

OUTSIDE PUBLICATIONS POLICY (January 2014)

A. INTRODUCTION.

FJC employees occasionally seek, or are asked, to prepare materials for outside publication. Depending on the nature of the materials and how they are prepared, the rules and guidelines vary, but the overarching guideline is to seek appropriate permission or guidance as early as possible, preferably as soon as you are aware of the potential for outside publication, and to keep your supervisor informed of the project as it develops.

The policies and the procedures to be followed depend on the extent to which the material relates to your work at the Center and to which you used government resources in preparing the work. For purposes of this policy, “use of government resources” includes, but is not limited to, use of government equipment such as computers; use of government databases and other government information that you have access to because of your work at the Center; use of books that you obtained from the Center’s library or through the Center’s interlibrary loan network; and use of commercial databases and reference tools such as Lexis and Westlaw that you have access to through your work at the Center.

B. POLICY

1. If the material does not relate to your work at the Center and is prepared on your own time and with no or very minimal use of government resources, then you don't need permission to publish elsewhere. (But if you will be paid for your product, see FJC Personnel Manual, Chapter 1, section J, regarding honoraria and outside income.) You should bear in mind how any outside publication may reflect on you and the Center, especially if you will be identified as a Center employee. In the latter case, it is a good idea to consult with your supervisor, because it is important to the Center that its—and your—reputation for objectivity and balance be maintained.
2. If the material relates to your work at the Center but is prepared on your own time and with no or very minimal use of government resources, it is generally OK to publish it with an outside publisher. However, you should coordinate with your supervisor to ensure that the material does not present an actual or perceived conflict with your work for the Center, and EIS must be notified so that it can keep a record of the publication (such as a reprint, a citation, or a link to the electronic publication).
3. If the material is produced on official duty time or using government resources, then the Center has first right to publish. (See below for background.) Before you agree to let an outside source publish the material you must have permission from the Center’s director’s office. You should coordinate getting this permission through your supervisor as soon as you are aware of the potential for outside publication. As a practical matter, your supervisor should be aware of any project that will consume any significant time.

C. BACKGROUND.

As a public entity, the Center has an obligation to ensure that when materials produced with its resources are to be made public those materials will be available to the public generally and without cost. In other words, while not all Center products are publicly available (e.g., some research reports for Judicial Conference committees or educational materials for a particular seminar), if Center-produced material are published for external use, they should be made widely available and at no cost to the public. This policy is reflected in an old, but still applicable, agreement between the Center and the Government Printing Office.

At the same time, the Center recognizes that initial outside publication of some Center publications serves important Center interests by, for example, reaching interested audiences more directly or reaching audiences that might not easily find Center content through standard electronic means, as well as calling attention to participation by Center staff members in conferences, symposia, and other forums and providing an outlet for Center work when the nature of the content would not otherwise be published by the Center.

The Director's office will determine whether the Center will publish a work or will authorize publication by an outside entity, and EIS needs a record (such as a reprint, a citation, or a link to the electronic publication) of all outside publications by Center authors whose subject is relevant to the Center's work, so that Information Services can respond to requests that it receives for articles written by Center staff.