

## VA PUBLIC AFFAIRS PROGRAM

- 1. REASON FOR ISSUE:** To update the Department of Veterans Affairs (VA) policy on public affairs, to include external engagement and internal communications.
- 2. SUMMARY OF MAJOR CHANGES OR SUMMARY OF CONTENT:** This handbook rescinds MP-1, Part I, Chapter 4 (1988), and updates roles, and responsibilities relating to the execution of common public affairs activities in the Department between the Office of Public and Intergovernmental Affairs, and Administration and Staff Office communications offices and assigned or designated public affairs personnel. It provides updated departmental guidance for response to media query, media liaison, and photography and filming at VA facilities for both external and internal news-gathering purposes. It provides references to updated VA forms required to perform and/or support those activities.
- 3. RESPONSIBLE OFFICE:** Strategic Planning and National Veterans Outreach, Office of Public and Intergovernmental Affairs.
- 4. RELATED DIRECTIVE:** VA Directive 8500, Public Affairs.
- 5. RESCISSIONS:** MP-1, Part I, Chapter 4, 1988.

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**PUBLIC AFFAIRS PROCEDURES AND REQUIREMENTS**

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1. **PURPOSE.** This handbook provides Department-wide guidance for implementing Department of Veterans Affairs (VA) policy on public affairs. It provides procedural guidance on a variety of common public affairs situations and activities. Because the nature of many public affairs practices involves unique and unpredictable circumstances and requires maximum latitude and flexibility, this handbook addresses a limited number of situations, and provides instructions and procedures on how to handle them. VA Directive 8500 entitled, “Public Affairs” provides general policy guidance on Public Affairs and public outreach activities. “Public Affairs Guidelines,” published by the Office of Public Affairs (OPA), complements that directive and this handbook to assist managers and public affairs practitioners (see Appendix A).
2. **MEDIA LIAISON GUIDELINES.**
  - a. **General.** VA relies on the news media to communicate information about the Department to VA clients and the general public. VA will not engage in practices designed to discriminate against, favor or otherwise control legitimate media access to VA sources of information. VA media liaison guidelines will not interfere with VA employee personal rights, expression of opinion, or any enterprise not related to employment.
  - b. **Mass Communications Media.** The following are the types of activities and their representatives that are subject to VA media liaison procedures: print and web-based (digital) newspapers, magazines, news services, books, newsletters, photo syndicates and bureaus; broadcast and web-based radio and television networks and stations and free-lance representatives of the above.
  - c. **Media Contacts.** Media liaison with VA generally involves direct contact, either orally or in writing, by a Department employee in the context of their official duties, or in representing any aspect of VA, with a media representative. A media contact is subject to VA guidelines regardless of the time, location or circumstances when the purpose is clearly related to VA interests and activities. Specific individuals have been designated as spokespersons for the Department, or as experts on specific issues, either at VA Central Office (VACO) Administrations, Staff Offices and program offices, or field level, to ensure VA policy or actions are accurately stated.
  - d. **Subject of Media Contacts.** In responding to media requests, subjects that are unique to the activities of local VA facilities are generally considered to be “facility-specific,” i.e., not likely to require a higher level of coordination. Subjects involving the practices and performance of multiple VA facilities or organizational elements, or those that typically require VA Central Office attention, are usually considered to be “Department-wide” in nature and require OPA Regional Office and VA Central Office coordination.
  - e. **Scope of Media Contacts.** Local media generally distribute products and services within a specific geographic area. Coordination with OPA Regional

Offices generally is unnecessary. Regional media usually service a single, broader geographical area. National media include those that clearly offer service or coverage nationwide or to a collection of media regions. Contacts from regional media are to be coordinated with OPA Regional Offices. Contacts from national media are to be referred to OPA Regional Offices, or, if received in VA Central Office, to the OPA Office of Media Relations.

