

TVN Television Policy Manual and Code of Conduct

Foreword

The purpose of this manual is to provide a comprehensive code of principles, ethics and conduct for TVN.

No policy can be expected to cover every circumstance. Fairness and common sense must be brought to bear on any set of written rules and standards, especially when it comes to an organization such as TVN. This manual sets out guidelines which are in keeping with the policies of TVN and which preserve the legislative intent of the Broadcasting Act, and the Canadian Charter of Rights and Freedoms. The manual is roughly broken up into seven major sections for ease of reference. However, the common threads of responsibility, respect, non-partisan reporting and unbiased production, as applicable, run through each section.

ONE: POLICY CONSIDERATIONS

A. Freedom of the Press and Programming Objectives

A. Freedom of the Media and Responsibility of Media Freedom of expression, including freedom of the press, is one of the fundamental freedoms granted to everyone pursuant to the Canadian Charter of Rights and Freedoms. However, this freedom is subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. In other words, while journalists must themselves uphold the integrity of freedom of expression, they should be aware that this right may be curtailed by law both legislative and court driven. All journalists must be mindful that they are subject to all laws of Canada, even if seemingly inconsistent with the tenet of freedom of press.

TVN has a responsibility to its viewers, management, employees and advertisers. To uphold this responsibility, the operation of the television station should be based on trust. On top of that, an overriding responsibility must be extended to the society that protects and provides its freedom. All members of the media must be alert to see that the public's business is conducted in public. It is important that the press not be used for partisan or biased purposes. In other words, not only should journalism be impartial, it must be seen to be impartial. Any members of the media who appear to abuse the power granted to them by their professional roles will be considered in betrayal of public trust.

Two Programming Objectives for TVN

The programming objectives for TVN must be in keeping with the spirit of the Broadcasting Act. The Broadcasting Act sets out, in part, that the Canadian broadcasting system should serve to safeguard and enrich the cultural, social and economic fabric of Canada, should provide a wide range and high standard of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, as well as showcasing Canadian talent in entertainment programming and offering information and analysis from a Canadian point of view. Canadian broadcasting should contain educational and community programming and cater to tastes and interests not adequately provided for by programming provided for mass audiences, include programming devoted to culture and the arts and be responsive to the evolving demands of the public.

On a local level, TVN aims to implement the outlined precepts of the Broadcasting Act. TVN will strive to provide television services incorporating a wide range of programming to inform enlighten and entertain our viewers, who will be predominantly in the Niagara region. We look to inform our viewers of significant and interesting events in their communities. TVN will provide locally and regionally produced programming and the focus will be at least 60% Canadian.

TWO: REPORTING STANDARDS

B. Accuracy, Corrections and the Right of Reply

B.1 Accuracy

There can be no compromise with accuracy at TVN. We are responsible for the accuracy of what we put on the air. Journalists and producers are expected to exercise a healthy skepticism in handling stories - if something doesn't seem true or holds potential for legal action — it should be double- checked. Inaccuracies in journalism have a negative impact on the credibility of the programming as a whole.

B.2 Corrections

It is TVN's policy to make prompt corrections of any clear cases of mistake or unfairness. However, every complaint must be thoroughly investigated first. Every complaint from viewers will be referred to the General Manager. Staff should not get involved in arguments with complainants or attempt to resolve disputes themselves. What staff can do is gather as much information on the complaint as you can. Write a memo detailing all the information you have received and forward it to your department head.

If an internal investigation shows that the story or program was inaccurate or unfair, a correction should be prepared and aired as soon as possible. Remember that getting programs to air on TVN is a team effort.

Accordingly, corrections do not assign blame for the mistake. Unless there is a threat of libel or other legal action, a reasonable effort will be made to discuss the matter with the staff member(s) whose work is involved, prior to the correction being made.

Certain complaints require immediate action by the company and should be referred to the CEO while TVN pursues its internal investigation. When in doubt, contact your department head.

B.3 Right of Reply

There are always at least two sides to every story. As an accountable member of the media, our responsibility is to find and report the various perspectives of any story aired. As well, we must make sure that all relevant facts are reported and not just those that tend to favor one side. Also, try to avoid words such as “claimed”, “admitted” and “despite”, which may invite a pejorative interpretation.

When an individual, company or organization is criticized in a news story, it is important to immediately contact those concerned and offer them an opportunity to reply. If they choose not to comment, our story must say so. This will let our viewers know that we tried to get a reply.

Where the facts of the story tend to show an individual or organization in a bad light, the facts must be checked and double-checked to make certain they are correct. Incorrect statements that damage a person’s reputation may be libelous and subject to a defamation action against TVN.

