



Date: 2026-03-14

Reference: 2026 ACUOSU 10

UNIVERSITY OF OTTAWA STUDENT UNION'S APPEALS COMMITTEE

BETWEEN

DANIEL THORP

The Appellant

AND

CHIEF ELECTORAL OFFICER & ELNAZ ENAYATPOUR

The Respondents

Indexed as

Thorp v Chief Electoral Officer & Enayatpour

In a matter concerning an appeal of a decision of the Elections Appeals 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

Charles-Édouard Corgier, Alternate Faculty of Law Member

For the Appellant: Daniel Thorp

For the Respondents: Ben Cameron, Chief Electoral Officer & Elnaz Enayatpour

REASONS FOR DECISION

I. Decision

1. This appeal arises from a decision of the Elections Appeals Board dismissing an appeal from a determination of the Chief Electoral Officer (“CEO”) regarding an election complaint filed by Daniel Thorp in decision 2026 BEO 02.
2. The underlying election complaint concerns remarks made by respondent presidential candidate Elnaz Enayatpour during the closing statement of a presidential campaign debate regarding another candidate, Mr. Thorp.
3. During the presidential debate, Ms. Enayatpour made the following remarks in her closing statement:

“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.”

4. Mr. Thorp alleged that these statements violated the Elections Code (“Code”) by publishing demonstrably false or maliciously misleading information and by constituting harassment or bullying. Both sections are reproduced below:

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

...

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

5. Following an investigation, the CEO concluded that most of the statements constituted permissible political criticism or arguable characterizations of past events. However, the CEO determined that the statement asserting that the complainant threatened legal action to obtain the emails of forty thousand students constituted demonstrably false information and therefore breached section 7.1.10 of the *Code*.
6. Mr. Thorp appealed that determination to the Elections Appeals Board, which upheld the CEO’s decision and dismissed the appeal. He now appeals that decision to the UOSU Appeals Committee.
7. Mr. Thorp provided extensive written submissions addressing numerous aspects of the CEO’s reasoning and the Elections Appeals Board’s decision. The Appeals Committee

has carefully reviewed those submissions in their entirety. However, this decision addresses only those arguments necessary to resolve the issues raised in this appeal.

8. In this appeal, the central question in this appeal is whether the Elections Appeals Board erred in concluding that the CEO's decision represented a reasonable interpretation and application of the *Code*.
9. For the reasons that follow, we agree with the Elections Appeals Board that the CEO's decision in 2026 BEO 02 represents a reasonable interpretation and application of the *Code*. While we also agree with Mr. Thorp that the Elections Appeals Board could have provided more detailed analysis in light of its appellate role, the basis for its conclusion becomes clear when the decision is read together with the CEO's reasons and the evidentiary record before it.
10. We now turn to the merits of the appeal. The first issue concerns the allegation that statements made during the presidential debate were demonstrably false or maliciously misleading. Before addressing that question, it must first be determined whether the statements constitute the publication of information within the meaning of the *Code*.
11. We agree with Mr. Thorp that under the *Code* publishing information refers to communicating information to third parties. In the context of an election debate, statements made publicly to an audience clearly meet this definition. Whether the statements are made orally during a debate or in writing does not alter their character as published information, as both forms involve communicating information to others.
12. We are therefore satisfied that the statements at issue constitute the publication of information within the meaning of section 7.1.10. The remaining question is whether the statements were either "demonstrably false or maliciously misleading".
13. With respect to the latter, the concept of maliciously misleading information requires more than merely inaccurate or incomplete statements. It requires some degree of malicious intent to mislead.
14. In the present case and on the basis of the record, we see no basis to interfere with the CEO's conclusion that Ms. Enayatpour did not act with malice. The record does not establish that Ms. Enayatpour acted in bad faith or with the deliberate intention of misleading voters. In the absence of evidence of malice, we agree with the CEO that the comments do not meet the threshold required to establish that the statements were maliciously misleading within the meaning of s. 7.1.10 of the *Code*.
15. We now turn to whether the CEO reasonably concluded that only one of the statements were demonstrably false within the meaning of s. 7.1.10 of the *Code*.
16. Several of the statements complained of concern the complainant's past conduct, including references to impeachment proceedings, litigation involving the student union, etc. The CEO concluded that most of these statements constituted arguable

characterizations of past events rather than demonstrably false factual claims. While Mr. Thorp offers alternative interpretations of those events, the existence of competing narratives does not in itself render a statement demonstrably false within the meaning of section 7.1.10 of the *Code*.