- f. **Media Access to VA Facilities.** VA officials may encounter situations that involve media requests for facility access or the unannounced presence of news media at VA facilities. These require case-by-case handling. General guidelines include:
- (1) VA has a fundamental obligation and responsibility to its clients through the unimpeded execution of the Department's mission, and to protect its employees from potential risk of violations of patient and Veteran privacy. First Amendment rights of the media to gather and report the news and the concept of the "public's right to know" should not interfere with VA's mission or with client rights to privacy. Requests for media access can and should be denied if such access would interfere with the VA mission or present unwarranted invasions of client privacy or put a VA employee in position to violate the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
  - (2) Consistent with overall VA public affairs policy, officials will provide reasonable and timely accommodation to media representatives. The presence of equipment for recording and transmitting voice and pictures may present problems that cannot be surmounted. Notwithstanding prohibitions that may be applied to such equipment, media representatives may not be denied access to public, non-clinical areas of VA facilities that would normally be afforded to visitors or potential clients, nor may they be obstructed if they conform to facility rules regarding public access (see paragraph 4.c.).
  - (3) As a matter of courtesy and propriety, VA expects media to request access. All requests will be promptly acted upon following any necessary consultation with an OPA representative.
  - (4) All media activities within VA facilities must involve a designated escort to ensure compliance with Department policy, to resolve problems and to serve as a source of information.
  - (5) Media personnel with mechanical equipment or who are otherwise disruptive and who, without permission, enter a VA facility and conduct news-gathering activities are subject to curtailment of these activities. Facility management should feel free to contact an editor or supervisor immediately to resolve access questions and explain VA media access policy. Media should be escorted from areas where they are not

conforming to facility rules regarding public access, with a public affairs officer or representative present, in a nonconfrontational manner.

- g. Reporting of Media Contacts.** Public affairs officers performing media liaison must immediately report to their Administration PAO and supporting OPIA regional office national media contacts, or regional/local contacts thought to be potentially critical or to have external ramifications, or that carry a potential for elevation to a Department-wide issue. Public affairs officers also should report through the appropriate chain of command under organizational directives or guidelines.

### **3. MEDIA QUERY RESPONSE: DEPARTMENTAL GUIDANCE.**

- a. Media queries enter VA at multiple points:** VACO, regional offices, field-level facilities, as well as individual subject matter experts often receive media inquiries outside public affairs channels. VA's intent is to provide requested information to the news media as quickly and as completely as possible. All VA public affairs offices, regardless of location, should strive to acknowledge receipt of a media query as soon as possible with the news media representative.
- b. Release Authority on Media Queries:** PAOs should release publicly available and previously released policy or program information at the lowest level possible without delay to either local or national media. VA's goal is to respond to routine queries (requests for publicly available and releasable statistical, previously approved policy or program information) as quickly as possible and within the requested media deadline. However, the DAS-OPA and VA Press Secretary may reserve the right to comment on issues deemed as national policy or departmental in scope. In this case, OPIA will provide additional guidance to supplement this handbook.
- c.** VA public affairs offices at all levels should maintain a file of up to date fact sheets and approved statements to facilitate release of this information as appropriate to them. Facility PAOs should consult with their regional OPA office if uncertain whether a commonly covered national issue remains sensitive enough to warrant referral of the query to VACO for coordination.
- d.** All requests from the news media should be handled promptly and professionally, with attention to plain language, the accuracy of content, the highest standards for written products and verbal presentations, and appropriate awareness of sensitivities regarding the Privacy Act and HIPAA.
- e.** During the query staffing process, public affairs personnel at all levels shall ensure pertinent senior leadership and other VA with an interest in the query are included in all correspondence to receive necessary clearances.
- f.** VA public affairs offices, whether in VACO OPA, regional offices, or the Administrations and Staff Offices, will coordinate news media queries

containing the information elements outlined below). Date and Time of Request:

Subject: (Succinctly summarized)

Outlet:

Reporter or Producer:

Name of PA Staffer Receiving Call:

Media's Phone:

Media's Email:

Deadline for Response: (date/time)

Anticipated Broadcast/Print Date:

Request: (More details about query)