C. Privacy and Personality Rights

C.1 Privacy

Privacy connotes respect. TVN respects an individual’s right to privacy, unless there is a clear and overriding public interest in not doing so. This applies to those individuals with a public persona and “ordinary people” who would not normally attract the attention of the public. TVN will not use personal information gathered by its staff in a manner that is inconsistent with the governing privacy laws.

Sometimes ordinary people are thrust into the spotlight because they are victims of crime or have some association with a tragedy. These people should be treated with the utmost of respect. They may know little about the media and their experience with TVN may forever color their feelings about us and the media in general. Relatives of those in the public eye are another group to treat cautiously. Sometime they become newsworthy, but such stories should avoid being simply voyeuristic.

Getting a story appears to be in conflict with these guidelines, be sure to discuss your story with your supervising manager.

C.2 Personality

In general, journalists cannot be prevented from using an individual’s name or image, so long as such use is not to commercially exploit any publicity value residing in the information.

D. Standards Regarding Sources

D.1 Identifying Yourself

Reporters, journalists and or producers gathering material for TVN should clearly identify themselves to all sources.

In the rare case where a journalist goes ‘under cover’ to get a story, it should clearly be communicated to the viewer what transpired. Prior approval from your department head is required for any such assignment.

D.2 Tape-Recordings

Tape-recording telephone interviews is permissible; in fact, it is a good way to ensure accuracy. However, these tapes should never be used for other purposes (ex. used on the air) without the prior explicit consent of the interviewee(s) unless the interviewee telephoned TVN for the purpose of participating in a broadcast.

D.3 Anonymous Sources

The use of anonymous sources is a primary cause of public cynicism about the news media. TVN and its viewers are best served when our sources are identified by name. Avoid the use of pseudonyms and composites.

Make clear what level of confidentiality is being promised to a source and beware that in Canada, there are no shield laws protecting journalists. Avoid blanket promises to protect a source. It is one thing to decline to say where a story came from; however, it is another thing to deny flatly that it came from a certain source or to state that it came from another source when it did not.

On those occasions when an unnamed source is used, the circumstances should clearly warrant it. Your supervisor and/or producer should be made aware of any proposed cases of confidentiality and the circumstances surrounding them. Every effort should be made to corroborate the facts through other sources, to avoid the possibility of manipulation by the source. Also, in the story, be sure to make clear the reasons for concealing a source’s identity.

D.4 “ Off the Record” and Similar Terminology

The term “off the record” is often used loosely and subject to misinterpretation. Strictly defined, it is different from “on background” or “not for attribution.” The following are the generally accepted journalistic definitions for each:

- Not for attribution: If this undertaking is given in an interview, the statements may be quoted directly but the source may not be named, although a general description of his or her position may be given (ex. “a government official”; “a party insider”).
- On background: The thrust of the statements may be used and the source generally described, but with no direct quotes.
- Off the record: The information may not be reported and is solely to help the reporter’s own understanding or perspective of the subject. Since there is not much point in knowing something if it can’t be reported, this undertaking should be used sparingly, if at all.

D.5 Promises

Journalists, writers and producers should never promise interviewees a certain play on a story (i.e. “lead story on our ‘headlines’ segment”; “story won’t mention your name”) without first checking with department heads.

D.6 Paying for Information

TVN believes that its reporters, camera crew and producers should gather news material freely and openly. Paying sources for information is discouraged because it calls into question both the veracity of the information and the motive of the source. Any decision to pay for information must be first cleared by a supervising manager.

E. Research and Reporting Standards

E.1 Gender-Neutrality

It is the policy of TVN that men and women should be treated equally and realistically in all programming. This means:

- No gratuitous references to a person’s appearance;
- Use of gender-neutral and bias-free language;
- Avoidance of photos, images or videos that foster sexual stereotypes; and
- Promotion of programming that reflects diversity of age, appearance, opinions and interests of both men and women

E.2 Racial and Religious References

No reference, direct or indirect, should be made to a person’s race, color, or religion unless it is pertinent to the story. In crime stories particularly, care must be exercised.

Race:

If police are looking for a suspect, there may be justification for identifying his or her race or color. But, after an arrest is made, there is generally no such justification.

At certain times, a particular group may make race an issue in a story where we would otherwise avoid mentioning it. For example, if a person while committing a crime is shot by the police, the group may claim that the shooting was racially motivated. In such cases, it is permissible to mention the victim’s race. However, we should not go out of our way to make race an issue by actively seeking comment. If such comment comes to us unsolicited, we should take care to put it in the proper context.