17. Mr. Thorp further argues that the CEO improperly relied on the notion that certain statements were “arguable” and therefore introducing a standard not found in the *Code*. We do not accept that characterization. Properly understood, the CEO’s reasoning reflects the requirement that information be demonstrably false. That requirement necessarily implies that the falsity of a statement must be clearly established on the record and not depend on competing interpretations of events.
18. Events arising from complex institutional or legal processes may reasonably be interpreted differently by different individuals. The fact that Ms. Enayatpour or the CEO may characterize those events differently from Mr. Thorp does not, in itself, establish that the statements were demonstrably false. Where a statement reflects a plausible interpretation of events supported by aspects of the record, the existence of competing interpretations does not transform that statement into demonstrably false information within the meaning of the *Code*.
19. Moreover, in the context of an election campaign, where candidates frequently present simplified or critical descriptions of their opponents’ conduct, the CEO reasonably distinguished between statements that were clearly contradicted by the record and those that reflected arguable political characterizations of events.
20. For example, with respect to Mr. Thorp’s argument that the statement suggesting he had been “impeached for harassment” was demonstrably false because the harassment allegation was later removed from the final wording of the impeachment motion. We acknowledge that someone might understand the statement as implying that harassment formed part of the final basis for the impeachment decision. However, the CEO noted that the original impeachment process did involve allegations relating to harassment before those allegations were subsequently amended. In these circumstances, the CEO concluded that the statement was at least arguable in the sense that it referenced an event that had in fact occurred during the impeachment proceedings, even if the final motion adopted by the board did not include harassment as a formal ground.
21. While another individual have reached a different conclusion or interpretations of these facts, the Appeals Board’s role was not to substitute its own preferred interpretation but to determine whether the CEO’s reasoning falls within a range of reasonable outcomes. In our view, it does.
22. Mr. Thorp also argues that the statement suggesting he sued the union because the Board made a decision he disagreed with materially mischaracterizes the situation. The Appeals Committee accepts that the underlying proceedings may have involved legal arguments concerning statutory rights and procedural obligations under applicable legislation.

However, it is not disputed that Mr. Thorp initiated legal proceedings against the UOSU in relation to actions taken by its governing body.

23. In the context of a political debate, describing such litigation as suing the union because of disagreement with a board decision constitutes a simplified political characterization of the dispute rather than a demonstrably false factual assertion. Section 7.1.10 of the *Code* does not require that campaign statements capture every nuance of the underlying legal context. The CEO therefore reasonably concluded that this statement fell within the realm of political characterization rather than demonstrably false information.
24. Lastly, Mr. Thorp's submissions appear to treat the portion of the debate statement referring to safety concerns as a distinct allegation requiring separate analysis. However, the Appeals Committee does not consider it necessary to address that aspect independently. During the debate, the remark was presented as a single continuous statement namely that Mr. Thorp had threatened legal action to obtain the emails of forty thousand students, even after being told there were safety concerns. While the CEO's reasoning may be read as distinguishing between elements of that statement, the allegation was communicated to the audience as one factual proposition. As the CEO has already determined that the allegation that Mr. Thorp threatened legal action to obtain the student emails was demonstrably false and constituted a breach of section 7.1.10 of the *Code*, there is no need to address its component parts separately.
25. Finally, we address the allegation of harassment or bullying. Mr. Thorp further alleged that the comments, including the cumulative structure of the closing statement, constituted harassment or bullying within the meaning of section 7.1.6 of the *Code*. The CEO rejected this argument, concluding that while the statements were critical in nature but did not amount to harassment or bullying within the meaning of the *Code*.
26. Mr. Thorp also argued that the comments made during the debate, including the cumulative structure of the closing statement, constituted harassment or bullying within the meaning of section 7.1.6 of the *Code*. The CEO rejected this argument, concluding that while the statements were critical in nature, they did not rise to the level of harassment or bullying. We see no basis to interfere with that conclusion.
27. Harassment or bullying generally involves conduct that is intimidating, abusive, or directed at undermining an individual through repeated or sustained behaviour. While a single statement may in some circumstances be sufficiently severe to meet that threshold,
28. That is not the case here. The statements at issue were made during a single closing statement in the context of a campaign debate and concerned Mr. Thorp's past involvement in matters relating to student union governance, including impeachment proceedings and litigation involving the union. These topics relate directly to issues that may reasonably form part of political debate between candidates.