- g. National media are defined as network and cable television/radio affiliates, national news magazines, or metropolitan newspapers with national distribution such as the *New York Times*, *Washington Post*, *Los Angeles Times*, and *Chicago Tribune*.
- h. Facility PAOs should report all media contacts to their respective Administration/Staff Office and supporting OPA Regional Office for reporting purposes daily.
- i. **Media “deadlines”.** Requesting news media will provide a “deadline” (a date and time required by them) for response. Unless VA OMR or a local PAO can negotiate a modified time, Administrations and Staff Offices should try as much as possible to provide the requested information by the stated deadline. Media deadlines are the purview of the requesting news media organization.

#### **4. PHOTOGRAPHY IN VA FACILITIES.**

- a. **General.** For the purposes of this handbook, VA considers public affairs photography to be the use of equipment to record pictures, including still pictures, motion pictures, video, digital, or any other type of visual recording, and the publication, broadcast or other public release of these images. Requests to photograph in VA facilities may include use in internal or mass media and access to VA facilities by news or other information-gathering organizations. In establishing a policy on photography, VA's main priority is to ensure that there is no invasion of personal privacy. Consent for photography for widely attended events (such as claims clinics, town halls, award and recognition ceremonies, facility opening ceremonies, etc.) is not required for VA employees and the general public, where there reasonably is no expectation of privacy.
- b. **Photography of VA Employees for Other than New Gathering Purposes.** Photography of VA employees during official duties, whether by the Department or outside organizations, requires written consent if the photography is for advertising or commercial purposes (promotional VA literature, VA recruitment, sale of excess VA medical equipment or services,

disposition of VA foreclosed properties).

c. **Photography of VA Employee for News Gathering Purposes.**

Photography of VA employees during official duties, whether by Department or outside organizations, for news purposes may be taken at any entrance, lobby, or foyer on VA property and in other areas designated by the head of the facility or designee without escort or prior coordination (unless placed under reasonable access restrictions based on the purpose of the property under 38 CFR § 1.218(a)(1) and (a)(2)) Except in unusual circumstances, an announcement or other action to alert employees must precede photography sought by news media and other organizations.

d. **Patients, Beneficiaries and Other VA Clients.** Veterans and other members of the public who present themselves within VA facilities for service or treatment by the Department have a right to expect reasonable personal privacy. Individuals who are confined to bed, who are unable to move or to communicate, or who otherwise are unable to provide adequate consent must be protected from photography in the absence of their consent.

(1) Public Affairs photography of the following activities is not permitted at VA facilities:

(a) Surgical procedures;

(b) Physician and patient consultations;

(c) Patient examinations;

(d) Therapy sessions, either individual or group, in VA medical centers, outpatient clinics and Vet Centers;

(e) Psychological counseling.

(2) Individuals wishing to photograph patients, beneficiaries, other VA clientele, or other individuals using or occupying VA facilities must obtain prior written consent on VA Form 10-3203, Consent for Use of Picture and/or Voice, or obtain an equivalent statement.

(3) Written consent must be obtained from the head of the facility or designee before photographs for advertising or commercial purposes (promotional VA literature, VA recruitment, sale of excess VA medical equipment or services, disposition of VA foreclosed properties) are taken. Photographs for news purposes may be taken at the entrances, lobbies, foyers, and in other areas designated by the head of the facility or designee. Except in unusual circumstances, an announcement or other action to alert patients, beneficiaries, and other VA clientele must precede photography sought by news media and other organizations.