Religion:

Religion is fundamentally important to the lives of many of our viewers and it can also be intensely private. This can sometimes present a certain dilemma for us: how to cover

religion in a way that reflects its importance without being intrusive? Here are a few rules to follow:

- Never hold up one religion or set of beliefs as superior to another. In other words, don't be judgmental.
- Never single out a religion or religious practice for ridicule. In other words, be respectful.
- When there is a doctrinal split within a religious group be careful not to give undue prominence to the views of the dissidents. The majority of the group may be quite happy with the doctrinaire status quo. Our coverage should take heed of this as well as of the arguments of the minority.

E.3 Consumer Reporting

Consumer broadcasting is helpful in assisting consumers to make informed buying decisions about goods and services available. Conclusions expressed by personnel in this type of program must be based on thorough research and not personal opinion. Research for these programs should, as often as possible, be carried out in consultation with responsible agencies. Also, in the interest of fairness, when goods are being compared, as wide a range as possible should be used.

All price comparisons should be handled with extreme care. Unless the story is about items that are absolutely identical, the comparison may convey misleading information to our viewers. All stories comparing prices or quality should clearly outline the method used to compare. Casual surveys presented as scientific studies are misleading and may have legal consequences.

E.4 Discharges and Resignations

Any news story relating to the discharge or resignation of an officer or employee of a company must include statements from both the company and the employee. Unless statements can be obtained from both the company and employee, a senior manager must first approve the story.

E.5 Bankruptcies and Receiverships

Any story relating to a company filing for bankruptcy or going into receivership must be checked directly with the company. If a statement cannot be obtained from the company, a supervisor must approve the story before it can go to air.

E.6 Suicides

Generally, TVN will not indicate that a death was a suicide unless there is some overriding public interest in doing so. A senior manager must clear all stories dealing with suicide before going to air.

E.7 Follow-up Stories

Care must be exercised in follow-up or reaction stories so that any comments we solicit from public officials and others do not convey a false impression to viewers.

E.8 Commercial Names

Advertising is the major source of revenue for TVN. If we give away advertising in our editorials or stories, it will be extremely difficult for our sales people to sell any more. With this in mind, the use of commercial names should be avoided on TVN unless they are an essential part of the story.

In some cases, a story would be incomplete without commercial names. But in the majority of stories, a corporate name is not pertinent to the viewer's understanding, and should be omitted.

Publicity stunts to promote a corporate event should generally be avoided. If there is no special reason for reporting on a stunt, look at it as an attempt to get some free airtime.

E.9 Charities

Offering TVN airtime to charities will generally be regarded as a good deed. However, it is impossible to provide this service to all charities that request airtime. Additionally, it must be noted that too much may turn off our viewers and frustrate paying advertisers. When airing charitable organizations the following should be considered:

- Is it a credible charity, with funds being collected at a registered financial institution?
- Has the charity in the past, or do they currently demonstrate a broad range of public support?
- Is there a legitimate story behind the fundraising drive (something that will take the piece beyond simply being a public service announcement?)

Remember: if we do a story on a charitable organization, it is a good idea to include information on how viewers can contribute.

E.10 Embargoes

If a report or press release is obtained from a source with the understanding that it not be published until a certain date and time, TVN will honor the embargo, unless other media breaks it. But, if copies of a report are mailed out or dumped in a public place (i.e. the Parliamentary Press Gallery), then TVN will not honor any embargo printed on the

report. If other members of the media use the report and we don't, we put ourselves at a serious competitive disadvantage.

E. 11 Obscenities & Other Matters of Taste

While the boundaries of what may appear in the mainstream media have been stretched over time, they still do exist. The following should be avoided or handled with extreme care:

- Swear words and sexually charged terms. Unless they are in direct quotations, they should never be used. When quoted, they should be used very sparingly (i.e. only when the words are uttered by a major public figure) and, even in such cases, the offensive words should be 'described' rather than simply repeated.
- Racially pejorative terms. Again, these should be used very sparingly, and only in direct quotations.
- Photos or video of dead people or animals. To justify use of any such video, the producer of the editorial must believe that there is a compelling new angle. This is especially true for footage of someone who is local or very identifiable.

E.12 Hoaxes

As a general rule, TVN will not cover stories about bomb scares or related hoaxes. It just encourages "copycat" behavior. Exceptions may be made if the scare becomes a major public event — such as the emptying of the subway during rush hour.

F. Copyright and Plagiarism

F.1. Copyright in the News

There is no copyright in news or in underlying concepts and ideas. However, the mode of expressing stories (ex. the words and video) are works and are protected by copyright law.

Once a story has been published, any other member of the media may use it, so long as they: (i) have permission of the copyright owner, if directly copying the story; or (ii) re-write the story. However, any person re-writing a story must bear in mind that the substantial borrowing of someone else's analysis or interpretation may also constitute plagiarism unless it is attributed.

