

When the USA Board reviewed the possible changes to the CPB CSG eligibility criteria being considered by the CSG Review Panel, the USA Board expressed concern over the proposed area relating to “the governing board.” As a member of CSG Review Panel, I have heard from several managers and two FCC attorneys on this particular topic. The comments range from this creates legal, political, and administrative nightmares within university/college structures, to this proposal is duplicative of the FCC process and creates “make work.” As a result of several Public TV stations experiencing difficulties interpreting the new Public TV CSG eligibility guidelines which were already in place effective October 1, 2012, I was contacted by an FCC attorney who shared concerns as well. The CSG Review Panel has its last meeting at the end of this month. After the USA Board provided feedback, I am distributing this to the USA Affiliates so that you may respond on this topic. I will also send a copy to the CPB Radio Review Panel. **Please review below and provide feed to me [craig.usa@att.net](mailto:craig.usa@att.net) by January 15. You may also respond directly to the CSG Review Panel at [radiocsgreview@cpb.org](mailto:radiocsgreview@cpb.org). The USA Board will review your feedback January 16 during our scheduled board meeting and make comments to the CSG Review Panel. The final CSG Review Panel Meeting is January 21. Thank YOU!**

The CPB Radio CSG Review Panel is determining if the new Public TV CSG conditions of eligibility policies can apply to Public Radio stations since some believe different qualifications for radio & TV may cause confusion and difficulties, especially for joint-licensees.

**In particular, Public TV Policy 4.1 states:**

*As a condition of eligibility for receiving a CSG, grantees must certify that they have established a formal goal of reflecting a broad universe of diversity in their workforce, management and governing board (with governance responsibilities specific or limited to the station).*

The CPB ratification of this policy does not create the problem, but while the goal of diversity in the governing board is admirable and sounds reasonable, the details are problematic. At university, college, state agency, and school district licensees, some of these requirements are not in the stations control and may negatively impact the stations abilities to qualify for CPB funding. It may cause unintended consequences that the university/college/state agency/school district governing boards may not tolerate.

**Complicating Examples/Factors:**

- It should be noted, that the FCC has been legally unsuccessful in imposing numerical affirmative action standards, and is only allowed to mandate outreach requirements for employment recruiting. The *“goal of reflecting a broad universe of diversity”* is not a measurable goal.
- The FCC already has established policies the station must address to meet their requirements for maintaining a broadcast license. The CPB policy under consideration would be a duplication of effort and intent.
- In some states, the university governing boards are appointed by the Governor of the state.
- In others, statutes are in place that prevent units within university administrative structures from creating separate boards.
- The Federal Communications Commission (FCC) licenses the station to the university governing board. To create a separate board that controls the station could create legal difficulties with the FCC.

**As for the Public TV implementation of this policy, here is what is required effective 10/01/2012:**

***Diversity of Staff and Board:** As of September 30, 2012, or before certification, each Grantee must have: (1) established a formal goal of diversity in its workforce, management and boards, including community advisory boards and governing boards having governance responsibilities specific to or limited to broadcast stations; and (2) implemented the following initiatives to achieve that goal:*

- 1. Review with the station's governing board or licensee official those practices that are designed to fulfill the station's commitment to diversity and to meet the applicable FCC guidelines (see 47 C.F.R. § 73.2080);*
- 2. Complete an annual report of the organization's hiring goals, guidelines, employment statistics, and actions undertaken to satisfy the Diversity Eligibility Policy and post the report on the station's website (if it has one, or retain it and make it available for public inspection upon request within a reasonable amount of time); and*
- 3. Implement formal diversity training programs for management and appropriate staff.*

*In addition, Grantees shall undertake one of the following four initiatives on an annual basis:*

- 1. Include individuals representing diverse groups in internships or work-study programs designed to provide meaningful professional level experience in order to reflect the diversity of the communities they serve and further public broadcasting's commitment to education;*
- 2. Include qualified diverse candidates in any slate of candidates for elected governing boards that the Grantee controls;*
- 3. Implement a diversity training program for members of the organization's governing board of directors on an annual basis; or*
- 4. Participate in minority or other diversity job fairs.*

*Finally, public television Grantees are strongly encouraged to interview at least one qualified diversity candidate for each senior leadership position hire. The term —senior leadership positionll includes: CEO, COO, CFO, Chief Content Officer, General Manager, and other equivalent positions.*

There is not a disagreement on the goal of diversity, but the CPB is creating “make work” by requiring a second report from the one the FCC already requires. Also, the current policy for Public TV appears to be liberal, but allowing a policy to be implemented subject to interpretation by CPB management could cause difficulties and considerable expense on a station's part to develop the new annual reports and to pay legal counsel to determine what the policy says and whether or not the station is in compliance.

**Recommendation: Stations are already accomplishing the intended goal through the FCC report. Just add the FCC report to the CSG certification process and certify that the FCC EEO & Affirmative action goals are in place. Certify that the established university guidelines are acceptable to the FCC and are meeting the FCC EEO & Affirmative action goals. The FCC report should be acceptable to the CPB.**