
APPENDIX

CBSC Decision 14/15-0554 CFBK-FM re a "Shots & Afterthoughts" segment

The Complaint

The CBSC received the following complaint on December 10, 2014:

Good day,

On Wednesday, December 3rd, 2014 between 8:00 and 9:00 am, the morning host at my local radio station, 105.5 the Moose FM out of Huntsville Ontario, aired an extremely defamatory rant about me.

The previous day, I had sent a private message to the administration regarding the reasons I had stopped listening and my displeasure at having to do so after so many years. The morning host, Grant Nickalls, named me personally several times while partially quoting (out of context) only negative portions of my email and calling me a "hater".

I live in a very small town. I have a job interview in the new year with respect to a position that requires confidentiality and professionalism. The on-air bullying I was subjected to last week could easily have compromised the opinions of the board with regards to my status within the community! It has already required me to explain the entire situation to individuals that I know only casually.

What has happened is in direct conflict with this station's own mission statement if not the CRTC's code of conduct and ethics.

I would appreciate it if you would look into this matter. I have contacted the regional managers at both the local and parent stations to no avail.

As per its usual process, the CBSC then asked the station to confirm that it had held the loggers for the broadcast. The station did so and also provided the following information on December 10:

As an FYI:

Morning host Grant Nickalls has sent [the complainant] a letter of apology and our Regional Program Director [D. N.] has set up a meeting with [the complainant] for next Monday Dec 15, 2014.

We hope to have a resolution in place next week.

Another representative from Vista Radio sent a similar message the same day:

We have received your message and the logger has been secured. I've already been in contact with my Market Manager who indicates that she has indeed had a conversation with the complainant prior to the complaint being filed. More to come.

The complainant then copied the CBSC on an email she sent to the station on December 12:

With regards to meeting with you and [the Regional Program Director], I really feel that I should have a representative there for me. As I have not had a chance to make those arrangements, I must postpone.

However, I would appreciate it if you would send me the copy of the audio from the morning show that I requested.

I will get back to you as soon as possible to reschedule.

I have Sent a copy of this communication to [the Communications Coordinator] at the CBSC.

Broadcaster Response

CFBK-FM sent its official broadcaster response on December 24:

I have been asked to respond to your above captioned complaint ("Complaint"). We were quite surprised that you felt it necessary to file your Complaint as Vista has fully and adequately responded to your concerns. In fact we had made arrangements to meet with you to further review your concerns, but instead without notice you filed the Complaint. While we appreciate you are upset with the particular broadcast we do not agree that we have acted improperly as you allege. You have made serious accusations against both Vista, our management team and in particular our on air personality Grant Nickalls. With the greatest of respect we disagree with your allegations and further we do not agree that we have not been sensitive to your complaint nor do we agree that you have raised matters with management "to no avail." A review of the file shows that is simply not the case.

First you allege in your Complaint that we aired an "extremely defamatory" segment about you. The broadcast in question is not in any way defamatory. Grant Nickalls stated he appreciated your thoughts, he apologized, he answered your complaint about the music and he mentioned his own lack of skill in regards to interviewing and he thanked you for listening. Nothing remotely supports your very serious allegation that you were defamed.

Secondly it is clear as you have admitted to me in our phone conversation on December 10th that you did not listen to the broadcast and were relying on a hearsay report. You claim in your Complaint that Mr. Nickalls called you "a hater". He did not.

Thirdly you complain that your Facebook comments of December 2nd, 2014 were not treated confidentially and privately and you feel that no reference should have been made

to them on air or otherwise. Unfortunately you did not send the Facebook comment with a notation that it should be treated as "private and confidential". Rather the entry was posted for all employees to see. In fact you received an immediate response from [a Moose FM employee]. It is clear that you were not treating this confidentially as you were discussing your views with others prior to sending your comments. The allegations you made were not just against the station and the format change, they were specifically targeted against and critical of Mr. Nickalls. And we note they were not completely accurate. His response we believe was justified and measured given the context in which you sent your Facebook comments. In future if you want to send something to the station you should ensure that it is sent private and confidential.