A news service report may be read by a person subscribing to the service. As well, portions of material protected by copyright may be used if the copying is not substantial or for the purposes of criticism or review.

It is TVN's policy to independently verify any previously aired story and match it with an originally produced story. If we can't match a story and still feel it is worth getting to air, we will credit the originating source. As an example, if the CBC reports that the Prime Minister is going to resign tomorrow and we are unable to confirm it, we may run it as part of our "Headlines" package and attribute it to the CBC.

Often reporters or journalists will use quotes from previously published in other media. This is permissible, if the source of the quotes is not available to us (ex. the President of the U.S.). However, when doing this, the originating media should always be credited (ex. “the President told the CNN...”).

THREE: CODE OF CONDUCT

G. Code of Conduct

G.1 TVN Code of Conduct

TVN will report the news in an accurate, comprehensive and balanced manner. TVN news and public affairs broadcasts will put events into perspective by presenting relevant background information. Factors such as race, creed, nationality or religion will be reported only when relevant. Comment and editorial opinion will be identified as such. Errors will be quickly acknowledged and publicly corrected.

TVN journalists will not sensationalize news items and will resist any pressure to do so, whether from inside or outside the broadcasting industry. We will in no way distort the news or edit interviews to distort the meaning, intent, or actual words of the interviewee.

TVN journalists will always display respect for the dignity, privacy and well-being of everyone with whom they deal, and make every effort to ensure that the privacy of public persons is infringed only to the extent necessary to satisfy the public interest and accurately report the news.

G.2 Journalistic Principles

All programs on TVN must reflect these established journalistic principles:

- Accuracy: All information must conform to reality and will not be, in any way, misleading or false. This demands careful and thorough research and disciplined use of production techniques, including visuals.
- Integrity: All information must be truthful, and not distorted to justify a conclusion. TVN will not take advantage of its position to present a personal bias.
- Fairness: All information must reflect equitably the relevant facts and significant points of view. The information must also deal fairly and ethically with all persons, organizations, issues and events.

H. On-Air Personnel

H.1 Hosts and Interviewers

Hosts and interviewers must treat all guests fairly. They should be careful not to be critical or demanding to some, while at the same time conciliatory and sympathetic to others. To maintain credibility, it is essential that hosts and interviewers refrain from personal advocacy, not only in their public statements, but, as well, in their handling of discussions and their selection of questions.

H.2 Reporters

The role of a TVN reporter is to convey news to the audience with maximum fairness, accuracy and integrity. Therefore, a TVN reporter must not take a partisan position on a matter of public controversy, even when participating in an interview or discussion program. In providing comprehensive coverage, reporters may want to offer some context to news events. To do this, they may present an explanation of the background to the event based on careful research. They must not however, express or reflect their personal opinion or bias. In other words, they must keep their personal views separate from their reporting.

H.3 Guest Commentators

Guest commentators are, by definition, engaged to pass judgment on public affairs. It is TVN's objective to obtain a wide spectrum of opinions from our guests. TVN therefore seeks to select commentators whose background qualifies them to give expert opinion based on accurate information. Any relevant aspects of a commentator's credentials must be clearly summarized so that the audience may have a perspective from which to appraise the speaker's view. For example, the position and affiliation of a journalist or the particular qualifications of an academic or any other speaker should be stated.

FOUR: EDITING

I. Editing Standards

I.1 Editing

Editing in television is an essential technique to meet tight time requirements, while at the same time still getting the main point across to the viewer. It is important that any editing result in a true reflection of what was originally seen, heard, and agreed upon during the preparation of the program.

When editing interviews, it is important to follow the following guidelines:

- Questions and answers are not to be changed to alter the original meaning;
- Answers to a question in one context must not be edited into another;
- An answer to a question must not be placed in a program so that it purports to be an answer to a question other than that actually posed;
- Viewers must not be misled into thinking a discussion is taking place between people when no such discussion was recorded.

1.2 Manipulating Images

Modern technology gives us the ability to dramatically alter audio or video clips, as well as photographs. When it is necessary to edit or alter any source, it is important to do so with extreme care so as not to mislead the viewer.

1.3 TVN Program Content Responsibility

TVN maintains and exercises editorial authority, control, and responsibility for the content of all programs we broadcast. TVN will not delegate editorial responsibility for programming to any outside organization. This does not preclude TVN from engaging in program co-production or any other special program arrangements with outside parties. Such arrangements are subject to the terms and conditions established by TVN and as required by law, and all completed programming is subject to pre-broadcast acceptance by TVN.

