

## ENGLISH SERVICES OMBUDSMAN

2016–2017 Mid-Year Report Submitted To Board Of Directors

November 23, 2016

This has been quite a typical year in the Office of the Ombudsman. While complainants are quite passionate in their beliefs, there was no one issue that resonated or triggered a large number of complaints. There were **1,528** complaints, inquiries and communications with this office between April 1, 2016 and the publication of this report. Of those, **1,007** fell under the Ombudsman's mandate.

There were **336** replies from programmers, and **26** reviews to date with **5** outstanding. In **20** cases, I found no fault, in **4** cases there was some violation of policy. In the remaining ones, while there was no technical violation of policy, there was room for improvement.

One theme that does emerge is confusion around what is analysis and what is opinion. For good reason, this is a grey area in journalism. Policy clearly states that reporters can synthesize facts and draw conclusions based on them. Often that means simply providing the appropriate context. Sometimes reporters could be clearer about the basis for the conclusion. I note that in most reviews related to balance and fairness, I find no fault. It is good that CBC news users question the assumptions, but frequently their complaints are embedded in a world view, and what is wanted is total affirmation of their perspective or take on an issue. As I mentioned before, the tone of the correspondence seems angrier, and there seems to be a singular lack of desire to really engage in dialogue. In a world of social media, where it is possible to find an endless stream of information to reinforce one's own views, providing a range of perspectives becomes one of the most critical values CBC News must embrace. It is useful to remind editors and reporters that they must seek out views, even ones they strongly disagree with, if they are relevant to the issue. What is slightly more problematic is when working reporters write columns. Most are well laid out and are clearly analysis – conclusions based on fact and experience. But the style is looser, and the temptation greater to cross the fuzzy lines. I have mentioned in my reviews that CBC news management should make a greater effort to enlarge the pool of contributing columnists online.

There were clusters of complaints about lack of balance about coverage of Donald Trump and Brexit. It is not really surprising, since both seem to attract very polarized and strongly-held views. In the case of Trump, while most complainants felt the coverage was too critical, there were a significant number who felt, especially before his nomination, that too much attention was focused on him and not the Democratic candidates. Similarly, there were a cluster of complaints that Ms. Clinton was getting too much attention at the expense of Bernie Sanders.

There were a significant number of complaints about the coverage of the Orlando shooting, when a lone gunman walked into a gay nightclub and killed 49 people, injuring over 50 others. There was no consistent complaint – and the range is probably as good a snapshot as any as to

the typical range of complaints. Some complained of too much coverage, others too little. Some objected to pointing out the shooter was of Afghan origin, although born in the United States. Others criticized a lack of focus on his Muslim faith. And another small cluster strongly objected to a column by Neil Macdonald pointing out the relationship between some fundamentalist factions of the three main monotheistic religions and intolerance of gays. Some members of the Christian faith community saw this as either “religion-bashing” or more specifically, “Christian-bashing”, a view I did not uphold in my [review](#) of Friday, August 12 titled “Gay Rights and Religion”.

One issue that did not achieve the status of a “hot topic” but got my attention, was the use of gender language. I hope CBC News management will consider the evolution of the use of language around gender, and how people wish to be described as they amend Journalistic Standards and Practices. I am old enough to remember when newsrooms made the transition to gender-neutral nouns, for example, “police officer” rather than “policeman.” Newsrooms are now moving to the use of gender neutral pronouns, which can be a challenge.

Use of language in news reporting must have clarity and precision as a primary value. But it is not an exclusive one – it must also be inclusive and avoid being hurtful or offensive. There is growing acceptance of the notion of a range of self-defined gender. But it’s complicated and there are a range of views within the LGBTQ community. Language evolves. I hope CBC News can be a thought leader in the use of language concerning gender and gender identity. Some news organizations have already amended or added a section to their standards guides.

In the last report, I talked about a change in the process of making complaints. Our website now clearly states the Ombudsman reserves the right not to handle complaints identical to ones already received, or if they are part of an orchestrated campaign by an organization or an individual. There was a perfect example of one such series of complaints. CBC News published an investigative report about an immigration consultant who appeared to be charging fees that were not legal. In short order, this office received a complaint from the consultant herself and over 20 others. Many of them were identically worded. This office passed on the complaint from the consultant, but only logged the rest. Management provided a response, and the matter ended there. Gun owners have also used social media to promote complaints to the Ombudsman. Each complaint is judged on its merits, no matter how many people write about it. Had the matter gone to review, then we would have notified all the other complainants that they could find it on my website. While there are times there is a legitimately strong and widespread public reaction to an event or publication, and each individual has a right to contact this office, when there is such clear evidence of orchestration, it makes sense to use resources wisely, and not force programmers to provide multiple responses.

Since the last report, many of the non-mandate complaints related to live Olympic broadcasts outside of news – complaints about lack of coverage of a favorite sport, or dislike of the color commentary provided during a race or event. By far the largest numbers were against

The comment was not meant for broadcast, and was caught by an open mike. I did not respond

to these complaints because it was part of live coverage of a swim race. This is one of those grey areas – but on the whole I felt that the live transmission of specific sports were outside the purview of this office, because they would not be included in Journalistic Standards and Practices. Had commentators veered into discussion of matters of public interest or controversy, that would have been a different matter.

Mark Critch's Instagram post about former Prime Minister Stephen Harper also generated a lot of heat. Once again, this fell outside the mandate of the Ombudsman.

There were significant numbers of complaints about transmission, problems with apps, and of course, commenting. Although I am pleased to note that the commenting complaints are significantly reduced, we can now point people to a specific spot on the CBC Help Centre to get information or ask a question. There still are a significant number of correspondents who say they simply can't find someone to write to, and have no idea how to channel their complaints.

The working relationship with the news department remains positive; I acknowledge their co-operation. I want to thank them for providing a space on the cbcnews.ca home page to let Canadians know when there is a new review. This only enhances the commitment to accountability and openness.