

MANITOBA PRESS COUNCIL

Procedure for Dealing with Complaints

PART I

1. All complaints to the Manitoba Press Council shall be made in writing. Name, address, phone number and email address should be included.
2. Complaints must be against specific instances of conduct of the newspaper against which the complaint is laid. A copy of the offending article(s) must be included.
3. The newspaper against which the complaint is laid must have been given an opportunity to redress the complaint to the satisfaction of the complainant before the Council will investigate.
4. On receipt of a complaint, the Executive Secretary will forward it to the newspaper involved and advise the newspaper and the complainant that they should try to resolve the matter directly.
5. A published Letter to the Editor, an apology, or an explanation from the publisher or senior editor may resolve the concern.
6. If there is neither action towards agreement nor resolution of the problem within 14 days, the Council will decide on the evidence available to it whether or not to proceed with adjudication. Additional time may be allowed if warranted and at the discretion of the Council. The Council may approach the newspaper seeking mediation in some cases.

PART II – Adjudication Procedures

1. A Review Committee will first examine all material concerning the complaint. The committee will consist of 3 members of the Council: a public member, an industry member, and the Council Chair. (The industry member cannot be connected with the newspaper involved in the complaint.)
2. The Review Committee will recommend to the full Council the action it considers appropriate. If the Council confirms a recommendation upholding or denying a complaint the matter will be concluded and an adjudication result processed. If the Council reverses recommendation or requires more input, a hearing involving the appearance of the complainant and a newspaper representative will be scheduled for the next regular Council meeting. (Regular Council meetings are scheduled 3 times per year.)
3. When such a hearing is held it will be informal. No one is sworn in, no one may be represented by legal counsel, and there is no cross-examination. The complainant speaks first, the newspaper responds, and each has an opportunity for rebuttal. There is no direct exchange between the parties. Questions must be put through the Chair. Press Council members may ask questions. The Press Council then discusses the issue in private and makes a final decision.

4. On completion of adjudication, the Council shall, in writing, inform the complainant and the publisher of the newspaper of the results and any recommendations the Council considers appropriate and shall, in such a manner the Council thinks fit, make known the results and recommendations to the public.
5. A condition of membership of a newspaper in the Manitoba Press Council is that the member newspaper against which the complaint is made shall publish the adjudication finding of the Council.
6. Where the Council decides to refuse or to cease investigation of a complaint it shall, in writing, inform the complainant and the publisher of the newspaper involved of its decision and the reason(s) therefore.
7. Reasonable expenses will be paid to a complainant to attend a hearing.
8. The Council may request that a complainant sign a waiver agreeing not to take legal action on a complaint heard by the Council on which the Council makes a finding.
9. A Council member employed by a member newspaper may participate in the discussion of a complaint but may not vote on the finding.
10. Hearings of the Council shall be open to the news media provided the complainant and the newspaper involved agree in writing. However the Council may decide, by majority vote, to hear evidence relating to a complaint in private.

PART III – Additional Concerns

1. The Council is an ethical body, not a court, and does not normally deal with a complaint that in any way involves litigation whether launched, threatened or in prospect.
2. The Council has no jurisdiction to investigate a complaint against a newspaper which is not a member of the Council.
3. The Council considers every complaint to be against the newspaper involved, not against its staff, and normally does not name any employees in its findings.
4. The Council does not deal with complaints based only on differences of opinion between complainant and newspaper.
5. The Council, at its discretion, may refuse to investigate a complaint or cease an investigation already undertaken if:
 - (a) it is received six months or more after publication of the matter which is the subject of the complaint;
 - (b) the complaint is deemed to be frivolous, vexatious, or made in bad faith;
 - (c) having regard to all circumstances, the investigation or further investigation is not warranted.

6. The Council shall not accept as official complaints any which are submitted in the form of letters to or from third parties. It may consider the complaint if it receives permission from the directly involved party.

7. The Council shall set its own rules of procedure for the purpose of dealing with complaints and may amend such rules from time to time.

PART IV – Where the Manitoba Press Council Stands

Like other Press Councils in Canada and elsewhere in the world, the Manitoba Press Council believes that in a truly democratic society, open debate, discussion, criticism and dissent is central to the process of generating informed and considered choices.

The Council regards newspaper editorials, columns, critiques, commentaries and editorial cartoons as journalism of opinion and a manifestation of freedom of the press. It believes it is appropriate for newspapers to exercise wide latitude in expressing their opinions in editorials no matter how controversial or unpopular the opinions may be, and to give columnists and others the same latitude in expressing personal opinions.

In exercising this freedom, newspapers have a responsibility to provide a forum for expression of counter opinion.

Like the Ontario Press Council, the Manitoba Council does not use one specific set of journalistic code of ethics. There are many codes in use but no one collection is used by a majority of news organizations. It is difficult to come up with a code that would cover all the possible “don’ts” for all sizes and styles of newspapers.

The Manitoba Press Council draws from the opinion of many journalistic codes, the experience and judgments of other press councils, and the judgment of our own council members who represent a broad cross-section of Manitoba society and the newspaper field.

Complaints are judged on their merits as details can make a difference and circumstances can alter cases. Decisions are made independently.

In general terms, the values expected from newspapers by the Manitoba Press Council include enlightening the public, independence, accuracy, truthfulness, impartiality, fair play, decency, and a clear separation of news and commentary. It also recognizes that their size and resources can limit newspapers as they deal with a changing set of circumstances daily and therefore an ever-evolving society.

Approved by Board of Directors October 4, 2005