

# Freedom to Speak?

## A Report Card on Federal Agency Media Policies

### Model Media Policy

The text below serves as template for a media policy federal agencies could adopt to ensure free and open communication between scientists, the media, policy makers, and the public. This model policy was written by Tarek Maassarani, former lead investigator for the Government Accountability Project (GAP), and was first published in the 2007 GAP and UCS joint report *Atmosphere of Pressure*.<sup>1</sup> This language draws partially from media policies adopted at the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration. In the first paragraph below, “(agency)” would be replaced by the official name of the agency if the agency were to adopt this policy language.

#### *Model Media Policy* (Last updated January 2007)

#### **Section 1: Purpose**

.01 This Order establishes the \_\_ (agency) \_\_ media policy governing media communications including advisories, press releases, statements, interviews, news conferences, and other related media contacts. Public affairs offices have been established to facilitate the active dissemination of agency research results and to coordinate media and public relations activities. A principal goal of public affairs is to help \_\_ (agency) \_\_ most efficiently achieve its agency mission through policy making based on sound and objective science.

#### **Section 2: Rights**

.01 Scientists and other staff (“employees”) have the fundamental right to express their personal views, provided they specify that they are not speaking on behalf of, or as a representative of, the agency but rather in their private capacity. So long as this disclaimer is made, the employee is permitted to mention his or her institutional affiliation and position if this has helped inform his or her views on the matter. The employee is also allowed to make reasonable use of agency time and resources for the purposes of expressing their personal views (i.e., accommodations comparable with what would be allowed on other personal matters).

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<sup>1</sup> Online at [http://www.ucsusa.org/scientific\\_integrity/abuses\\_of\\_science/atmosphere-of-pressure.html](http://www.ucsusa.org/scientific_integrity/abuses_of_science/atmosphere-of-pressure.html).

**.02** Employees have the right to review, approve, and comment publicly on the final version of any proposed publication that significantly relies on their research, identifies them as an author or contributor, or purports to represent their scientific opinion.

**.03** Final authority over the content of and parties to any particular media communication resides with the reporter and the scientist with whom he or she communicates.

### **Section 3: Responsibilities**

**.01** Public affairs is responsible for:

- a) promoting media attention on important scientific and institutional developments;
- b) coordinating and facilitating contact between journalists and the requested agency staff;
- c) providing both reporters and scientists with timely, accurate, and professional media assistance; and
- d) providing draft press releases or other public statements to agency scientists whose work is included, to assure the accuracy of scientific information being communicated.

**.02** Employees are responsible for working with public affairs to make significant research developments accessible and comprehensible to the public.

**.03** Employees are responsible for the accuracy and integrity of their communications and should not represent the agency on issues of politics or policy without prior approval from the public affairs officer (PAO).

### **Section 4: Media and Public Interactions**

**.01** To help public affairs best fulfill its responsibilities, employees should:

- a) keep the PAO informed of any media interest or potential for interest in their work;
- b) notify the PAO of impending media contacts and provide the PAO with a recap of the non-confidential aspects of the media conversation afterward;
- c) review drafts of press releases written by the PAO both for their format and non-scientific content, as well as for the accuracy of scientific information being communicated; and
- d) work with the PAO to review presentations or news conferences for their format and content to assure the accuracy of scientific information being communicated.

**.02** Public affairs officers should:

- a) respond to all initial media inquiries within 20 minutes, or as soon as possible;
- b) do all they can to help reporters get the appropriate information needed for an article;
- c) know the reporter's deadline to ensure timely response;

- d) provide contact information where they will be available, even after hours, on weekends, and on holidays;
- e) draft regional and national press releases whenever warranted;
- f) ensure a timely turnaround on press releases (within one week or less);
- g) develop (or coordinate the development of) talking points in collaboration with the relevant experts for the release of scientific papers and other agency products;
- h) assure agency compliance with the No Fear Act (a federal law that holds agencies accountable for violations of employee protection laws) by informing employees of their rights under federal anti-discrimination and whistleblower protection laws; and
- i) assure that as part of any relevant agency communications to its employees, the agency includes the congressional addendum required by the Anti-Gag Statute, reaffirming the supremacy of the Whistleblower Protection Act (protecting nonclassified public communications) and other congressional acts over conflicting agency policies.

## **Section 5: Media Coverage**

**.01** In the spirit of openness, media representatives must be granted free access to open meetings of advisory committees and other meetings convened by this agency, as well as permission to reasonably use tape recorders, cameras, and electronic equipment for broadcast purposes.

**.02** The PAO coordinating a meeting may be present, or consulted, to undertake all responsibilities of a news media nature, including but not restricted to necessary physical arrangements.

**.03** It shall be the responsibility of the PAO to cooperate fully with and accede to all reasonable requests from news media representatives. In instances where conflicts or misunderstandings may arise from the expressed views, wishes, or demands on the part of news media representatives, such matters should be referred at once to the director of the Office of Public, Constituent and Intergovernmental Affairs (OPCIA) for resolution.

**.04** The OPCIA director shall exercise full authority and assume responsibility for all decisions involving the news media and related activity.

## **Section 6: Internal Reporting**

**.01** The agency will offer an internal disclosure system to allow for the confidential reporting and meaningful resolution of inappropriate alterations, conduct, or conflicts of interest that arise with regard to media communications. The system shall also allow for the employee's written assessment of whether the matter was resolved to his or her satisfaction.

## **Section 7: Anti-gag Addendum**

To comply with the Anti-Gag Statute (SEC. 820 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act of 2006, PL 109-115, passed November 30, 2005), the \_\_ (agency head title) \_\_ shall issue a general memorandum to all agency and contractor employees informing them that all nondisclosure forms, policies, or agreements are modified by the addendum below, which is incorporated by reference into all relevant agency communications and supersedes any conflicting agency policies or rules.

“These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.

“Provided, that notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.”