FIVE: CONFLICT OF INTEREST

J. Impartiality

J.1 Journalistic Impartiality

In the judicial system, it is important to ensure not only that justice be done, but also that justice appears to be done, in order that people maintain confidence in the administration of justice.

Similarly, TVN recognizes that it is also important that we not only be fair in our programming, but also give the appearance of being fair in our programming. TVN staff are required to live up to this standard.

J.2 Gifts, Travel and Passes

Members of TVN staff should not accept or solicit any free gifts, passes or favours for personal use. TVN believes the acceptance of such favours is an affront to the dignity and self-respect of a member of the media. We believe that integrity — and the appearance of integrity — can be preserved by politely refusing such offers.

J.2.1 Gifts:

Any unsolicited gift of more than normal value that is offered because of a person's position at TVN should be returned promptly, with a polite explanation that it is against TVN policy to accept it. If it is impractical to return the gift (for example, if it is perishable food), it should be turned over to a department head who will then donate it to an appropriate charity or institution.

J.2.2 Travelling Expenses and Passes:

TVN would prefer to pay for traveling expenses to ensure the independence of all staff working on a story. This includes on-air talent, producers, and camera operators.

There are two exceptions: (i) reviewers' tickets for movie previews and theatrical performances; and (ii) working press passes for some sporting events, but only for those staff (on-air talent, producers or camera operators) covering the event. Otherwise, there should be no departure from the stated policy. "Freebie" affairs that have little or nothing to do with our programming or with developing contacts should be avoided. Staff members should not accept free passes to local attractions or events for their personal use.

Occasionally, TVN staff will be invited to a major event's gala opening. To refuse to go may be seen as an insult. In some cases, it might be more appropriate to attend as a representative of TVN. Before accepting any such invitation, check with your department head. Also, some staff may occasionally be invited to sit on a panel or deliver a speech at a conference or seminar. It is permissible in such circumstances for the host to pay the staff member's travel and hotel expenses. But, again, before accepting such an invitation, be sure to check with your department head.

J.2.3 Use of merchandise for review:

Employees should not accept the free use or reduced-rate use of goods or services of real value such as clothing or jewelry when the offer is made as a favor because of the recipient's position at TVN. Within narrow limits, a staff member may use a product for a short time to test or evaluate it. It is a good idea for staff to be familiar with the products that are advertised on our station. However, it would be inappropriate to use or keep the products for any extended length of time.

Unsolicited books, compact discs or new food products that are sent to TVN for reviewing are excepted from the general rule. Such products may be given to the person doing the review as compensation or partial compensation. All materials not reviewed should be either returned or donated to a library or charity. In no case may this material be sold by an employee for personal profit.

J.3 Investments

At TVN, our prime responsibility is to our viewers. It is fundamental in carrying out this responsibility that employees should avoid working on stories, or with any clients, in which they have a financial interest. If asked to work on such a story, employees should declare the interest to their supervisor so that alternate employees may be assigned.

J.4 Outside positions or Interests

Because part of our programming is news based, it is important for our journalists, writers, producers and on-air talent not to compromise our reputation as a fair-minded organization by showing an open display of political or partisan views on public issues. Accordingly:

- No staff member may hold any elected political office, work as an official on any political campaign, or write speeches for any political party or official.

- Care should be exercised to avoid open endorsement of any political candidate, political party, or cause, since this might reflect on the integrity of TVN or our employees.
- Staff should not hold office in community organizations involved in activities which they may cover for TVN. This includes fund-raising or public relations work and active participation in community organizations or special interest groups that take positions on public issues.
- Staff members should not act as sports officials or scorers when it conflicts with their regular TVN duties.
- Staff members should avoid participation in judicial and other official inquiries into wrongdoing. Such inquiries are often prompted by our news coverage. Our participation should end there and not be carried on by appearing as a witness before an official inquiry. If a staff member is summoned to appear before such an inquiry, a managing supervisor should be informed immediately.
- Staff members should avoid participation in demonstrations or signing of petitions if there appears to be a conflict with their job.
- Staff members should not make financial contributions to a political campaign if they might be called upon to cover the campaign for TVN. (Bear in mind that such contributions are often subject to public disclosure.)
- Staff members should not write about persons or organizations if they have previously been in contact with them concerning employment.

J.5 Connections

Staff members may not use their positions to obtain any benefit or advantage in commercial transactions not available to the general public. Specifically, the use of TVN stationery for private business matters, letters of complaint or protest, or any similar activities, is specifically prohibited.

K. Freelance

K.1 Freelance Work by TVN Staff

TVN staff are free to do periodic freelance work, provided that they are done on the employee's own time. Such work is subject to the following conditions:

In no circumstance will an employee of TVN release or discuss over radio any story before our station has distributed it. The word 'distributed' is an important one. If a TVN employee is leading the way on a story, TVN must break the story to the public.