(4) Individuals involved or participating in VA diagnostic or treatment programs

for substance abuse, sickle cell anemia or HIV infection or AIDS may be photographed so as to be identifiable with consent obtained only under all the following circumstances:

- (a) The circumstances involved and possible ramifications of being identified in the media must be fully explained to the individual before obtaining written consent, and;
  - (b) Each individual involved must then provide the VA facility with prior written consent that permits disclosure of personal identification and the condition to a third party, e.g., news media representative, and;
  - (c) A second, separate written consent must be signed that permits re-disclosure of identifying information to the public, e.g., via newspaper or television, and;
  - (d) The VA official in charge of the treatment program must agree that these disclosures will not cause harm to the individual, to the relationship between the individual and the treatment program, or to the program in general, and;
  - (e) To document the consents, VA Form 10-5345, Request for and Authorization to Release Health Information will be used, in addition to any other applicable forms required by the Veterans Health Administration, and;
  - (f) There is a criminal penalty for unauthorized disclosure of this information (38 U.S.C. § 7332).
- e. **Training Films**. Requests from companies, such as medical device manufacturing firms, to film demonstrations in VA facilities for training purposes should be carefully evaluated. Uses other than training could lend the appearance of product endorsement. Every effort must be made to ensure VA participation does not reflect an endorsement of a commercial product. These requests should be coordinated with OPA Regional Offices and Regional Counsel.

## **5. MEDIA ACTIVITIES AND APPEARANCES BY VA EMPLOYEES.**

- a. **Interview Requests**. VA personnel contacted directly by a media representative to be the subject of an interview must first determine the level of contact or scope of subject. If the request involves institutional or organizational policies, procedures or actions, appropriate authority must first be obtained by the appropriate VA administration or staff office responsible for the policy and procedure(s) to participate in the interview. In any case, these requests must be coordinated with the supporting facility public affairs officer, OPA regional office, and administration communications office.



- (1) VA employees who are not authorized to speak officially on behalf of the Department should refer the media request to their administration communications office for further coordination with OPA's Office of Media Relations for further coordination.
  - (2) Unless authorized to speak officially on behalf of VA, employees who agree to be interviewed concerning information or opinion, whether work-related or not, should make clear that they do so in their personal capacity, and that they are not speaking officially for VA. Employees are under no obligation to participate in media interviews in their personal, unofficial capacities, and do so on their own.
  - (3) VA employee standards of conduct (5 CFR 2635.101) are fully applicable to such activity whether done in an official or personal capacity.
- b. **Public Speaking Engagements.** VA employees who are invited or who seek to speak in public on behalf of the Department and in their official capacity must obtain permission from their immediate supervisor. In addition, the employee must determine if any other VA representative is scheduled or is being requested to speak to the same group and should provide this information to the supervisor for coordination purposes.
- (1) Supervisors should encourage and permit local community relations and outreach appearances by their employees so long as supervisors are fully aware of the general content of these remarks and are satisfied that they are consistent with current VA policy.
  - (2) Invitations to VA employees to speak before or make presentations to national organizations (for example: The American Medical Association, or the Veterans of Foreign Wars) must be cleared at an appropriate Central Office level in the affected Administration or Staff Office. Officials at these levels must further ensure, prior to accepting or approving invitations, that such an appearance is coordinated with the highest VA official attending the event.
  - (3) VA employees are prohibited by the standards of conduct (5 CFR 2635.101) from accepting honoraria for appearances or speeches made in their official capacity.
  - (4) Before accepting an invitation in their personal capacities to speak or write about matters related to their official duties, employees should consult with ethics officials in Regional Counsel offices or in the Office of General Counsel (023).
- c. **Broadcast Guest Appearances.** VA employees may not accept or seek opportunities to appear on radio, television, webcasts or cable system in an official capacity for or on behalf of any Department element without authority to act in such a capacity.

