

Board of Directors
(March 21, 2012)

Subject matter

Terms of Reference of the Ombudsmen

Background

In August, 2011, the President, Hubert T. Lacroix, struck a committee to review the role and mandate of the position of Ombudsman at CBC and at Radio-Canada (the "Committee"). The Committee was chaired by Jodi White and comprised of Vince Carlin, Peter Mansbridge, Genevieve Rossier, Pierre Trudel and Christopher Waddell.

The Committee presented its report to the Board on November 22, 2011. The report contained a number of recommendations. The Board asked management to review and analyse the Committee recommendations, provide comments thereon and, if appropriate, suggest amendments to the Ombudsmen's Terms of Reference.

Information on the matter

See attached comments of the Executive Director, News and Current Affairs, Radio Canada and the General Manager and Editor in Chief, CBC News

For decision

For information

Prepared by

Name: Jacques Gaboury

Date: March 8, 2012

Management Recommendation & Resolution

On the recommendation of the President and Chief Executive Officer, -- That the revised Terms of Reference of the Ombudsmen be approved as presented (see Exhibit A).

Last discussed at the Board

Date: November 22, 2011

Decision: The Board asked that management provide its comments on the Committee's recommendations and, if appropriate, recommend changes to the Ombudsmen's Mandate.

Next steps

Provide the revised Terms of Reference to the Ombudsmen for implementation.

THE OFFICE OF THE OMBUDSMAN

I. Principles

CBC/Radio-Canada is fully committed to maintaining accuracy, integrity, balance, impartiality and fairness in its journalism, as expressed in its unique code of ethics and practice, the Journalistic Standards and Practices (<http://jsp.cbc.ca/apps/pol>). Our journalistic mission is to inform, to reveal, to contribute to the understanding of issues of public interest and to encourage citizens to participate in our free and democratic society. We base our credibility on fulfilling that mission through adherence to the values, principles and practices laid out in the Journalistic Standards and Practices.

The Ombudsman is completely independent of CBC program staff and management, reporting directly to the President of CBC and, through the President, to the Corporation's Board of Directors.

II. Mandate

1. Audience Complaints and comments

- a. The Ombudsman acts as an appeal authority for complainants who are dissatisfied with responses from CBC information or program management.
- b. The Ombudsman generally intervenes only when a correspondent deems a response from a representative of the Corporation unsatisfactory and so informs the Office of the Ombudsman. However, the Ombudsman may also intervene when the Corporation fails to respond to a complaint within a reasonable time.
- c. The Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's Journalistic Standards and Practices. The gathering of facts is a non-judicial process and the Ombudsman does not examine the civil liability of the Corporation or its journalists. The Ombudsman informs the complainant and the staff and management concerned of the review's findings and posts such findings on the Ombudsman's website.
- d. As necessary, the Ombudsman identifies major public concerns as gleaned from complaints received by the Office and advises CBC management and journalists accordingly. The Ombudsman and CBC management may agree that the Ombudsman undertake periodic studies on overall coverage of specific issues when

it is felt there may be a problem and will advise CBC management and journalists of the results of such studies.

- e. The Ombudsman establishes a central registry of complaints and comments regarding information content, and alerts journalists and managers on a regular basis to issues that are causing public concern.
- f. The Ombudsman prepares and presents an annual report to the President and the Board of Directors of the Corporation summarizing how complaints were dealt with and reviewing the main issues handled by the Office of the Ombudsman in the previous year. The report includes mention of the actions, if any, taken by management as a result of the Ombudsman's findings, provided such disclosure does not contravene applicable laws, regulations or collective agreements. The annual report, or a summary thereof, is made public.
- g. The Office of the Ombudsman reports annually on how each media component has met the CBC standard of service for the expeditious handling of complaints.

2. Compliance with Journalistic Policy

- a. The Office of the Ombudsman is responsible for evaluating compliance with the Journalistic Standards and Practices in all content under its jurisdiction. It can be assisted in this role by independent advice panels. Panel members are chosen by the Ombudsman; their mandate is to assess content over a period of time, or the overall coverage of a particular issue by many programs, and report their findings to the Ombudsman. The Ombudsman will advise CBC management and journalists of these findings.
- b. The evaluation measures performance in respecting the fundamental principles of CBC journalism:
 - balance, impartiality, accuracy, integrity and fairness for information content; and
 - balance and fairness for general-interest programs and content when dealing with current issues.
- c. The Office reports annually.

III. Jurisdiction

The jurisdiction of the Office of the Ombudsman covers all news, current affairs and public affairs content on radio, television and the internet (whether in-house or

produced by a third party) that falls within the scope of the Corporation's Journalistic Standards and Practices, as amended from time to time.

This includes news and all aspects of current affairs and public affairs (political, economic and social) as well as journalistic activities in agriculture, arts, music, religion, science, sports, and variety. This also includes user-generated content when incorporated in news, current affairs and public affairs stories.

Complaints beyond the Ombudsman's mandate should be addressed directly to the programs concerned, or Audience Relations.

IV. Appointment

- a. When filling the Ombudsman's position, the CBC openly seeks candidates from outside as well as inside the Corporation.
- b. After appropriate consultation, the President and CEO establishes a selection committee of four. Two members, including the committee chair, must be from the public. The other committee members are chosen, one among CBC management, the other among its working journalists. Members representing the Corporation and journalists jointly select the committee chair among the two representatives of the public.
- c. The selection committee examines applications and selects a candidate to be recommended for appointment by the President and CEO.
- d. The Ombudsman's appointment is for a term of five years. This term may be extended for no more than five additional years. The Ombudsman's contract cannot be terminated except for dereliction of duty or gross misconduct.
- e. The outgoing Ombudsman may not occupy any other position at the CBC for a period of two years following the end of his/her term, but can, at the discretion of the incoming Ombudsman, be contracted to work for the Office of the Ombudsman.

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s.21(1)(a)

s.21(1)(b)

s.21(1)(a)

s.21(1)(b)

s.21(1)(a)

s.21(1)(b)

Alain Saulnier
Executive Director, News and Current Affairs

Jennifer McGuire
General Manager and Editor in Chief, CBC News and Centres

March 2012

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