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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CKCO-TV re *Provincewide* (Education Reform in Ontario)

(CBSC Decision 97/98-0412)

Decided July 28, 1998

A. MacKay (Chair), R. Stanbury (Vice-Chair), R. Cohen (*ad hoc*),  
P. Fockler, M. Hogarth and M. Ziniak

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**THE FACTS**

On September 28, 1997, *Provincewide*, a public affairs program which airs at 6:30 p.m. on CKCO-TV (Kitchener), dealt with the controversial issue of proposed education reform and the anticipated teachers' strike in Ontario. The "teaser" at the beginning of the program stated: "This week on *Provincewide*: It's the tough changes parents wanted in the classroom but why are some teachers against the province's education reform?" It also introduced two other segments which did not form part of the complaint and are not relevant to the matter at hand.

The segment dealing with the topic of education reform consisted of an in-studio interview (conducted by the show's host, Ms. Daiene Vernile) with Ms. Nancy Wagner, a parent and past president of the parents' organization called Quality Education, and Mr. Jim Wideman, Chair of the Waterloo Board of Education. The segment began with the following introduction by Ms. Vernile:

An eventful week with tensions running high on the education scene. The province's Education Minister John Snobelen introduced his long awaited new education bill. Here's what it calls for:

- ! the government would have the power to cap the number of students in each class
- ! cut teachers' preparation time
- ! and make them spend more time teaching

Teachers say they are outraged. Their unions are threatening an illegal walk-out within weeks unless the government backs away from its new education bill. But where does that leave your kids?

Immediately following this introduction, Ms. Vernile put the following question to Mr. Wideman: “Jim, your thoughts on this Bill. Do you like it?”. He answered and the host put the same question to Ms. Wagner.

The entire interview proceeded in this way, with each question put to the one guest and then the other. Neither guest interrupted the other during the entire interview. Each responded directly to the questions asked. Given that it is the host’s conduct of the interview upon which the Council is asked to make a ruling, only Ms. Vernile’s questions during the interview are provided below, the guests’ answers not being relevant to the Council’s adjudication. Ms. Vernile’s questions, in the order in which they were presented (following the initial pair of questions mentioned above), were as follows:

- X      What teachers are being asked to do, how unreasonable is it? Because the unions are up in arms about this.
- X      Nancy, do you buy the criticism? Do the teachers have a right to complain about this? Is it that hard to do?
- X      Well, the teachers say that if they went out on strike, and they are threatening to do so, they would do it for the kids because they are trying to improve the system for the kids. But what if there is a strike?
- X      OK, but if it does happen. If there is a strike, in real terms, what do you do? Do you keep the schools open?
- X      Often times the way that an issue like this will go has to do with the tide of public opinion, and if you stand back and really look at what parents are saying, students, teachers, the public, everyone, whose side is the public on right now? Is it the teachers’ or is it Mr. Snobelen?
- X      Well, Jim, within the Board, do you feel that the unions adequately represent the teachers?
- X      Nancy, as a parent, what was the most important thing you were looking for in this new piece of legislation? Did you get it?

### **The Letter of Complaint**

On October 1, 1997, a viewer wrote to the CRTC to complain about the program. His letter, which was forwarded to the CBSC, stated the following:

I am writing to lodge a complaint against CKCO, the BBS station in Kitchener.

On Sunday, September 28, the station broadcast a program called Provincewide, a public affairs show, at 6:30 p.m. The opening item was touted as a look in to the government of Ontario’s proposed changes to legislation affecting education in the province. What I witnessed was the most irresponsible and unprofessional type of TV journalism imaginable.

To discuss such important and controversial changes (one must remember educators are threatening to walk out over this legislation), the host, Diane Verneille [*sic*], had as guests 1) a woman from a back to the basics movement who supported the government's initiatives and 2) the right wing chairman of the Waterloo Board of Education who supported the government's initiatives. No attempt was made to present the other side. No educator was present to point out how these changes could affect education in Ontario. Indeed, the whole segment turned into what amounted to nothing more than propaganda. I teach media at our local high school and, if one of my students submitted work on par with that of Ms. Verneille [*sic*], the student would fail.

It seems to me that a program that passes itself off as journalism should, in democracy, aim for, if not objectivity, at least balance. If private broadcasters are allowed to use their privileged status to blatantly promote a particular ideology or point of view, our democracy is in deep trouble. Broadcasters that persist in abusing their privileged status should have their licenses revoked.

I implore you as the guardian of the airwaves owned by the Canadian public to do whatever is in your power to correct this situation and ensure it never happens again.

## **The Broadcaster's Response**

The Vice President and General Manager for CKCO-TV replied to the complainant on October 27, 1997 as follows:

Your letter of October 1<sup>st</sup> to the Secretary General of the CRTC has been forwarded to my attention through the offices of the Canadian Broadcast Standards Council.