- When appearing on other media, an employee should be clearly identified as a TVN employee.
- Occasionally, some members of the media may try to cut costs on getting an out-of-town or out-of-country story by simply trying to talk to our staff. **Beware.**

If at any time you feel another member of the media is trying to ‘piggyback’ on a story, be sure to double check your appearance with a managing supervisor.

- A staff member should not enter into a commitment with other media without the prior approval of a managing supervisor.
- TVN and its policies are not to be discussed without express permission from a supervising manager.

K.2 Freelancers

TVN does not have the right to control the behavior of freelancers or to oblige them to abide by our own conflict of interest values. But we should make every effort to determine whether a freelancer has accepted a free flight, accommodation, or some other benefit and to inform our viewers accordingly. Disclosure of the acceptance of such benefits should be made a condition of any arrangements with freelancers.

L. Families

L.1 Families

TVN’s conflict of interest policy does not extend to the immediate families of its employees. However, staff members may not use their families to subvert the spirit of the policy, especially with respect to investments and the holding of public office. Staff members should not write about, videotape or photograph, or make any news judgments about close family members unless this conflict is made clear to our viewers. Also, TVN staff members should not hire close family members or pay them as freelancers without prior approval from a senior manager.

SIX: ADMINISTRATIVE POLICIES

M: Administrative Policies

M.1 Substance Abuse

Staff members found to be impaired during the course of work activity will render themselves liable to disciplinary action.

M.2 Contests and Awards

When excellent work is recognized by responsible and respectable organizations, industry awards promote a great sense of pride in an organization. However, it is not beneficial when such recognition comes from special interest groups. These contests may

appear to our viewers to have been “set up” to encourage positive coverage of a certain cause or interest and should be avoided. Even where there are arms-length arrangements for judging such contests, there can be an appearance of a conflict of interest that may be harmful to the credibility of TVN.

Accordingly, TVN limits entry to a select number of contests that we believe are beyond reproach. TVN will assist in the preparatory work for entry in such contests. A list of approved contests should be made available by your managing supervisor. If you have a contest in mind, or feel a certain contest should be added to or removed from the list, talk to your supervising manager.

Note that:

- Some organizations will unilaterally confer awards upon TVN without any competition. By associating itself with our organization, they may hope to gain legitimacy and / or publicity. Accordingly, before such awards are accepted, a managing supervisor must be consulted.
- TVN staff may be called upon to judge contests from time to time. Again, this may compromise our reputation. Before agreeing to sit on such a jury, be sure to check with your supervising manager.
- TVN reserves the right to enter staff material in a contest even if a staff member does not wish to be entered.

M.2 Inquiries from the Public

All mail, e-mail, fax and telephone inquiries should be handled promptly and courteously by the person receiving them.

Telephone handling: Remember that your voice creates an image and we want viewers to have a favorable image. The telephone should be answered promptly and courteously. In most cases it is unwise to transfer a call that has already been transferred to you. It is annoying for the caller to be shuffled from phone to phone looking for answers. Take their name and number and have the proper person return the call.

Requests for information: Because of time and pressure on staff, our policy is to give out only information that is readily available without going to library files. Otherwise, politely refer callers to a Metro-area reference library. Or, depending on what they are looking for, you could suggest that they visit our website or the appropriate newspaper website.

Requests for permission to replay a piece that aired on TVN: Such requests should be referred to the segment producer or a supervising manager.

Requests for employment: Such requests should be forwarded to a senior manager or producer at TVN.

Requests for comment: Occasionally, other media will call asking for TVN’s comment on a matter of public interest. Such calls should be referred to a senior producer or manager.

At TVN, remember that a prompt reply to all inquiries is mandatory. If a letter or e-mail is abusive in tone, it is permissible to respond firmly, but not in kind. It is not permissible to hang up on a caller unless the person is clearly irrational.

M.4 Travel and Other Expenses

TVN will cover all reasonable expenses incurred while putting together a story. TVN will not pay for excessive or personal expenses, such as bringing a spouse on a business trip. All advance travel bookings should be placed through TVN. Entertainment expenses, such as lunches with sources, should be approved in advance by a senior producer or manager.

SEVEN: YOU AND THE LAW

N: Libel Law

N.1 Libel

Libel is injury to reputation. Words, pictures, video or drawings that have the effect of diminishing somebody's reputation are potentially libelous. Actions for libel usually result from news stories that allege crime, fraud, dishonesty, immoral or dishonorable conduct, or defame the subject professionally.

