2023-30: Kong v New Canadian Media

July 17, 2023 – for immediate release

The National NewsMedia Council (NNC) considered and found that corrective action was taken to address a reader complaint about an August 30, 2022 news article, “Minority groups say they are tired of apologies that are more spectacle than action,” published by New Canadian Media.

The article focused on the importance of building solidarity among marginalized groups in an effort to pressure institutions into combating systemic oppression. The article followed the Papal apology for the Catholic Church’s long-standing role in supporting the residential school system.

Vannary Kong, who was quoted in the story, filed a complaint with the NNC alleging the story breached journalistic standards related to accuracy and attribution. Specifically, the complainant stated the quotes attributed to her were included without her permission and significantly mischaracterized her perspective.

The story included commentary from the complainant that was critical of the Catholic Church and the “neo-colonialism” embedded in many western institutions.

The complainant, an Asian-American Catholic Church parishioner, had family members who had been assisted by the Church in fleeing Cambodia during the reign of the Khmer Rouge in the early 1980s.

The complainant, who works with the U.S. government and also operates a non-profit for U.S.-ASEAN young professionals, explained she was unaware the story had been published until February 2023, when notified by her supervisor at work.

She argued that any comments made should have been taken in her personal capacity as a parishioner and not in her capacity as a U.S. government staffer, as was originally attributed in the news story.

The complainant also provided the news organization with a series of statements she argued were inaccurate. She requested, at minimum, that her name be removed from the story and her comments be attributed to an “anonymous source”.

In response to the concerns raised by the complainant, the news organization stated the complainant did not indicate she would only speak to the news organization in her capacity as a Catholic Church parishioner prior to the interview.

The news organization added that the purpose of speaking with the complainant was for her expertise in issues related to the Southeast Asian diaspora and the kinds of similar experiences other marginalized communities have had with regards to formal apologies.

The news organization said it stood by the accuracy of the quotes used in the published news story. It voluntarily provided Council with a link to the recorded interview, and a transcript, for independent review.

In responding to the news organization's comments, the complainant reiterated her concerns that some comments attributed to her in the news story were inaccurate and that the inclusion of her professional work title was not relevant to the news article.

In reviewing the matter and relevant materials, the NNC considered whether the quotes published by the news organization were accurate and whether the inclusion of the complainant's professional titles were appropriate given the focus of the article.

After an initial evaluation, it was determined by the NNC that some of the comments attributed to the complainant by the news organization were inaccurate.

The news organization was subsequently notified of these errors and, in response, corrected the quotes and paraphrased statements in the story to reflect the complainant's comments more accurately. The news organization also updated the article to remove some of the professional affiliations attached to the complainant's name. It appended a publisher's note to the top of the article to indicate that any inaccuracies had been corrected and apologized to the complainant for the error.

Upon being notified of these changes, the complainant said she appreciated the story being updated but that she would prefer her name and quotes be removed from the story altogether.

The NNC acknowledges the frustrations of the complainant in her efforts to seek a correction of erroneous statements attributed to her in a published news story. The NNC supports the view that trust in journalism is built on a foundation of factual accuracy and responsible communication. This means that when errors are committed, best efforts must be made by news organizations to correct information in the most expedient manner possible.

As is widely accepted across Canadian journalistic standards, the NNC does not generally support the act of unpublishing content. As such, this request by the complainant is deemed inappropriate by Council.

In evaluating the complainant's request, Council also considered journalistic standards around anonymous sourcing.

Widely accepted journalistic standards state that the use of anonymous sources should only be used in the most extreme circumstances. For example, the Canadian Association of Journalists ethics guidelines suggest using anonymous sources only "where the material is of high public interest and cannot be obtained in any other way."

Council agreed that the comments offered by the complainant in the story did not meet that high threshold.

Furthermore, based on the materials reviewed by NNC staff, there was no indication that comments made by the complainant were considered to be “off the record”.

While the NNC acknowledges efforts to resolve the complaint were made by the news organization, the NNC is concerned about the series of circumstances that facilitated this complaint. As such, Council made the following recommendations to the news organization with regard to prudent future action.

First, given the magnitude and severity of the concerns expressed by the complainant, the efforts to resolve the complaint should have been immediately addressed by the news organization, at minimum, in providing clear communication to the complainant and in assessing and correcting the quoted statements in a timely and consistent manner.

The NNC notes, for example, that the complainant first contacted an administrator with the news organization who indicated her name could be stricken from the news story. The fact that this agreement was later rescinded by a more senior member of the news organization created the impression of a remedy that was disjointed from accepted journalistic standards.

Second, editorial oversight is of critical importance, particularly when reporting on sensitive issues. Efforts must be made to ensure that the presentation of comments from sources are consistent with the perspective expressed in interviews.

Third, efforts must be made to ensure the ground rules of the interview are clearly and accurately communicated to sources. This includes obtaining the informed consent of the source to be quoted in the news story, as well as verifying any references to professional affiliations or associations that may contextualize the views expressed by the source.

In light of the analysis provided above, the NNC is of the view that the news organization fell short of widely accepted journalistic standards in its initial reporting and first response to the complainant. At the same time, the NNC recognizes the steps taken to remedy these errors. The NNC will remain mindful of the guidance offered in this decision to the news organization in the event of future complaints.

For these reasons, Council found the matter resolved due to corrective action with the above recommendations for future reporting.