Since reviewing your concern I have taken the opportunity to review the program, as well as meet with the producer and news director to discuss this issue fully. Ms. Daiene Vernile, the producer and host of "*Provincewide*", informs me that the focus and intent of this segment was to pose the question, "*In the event of an illegal strike by teachers, would local schools remain open, or would they close?*" Their responses would help parents and students to prepare in the event of a strike. The question was put to Jim Wideman, the Chair of the Waterloo County Board of Education who holds jurisdiction over such a decision, and Nancy Wagner, past President of the parent's organization, Quality Education, who offered commentary on a parents perspective and concerns should a strike occur.

As you pointed out, during the course of the interview, both guests offered their personal opinions of the current situation and how it had come to be. Recognizing that this was not the intent of our segment and that balanced journalism requires all points of view, Ms. Vernile arranged for Dianne Greenhalgh, President of the Waterloo Country Women's Teachers Association and Brydon Elinesky, President of the Ontario Public School Teachers Federation, to appear on "*Provincewide*" the following week, (October 5, 1997). They were invited to share their views and they received equal time. Both representatives of the teacher's were very satisfied with our presentation of their point of view.

It is unfortunate that our guests for the original segment strayed from the area that we wished to discuss. However, we believe that by having representatives of the teacher's point of view, interviewed on the next program, that we did offer balanced coverage of this issue. Should you wish to view the follow up segment, I would be pleased to make a copy available to you.

The complainant was unsatisfied with the broadcaster's response and requested, on November 3, 1997, that the CBSC refer the matter to the appropriate Regional Council for adjudication. The complainant's request was accompanied by a letter dated November 1 addressed to the broadcaster:

Thank you for your letter of October 27 responding to my complaint to the CRTC, forwarded to you through the offices of the Canadian Broadcast Standards Council.

While I am heartened to hear that you agree that "balanced journalism requires all points of view" and that you tacitly admit that the segment of Provincewide in question was not a stellar example of balanced journalism and that an attempt to address this problem was made the following week when "representatives of the teacher's [sic]" were invited on the program to put forward "the teacher's [sic] point of view," I still have a couple [of] concerns regarding this issue.

You write that "the focus and intent of this segment was to pose the question, 'In the event of an illegal strike by teachers, would local schools remain open, or would they close?'"

Two questions arise here:

1) Given that teachers emphatically deny that they planned or are now involved in an "illegal strike," that, indeed, they are involved in a political protest guaranteed under the Charter of Rights and Freedoms (and that, at time of airing, no one had proved them wrong), does not the way your station posed the question you claim to be the focus and intent of the program show bias?

2) My memory of the promos leading up to the segment in question (and I have checked this against the memories of others who watched the program) does not include a remembrance of it being sold in a manner that matched what you say was the focus and intent of this segment. Perhaps someone from the Canadian Broadcast Standards Council could review these promos. If my memory is faulty ... , then I apologize. If it is not, then I'm led to wonder if your producer, Ms. Daiene Vernile, was being completely honest with you about the focus and intent of the program.

You write that, "The question was put to Jim Wideman, the Chair of the Waterloo County Board of Education who holds jurisdiction over such a decision, and Nancy Wagner, past President of the parent's [sic] organization, Quality Education, who offered commentary on a parents [sic] perspective and concerns...."

I have a question here, too. Let's say the focus and intent of the segment was as you say. In that case, Wideman would be a logical choice, but don't you have a research department? Doesn't anyone there know what Wagner's group stands for? It hardly stands for what the average parent believes. In fact, her group, and the ideologues behind it, are major supporters of the government's agenda. What did you expect to get? And again, why wouldn't you have different points of view represented? Teachers had something to say about this. In fact, there were boards in your area that took the view that schools could not be kept open due to safety concerns. It would appear that, even in the planning stages, this segment was flawed.

You write that the real problem was "that our guests for the original segment strayed from the area that we wished to discuss." Again, I ask, didn't your researchers know with whom they were dealing? (Perhaps they need more prep time.) And even so, what is the role and responsibility of Ms. Vernile as interviewer? Can't she direct a conversation with two guests?

What is her supposed area of expertise? What is she paid for? Day after day, the average teacher in Ontario directs conversation after conversation with thirty people without losing focus.

Finally, I wonder about your decision to invite teachers to present their view the following week. What, exactly, was it that convinced your team that something was journalistically out of whack? Was it phone calls ...? Was it letters such as mine?

No, ... as plausible as you make your case, I'm not satisfied. I don't buy it. I think we need to go to the next stage in the process as outlined between the agreement between the CRTC and the CBSC.

The Vice President and General Manager for CKCO-TV responded to the complainant's letter of November 1, 1997 as follows:

I just received your letter of November 1, 1997 and I must admit I am disappointed that my correspondence of October 27<sup>th</sup> failed to satisfy you. However, that is why we are a member of the CBSC, and as you suggested we will move to the next stage of this process.

Since this is the case, I will not try to respond to the questions you have raised in your most recent letter, but rather wait and let the process unfold. ...

