

Review by the Ombudsman, French Services, CBC/Radio-Canada of a complaint regarding the article by journalist Laurence Niosi, *Les origines autochtones d'un professeur de l'Université Carleton remises en question*, posted on Radio-Canada.ca on January 25, 2022.

COMPLAINT

Clarification

Before proceeding any further, I must point out that this article was the subject of seven complaints. Three of them were virtually identical, except that Mr. Mercier's was written in English, while the other two were in French. I therefore take this opportunity to cite Point 4 of the [complaint handling procedure](#) as stated on the website of the French Services Ombudsman:

The Ombudsman reserves the right not to handle complaints that are identical to ones already received, or that are part of a series of complaints orchestrated by an individual, organization or interest group on social media or elsewhere. In these cases, the Ombudsman may decide to handle only the initial complaint. However, all complaints received are counted for statistical purposes.

Mr. Mercier's complaint

On January 31, 2022, Mr. Allen Mercier submitted a complaint about the article by journalist Laurence Niosi, [Les origines autochtones d'un professeur de l'Université Carleton remises en question](#) ("Carleton University professor's Indigenous origins called into question"), posted online on Radio-Canada.ca on January 25, 2022. While Mr. Mercier did not contest the facts reported by Ms. Niosi, he did ask a series of questions, primarily regarding the backgrounds of the people quoted or interviewed by the journalist. I quote:

"Mr. [sic] Niosi includes statements from Anishinaabe student Mr. StoneyPoint and Inuk student Ms. Illauq. I am not one to question any one persons [sic] indigenous identity but seeing that this whole article is regarding identity, has anyone asked these individuals to prove who they are or is this process only reserved for certain individuals?"

[Ed. note: This review was drafted in French and then translated into English for the benefit of the complainant. Both the original French version and this translation may be found on the Ombudsman's website.]

He asked similar questions about professors Darren O'Toole, Veldon Coburn and Rob Innes, asserting that the journalist should have made sure they are in fact Métis, Anishinaabe and Cree, respectively.

In his other questions, Mr. Mercier sought more in-depth information, and did not challenge the foundations of the story. I summarize some of these questions here:

- [In reference to a statement by Prof. Darren O'Toole] "Did he get the position as in [sic] Indigenous person and/or was the spot being held for an indigenous person?"

- [In reference to the words of Prof. Veldon Coburn] “I went and reviewed the Powley decision mentioned later in the article and I don’t see attendance at a residential school as being a requirement to identify as Metis. Please have Mr [sic] Niosi clarify.”
- [With regard to the opinion expressed by genealogy researcher Dominique Ritchot] “[D]oes any of your Indigenous professors above not have indigenous ancestry in the 1700’s? What is the difference? [. . .] [A]re you and your experts bringing in the term called Blood Quantum?”
- “Professor O’toole state [sic] that Professor Malette is using a Riel quote out of context. I would assume Mr. [sic] Niosi asked them to clarify [in] what context this quote is meant to be taken?”

Lastly, Mr. Mercier expressed doubt regarding the opportunity extended to Prof. Malette to answer Ms. Niosi’s questions. He wrote:

“[A]ll he had to say is he is of ‘French-Canadian Metis’ descent? Nothing else? I find that hard to believe.”

The essence of Mr. Mercier’s complaint was that he believes the purpose of the article was to harm Prof. Sébastien Malette. He therefore demanded that an apology be issued to Prof. Malette and that the article be deleted.

I agreed to hear the complaint, and forwarded it to Radio-Canada News and Current Affairs for a response.

RADIO-CANADA’S RESPONSE

On March 3, 2022, Ms. Maxime Bertrand, Director, Community Relations, replied on behalf of Radio-Canada News. She began by summarizing the subject of the article: a controversy at Carleton University involving Prof. Sébastien Malette, who identifies as “Eastern Métis” and has been accused of identity theft by many Indigenous persons. This conflict has stirred a great deal of tension, Ms. Bertrand wrote, adding that “[t]he issue of identity theft is disrupting university practices” and making waves across the country. She continued:

“The intent of the story was to report on the current crisis, not to damage Professor Malette’s reputation nor to launch an inquiry on the identity of every single person interviewed.”

Ms. Bertrand added that the journalist never implied that Prof. Malette holds a position that had been reserved for an Indigenous person.

She concluded by stating that Prof. Malette had asked the journalist to send him her questions via email, which she did. He then replied to her and, Ms. Bertrand explained, most of his answers were used in the article.

On March 14, 2022, Mr. Mercier wrote to express his dissatisfaction with the response from the News department and asked me to conduct a review of his complaint.

THE REVIEW

Background

The [article](#) by Laurence Niosi was posted online on January 25, 2022, and reported on a controversy that began on November 8, 2021. The Graduate Law and Legal Studies Association at Carleton University wrote to the Department chair, calling for Prof. Sébastien Malette to be suspended. The student association accused him of falsely claiming to be Indigenous, specifically “Eastern Métis.” When she learned of the story, journalist Laurence Niosi decided to investigate it, prompted especially by the fact that “[Prof. Malette’s] claims have been challenged by many,” as she wrote in her article.