29. Although the remarks may reasonably be viewed as pointed or rhetorically aggressive, the record does not establish conduct that amounts to harassment or bullying within the meaning of the *Code*. Rather, the statements formed part of a candidate's attempt to criticize and contrast her opponent's record during an election campaign.
30. Interpreting section 7.1.6 of the *Code* too broadly would risk drawing election administrators and appeal bodies into regulating the tone and content of ordinary political debate and unduly restricting the robust exchange of views that is inherent to democratic debate. Election campaigns necessarily involve scrutiny of candidates' records and judgment, and individuals who seek public office should reasonably expect that their actions may become the subject of criticism by their opponents.
31. In these circumstances, the CEO reasonably concluded that the statements, while critical, did not amount to harassment or bullying under the *Code*.
32. Mr. Thorp's submissions also emphasize that candidates should exercise diligence before repeating allegations about their opponents. We agree with that general principle. However, section 7.1.10 of the *Code* is not intended to transform election oversight bodies into arbiters of every contested statement made during an election campaign. The provision targets statements that are demonstrably false or maliciously misleading, not every disputed characterization of a candidate's past conduct. Expanding the provision to require adjudication of all contested political claims would risk drawing election officials into the role of refereeing ordinary political debate and could discourage candidates from engaging in vigorous discussion of each other's records.
33. Similarly, the *Code* should not be interpreted in a manner that allows candidates to insulate themselves from criticism, political opinion, or commentary about their past conduct. The complaint and appeal process exists to address clear breaches of the *Code*, but it is not intended to serve as a mechanism for resolving every instance of political disagreement or rhetorical dispute that arises during a campaign.
34. We do not suggest that this was Mr. Thorp's intention in bringing this complaint. However, as a general matter, if candidates were to routinely respond to ordinary political criticism by initiating formal complaints, the process could risk producing effects contrary to those intended by the *Code*. Overreliance on the complaint process to address campaign speech could have a chilling effect on debate between candidates and discourage robust discussion of candidates' records and judgment.
35. Election campaigns are intended to allow candidates to present competing narratives and criticisms to the electorate. Where a candidate believes that a statement unfairly characterizes their actions or record, the common response will often be to address the statement directly within the campaign itself by clarifying the facts, offering context, or rebutting the criticism before voters.
36. In this case, Mr. Thorp was certainly partially correct in raising concerns about one statement made at the presidential debate. As the CEO determined that statement

constituted demonstrably false information within the meaning of section 7.1.10 of the *Code* and a sanction was imposed as a result. While the Appeal Committee may have ultimately reached a different conclusion regarding the appropriate sanction, the sanction falls within the range of reasonable discipline, accordingly we also see no basis to interfere with this sanction.

37. However, with respect to the remaining statements, the CEO's determination falls within the realm of reasonable interpretation of the *Code*. Accordingly, we agree with the Elections Appeals Board that the CEO's decision represents a reasonable interpretation and application of the *Code*. Mr. Thorp's appeal is therefore dismissed.

38. Lastly, the Appeals Committee 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

39. Daniel Thorp's appeal is dismissed.

40. The decisions of the CEO and Elections Appeals Board's are upheld.

March 14, 2026

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