
APPENDIX B

CBSC Decision 07/08-1500

Sportsnet Ontario re comments made on an episode of *Prime Time Sports*

The Complaint

The CBSC received the following complaint on April 4, 2008:

This is a copy of an e-mail I have sent to Sportsnet in protest of some inflammatory and violent comments made by one of their employees, a Mr. Jim Kelley. This show airs during the afternoon and I assume has a listenership that includes sports fans of all ages. I think what Mr. Kelley said comes close to advocating violence; it certainly glorifies it.

I hope you can at least contact Sportsnet and remind them that their ability to broadcast is a privilege.

I happened to be watching *Prime Time Sports* today (Friday) and the discussion of the questionable hit on Daniel Alfredsson by Leaf, Mark Bell (I see no question: it was illegal as he did not have the puck and the elbow was used; since head shots are not illegal, and will not be 'til someone dies as a result of one -- a matter of when, not if) came up. There was a generally reasoned debate, at least reasoned given the very broad scope of what passes for acceptable in the world of sports. Then Jim Kelley chimed in.

Asked what he thought of the Bell hit, Kelley responded: I loved it. In fact, (and I paraphrase here) I was hoping his head would come off and I was curious to see whether his head or the helmet went further. I thought the two goalies could each play with either the helmet or the head.

What kind of person says things like this? We wonder why some of our youth have got screwed-up values, who respond to the hint of a slight by pulling out a knife or a gun. They hear supposed adults who are given voice by networks such as yours to spew this hatred. I don't accept the argument that all rules do not apply when it comes to sports.

If you have any decency, you will discipline this hack, telling him that there are limits to what should be uttered, especially during prime time. I expect to hear that something is done. I am inclined to complain to the broadcast standards council and Mediawatch. We cannot have people advocating extreme violence even in a sport where a degree of violence is expected.

This is not the first stupid irresponsible comment uttered by one of your paid morons. Former goaltending mediocrity John Garrett applauded players for hitting people from behind into the boards since he deemed it a reasonable response to rule changes that attempted to actually enforce rules on obstruction hooking and holding. Imagine that?

I suppose if one of their children were brutally assaulted in a playground game of sports, they would admonish their child as he/she lay in hospital with a level 3 concussion to always keep

their head up. Being a sports commentator DOES NOT give you license to say anything just because it's shocking.

Personally, I'd rather watch TSN.

The CBSC requested more information from the complainant about the precise date and time of the episode in question. The complainant responded on April 7:

The show aired Friday, April 4th on Sportsnet at approximately 4:20 pm. It is also broadcast on the FAN590 Radio, but I'm not sure if it is a live simulcast or shown on a tape-delayed basis on television.

Just as background, the regular host Bob McCown was away and I forgot who guest hosted along with Mr. Kelley. The show features a mix of commentary and news from the world of sport. I thought this exhortion [*sic*] to the darkest passions went beyond the pale. Again, walking around with my four-month baby in my arms I wondered what kind of world my child would be growing up in we give airtime to such hatred.

I did receive a reply from Sportsnet today indicating that they are sorry I was offended by their comments and that it would be forwarded to the producer of the show.

The CBSC then asked for clarification on which regional Sportsnet feed he had been watching. The complainant replied on April 9:

I have digital cable and thus have access to all regional channels but am sure it was broadcast Sportsnet Ontario. I live in Toronto.

Broadcaster Response

Sportsnet responded to the complainant with a letter dated June 10:

We have received your complaint to the Canadian Standards Broadcast Council (CBSC) regarding comments made by Jim Kelley on a program entitled *Prime Time Sports*, which was broadcast by Rogers Sportsnet (Sportsnet) at approximately 4:20 pm on April 4, 2008.

Sportsnet is owned and operated by Rogers Broadcasting Limited. We are a member in good standing with the CBSC and we welcome the opportunity to respond to your concerns directly.

Prior to dealing with the substance of your complaint, we must first apologize for the delay in responding to your email. Please do not take this delay as an indication of our lack of concern. At Sportsnet, we take each and every complaint seriously.

