

**2021-99 Holota v New Canadian Media**

*March 8, 2022*

The National NewsMedia Council has considered and upheld a complaint about inaccuracy and lack of opportunity to respond to harmful allegations in a December 12, 2021, article, “BIPOC reporter narrates perils of working alone in rural Canada,” published by New Canadian Media.

The article presented the challenges faced by a BIPOC journalist working as an editor and reporter in a small community. In the story, he describes being subjected to vitriolic comments by anti-vaccine proponents, with some relating to race, and recounts his experience reporting his concerns to his employer—regional newspaper chain, Black Press Media—and in particular, editorial director Andrew Holota.

Statements by the journalist quoted in the article indicate that he was placed in a community by his employer without sufficient support for BIPOC journalists, and that his request to his employer for a transfer was not carried out fast enough as the result of his boss’s white privilege and failure to adequately understand the discrimination he faced as a racialized reporter.

The article also included quotes from two other individuals who provided general comments about employer legal obligations and challenges faced by BIPOC journalists in Canada.

Andrew Holota filed a complaint with the NNC about the article’s representation of the situation. He stated that he was asked to comment on the situation in question the evening before the story was expected to be published. Given that the issue involved employee/employer confidentiality and consultation with appropriate personnel over a sensitive matter, he said that timeframe was inadequate for appropriate opportunity to respond to the harmful allegations.

The complainant also took issue with and provided information to counter particular statements in the article that indicated: a lack of consideration when “sending” a BIPOC journalist to a small, rural community; a lack of company support and communication during the journalist’s employment; a delay of action in completing the journalist’s requested transfer; and that any delay was influenced by the complainant’s white privilege.

He indicated that the above statements formed the basis of the story but were not corroborated and were highly damaging to his reputation and that of his employer. He also took issue with the use of quoted statements from individuals who had no direct knowledge of the specific situation described in the article.

The complainant requested that the news organization publish a statement correcting the record, apologize, and remove the original article.

The news organization defended the article as a report based on an individual journalist's perspective about his experience as a racialized reporter in a small, rural community and his view on his employer's reaction to his experiences.

The news organization noted that while the complainant declined an interview, his complete written response was published and an offer was made to update the article with more information from the complainant's perspective, provided he offer on-the-record comment.

After mediation efforts, the news organization published an editor's note at the end of the article. The note to readers acknowledged that the reporter was not sent to be stationed in the town but was "offered the job after applying for the position. Denying BIPOC journalists from achieving positions in small, rural communities would be racial discrimination."

It also acknowledged, "The original story speculated about the motivation of Black Press Media management but did not provide supporting evidence," and provided information pertaining to the company's training resources as well as its management structure.

The note states, "Black Press Media has stated it provided HR support as soon as concerns were reported to senior management, and the transfer request was expedited as quickly as possible."

The editor's note also acknowledged that the complainant declined to be interviewed due to employer/employee confidentiality, and that in such cases, it is incumbent upon journalists to find corroborating evidence to support information and allegations that may be injurious to those named in a story.

The editor's note followed the article, which was largely unchanged from the original article with its contested allegations.

The complainant was not satisfied with the appended editor's note, stating that it did not address the fact that the original story was based on unsupported and harmful allegations, nor did it mitigate or apologize for the associated damage.

In reviewing the complaint, the NNC underscored the fact that both parties agreed that the issue of systemic racism is of significant importance, and that the experiences of BIPOC communities must be reflected in news media. The NNC agrees with the news organization that the experiences, viewpoints, and observations of BIPOC journalists have often been underrepresented, and that they are integral to providing Canadians with quality journalism.

In that vein, the NNC would emphasize that neither party casts doubt or aspersion on the journalist's personal experiences and feelings about the situation described. He has an important story to tell about being a racialized reporter working in a small community, and the challenges that represented.

In its deliberation, Council considered whether the actions taken by the news organization in this case adequately addressed the concerns about breaches of the journalistic standards of accuracy and opportunity to respond to harmful allegations.

In reviewing the concerns about opportunity for response, the NNC noted that the timeframe for comment was limited and that the news organization did not provide a reason for the decision on timelines.

While the news organization published the complainant's emailed statement in the original article, it is the view of the NNC that the news organization could have provided the specific allegations and more than a few working hours to allow for fair opportunity to respond to the serious allegations reported in the article.

Journalists are responsible for finding corroborating evidence to support allegations or statements that may be harmful to those named in a story. If the individual named in a harmful allegation declines to be interviewed or is unable to provide corroborative or refuting information, the onus is on the journalist to seek other ways to substantiate information before publication.

In this case, the NNC observed that the article did not present information to readers indicating steps taken to corroborate the serious allegations, namely, that the employers in question placed the reporter in a community without sufficient support and failed to act promptly to address his concerns.

The NNC understands that the news organization amended the statement in the article that directly referenced "white privilege" to read that the complainant's "actions — or lack thereof— may have been

driven and clouded by his own background,” and the published editor’s note acknowledges the shortcomings of the original article with respect to accuracy. However, the majority of the allegations reported in the article remain unsupported. In particular, it is Council’s view that the updated article did not offer sufficient evidence or context to support the focus of the article that the reporter was placed in the town and that his employer failed to provide sufficient and timely support or contact.

Accuracy is the foundation of accountable journalism. At the same time, the NNC recognizes that more information may become available after the published report. Further, in rare instances when errors occur, it is standard practice to correct the record in a clear and consistent manner. Remedy should be proportionate to the breach of journalistic standards.

For the reasons outlined above, Council found that the actions taken by the news organization did not go far enough to address the serious concerns about accuracy and opportunity to respond to harmful allegations. While the NNC appreciates that the news organization publicly acknowledged the issues with the original article, Council underscored the fact that the article remained largely unchanged, and therefore upheld the complaint.

The NNC would note that the original article in question was published by other news organizations. The NNC has consistently held that individual news organizations are responsible for the content they publish, including content produced by third parties and wire services. That said, Council noted in its deliberation that the widespread publication of the original article exacerbated the negative impact on the complainant.

In considering the complaint, the NNC emphasizes the importance of taking appropriate time and care to find corroborating evidence and to communicate that to readers when publishing serious allegations. It is not the job of journalism to simply air serious allegations, but to investigate them. In this way, journalism avoids exposing those named to undue harm, and importantly, uncovers crucial information to hold people and institutions accountable.

The NNC would underscore the important issues reported on in the story. The NNC recognizes that systemic issues, by their nature, are challenging to expose and address on an individual basis, that privilege can result in unintended yet wide-reaching consequences, and that individuals may experience and be affected by the same situation differently depending on their own experiences and background. However, in the absence of verifiable information to support serious claims, journalism poses harm not only to the subject of allegations but also to the individual making them.