

DEPARTMENT OF DEFENSE
NATIONAL DEFENSE UNIVERSITY
Washington, DC 20319

NDU REGULATION 360-1 *
OPR: NDU-PAO

11 October 1990

Public Affairs
PUBLIC INFORMATION

1. PURPOSE: This regulation establishes policy and responsibility concerning the release of unclassified information to the public.

2 RESPONSIBILITY:

a. The NDU Public Affairs Officer, you acting on behalf of the President, NDU, exercises primary staff responsibility for processing information requests and serves as the focal point for contacts with the general public and news media by all National Defense University elements, except the Armed Forces Staff College.

b. The Commandant, AFSC, is delegated authority to discharge certain public information responsibilities on behalf of the President, NDU. These are outlined in paragraph 4d(3).

3. POLICY ON RELEASING INFORMATION TO THE PUBLIC: The National Defense University will provide maximum allowable information consistent with the letter and spirit of the Freedom of Information Act (5 U. S. C. 552, as amended by Public Law 93-502), as implemented by DOD Directive 5400.7. Release of information is limited by restrictions necessary to safeguard information requiring protection in the interests of national security and personal privacy. Policies and procedures outlined herein are intended to expedite the flow of accurate and timely information to the public.

a. NDU President's Approval. The fact that specific information may be unclassified or approved for release by appropriate security clearance processes does not automatically constitute authority for release. Except in extraordinary circumstances, release of information prepared and intended for distribution to any public media or the President, NDU, or his designated representative (usually the NDU Public Affairs Officer) will authorize audiences.

(1) This public information policy stems from the academic mission of the University, which maintains an atmosphere of academic freedom. Implicit in this policy is the principle that, although it encourages free examination of issues, including ideas that recommend alternatives to current DDD policies, the University espouses no official viewpoints or "school solutions" with regard to national security issues. The University does not plan for military contingencies, nor does it formulate, implement, or direct national strategy.

*This regulation supersedes NDU Regulation 360-1, 16 June 1983.

(2) As a tax-funded agency of the Federal Government, the University is responsive to public inquiries, and seeks recognition for its academic accomplishments. Requests for information about the National Defense University, its students, faculty, or staff will be answered promptly within the limits of security and the intent of the Freedom of Information and the Privacy Acts.

b. Guest Speaker Appearances.

(1) Presentations by guest speakers, seminar leaders and panelists, including renowned public officials and scholars, constitute an important part of the curricula of the National Defense University. NDU does not publicize the contents of a guest speaker's lecture; however, the names of guest speakers and identification of their assigned topics (when unclassified) is considered to be in the public domain and is normally subject to release upon request.

(2) All material and views presented to the National Defense University are the property of the speaker and may properly be divulged when the speaker so chooses. The University's sponsor determines from the speaker if release is to be made in advance of presentation. A speaker releasing his or her own lecture text is similarly requested to ensure that any reference to the National Defense University, except its identification as the location of a presentation, is coordinated with the NDU Public Affairs Officer.

(3) Lectures and other presentations, as well as questions and answers, are customarily not recorded or transcribed at the University and never without the express permission of the speaker.

{4} Live news media coverage of a guest speaker's appearance is not permitted since press attendance could restrict the exchange of views and opinions that might otherwise be offered in confidence.

c. Nonattribution Policy.

(1) So that guests and other University officials may speak candidly, the University offers its assurance that presentations will be held in strict confidence. This assurance derives from a policy of nonattribution that is morally binding on all that attend.

{2} Specifically, the nonattribution policy provides that:

(a) Without the expressed permission of the speaker, nothing will be attributed directly or indirectly in the presence of anyone who was not authorized to attend the lecture. This policy is not intended to preclude reference by students and faculty within the academic environment to opinions and views expressed by speakers; however, courtesy and good judgment, as well as the nonattribution policy, also preclude citing attributed views and opinions of one guest while questioning those who appear subsequently.

(b) Unclassified information gained during lectures, briefings, panels, and discussion seminars may be used freely. However, without consent, neither the speaker nor any element of NDU may be identified as the originator of the information.

(3) This policy of nonattribution will be strictly maintained except when the visiting speakers make public release of their own remarks.

4. PROCEDURES:

a. Release and Publication of Student Research Papers.

(1) A student research paper, prepared in response to official requirements of the National Defense University, is the property of the U. S. Government.

(2) Research papers include personal views and opinions of the author (rather than official positions or views), are treated generally as privileged communications, and are not intended normally for public release. Any request by the National Defense University for public release of a specific research paper will be considered on an individual basis in accordance with the provisions of the Freedom of Information Act.

