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## APPENDIX B

### CBSC Decision 11/12-1195 CFXL-FM re a comment made on *Tom Kent*

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#### The Complaint

The following complaint was sent to the CRTC on February 10, 2012 and forwarded to the CBSC in due course:

I was listening to the radio station XL radio 103.1 at about 7:36 pm and the DJ was joking on the air. I don't mind jokes; however, he went too far when he said a racial slang and used the word "Chinaman". This is not the 50s or 60s and that kind of language is not acceptable nor is it politically correct. I find [it] particularly offensive especially when it is broadcast on the air to all their listeners. Is this against CRTC policy and if so what will be done about it? If not, why is this form of racial prejudism still allowed in 2012?

#### Broadcaster Response

The station responded to the complainant on February 15:

Well, I just heard what you heard today and quite frankly I have to agree with you. In this day and age that kind of reference to a person of Asian descent is out of place and just plain rude.

The on-air personality that you referred to is Tom Kent. Tom's show originates in Cleveland, Ohio and his show is heard on over 300 radio stations in America; Calgary is the only Canadian city. Obviously the sensibilities of his U.S. audience is [*sic*] somewhat different than what we expect here in Canada.

However, having said that, we are ultimately responsible for vetting what goes on the radio and we missed it. No excuses, just a very sincere apology and a promise to do better in the future.

Thank you for your well thought out e-mail and thanks for listening.

#### Additional Correspondence

The complainant submitted her Ruling Request on February 21 with the following letter:

Thank you for taking my call and your expedient response to my email. I have read [the Program Director's] reply to my email and I still have some questions and concerns. His email read: "We are ultimately responsible for vetting what goes on the radio and we missed it. No excuses, just a sincere apology and a promise to do better in the future."

This statement causes me concern because it indicates that XL is either not regulating, screening or being very conscientious about what they are allowing on their airwaves. Errors of such inflammatory nature shouldn't be happening and when they do, there should be serious consequences. I'm sorry, but I don't understand how radio works when a show that is broadcast actually originates in the US and is not here in Calgary. I assumed the host was sitting at a desk at XL and whom the Program Director would have access to, in order to discuss this faux pas. Please correct me if I am wrong, but that would then mean XL radio may have no control over what is being said on their station if they cannot communicate with the personality to advise them of this insensitivity. Please also advise if his show is in real time or if it is a tape or delay that they are able to listen to and edit prior to airing. If there was a delay of any kind prior to it being said on the airwaves, what consequences will there be for the editor? I am sure you are all aware of a SIMILAR controversy surrounding CNN and Mr. Lin which happened just recently as well. Employees were suspended and dismissed as part of CNN's promise to "be better". They were able to provide the public with concrete proof, and not just talk the talk, that this kind of prejudism is not acceptable.

I somehow get the feeling this is not the first time something politically incorrect has been aired on XL; they just have never been called on it before. [The Program Director's] "promise to do better" is very vague and not satisfactory as he doesn't outline his course of action. So I would like to know what he means by this phrase. He does not explain what steps he will take to ENSURE that these or similar comments against any race, colour, religion, etc. are not aired again, especially since/if he cannot regulate what is aired or said on a show from the US. What consequences will the XL employee responsible for letting the word slip through be facing and/or will XL continue to air Mr. Kent's shows if the US isn't as aware of these "sensibilities" as Canada should be? It would be interesting to see if this is the course of action XL radio intends to take, if [the Program Director] stands by his word. Please advise in detail how this promise to do better will be actioned.