- d. **Letters to the Editor.** Individual employees may not use their official titles, VA stationery, government equipment or duty time to engage in activities involving the communication of comment or opinions regarding VA policy matters directed to media without the expressed consent of the highest official or designee of the facility to which assigned. This prohibition is to ensure that official communications by and on behalf of the Department are consistent with approved VA policy and associated authorized public statements.
- e. **By-lined Material.** The preparation and submission of signed articles and other manuscripts, with or without remuneration, are largely governed by standards of conduct rules and regulations 5 CFR 2635.101.
- (1) VA employees may, in their official capacities, contribute articles to a specific publication only when the Administrations find a specific mission-related interest in disseminating particular information and conclude that the specific publication is the correct forum for transmitting it. This submission should be directed by and coordinated with OPA, with two exceptions:
- (a) Administrations and Staff Offices may deal directly with technical, trade or professional publications when noncontroversial subjects are involved and when material is limited to the VA organization's area of responsibility.
- (b) As a recognized major national research institution with broad academic affiliations, VHA associated program offices and field entities may, without OPA, review submit research, studies, and analyses to scientific journals for publication provided they do so in accordance with their own review processes.
- (2) VA employees, in their private capacities, have the right to publish their own products written in their personal capacities and reflecting their personal views. Employee standards of conduct, however, specifically prohibit identifying the author by VA title or position, except by listing such information as one of a series of biographical details (5 CFR § 2635.807(b)). In connection with writing in a scientific or professional journal, the relevant standard allows identifying the employee by title or position if the article is accompanied by a reasonably prominent disclaimer, acceptable to the Department, making clear that the article does not reflect Department views (5 CFR § 2635.807(b)). Where personal capacity writing is related to an employee's duties, employee standards of conduct also prohibit him or her from being paid or reimbursed for expenses (5 CFR § 2635.807(a)). Employees should seek advice from ethics counselors in Regional Counsel or General Counsel to determine whether a specific instance is related to duties.

## **6. HIRING OF PUBLIC RELATIONS CONSULTANTS.**

Title 5, United States Code, § 3107 prohibits the hiring of public relations consultants, either directly or through a contract with a marketing or other firm. 5 U.S.C. § 3107 states, "Appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose."

## **7. ADVERTISING.**

- a. In general, VA can engage in the use of paid media advertising for personnel recruitment (see 38 CFR § 2.4), in support of educating and informing Veterans, their families and survivors of available benefits , services and care (for example mental health and suicide prevention programs,) and for certain loan guaranty activities.
- b. Moreover, Public Law 105-61, § 630, prohibits the use of appropriated funds for "publicity or propaganda purposes," meaning self-aggrandizement or "puffery" -- publicity that tends to emphasize the importance of the agency or Department and the activity in question. With respect to advertising the sale of health-care resources, including use of space or equipment, VHA facilities are required to consult with OPA Regional Offices.
- c. The Department and VA personnel are prohibited from endorsing or providing testimonials for any product, service, or enterprise whether intended for use in advertising, promotional or marketing material. This includes the use of quotes from VA employees in non-VA-produced news releases or features that are complimentary of the product or service. No VA official may authorize the use of the terms "VA-guaranteed" or "VA-approved" in the advertising of real estate, educational and training institutions, or any other endeavor that would lead the public to believe VA is endorsing the product or service. Responsible officials should, with Regional Counsel involvement, seek to curtail violations of this policy or unauthorized uses of the VA insignia, logo, or seal.
- d. The [Interim Advertising Policy](#) for the Department of Veterans Affairs (July 23, 2019) provides guidance and requirements for advertising requests, reporting and oversight. Field leaders and PAOs should direct questions concerning VA advertising policy to the National Veterans Outreach Office at OPIA for further guidance and clarification if necessary.

## **8. POLITICAL AND CELEBRITY ACTIVITY.**

- a. While the Department generally welcomes and encourages appropriate tours and visits by government officials and celebrities, certain restrictions must be imposed if their purpose is overtly political and involves the conduct of partisan activities. Section 1.218(14) of title 38, CFR governs any service, ceremony, or demonstration on VA property. Services and ceremonies at VHA facilities are also subject to 38 CFR § 17.111. Additional information

also is contained in “Public Affairs Guidelines” (Appendix A). Facility public affairs officers are encouraged to consult OPA Regional Offices or VA Regional Counsel.

