

2019-02: Engel vs National Post

February 6 2019 – *for immediate release*

The National NewsMedia Council considered and dismissed a complaint against two opinion articles published in the National Post on November 15 2018 and November 16, 2018.

The complainant objected to the columns, both of which were related to student response to a detective’s guest lecture to a second year law class.

The columns described the detective’s reportedly blunt comments to the law class, cited controversy between the complainant and Edmonton police, and detailed the response of students who objected to or defended the detective’s lecture.

The complainant argued that in the November 15 2018 column, “Sorry, did I offend you,” the article breached journalistic standards in the following ways: mocking the name of the student who made the complaint about the detective, using unnamed sources, misleading readers with its headline, and exposing an individual to homophobic vitriol by referencing the relationship between the student and the complainant.

The National Post responded to the first part of the complaint by citing the latitude given to opinion columnists and stating that the columnist was mocking the student’s complaint and her own petty humour over the complainant’s name.

In considering this portion of the complaint, the NewsMedia Council noted that standard journalistic practice gives columnists wide latitude to use strong and provocative language, and to express points of view that may be objectionable or unpopular. The Council expressed no opinion on the news organization’s view that the statement was self-mockery. In this case, while the complainant felt the columnist crossed a line in terms of acceptable language, and the NewsMedia Council may agree that mocking a name is juvenile, particularly for a person who is not otherwise a public figure, it noted no pejorative or adverse terms were used and therefore dismissed this portion of the complaint.

Regarding the November 16 2018 column, “Edmonton force lifts suspension against homicide detective after student backlash,” the complainant argued that the columnist used unnamed sources, and cited inaccuracy in the headline and in reporting an earlier incident involving the detective. He also complained that the columnist breached fairness by revealing his relationship to the student who made the complaint and her sexual orientation.

The complainant said the headline led the reader to believe that because of the student backlash, police lifted a suspension against the detective who addressed the law class. He argued that the

headline was worded to suggest this inference, but that the article provided no supporting information.

The news organization responded by denying the headline made a causative link. The NewsMedia Council dismissed this portion of the complaint because when read in an ordinary fashion, the headline identified two separate events and offered no evidence to support a belief that one event caused the other.

The complainant alleged five instances of using unnamed sources in the second article: to describe administrative repercussions for the detective; to state the relationship between the complainant and the student who complained about the detective; and to briefly recap an earlier conflict between the complainant and the detective.

The news outlet said the instances related to the police service complaint were unnamed at the sources' request because of concern that their "careers would be at risk." It stated that the reason is so common as to be not worth mentioning.

While standard practice is to state why source names are being withheld, that convention makes a widely- accepted exception for those who cover sensitive institutions like government and police and rely on unnamed sources. In this case the Council found the columnist, well-established as a journalist who covers court and justice, followed accepted practice in citing "sources within the department" and for this reason dismissed these portions of the complaint.

Council also found that absent a complaint about the accuracy of the relationship of the complainant to the student, there was no ground for a complaint about unnamed sources.

The complainant alleged inaccuracy in the report of an earlier incident involving himself, the detective and a case they were both involved in. He alleged the statement "The family and Engel demanded Clark be taken off the case; he wasn't." misled readers into believing no consequences resulted from the situation.

It is not the role of the NNC to comment on the handling of a police matter, but to comment on journalism standards in what is clearly an opinion article. Council is of the view that stating the detective was not taken off the case did not logically lead the reader to believe there were no other consequences, and for that reason dismissed this portion of the complaint.

Finally, the complainant objected to the writer revealing his status as the father-in-law of the student who complained, and revealing the sexual orientation of the student and his daughter. He alleged the writer "ought to have known" the statement would attract "homophobic vitriol" in the comment section.

The news media organization defended mention of the relationship as accurate and relevant, given that the complainant represented the student in the complaint to the police service and that his relationship to her raises the possibility of bias. It also said that the history of conflict between the complainant and the homicide detective was relevant to readers.

The NewsMedia Council accepted the view of the news organization that the relationship of the complainant to the student and of the complainant to the homicide detective were relevant to the story and the reader's understanding of any history and potential bias. The NewsMedia Council rejected the position that reference to sexual orientation would automatically attract homophobic vitriol. That said, Council noted the news organization took down offending comments and closed commenting on the article.

For the above reasons, the National NewsMedia Council dismissed a complaint against two opinion articles published in the National Post on November 15 2018 and November 16 2018, and found that corrective action had been taken regarding a complaint about comments related to the articles.