Once again, thank you for taking the time to write and I hope we will have the opportunity to communicate on less contentious issues in the future.

## **THE DECISION**

The CBSC's Ontario Regional Council considered the complaint under Clauses 6 and 7 of the *Code of Ethics* of the Canadian Association of Broadcasters (CAB). These clauses read as follows:

### *CAB Code of Ethics, Clause 6 (News)*

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analysing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcasts of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of the broadcast publisher.

### *CAB Code of Ethics, Clause 7 (Controversial Public Issues)*

Recognizing in a democracy the necessity of presenting all sides of a public issue, it shall be the responsibility of member stations to treat fairly, all subjects of a controversial nature. Time shall be allotted with due regard to all the other elements of balanced program schedules, and to the degree of public interest in the questions presented. Recognizing that healthy controversy is essential to the maintenance of democratic institutions, the broadcast publisher will endeavour to encourage presentation of news and opinion on any controversy which contains an element of the public interest.

The Regional Council members viewed a tape of the program in question, i.e. the September 28 broadcast of *Provincewide*, as well as a tape of the broadcast of October 5, and reviewed all of the correspondence. The Council considers that the broadcaster has not violated any of the foregoing provisions.

### **Bias and Balance**

In his initial letter of complaint, the complainant expressed concern that the September 28 broadcast of *Provincewide* on CKCO-TV presented an unbalanced view of the issue of education reform in Ontario because “no attempt was made to present the other side”. In its response to the complainant, the broadcaster acknowledged that the September 28 program may have been somewhat problematic, but, pointing to a subsequent broadcast of *Provincewide* in which two teachers’ representatives were interviewed, contended that, overall, it “did offer balanced coverage of this issue.” The Regional Council agrees with the broadcaster and refers to its decision in *CTV re an episode of The Shirley Show* (CBSC Decision 93/94-0261, August 18, 1995), where it stated that

Reflecting the CRTC’s policy, it has been the view of the CBSC that a program dealing with a controversial issue need not have *built-in* balance. Broadcasters are entitled to balance biased programming by presenting the other side of the issue on other programs dealing with the same issue.

This is just such a case. The Council has looked at other programming provided by the broadcaster, an opportunity which was equally extended by the broadcaster to the complainant. On the strength of the October 5 broadcast of *Provincewide*, the Council finds that CKCO-TV has fully met its obligation under Clause 7 of the *CAB Code of Ethics* to “treat fairly, all subjects of a controversial nature.”

The Council is also of the view that it is not necessary for it to determine whether the broadcaster’s reference to an “illegal strike by teachers” shows bias on its part, as argued by the complainant in his letter dated November 1. In light of the CBSC’s position stated in the *Shirley* decision that “[b]roadcasters are entitled to balance *biased programming* by presenting ... other programs dealing with the same issue [Emphasis added.]”, it is irrelevant to determine whether the characterization of the action ultimately taken by teachers as “illegal” made the September 28 broadcast biased in and of itself.

## Choice of Interviewees

Regarding the appropriateness of the broadcaster's choice of one of the two interviewees for the September 28 broadcast, the Council notes that the decision concerning whom to interview, like other decisions related to *which story to tell*, falls squarely within the broadcaster's purview provided that, in the case of a controversial issue, balance is ultimately achieved. The B.C. Regional Council was called upon to address this point in *CHAN-TV re Newscast (Recycling Society)* (CBSC Decision 96/97-0004, March 10, 1997), in which one of the concerns raised by the complainant related to the choice of persons interviewed for the story. The B.C. Regional Council dealt with the matter in this way:

Here, the complainant would have liked to choose the persons to be interviewed by BCTV to reflect the story it wanted to tell. Provided, however, that the station could be fair and balanced in telling the story it chose to tell, it was not necessary for it to interview the specific individuals proffered by the Society. Furthermore, the Council considers that the broadcaster ought to have been entitled to assume that the Executive Director would be sufficiently knowledgeable to respond to the reporter's questions.

As noted above, insofar as the choice of interviewees affected the balance of the broadcaster's approach to the subject, the matter was rectified by the show of October 5.

## Broadcaster Responsiveness

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. In this case, the Council does not find the response clear or focussed on the issues actually raised in the complainant's letter. Furthermore, it considers that the complainant might well have not proceeded to a Ruling Request and an adjudication if the response had at least come to grips with the issues raised by the complainant in the first place. While the broadcaster is never obliged to *agree* with the point of view of the complainant, it is useful for it to tackle issues seriously raised head on, even if only to express an opposing perspective. Moreover, the Council was at least curious about the unexplained discrepancy between the *broadcaster's characterization* of the focus and intent of the broadcast itself and its own choice of teaser for the show, which seemed to be poles apart. Finally, the Council regrets the broadcaster's attempt to "pass the buck" to the interviewees for its host's own lack of focus, by stating that "It is unfortunate that our guests for the original segment strayed from the area that we wished to discuss", since the broadcaster alone is, of course, responsible for all material aired on its station.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint*

*had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.*