
APPENDIX B

CBSC Decision 07/08-1229 CKYE-FM (Red FM) re an episode of the *Harjinder Thind Show*

The Complaint

The following complaint, dated February 8, 2008, was sent to the CRTC and forwarded to the CBSC in due course:

My name is [R. G.] and while I was driving into work on January 31, 2008, I heard the below mentioned speaker talk about "teaching homosexuality in the classroom".

I was appalled at the misleading comments that were made and I have asked [a reporter] (*Xtra West*) to investigate. She had asked for a copy of the transcripts or a tape but was refused. Are they allowed to refuse this request? This is important because it's exposing negative and false views to new immigrant population that needs to be better educated about Canadian *Charter of Rights* and our community.

Please let me know how the CRTC can respond. I think what is best is to formally request a transcript from the show.

So, here is the information: I believe it's the *Harjinder Thind Show*. The speaker was Len Remple, phone number [###-###-####].

The info for RED 93.1 FM

Address:

#201 8383A 128th Street
Surrey, British Columbia
V3W 4G1 Canada
Office/General inquiries - 604 598 9311
On Air - 604 591 9311
Fax - 604 599 6063
Sales/advertising - 604 598 9311

The complainant replied to the CRTC on February 11:

I did get your email, thank you. I spoke with your Vancouver office and told him of the situation. He said that there is a fairness measure in broadcasting that could be addressed (as a possible violation).

I think that the accuracy of their guest speaker, their failure for opportunity for opposing views, and fielding of questions from non-biased calls should all fall under this category.

The CBSC informed the complainant that the time of the broadcast was required. He replied with that information on February 12:

I would put the show time between 8:45 am and 10:30 pm. I was driving but that should be a short enough window for you to review. The date was on January 31, 2008.

After receiving notice from the CRTC, I gave them more information which should be in the revised report.

If this does not help you, please let me know.

The CBSC then informed the complainant that it would be proceeding with his complaint. He wrote back on February 13:

Did you get the additional information regarding the report? Would I be able to speak to anyone at the CBSC?

An article in *Xtra West* came out about the filing.

Could you have someone call me? I can be reached at ###-###-####.

The CBSC replied to that e-mail, explaining that he should await the broadcaster's response. The complainant wrote again on February 14:

I have copied [N. B.] from *Xtra West* publication journalist [sic] and [a director] from the CRTC with regards to this email which is my reply to your February 14, 2008 email.

Firstly, I am not a big fan of self regulatory organizations for the very reason that they are not in the best interest of the general public but more in favour of ensuring the sustainability of an industry even when individual members are doing potential harm.

I am not at all happy with your procedure because it is more focused on "appeasing" the person that filed the complaint rather than addressing the violating actions of the radio station. Quite frankly, your procedure is not responding to the exact nature of my complaint and the CRTC should take note of this.

The complaint clearly states that there have been some "serious" violations of fair and ethical practices that occurred on January 31, 2008 between the set hours given. I do not see how your organization can feel that having the radio station contact me would solve this issue.

More importantly, I feel that this is more the CRTC's responsibility (since I filed with them) to investigate a violation of fair and ethical practices from a radio station licensed by the CRTC. These are very clear-cut accusations that need to be investigated and do not warrant a "cookie cutter" investigation procedure by a self regulatory entity such as the CBSC.

Secondly, I feel that the request that I file "yet another" form and complaint with the CBSC puts undue burden on the concerned citizen. This alone should reflect how self-regulatory entities such as yourselves are not meeting the needs of concerned citizens.

Now, to address your procedure, it would be fair to surmise that both [the *Xtra West* reporter] (who was trying to get a copy of the station's programming for January 31, 2008 of the interview in question) and myself were not handled in the appropriate manner by the radio station in question. The only acceptable response that I feel which should come from the

radio station is a FULL copy of the programme in question that was broadcasted [sic] on January 31, 2008. You and I both know that this will not happen.

Therefore, in fairness to your organization, I would like for the CBSC to move forward (without haste [sic]) to their own investigation of the allegations that I have put forward.

Should you fail to do so within a timely manner, I will go back to the CRTC to investigate this manner and the subsequent handling of it.

Broadcaster Response

The station sent a letter of reply to the complainant on February 23:

This letter is in response to your complaint filed with CBSC regarding a broadcast made on January 31st, 2008.

At the very outset I would like to state that CKYE-FM provides a fair and balanced representation of matters relevant to our listeners. We respect diversity in opinions and welcome healthy dialogue. In fact, during our telephone conversation on Jan 31st, 2008, I had thanked you for bringing to my attention your concerns about misleading information being shared by guest Mr. Len Remple during our open-line talk show.

During the same conversation I had told you that I will get back to you very shortly. Immediately after our conversation, I spoke with the guest Mr. Len Remple about your concerns and he agreed to speak with you and gave his personal cell number. Immediately, I called you and gave you his number and you said you will speak with the guest directly. In my opinion, I had promptly addressed your concerns in a fair and responsible manner.

I thought that you would have discussed and clarified your concerns with Mr. Len Remple but now that I know through the CBSC complaint that this matter is not resolved, I would like to meet with you personally for a roundtable discussion to understand and address your concerns immediately.

I extend an invitation to you for a face to face meeting either at our studio or at any location convenient to you at your earliest.

Please feel free to contact me on my cells ###-###-#### or ###-###-#### or email me directly at [name]@redfm.ca.

Additional Correspondence

The complainant sent the following correspondence to the station on February 25:

I am in receipt of your email (letter) dated February 23, 2008 but I do not find it necessary to meet because the point of my filing was in regards to whether or not CKYE-FM did provide a fair, accurate, and balanced representation in matters containing in the date and time in question when Mr. Thind's show ran.

Because your letter said that you do provide "fair and balanced representation" and I am in full disagreement, then I will request from [the CBSC] to go ahead and move forward to the next level of investigation/review by the CBSC.