As you may be aware, Canadian broadcasters, including Sportsnet, are subject to certain codes of conduct. These include the Canadian Association of Broadcasters (CAB) *Code of Ethics* (the Code) and the *Voluntary Code Regarding Violence in Television Programming* (the Violence Code). The Violence Code prohibits broadcasters from airing programming that contains gratuitous violence in any form, or programming that sanctions, promotes or glamorizes violence.

Sportsnet is sensitive to viewer concerns about violence in television programming, and in particular, about violence in sports. As a discretionary service offering sports and sports-related programming, we look to Clause 10 of the Violence Code for guidance. Clause 10 recognizes the dynamics of sports as follows:

10.0 Violence In Sports Programming

10.1 Broadcasters shall not promote or exploit violent action which is outside the sanctioned activity of the sport in question.

Prime Time Sports is a sports talk show that delves into major issues in sports and considers them from a Canadian point of view. Hosted by Bob McCown, the show is broadcast daily on Sportsnet, and is also syndicated on the FAN Radio Network.

Mr. Kelley is an award-winning professional sports news columnist with over 30 years of experience. Although his career has focused primarily on the NHL's Buffalo Sabres (he began covering the Sabres in 1981), he has pursued other media interests including radio broadcasting, and the occasional article on ESPN.com and FOXsports.com. In 2004, Mr. Kelley received the Elmer Ferguson Memorial Award and was inducted into the Hockey Hall of Fame. One year later, he was inducted into the Greater Buffalo Sports Hall of Fame.

We have reviewed the logger tape of the broadcast in question and must respectfully disagree with your characterization of Jim Kelley's comments. The panel was discussing the hit by Toronto Maple Leaf forward Mark Bell on the Ottawa Senators' captain Daniel Alfredsson. Each panel member gave his own view on the hit, and opined on whether a penalty should have been given. Although many of the panel members felt that the hit was illegal, the game's officials did not penalize Mr. Bell.

When it came to Mr. Kelley's turn, he said something to the effect "I loved it". He then went on to make some comments about the player's head coming off and whether the head or helmet would travel further. Based on the discussion that followed this statement, it is clear that Mr. Kelley was using sarcasm to express his views that:

1. Hits such as the one on Mr. Alfredsson have been accepted as part of the game of hockey for some time despite the fact that they have resulted in injuries;
2. There is currently no consensus on whether such hits are in fact illegal according to NHL rules; and
3. There is no point in debating the issue because until a player takes the matter to court and wins a settlement, the NHL will continue to ignore the issue.

Based on our review of the logger tape, and considering Mr. Kelley's experience as a journalist and broadcaster, we respectfully submit that these comments do not represent a breach of Clause 10.1 of the Violence Code.

That being said, it is clear from your complaint that you were offended by our programming. It was certainly not our intention to offend you, and for that, we sincerely apologize. Thank you for taking the time to express your thoughts about our programming. We value the opinion of all our listeners.

Additional Correspondence

The complainant was not satisfied with that response and wrote back to the CBSC on June 24:

I recently did get a response from Sportsnet. To be honest, I do not get the impression that they understand why the comments of Mr. Kelley (and he's not the only one promoting hatred and violence) are so unacceptable.

I would like you to pursue this matter further. I want sports broadcasters to realize that they do not operate in a vacuum; you can't say anything just because it's on a sports show. We live in a world where children and adults are exposed to all manner of noxious ideas and images. Those given the right to use public airwaves have to play a responsible part.

What I would like to see is some acknowledgement from Mr. Kelley and Sportsnet that his comments were wrong and that they will consider in the future the impact of their statements in future. It is statements like his, and the attitudes that underlie them that has made me indifferent at best towards a sport I absolutely loved as a child.

As an aside, I wonder if he would have made those comments if Mr. Alfredsson were sitting beside him; or if Mr. Kelley's son or daughter were playing a sport where he/she was hit hard enough to cause injury and some talking head thought it would be amusing to comment that it was too bad he/she wasn't killed.