(3) An unclassified student research paper cleared for release and published --either inside or outside of the Government --is considered to be "in the public domain." It may not subsequently be restricted by copyright or other claim, and any royalty, fees, or other remuneration may be received for its publication or reproduction. Papers that are released will include a conspicuously placed disclaimer identifying the views and opinions expressed therein as those of the author and not necessarily those of the National Defense University, Department of Defense, or the U. S. Government.

(4) Unclassified student research papers remain the property of the National Defense University, except when returned to students for permanent retention. Whether retained by the University or returned to the students, research papers are subject to security review and release procedures set forth in this regulation. Once cleared for open publication, a copy of a student research paper may be offered to a civilian university or college for thesis credit with the approval of the appropriate college commandant.

b. Release and Publication of Other NDU Documents. The policy pertaining to student research papers applies equally to other unclassified documents originating within the University and containing personal views and opinions. Such documents include students' papers prepared in response to academic requirements, official manuscripts prepared in response to academic requirements, official manuscripts prepared by NDU's Research Fellows, faculty lecture transcripts, and course syllabi. (With regard to course syllabi, the content of syllabi reflects only the opinion and judgment of its author(s) since the University espouses no "school solution.")

c. Private Literary Efforts

(1) NDU military and civilian personnel are permitted to accept payment for private literary efforts accomplished entirely during off-duty hours. NDU personnel writing for profit will be treated the same as other authors as regards access to technical or operational military information. Although they are permitted to receive payment for private literary effort, NDU personnel may not receive remuneration for material that their duties require them to provide, or which was prepared or published with Government funds.

(2) There are no legal objections to an individual accepting monies or other compensation stemming from the publication of an article, book, or other literary effort, provided the writing:

(a) was done as a private venture;

(b) did not interfere nor conflict with regularly assigned duties;
and

(c) was not done during normal working hours or with the use of DOD facilities or resources.

(3) Private literary efforts are permitted unless such activity:

(a) conflicts with the public's receipt of prompt and complete information on Government activities through the usual public information media; or

(b) is contrary to law; or

(c) is inconsistent with proper ethical standards, or incompatible with the responsibilities of Government personnel (see DOD Directive 5500.7, Standards of Conduct and AR 600-50, Standards of Conduct).

(4) Private literary efforts by NDU personnel must adhere to NDU security review procedures if the author refers to his/her affiliation with NDU.

(a) Submitters shall ensure that appropriate disclaimers accompany all publications they authorize in private capacity. An appropriate disclaimer for NDU personnel is as follows:

"The views expressed in this article are those of the author and do not reflect the official policy or position of the National Defense University, the Department of Defense or the U. S. Government."

(5) Specific questions concerning private literary efforts should be directed to the NDU Public Affairs Officer.

d. Security Review Procedures.

(1) Security review procedures apply to all information concerning the plans, policies, programs, operations and/or issues related to the Department of Defense or the Federal Government intended for external release. External release includes those groups, organizations or for an outside the NDU in which the communication of information is formally presented in either verbal or written form. Examples of these would include manuscripts for publication, speeches, and conference, symposia and workshop papers for presentation. Working papers, lecture notes and/or information communicated internally, such as seminar discussion notes, are not subject to review. Cases of doubt will be resolved in favor of submission.

(2) The University shall establish an NDU Review Committee which shall review the manuscripts, articles and other papers of faculty members, senior fellows and researchers to ascertain the likelihood of any overriding security concerns contained therein which might require further scrutiny.

(a) The President, NDU will establish the NDU Review Committee, upon nomination from the various elements of the University. The ICAF, NWC, and INSS will nominate two individuals to serve on the committee and the remaining major activities shall nominate one individual. The Vice President of the University will serve as Chairman of the Committee and the PAD will act as the administrative coordinator.

(b) To carry out its review release responsibilities, it will not be necessary for the Committee to meet. In coordination with the PAD, two members of the committee can conduct the review --with at least one member coming from the NDU element of the author. Committee members have the authority to pass the manuscript to another individual within the element who they feel has the necessary expertise or background to conduct the review.

(c) Committee members shall give dedicated priority to review requirements with only platform teaching taking a higher priority.

(3) A periodic review by the NDU Review Committee will analyze its review performance to adjudge whether or not the established objectives are being met. The Committee will be called into session by NDU-VP and recommendations will be submitted to the NDU President.

(4) Applicable information, whether it is prepared as an official or personal effort, must be submitted to the NDU Public Affairs Officer in triplicate, including any photographs or other visual aids at the earliest date possible prior to the desired release date. All copies must be in final form, double-spaced and clearly readable. A sample executive summary for requesting review and clearance is shown at Appendix A. If there is any concern about the potential inclusion of classified material in the work, substantially greater lead time may be required. Thereafter, the PAO will process the request and submit the product to at least two NDU Review Committee members, with one member coming from the originating element,

who will review the product to identify the likelihood of security issues. If the potential for a security issue is identified by either reviewer, then the product will be returned to the author for his reconsideration. Chairman shall resolve disagreements, with impasse to a suitable resolution being forwarded to OSD for security review.

