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April 1, 2014

In the matter of a complaint to the Media Council of Bermuda

Complainant: Bermuda Cricket Board

Publisher: The Royal Gazette Limited

The Complaint

On January 13, 2014, the Media Council reviewed a complaint submitted by the Bermuda Cricket Board (BCB). The complaint concerned four articles published in the Sports section of *The Royal Gazette* (RG) on September 23, 24, 25, 2013, an opinion piece that ran on October 4, and two further sports stories that ran on October 29 and 30, 2013.

All revolved around the BCB's selection of the national cricket team for the ICC World Cup Twenty/20 Qualifiers in Dubai, UAE, slated for November 2013. The BCB alleges *The Royal Gazette* breached clauses 3A & B of the Code of Practice, which concern accuracy, and 4A, which concerns opportunity to reply, in the Sept 23, 24, 25 and Oct 4 pieces, and 3A and B again in the Oct 29 and 30 pieces.

Clause 3 of the Code states:

“Accuracy

A. The media shall take care not to publish/broadcast/post inaccurate, misleading or distorted information, including photographs, video and voice recordings.

B. A significant inaccuracy, misleading statement or distortion once recognized shall be corrected, promptly and with due prominence, and — where appropriate — the media outlet should make amends by printing/broadcasting/posting, promptly and with appropriate prominence, a retraction, correction or explanation and/or an apology.”

Clause 4 states:

“A. Journalists shall ensure that stories are fair and balanced and routinely seek the views of serious crucial reportage in advance of publication.”

Stories in question

- The September 23 article headlined “Outerbridge doubtful for Dubai” described claims by unnamed sources that skipper Stephen Outerbridge had been replaced by Janeiro Tucker to head the team for Dubai. It stated BCB president Lloyd Fray “could not confirm” Outerbridge’s availability;

- The September 24 story, “BCB Silent on Outerbridge selection,” stated the BCB remained “tight-lipped” on the issue of the team captain for Dubai;
- The September 25 story, headlined “Outerbridge ‘hurt and discouraged’,” reported Stephen Outerbridge was informed by a text that he would not captain the national squad to Dubai;
- The October 4 opinion piece by then-Sports Editor Adrian Robson, titled “BCB caught out by statement,” castigated the BCB for “misleading the public” on the process of squad members’ selection;
- The October 29 story, “Reporter ‘cut off’ by BCB” detailed the fact BCB would no longer communicate with reporter Colin Thompson;
- The October 30 story, “BCB silent on decision to ‘cut off’ reporter,” stated the BCB had reiterated they would no longer respond to reporter Thompson’s questions but had not clearly outlined its reasons for doing so.

Conclusion and remedy

After discussing the various articles, the rundown of events involving both parties, and their areas of disagreement, the Media Council has decided to uphold the complaint in part in that the *Gazette* was guilty of publishing inaccurate information (described below). At the same time the Council believes that both parties are guilty of lack of professional conduct—including mutual public name-calling. This is particularly pertinent given previously published quarrels between the two parties.

The Council ruled it had no way of ascertaining the underlying factual content of the stories—which relied on several unnamed sources including, it was later revealed, the *Gazette*’s cricket columnist.

However, it should be noted that over the subsequent months, the facts of the reporting were proven correct as far as the outcome of team selection as stated by the *Gazette* (the replacement of Outerbridge by Tucker). The Council was not provided by the BCB with a copy of the text message which the *Gazette* cited in its September 25 story on Tucker, but of which the BCB contested the contents. This was unfortunate, in terms of providing access to facts.

However, the Council was chiefly concerned with the confrontational manner in which both parties interacted over the course of two months as the story of the national cricket team selection played out in the public sphere.

The Council noted the lack of any reasonable communication between the parties. Neither party appeared to be interested in making a sincere effort to contact the other by phone or email to expeditiously and openly clarify the facts or deliver an official response to the controversial stories being reported.

The BCB, as the Island’s national cricket body, did not release an official statement outlining the system for making team selection decisions, including dates of executive meetings to do so, until Monday, September 30 (printed in the Tuesday, October 1 issue of the *Gazette*)—a full week after the first story on team selection was published. The BCB’s statement also contradicted the

September 25 story, citing the story around the text message as “complete nonsense.” Later the BCB admitted a text had been sent, but it could not produce it for the Media Council. The BCB also failed to respond to emails sent to it by the *Gazette* September 24. The BCB did honour a promise to call the *Gazette* back on September 22 regarding the story the *Gazette* published September 23, but then failed to leave a message when it could not immediately reach the reporter.

To its credit, the BCB did send various emails and telephone calls to both editors and management of the *Gazette* to try to arrange a meeting to discuss its grievances, to no avail. But it resorted to “cutting off” Colin Thompson, thereby refusing to speak to the assigned cricket reporter.

The *Gazette*, as a prominent media body upon which the onus was to report as balanced a story as possible, erred in its failure to diligently seek the BCB’s response to controversial stories based on information from unnamed sources. The *Gazette* has every right to use well-informed, unnamed sources where it feels necessary, particularly in the case of an organization that may be proving obstructive. However, the *Gazette* failed to acknowledge emails sent by the BCB on September 23, October 3 and October 28 to several members of its newsroom. It even went so far as to assert on Tuesday, September 24 that the BCB was “silent” on Outerbridge’s selection.

However the BCB had stated in an email on September 23 that “the issue of Stephen Outerbridge’s availability for the July tournament is not fully resolved. The claims from your reliable and various sources that Janeiro Tucker has been appointed captain are complete nonsense.” The article was in our view inaccurate and misleading.

The *Gazette* also refused to meet the BCB to discuss grievances—and failed to respond to Media Council queries aimed at mediating the dispute.

The *Gazette*’s October 4 opinion piece, while leveraging the editorial freedom that opinion vs. news stories enjoy, used disparaging language and innuendo, in effect to vent the *Gazette*’s frustration over the matter. Moreover, it openly described its reporter’s professional relationship with the BCB as a “hate-hate relationship”.

The Council finds that the *Gazette*’s reporting was in part misleading and inaccurate — specifically in its references to communication with and responses by the BCB — and is therefore in breach of clause 3 of the Code.

However, in the view of Council the BCB could have been more responsive and less circumspect in its responses. In the circumstances the Council does not consider that any remedy is warranted and will not insist on publication of this ruling by the *Gazette*.

The Council does, however, believe that the Bermuda community would be better served if these two organizations were able to find a way to overcome their animosity and improve their professional working relationship.