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Foster Garvey and Coalition of Broadcasting Clients Achieve Landmark Success in Securing Non-Binary Gender Options for FCC Employment Form

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Foster Garvey and a coalition of public radio and television broadcasting clients across the United States are proud to announce a landmark achievement in inclusivity and accurate representation within the broadcasting industry. Resulting from concerted efforts by the firm and the coalition, the Federal Communications Commission (FCC) has agreed to implement non-binary gender classifications in its Form 395-B. This simple yet pivotal update holds amplified significance during Pride Month, representing a major advancement toward acknowledging and embracing gender diversity across the regulated media industry.

Working in close collaboration, Foster Garvey and the coalition, which comprised of 18 noncommercial licensees and public media organizations, including All Classical Public Media, Cascade Public Media, Oregon Public Broadcasting and Vermont Public Co., successfully petitioned the FCC to update Form 395-B to include options beyond the traditional male or female choices.

Although Form 395-B has not been in use for more than two decades, it had historically been used to collect and report on industry workforce composition data, including race, ethnicity and gender. The FCC's decision to revise Form 395-B reflects a major step forward in the accurate and inclusive representation of gender identities and aligns with the broader societal movement towards recognizing and respecting gender diversity.

"Acknowledging the spectrum of gender identities is essential for the progress and integrity of the broadcasting industry," said [Brad Deutsch](#), leader of Foster Garvey's Communications, Telecom & Media group and the firm's office managing director in Washington, D.C. "This milestone in FCC policy is a testament to our commitment to fostering an inclusive environment, not only within the media sector but throughout all facets of society."

Various coalition members expressed their satisfaction upon learning of the FCC's decision and noted what it represents:

- "Inclusion benefits us all, and we were happy to support taking us one step closer toward a society where everyone's identity is respected and celebrated," said Steve Bass, president and CEO of [Oregon Public Broadcasting](#). "We hope that this decision sets a promising precedent for increased inclusivity in all sectors."
- "This decision by the FCC is not just about paperwork-it's about affirming the existence and dignity of every individual in our organization and beyond," said Brendan Kinney, interim CEO of [Vermont Public](#). "By including nonbinary gender identities on Form 395-B, we are sending a clear message that everyone, regardless of gender identity, is counted and valued."

Foster Garvey's [Communications, Telecom & Media](#) practice, renowned for its extensive industry insights and longstanding representation of both noncommercial and commercial broadcasters in transactional and regulatory matters before the FCC, played a central role in this achievement.

The formation of the coalition and its subsequent efforts date back to September 2021, after the FCC issued a Notice of Proposed Rulemaking (NPRM) to resume collecting broadcaster workforce composition data and reinstate Form 395-B. Due to the limited gender identity options on the existing form, Foster Garvey and the coalition saw this as an incredible opportunity to update the form and enhance gender inclusivity and awareness across the sector.

"This momentous change would not be possible without our coalition clients, who are themselves pioneers that continue to seek meaningful ways to innovate the communications landscape and propel the industry forward," added Deutsch. "Amid Pride Month, a special time honoring the brave strides made in the name of equality, this victory at the FCC reminds us of the power of teamwork and how collective efforts can make a resounding impact in our communities."

Foster Garvey extends heartfelt thanks to the coalition members and the FCC for their support and partnership in achieving this significant update. Together, we continue to pave the way for a more inclusive and representative media industry.

The coalition members included All Classical Public Media; Capitol Broadcasting Association, Inc.; Cascade Public Media; Classic Radio; Community Communications, Inc.; Fraser Valley Community Media; KTOO Public Media; KUNR Public Radio; KUOW, Puget Sound Public Radio; Native Public Media; National Federation of Community Broadcasters; Oregon Public Broadcasting; Public Broadcasting Atlanta; Tillicum Foundation; Unalakleet Broadcasting, Inc.; Vermont Public Co.; WMHT Educational Telecommunications; and Yellowstone Public Radio.

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