N.2 Defenses

The major defense against libel is truth - - that the facts stated are probably true. Quoting someone correctly is not enough. A judge or jury must be satisfied that the libelous statement is substantially correct. Nor is it enough for a journalist to say that he or she believed something to be true at the time when the piece went to air. In other words, there is no 'absence of malice' defense in Canada.

In addition to the truth, the other common defenses against libel are:

1. That the story fairly and accurately reflects privileged statements, such as proceedings in the House Of Commons, Senate, provincial legislature, municipal council, school board or its committees; hearings by public boards and agencies; proceedings in court; and genuine public meetings held to discuss matters of public concern. Journalists should take great care to distinguish between facts and quotes taken from such events and those that come from personal interviews in hallways and lobbies, which are not privileged.
2. That the story constitutes "fair comment" on a matter of public interest. For this defense to be used successfully, the comment must be clearly identified as such, and the facts upon which the comment is based must be true.

In stories involving the risk of libel, the responsibility for deciding what goes to air rests on the senior producers and managers and not legal counsel. So does the responsibility for ensuring that the facts are accurate.

N.3 Libel Notices

When a libel notice arrives, the news director will accept it on behalf of everyone named in the document, and everyone at TVN.

The News Director - or anyone else receiving a libel notice - must note the time and method of service, and attach that information to the actual notice.

A file is created and kept in the News Director's office. The appropriate producer and senior manager will be notified and a defense will be built. Copies of the file will be sent to our solicitors and to any one else involved with the case.

Whenever possible all original notes and video footage relating to the story should also be sent to our solicitors. The report must be assembled as soon as possible after receipt of the notice so that the material may be referred to our solicitors and a decision reached as to whether we should do a retraction story or correction.

A retraction story or correction must air within three days of receipt of the notice. That can have the effect of limiting the damages. A full and fair retraction will usually eliminate the incentive to sue.

0: Other Legal Matters

0.1 Injunctions

Occasionally, a person who is subject of a story that is set to air on TVN will seek and/or obtain an injunction that will prevent us from airing it. Any move in this direction should be reported immediately to a supervising manager as it could have serious consequences, economic as well as moral.

0.2 Names

We generally will use the names of people charged with crimes, except when those charged are protected by law for example, young offenders. Another reason to refrain from using a name: if we feel it could lead to notoriety for that person that is out of proportion to the seriousness of the crime.

Unless there are special circumstances, TVN will not use the names of found-ins in a police raid. The names of sexual assault victims should not be published unless the victims themselves come forward and ask to be identified; indeed, there may be a court order preventing their publication.

Never promise anyone that his or her name will be omitted from a court story; only a senior manager can make this decision after considering the pertinent facts.

0.3 Contempt of Court

It is contempt of court to air material that may prejudice a fair trial. This can happen by airing a fact or comment that may affect a juror, or less likely, the trial judge, in a prejudicial way.

It is almost impossible to lay down hard and fast rules as to what might constitute contempt. What might be contempt in one case would not necessarily be contempt in another.

Contempt may arise any time after an accused is charged or arrested up to the conclusion of the trial or appeal. Problems are most likely to occur during or just before a jury trial. The law of contempt, or at least how judges interpret it, is in a state of flux in this country. What might have been regarded as contempt 10 years ago may not be today. If in doubt, consult legal counsel.

The following are some examples of what may constitute contempt, if they don't arise from the court proceedings themselves:

1. Airing statements made by police that tend to incriminate an accused;
2. Airing statements about the bad character of the accused;
3. Airing information on the previous criminal record of the accused (an exception would be if the accused was an escaped convict or on parole when arrested);
4. Airing confessions or admissions made by the accused, even if provided by the police;
5. Airing statements, particularly by the police, suggesting that the accused had motives for the crime or that his or her alibi is weak;
6. Airing hearsay evidence or statements by supposed eyewitnesses identifying the accused;
7. Airing statements linking the accused with other crimes;

8. Airing any comments that might deter prospective witnesses or that might induce witnesses to favor one side or the other;
9. Airing statements that call for, or urge, a particular result in a case

The risk of using information that may prejudice a trial will vary with the crime involved, whether the trial will be by jury, how soon the trial is expected to be, and the nature of the story that is to air. The responsibility for determining whether a story should be aired is that of the senior producer involved, as well as a senior manager. To make the proper decision, it is important for all the information to be made available to the eventual decision-maker. The decision-maker may wish to consult with our legal team before making a final call.

0.4 Publication bans

When doing a piece on court proceedings, it is essential to learn whether any publication bans or restrictions are in effect. Generally speaking, court orders limiting publication will be made during bail hearings and preliminary hearings.

