit was filed and that Mr. Thorp did not initiate legal proceedings. Rather, he exercised rights available to him under a statute. The statement that the opponent "*wanted to open a lawsuit*" therefore communicated a factual proposition that was incorrect.
47. Ms. Enayatpour's statement therefore communicated a factual proposition that was demonstrably false. The Appeals Committee accepts that she may have believed the allegation circulating in the Reddit thread to be accurate at the time the comment was posted. However, the fact that the allegation originated elsewhere does not alter the character of the statement as a factual claim communicated to redditors.
48. It is well established that repeating or republishing a demonstrably false allegation carries the same responsibility as originating the statement itself. As it has been frequently held that a repetition, republication, or repost of a false statement is every bit as false as the original statement. A person is not justified in asserting false facts about another merely because those facts were previously stated by a third party.
49. In the context of public political discourse, particularly on social media platforms, a candidate's endorsement or repetition of an allegation may reasonably be understood by readers as confirmation of its accuracy. Allowing candidates to rely on unverified claims circulating online would create a significant risk that demonstrably false narratives could be amplified during an election campaign without accountability.
50. Moreover, we recognize a defence of responsible communication where a person communicates information on a matter of public interest while exercising reasonable diligence in verifying its accuracy. Where such diligence does not occur, however, the fact that the statement originated elsewhere does not shield the person who republishes it from responsibility.
51. The Appeals Committee certainly does not suggest that Ms. Enayatpour acted in bad faith or with ill will. However, candidates are expected to exercise reasonable care before repeating factual allegations about their opponents during an election campaign.

Declaring that an opponent “wanted to open a lawsuit” is a verifiable factual claim rather than a mere opinion. Since the record proves no legal action was initiated, this statement is demonstrably false. Repeating a rumor from social media does not shield a candidate from the responsibility of ensuring their campaign remains grounded in accurate facts

52. We agree with the CEO that the *Code* is not intended to police and regulate political disagreement and debate between candidates. Election campaigns involve rapid discussion and public debate, often in response to information circulating within the community. Ms. Enayatpour’s comment arose in response to such information and appears to have been made in good faith. However, the *Code* clearly prevents the distribution of demonstrably false factual allegations from undermining the fairness of the electoral process.
53. The Appeals Committee therefore concludes that the statement that Mr. Thorp “wanted to open a lawsuit” constitutes publishing information that is demonstrably false within the meaning of section 7.1.10 of the *Code*.
54. The purpose of this decision is not to discourage robust debate between candidates but to clarify the limited obligation placed on candidates by the *Code* when repeating demonstrably false allegations about other candidates.
55. With regards to remedy, we note that the Elections Appeals Board originally ordered that the respondent issue a public apology. The Appeals Committee has reservations about compelling an individual to publish an apology against their will.
55. Moreover, the election has concluded and there is no evidence that the statement affected the electoral outcome. This appears to be the first incident involving Ms. Enayatpour under the *Code*.
56. The Appeals Committee therefore determines that the publication of this decision on the UOSU Appeals Committee webpage will constitute a formal reprimand, which the Appeals Committee considers sufficient in the circumstances.
63. Lastly the Appeals Committee also wishes to thank the parties for the quality of their submissions. Despite the very short timelines imposed by the *Constitution*, both parties provided detailed, thoughtful, and comprehensive submissions which greatly assisted the Appeals Committee in its deliberations. The Appeals Committee further commends the parties for the professionalism and diligence they demonstrated throughout the appeal process.

II. Order

64. The appeal is allowed in part.
65. The finding that Ms. Enayatpour breached section 7.1.6 of the *Code* is overturned.

69. The finding that Ms. Enayatpour published maliciously misleading information within the meaning of section 7.1.10 of the *Code* is also overturned.
70. The Appeals Committee finds that Ms. Enayatpour breached section 7.1.10 of the *Code* solely in relation to the comment that Mr. Thorp “*wanted to open a lawsuit.*” As the comment was demonstrably false within the meaning of section 7.1.10 of the *Code*.
71. The remedy imposed by the Elections Appeals Board is set aside and its decision is varied accordingly.
72. This decision shall be published online on the UOSU website in the Appeals Committee section.

March 12, 2025

Philippe Giguère, Chair of Appeals Committee
Élodie Proulx, Faculty of Law Member
Charles-Édouard Corgier, Alternate Faculty of Law Member