Fourthly you fail to note the efforts of Mr. Nickalls and senior management including myself to address your concerns. You do not mention in your Complaint that Mr. Nickalls sent you an apology on December 10th, 2014 at 7:05 am prior to you filing your Complaint later that same day at 1:43 pm. You did not mention in your Complaint that both the Programming Director and I had been dealing with you on this matter. You sent an email on December 3rd requesting to meet the Programming Director, which he responded when he would be available. You responded with a thank you for responding so quickly and you would send an email that evening of a time to meet, which did not happen. Another email request was sent to me on December 9th with a desire to meet and I responded to you less than two hours later. You left me a voicemail the next day and we spoke that afternoon and we set up a time to meet on Monday, December 15th at 1:30 pm to which I rearranged my schedule to accommodate your timetable, but that meeting was cancelled by you.

Mr. Nickalls' apology was sincere and respectful. As he noted he regrets using your full name on air. He and Vista do value the opinions of our listeners. We did not take your dissatisfaction lightly and we worked very hard to respond to you immediately and effectively. We were then of course disappointed that you would make a formal complaint alleging serious misconduct that is simply unfounded. We hope that upon reflection you will agree that the matter has been dealt with appropriately.

In closing I hope you and your husband will continue to listen and that you will let us have your opinions – favorable or unfavorable.

Additional Correspondence

The complainant sent an email to the CBSC on January 9, 2015:

I am writing to you today to ask for an extension of the 14 days you gave me to get back to you regarding the issue with my local radio station.

They did indeed reply to me, but it came into my email on Christmas Eve and with the busy holiday, I have yet to reconcile the details of that letter.

I can correlate the details this weekend and get back to you next week.

The station did not however, send me a copy of the audio file that I have twice requested.

The CBSC granted the extension and the complainant filed her Ruling Request on January 15:

I have reviewed the letter from [the Regional Cluster Manager] and not only are there several discrepancies, it is truly unsatisfactory. The station seems to admit to wrong-doing, but also claims the actions of the morning host are "justified and measured". I do not see how on-air name-calling would ever be such.

I am filling out the formal complaint form and will submit it shortly.

Thank you for your time and guidance in this matter.

She also attached the following letter:

Dear Sir/Madam,

On the morning of Wednesday, December 3rd, 2014 between the hours of 8:00 and 9:00 the host of The Moose 105.5 FM, Mr. Grant Nickalls, made reference to addressing some "haters" that had contacted the station and then aired what appeared to be some negative opinions from listeners and my full name multiple times.

I have contacted the station and spoken to [the Regional Cluster Manager]. She claimed in a telephone conversation with me that Mr. Nickalls was responding to my email to the administration regarding the reasons I no longer listen to the station. She claimed his feelings had been hurt and that he was not educated with regards to the CRTC's regulations and was inexperienced on air. Perhaps she felt that would excuse his actions?

I sent my opinions in a private message via the station's Facebook group. I DID NOT post them publicly nor did I ever expect the station's host to air them without my consent or to name me personally. The station has been going through many changes recently and has been encouraging listeners to send feedback ... to my knowledge, the morning of December 3rd is the only time a listener's negative feedback has been aired and certainly the only time a listener has been named personally and labelled a "hater" for their opinions.

[The Regional Cluster Manager] asked me what the station could do to make the situation better. I have been labelled a "hater" by her station's morning personality on a very public platform in a very small town. I asked that she have Mr. Nickalls apologize to me in the same public manner and at the same time of day in which he chose to bully me in the first place. She told me that would not happen.

I have since received a letter from [the Regional Cluster Manager] claiming that the events of the morning of December 3rd did not occur in the way I, my husband, and others heard them. Yet, she also claims that Mr. Nickalls regrets his actions. She claims I told her I did not hear the broadcast, so why have I contacted her at all? It, also, would be ridiculous for me to take the time and make the effort to file a formal complaint if that were truly the case. I was shocked to hear my name on public radio. I heard Mr. Nickalls say that he would be addressing some of the haters after the upcoming break (I was in and out of the room at this time attending to my children) and my husband called me back after the first time Mr. Nickalls used my full name. Mr. Nickalls referenced his interviewing style and that I did not like it among other things and used my full name again before I left the room. I truly feel that the station violated my trust and the understanding I had that my opinions regarding

the many recent and drastic changes would be kept confidential unless I consented otherwise.

I have asked the station to send me an unedited copy of that morning's broadcast since they allege that I am mistaken, but I have never received it. I have asked for a formal, on-air apology from Mr. Nickalls explaining what he is apologizing for and why. I have not received that either. I suspect, in the meantime, this nasty event will have discouraged other listeners with similar views from letting the station know. Please help me get to the bottom of this.