Aside from these pre-trial proceedings, there are also other restrictions under the Criminal Code, including: admissions or confessions, wiretap evidence prior to its being

ruled admissible at trial, proceedings during a jury trial when the jury is absent, the identity of a complainant in sexual offences, and, sometimes, evidence of prior sexual conduct by a complainant. Another restriction includes anything that would serve to identify a youth under the Young Offenders Act (see below).

0.5 Young offenders

Crimes committed by youths under 18 years of age (but over 12) are governed by the Young Offenders Act. Stories about these crimes and the subsequent court proceedings must not name the accused, the victim (if under 18) or any witness who appears in the proceedings (if under 18)— in fact, no “information serving to identify” any of these young people can be used. At times it may be hard to determine whether particular information will identify a young person. On- air talent or producers working on a questionable project may want to consult a senior manager, who may decide to contact our legal team.

Identifying information can only be used if and when the case is transferred to adult court.

0.6 Trial coverage

It is our policy to endeavor to report the disposition of all charges concerning people we have named in stories at the time of their arrest.

Stories about court proceedings must be fair and accurate and must only be based on what happens in court. Where an important point for one side is made in the evidence, the story should also include successful cross-examination information on that same point.

While counsel and others may be approached outside the courtroom to explain proceedings, it is risky to include comments that were not made in court, particularly when they may differ from the evidence in the case at that point. No member of the media should ever speak to a juror about a case before the trial is over. After the trial, unlike in the United States, it is illegal in Canada for jurors to say how a decision was arrived at. Having said that, it is permissible for them to talk to the press about personal matters such as how their lives were affected by the trial. It may also be permissible for them to talk about the wisdom of their verdict in hindsight. Always air on the side of caution and check with our legal team if you are in doubt about what can go to air.

0.7 Victims of crime

Many crime victims have interesting stories to tell. However, extreme sensitivity and discretion should be used before deciding to reveal their identities and addresses, Is it in the public interest to include those details in the segment? Will such identification leave the persons named open to retribution if the criminals are still at large? Generally, we do not reveal specific addresses of victims or potential witnesses.

Crime victims or their relatives should not be unduly harassed to get their stories or to get pictures or videotape. All employees of TVN should clearly identify themselves and never use a deception as a tactic.

0.8 Newsroom searches and subpoenas

Increasingly, police and lawyers are attempting to involve the media in the judicial process by requesting access to notes, tapes, videos, and photographs and by calling members of the media as witnesses in both criminal and civil cases. In effect, the media becomes a short cut for outside persons trying to prove a case. This poses two main difficulties:

1. If we are seen to be an integral part of the judicial process, it damages our credibility and may limit our access to sources;
2. If a member of the media has promised confidentiality to a source and is subsequently summoned as a witness, he or she may be asked to break that promise upon the penalty of a jail sentence for contempt of court.

Accordingly, we should be wary of approaches from the police or lawyers for help on a case. All such requests should be reported to a senior manager before any response is given. We may, in the end, decide to cooperate, but such a decision should be made only after careful thought and consideration.

If we are served with a search warrant or a member of the TVN staff is formally subpoenaed, we may have no choice but to comply. However, there are certain mitigating steps we can take:

1. A search warrant must be specific. A police officer cannot simply obtain a warrant to search, for example, the TVN offices. Therefore it is important to be aware of what the warrant says. If the police come to TVN for a search, a senior manager should be informed immediately. Our legal team should also be informed. Examine the warrant and get the names of the officers. Also consider taking notes and photos for use at a later date.
2. The appropriate response is often to get the police officers to agree to have the material sealed until a court determines whether the search was valid.
3. As for a subpoena, we may be able to persuade the issuing authorities to get their information another way, or at least to limit the scope of their questioning to simply confirming what was covered in our story. Again, a senior manager should be notified immediately when you are served with a subpoena.

0.9 At the scene of the crime

Reporters and photographers with police passes are usually permitted full freedom to gather information or get pictures at the scene of a crime provided that they do not obstruct the work of police or firemen or do anything that would disturb or interfere with official activity. Always identify yourself to the commanding officer, and remember to always be polite.

A police officer does not have the right to seize or confiscate note, film, videotape or camera equipment. If you are asked to turn anything over at the scene, flatly refuse.

0.10 Confidential documents

On occasion, TVN may find itself with a confidential document. We may not know from where it was obtained. But, if we know that it has been obtained illegally — for example

if it was stolen — there may be legal implications for TVN if its contents make their way to the airwaves.

TVN wishes to thank Dr. Robert Pritchard CEO of TORSTAR Media Group for allowing TVN to excerpt large sections of their “Television Policy Manual and Code of Conduct” in preparing this document.