(5) Requests relating to Opinion-Editorial (Op-Ed) products will be expedited consistent with the time-sensitive nature of the subject matter. All op-ed products will be "hand carried" with a 24-hour suspense for release.

(6) Manuscripts to be published by NDU Press and student papers will be sent to OASD(PA) for review in accordance with DOD Directive 5230.9. Amendments made for reasons of security will be incorporated into the manuscripts.

e. Interviews with News Media Representatives

(1) The NDU Public Affairs Officer is designated action officer for all requests for information generated by, or on behalf of, the news media. NDU personnel who receive requests for information from the media will promptly refer those requests to the NDU Public Affairs Officer with appropriate recommendations for response.

(2) When an inquiry is received from the media, Commandants and Directors will give top priority to providing the NDU Public Affairs Officer with answers to questions that are fully coordinated within their areas of responsibility. Queries that relate to internal matters and do not require coordination outside the University will normally be answered on the same duty day they are received.

(3) In light of the geographical distance between Armed Forces Staff College and the Fort McNair campus, Washington, DC, President, NDU delegates authority to the Commandant, AFSC, to respond to press queries through the AFSC Public Affairs Officer when those queries relate to the policies, curriculum, and personnel of AFSC. Prior to responding to press queries of an especially sensitive nature, the AFSC Public Affairs Officer will consult with the NDU Public Affairs Officer. Additionally, all queries, which concern NDU policies outside the scope of AFSC, will be referred to the NDU Public Affairs Officer.

(4) Upon receiving a request for interviews or oral comments which may result in the publication or broadcast of the information provided, the NDU member shall either inform the PAD via telephone of the request or refer the reporter directly to the PAD. The PAD shall review the request and seek background information on the individual or publication seeking the interview to advise the interviewee adequately. In situations that are spontaneous or time-sensitive, the NDU member may render an on-the-spot interview that will necessitate an after-the-fact summary sheet to inform the NDU leadership.

(5) Disclaimers notwithstanding, all personnel should be aware that any exchange is potentially subject to misinterpretation, selective editing and even misuse. Therefore, it is recommended to use the PAD whenever possible to acquire information on the media source and intent. NDU members are strongly encouraged to use both affiliation and disclaimer statements in all interviews.

(6) News media interviews will not be granted while traveling outside CONUS in an official or duty capacity without prior coordination with the Press Attache of the nearest U. S. Embassy.

f. Hometown News Release Program.

(1) NDU students who are recognized for individual achievement during the academic year are afforded the opportunity to have their accomplishments publicized in their hometown news media. This service is offered only with the approval of the individual concerned, but taking advantage of this opportunity gives the National Defense University and the individual's service or agency the chance to reach the American public with a positive message.

(2) Personal achievements warranting public recognition include promotions, presentations of awards and decoration, graduation, and similar accomplishments.

{3} An Authorized Home Town News Release form, NAVSO 5724/1, or Information for Hometown News Release form, DD Form 2266, will be included in the out-processing packages distributed prior to graduation. Students are encouraged to fill out the form, sign it, and return it to the NDU Public Affairs Officer.

1 Appendix

Appendix A -Sample Executive Summary

FOR THE PRESIDENT:

OFFICIAL:



ABRAHAM SMITH, JR.
Lieutenant Colonel, USAF
Director, Personnel and Administration

PHILIP W. GASKINS
Colonel, USA
Chief Of Staff

DISTRIBUTION:

D

The proponent of this regulation is NDU-PAO; any suggestions for improvement should be addressed to that office.

APPENDIX A

DEPARTMENT OF DEFENSE
NATIONAL DEFENSE UNIVERSITY
Washington, DC 20319

SAMPLE EXECUTIVE SUMMARY

MEMORANDUM FOR: NDU-PAO

SUBJECT: Request for Clearance of Manuscript

Author:

Rank/Grade:

Description:

Title:

Page Count:

1. The attached manuscript, submitted in three copies, is forwarded for security review and clearance for open publication. The manuscript does not include information which is unavailable to the general public or which might violate the University's nonattribution policy.

2. Once cleared, release is proposed for (occasion, place, date, or other form of open presentation or publication). All required amendments for reasons of security will be incorporated into the final text and no commitment will be made to furnish a manuscript before clearance is granted.

3. (List prior coordination with offices or agencies outside the University, special interest items, special circumstances that might justify expedited clearance, or other information that might be helpful.)

(Name of Requester, Grade/Rank)

(Signature)