- b. Certain prominent individuals may be of media interest under any circumstances and may agree to a visit that is free of partisan or political activity. Media access decisions may then be based purely on the celebrity status of the visitor, assuming there are no VA client privacy or Department mission limitations. An agreement to provide an official tour of a VA facility for a candidate for public office who consents not to conduct partisan activities would not necessarily relax media access limitations. Thus, candidates encouraging or soliciting media coverage of their VA visits risk interpretation by the department that the visit constitutes partisan activity.
- c. Celebrities or publicly well-known persons also may attract media interest at the time they become, and then becomes publicly known as, VA clients. Persons who are well known have become “public figures” and have a reduced expectation of privacy. Nevertheless, VA will reconcile public interest with individual privacy and negotiate with the celebrity or representative to accommodate requests for information to the greatest extent possible.

## **9. INTERNAL COMMUNICATIONS.**

- a. Supervisors and managers have an obligation to engage in various forms of internal communications as an integral part of employee engagement programs. These can include communications directed toward employees of a specific facility and their families; employees within VA who share a particular function or expertise; and individuals, such as patients, volunteers and visitors, who may need or can benefit from facility-specific information. Additional guidance can be found in “VA Public Affairs Guidelines.”
- b. Internal communications products should meet the following objectives and criteria:
  - (1) To provide VA employees with an understanding of Department issues, programs and activities so they can provide good customer service and accurately represent these subjects during official and unofficial interaction with the Veterans and the public.
  - (2) To broaden an internal audience’s awareness of issues currently receiving or likely to receive attention from news media and to provide the full context of current events.
  - (3) To report significant organizational and individual achievements, milestones and accomplishments, which serve to improve morale, productivity and attitudes, and as incentive examples.

- (4) To express management philosophies, objectives, goals and expectations relating to performance and client/customer service relations.

## **10. FILM AND TELEVISION INDUSTRY.**

- a. This section is intended to govern contact with or from film and television production organizations that are *not* news media. Contact with news media using television or motion picture equipment is covered in Part 2, Media Liaison Guidelines, Part 3, Media Query Response, and Part 4, Photography in VA Facilities.
- b. Film and television production organizations develop materials for presentation in theaters, on public and commercial television stations and networks, via cable systems, and for release to subscribers or other types of limited exhibition and through other media used to disseminate visual material. Generally, the production uses dramatic presentation techniques as distinct from material gathered to represent actual events for news and public affairs purposes.
- c. The OPA Field Operations Division in VACO is designated as the Department's organization responsible for day-to-day liaison with the film and television industry. Requests received by other individual VA facilities from production organizations must adhere to the following procedure:
  - (1) Obtain information concerning the request, including the name, address and telephone number of the organization; the name and title of the requester; and other details contained in "Public Affairs Guidelines" (Appendix A) for filming at VA facilities.
  - (2) Make no commitment concerning access to or use of Department property, equipment or personnel, but indicate that a prompt response will be forthcoming from the Department's industry liaison office.
  - (3) Refer the request to Los Angeles OPA, concurrently reporting under organizational directives and guidelines.
  - (4) The Director, OPA Field Operations will review the request with the appropriate OPA Regional Office, VA activity, facility director or designee, and provide guidance. Approval or denial of a request should be made at the facility level, with the advice and counsel of OPA Field Operations.
- d. In the event that production assistance is provided to commercial entertainment ventures, the Department should arrange for the imposition and collection of fees for the use of VA facilities and other resources under the enhanced sharing authority (38 U.S.C. § 8151-8153). Questions regarding enhanced sharing authority and its use should be addressed to local facility contracting officers.

Appendix A. VA 'PUBLIC AFFAIRS GUIDELINES' PROGRAM GUIDE

OPIA manages a “Public Affairs Guidelines” program guide to provide VA facility and regional office PAOs more detailed concepts and practices to assist them in managing an effective public affairs program. The guide provides a conceptual and operational framework for addressing outreach and engagement issues such as media and public liaison, ceremonies and filming at VA facilities, and to help facility PAOs plan effectively for crises and events that could generate interest from stakeholders or the news media.

The Public Affairs Program Guide is electronically available via the VA Intranet at:

[Public Affairs Program Guide](#)