Analysis

In his complaint, Mr. Mercier conceded that the journalist did not issue an opinion, but claimed that her article did so implicitly because, in his view, it painted Prof. Malette in an extremely negative light. This therefore pertained to the principle of **impartiality**, one of the foundations of the CBC/Radio-Canada Journalistic Standards and Practices ([JSP](#)):

Impartiality

We provide professional judgment based on facts and expertise. We do not promote any particular point of view on matters of public debate.

Everyone has the right to their opinion, and to their perception of things. Anyone coming to the defence of Prof. Malette would therefore tend to view the article in question as an attack on his integrity. This is only human. But it does not reflect reality. The article by Ms. Niosi described a real controversy that occurred last fall at Carleton University. She could have stopped there, after reporting on the letter from the student association, but she decided to pursue the story further, especially given the fact that doubts about Prof. Malette’s background had been making waves for quite some time. This prompted her, among other actions, to contact several people who have had issues with the professor over the years.

The complainant also had doubts about whether Prof. Malette had been given the opportunity to respond to his critics’ accusations. In this case he questioned whether the article was sufficiently [balanced](#):

Balance

We contribute to informed debate on issues that matter to Canadians by reflecting a diversity of opinion. Our content on all platforms presents a wide range of subject matter and views.

On issues of controversy, we ensure that divergent views are reflected respectfully, taking into account their relevance to the debate and how widely held these views are.

We also ensure that they are represented over a reasonable period of time.

I have had the opportunity to read the exchange between Ms. Niosi and Prof. Malette, who — need I clarify — preferred to answer her questions by email rather than in an interview proper, i.e., by telephone or in person. I have read the six email messages in that exchange and can confirm that Prof. Malette had ample opportunity to answer the journalist’s questions, including those concerning the criticisms levelled at him by profs. Coburn, O’Toole and Innes.

Should more quotes from Prof. Malette have been included in the article? That is not for me to say, as this question comes under the journalist's editorial freedom to choose which excerpts were most relevant, as she explained to me.

Mr. Mercier went on to wonder about the Indigenous origins of the people interviewed for the story as well as their remarks, which he would like to have seen explored further or clarified. The following excerpt from the [JSP](#) applies here:

Responsibility and Accountability Related to Interviews

CBC takes responsibility for the consequences of its decision to publish a person's statements in the context it chooses.

When we present a person's statements in support of our reporting of facts, we ensure that the statements have been diligently checked. In the case of comments made by a person expressing an honest opinion, we ensure that the opinion is grounded in facts bearing on a matter of public interest.

The interviewee also takes responsibility for his or her statement. As a general rule, we offer the interviewee no immunity or protection from the consequences of publication of the statements we gather.

Identification of Interviewees

We are open and straightforward when we present interviewees and their statements. We make every effort to disclose the identity of interviewees and to give the context and explanations necessary for the audience to judge the relevance and credibility of their statements. In exceptional cases and for serious cause, we may decide to withhold such information in whole or in part. In such cases we explain the situation to the audience without disclosing the information that must be kept secret.

Doing interviews, talking to people, cultivating sources — these are part of a journalist's daily tasks. While doubt is their best ally, they must also assume that the people they interview are acting in good faith, otherwise it would be difficult for them to finalize their stories and the public would then be deprived of newsworthy information. In the case that concerns us here, Ms. Niosi explained to me that she had no reason to doubt the Indigenous origins of the people she interviewed about Prof. Malette. I would even add that it matters little whether they are Indigenous. Anyone may, regardless of their skin colour or identity, have legitimate doubts about Prof. Malette's background. It would certainly be unthinkable, even disrespectful, to require each interviewee to prove their identity as an Indigenous person, unless of course that specific identity were the subject of the story.

I also note that Prof. Malette had been interviewed previously by Radio-Canada ([Métis : être ou ne pas être](#), as part of the program *Enquête* on January 21, 2021, and [Détecter les "faux autochtones" dans les universités](#), on Radio-Canada.ca) without him having to prove anything whatsoever. Today, with those same origins openly contested, this appears to me to be clearly in the public interest.

As for the other questions that Mr. Mercier asked (cited above), they no doubt reflect healthy curiosity on his part, but I cannot consider them admissible as part of a complaint regarding the [NPJ](#).

Interesting though they may be, these questions remain questions, and nothing more. Ms. Niosi could have decided to explore those aspects in more depth, but chose to focus on others, as is her right.

CONCLUSION

The article *Les origines autochtones d'un professeur de l'Université Carleton remises en question* by journalist Laurence Niosi, posted on Radio-Canada.ca on January 25, 2022, was compliant with the CBC/Radio-Canada Journalistic Standards and Practices.

Pierre Champoux
Ombudsman, French Services
CBC/Radio-Canada
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