



Broadcasting Decision CRTC 2007-305

Ottawa, 15 August 2007

Radio McGill

Montréal, Quebec

*Application 2006-1709-5, received 28 December 2006
Broadcasting Public Notice CRTC 2007-50
15 May 2007*

CKUT-FM Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community-based campus radio programming undertaking CKUT-FM Montréal from 1 September 2007 to 31 August 2014.*

The application

1. The Commission received an application by Radio McGill to renew the broadcasting licence for the English-language community-based campus radio programming undertaking CKUT-FM Montréal. The current licence expires on 31 August 2007.

Interventions

2. The Commission received several interventions in support of this application, as well as a comment by the Center for Research-Action on Race Relations (CRARR).
3. The comment was in relation to Radio McGill's broadcast in 2004 of an interview with a musical artist allegedly known for his song lyrics advocating hate, violence and discrimination against gays and lesbians. CRARR indicated that it communicated with CKUT-FM on many occasions regarding this matter, but never received a response.
4. CRARR asked that the Commission require Radio McGill to submit a copy of its policies and procedures as part of its licence renewal application. CRARR also asked that the Commission consider requiring campus radio licensees to adhere to the *Radio Regulations, 1986* (the Regulations) by condition of licence in order to ensure their compliance with the provisions therein regarding abusive and/or criminal comments. In CRARR's view, this obligation should also be reflected in the Commission's *Campus radio policy* (Public Notice 2000-12).

Applicant's reply

5. Radio McGill stated that CKUT-FM never received CRARR's complaints. The applicant also provided the Commission with copies of its statement of principles, its music programming policy and its complaint procedures. Radio McGill noted that its mandate, policies and statement of principles all uphold a clear anti-discrimination, anti-oppression principle, any breach of which was regarded as serious and might lead to the suspension or expulsion of the programmer.

Commission's analysis and determinations

6. In Broadcasting Decision 2007-135 (Decision 2007-135), the Commission reviewed a Commission staff determination on a complaint relating to the airing of a song on CKUT-FM. The Commission considered that the actions taken by Radio McGill were adequate and that it had responded to the complaints in a timely manner.
7. In the present case, the Commission finds it difficult to assess whether a breach of the Regulations occurred since it has no means of verifying the content that was broadcast in 2004. Subsection 8(5) of the Regulations requires that a licensee retain a clear and intelligible tape recording or other exact copy of all matter broadcast:
 - (a) for four weeks from the date of the broadcast; or
 - (b) where the Commission receives a complaint from any person regarding the matter broadcast or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of broadcast.
8. As also noted in Decision 2007-135, while the Commission regulates and supervises all aspects of the Canadian broadcasting system and requires broadcasters to comply with its regulations, it is not a board of censors, it does not regulate taste, and it does not have the authority either to tell broadcasters what they can broadcast or to act pre-emptively before a broadcaster airs a program. In the spirit of self-regulation, companies are expected to monitor themselves to ensure that they comply with applicable laws, regulations and standards.
9. The Commission notes that Radio McGill has provided copies of its statement of principles, its music programming policy, and its complaint procedures. Nonetheless, the Commission reminds the licensee that its programming must conform to the provisions of the Act, particularly those that require that programming should be of high standard, as well as to section 3(b) of the Regulations, which states that a station shall not broadcast any abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability.

10. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language community-based campus radio programming undertaking CKUT-FM Montréal from 1 September 2007 to 31 August 2014. The licensee will be subject to the **conditions** set out in Public Notice 2000-156, as well as to the following **condition**:
- The licensee shall devote, in each broadcast week, 12% or more of its musical selections from content category 3 (Special Interest Music) to Canadian selections broadcast in their entirety.
11. Further, the Commission expects the licensee to retain full control over all decisions concerning the management and programming of this station and to ensure that representatives of the student body, faculty, alumni or administration of the university or college with which the station is associated, considered together, form the majority of the board of directors. To ensure continuity of direction, the Commission encourages the licensee to establish positions on its board of directors with terms of more than one year. In addition, the Commission reminds the licensee that in accordance with the requirements of *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the Chair and not less than 80% of the members of the board of directors must be Canadians ordinarily resident in Canada.

Employment equity

12. The Commission considers that campus radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

Related documents

- *Review of a Commission staff determination on a complaint relating to the airing of a song on CKUT-FM Montréal during the programming segment Space Bop*, Broadcasting Decision CRTC 2007-135, 14 May 2007
- *New licence form for campus radio stations*, Public Notice CRTC 2000-156, 16 November 2000
- *Campus radio policy*, Public Notice CRTC 2000-12, 28 January 2000

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

