DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO
BUMEDINST 5721.3A
BUMED-M00P
13 Dec 2005

BUMED INSTRUCTION 5721.3A

From: Chief, Bureau of Medicine and Surgery

Subj: APPROVAL PROCESS FOR PRESENTATIONS AND PUBLICATION OF PROFESSIONAL MANUSCRIPTS, AUTHORED WORKS, AND ARTICLES

Ref: (a) SECNAVINST 5720.44A
(b) BUMEDINST 5728.1
(c) DOD 5500.7-R of August 30, 1993 (NOTAL)
(d) DOD Directive 5230.9 of April 9, 1996 (NOTAL)
(e) 5 CFR § 2635.807
(f) SECNAVINST 5211.5D
(g) SECNAVINST 5510.36

Encl: (1) Request for BUMED PAO Clearance for Publication or Presentation, NAVMED 5721/1 (1-2005)

1. Purpose

a. To update procedures and provide guidance for obtaining timely security and ethical review and approval for release of all works authored by Navy Medical Department personnel, either in an official or private capacity, before publication or presentation.

b. To ensure that all Navy Medical Department personnel only present or publish authored works that have received proper approval via this instruction. Failure to comply with this instruction may result in disciplinary action for both military and civilian personnel.

2. Cancellation. BUMEDINST 5721.3.

3. Applicability and Scope

a. This instruction augments the general information in references (a) through (c) and complies with references (d) through (f). This instruction provides guidance on how to submit authored works (oral and written) for publication and introduces NAVMED 5721/1 (1-2005), Request for BUMED PAO Clearance for Publication or Presentation (enclosure (1)).

b. This instruction applies to Navy Medical Department personnel defined as:

(1) Active and Reserve military, civilian personnel, Intergovernmental Personnel Act (IPA) appointees, experts and consultants employed pursuant to Title 5, USC, § 3109, and contractors supported by military funding at Navy medical facilities.

(2) Active and Reserve Navy Department officers and enlisted personnel, including those in training programs at Navy medical facilities, or participating in joint program operations at Army or Air Force medical and dental facilities.

(3) Navy Department researchers (military, civilian, IPA appointees, temporary experts and consultants) employed pursuant to Title 5, USC, § 3109 and contractors as defined above in 3a(1), at Navy medical research activities, including Navy Department personnel participating in joint research operations at Army or Air Force research facilities.

c. For purposes of this instruction, "authored work" means any written document (brochure, book, manuscript, screenplay, magazine, newsletter, etc.,) or oral presentation, both personal and professional, intending to be published to the general public. This includes any authored work that is to be transmitted via the internet, mass broadcast or mass e-mail where the general public may be able to obtain the authored work.

d. Navy Medical Department personnel are encouraged to submit authored works to appropriate media for publication. Publication encourages the exchange of information, promotes professional growth and the professional standing of Navy medical and dental personnel and the Navy Medical Department.

e. Per reference (a), and in compliance with reference (g), security review and approval is required prior to the release of any work authored by Navy Medical Department Personnel. Review of authored works is necessary due to the sensitivity of the topic, the significance of findings, political, economic, or civic impact, the potential interest of professional organizations, local, regional, national, or international media, or a combination of these factors.

f. Per references (a) through (e), authored works must be submitted via the chain-of-command for review and clearance before submission for publication or presentation. Commanders and commanding officers must review and approve publication of authored works in compliance with this instruction. Works involving material or issues enumerated in paragraphs 3g and 3h, require review at a higher level.

g. Authored works involving potential or inherent controversy, or which are likely to receive media coverage or publicity, must be forwarded via the chain-of-command to BUMED PAO for review and approval.

h. Per references (d) and (g), authored works submitted for publication or public release that address plans, policies, programs, or operations of the Department of Defense (DOD) or the U.S. Government must be submitted to the Assistant Secretary of Defense (Public Affairs) via the chain-of-command.

4. Action

a. Authors and speakers who are Navy Medical Department personnel must:

(1) Submit authored works via their chain-of-command for review and approval, in a timely manner, before submission for publication or public release. Commanders and commanding officers have review and approval authority regarding authored works for peer reviewed publications or for presentation before professional communities or organizations, except under certain conditions as outlined in this instruction (see paragraphs 3g and 3b above). All other authored works prepared for a more general audience must be reviewed by a professional public affairs officer and this may require a review at a higher level in the chain of command. Failure of personnel to submit authored works for review and approval may result in disciplinary action for both military and civilian personnel.

(2) Authored works completed in an official capacity, or funded by the Government, must identify the author with complete name, military grade, title, and command, and must show the following disclaimer in a prominent place:

> "The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Department of the Navy, Department of Defense, nor the U.S. Government."

(3) Authored works involving research with human subjects or animal research data must include acknowledgements the research has received applicable Institutional Review Board or Institutional Animal Care and Use Committee reviews and approvals. Such certifications must include the name of the approving institution and relevant human research or animal research DOD/Navy Medicine protocol number and title.

(4) If submitting authored works for publication, not in conjunction with official duties, authors must ensure the subject matter is not in conflict with reference (c), and the writing is not done during normal working hours or with the use of Government facilities, property, or personnel. If the author used or permits the use of his or her military grade or includes or permits the inclusion of his or her title or position as one of

several biographical details given to identify him or herself in connection with the work to be published, per reference (c), the author must make a required disclaimer that the views presented are those of the speaker or author and to not necessarily represent the view of the DOD or its Components. The disclaimer must be placed in a prominent position in the work, or if orally presented, the disclaimer may be provided orally at the beginning of the presentation. Per reference (c), failure to provide the above disclaimer may result in disciplinary action for both military and civilian personnel.

(5) Per reference (e), Navy Medical Department personnel are prohibited from receiving compensation from any source other than the Government for an authored work that relates to the author's official duties. Authors are advised to seek out advice from their Command Ethics Counselor prior to accepting any compensation for authored works. In addition, authors are prohibited from using information from official sources, which is not available to outside writers, such as Government statistics, or research data, etc., for their private gain.

(6) Authors should not make any commitments to furnish any authored work, abstract, or presentation, other than to DOD publications or organizations, until the manuscripts or articles have been fully cleared through the review process and approved for release. See paragraph 5a for timeline information.

(7) Commands forwarding authored material to BUMED for review will be notified via letter once the approval process has been completed. Authors of authored works must not enter into an agreement that offers the publication exclusive rights. Authored works prepared by Government employees in the course of their official duties, cannot be copyright protected. The following copyright statement should be attached to all Government work when submitted to civilian media for publication:

> "I am a military service member (or employee of the U.S. Government). This work was prepared as part of my official duties. Title 17, USC, §105 provides that 'Copyright protection under this title is not available for any work of the United States Government.' Title 17, USC, §101 defines a U.S. Government work as a work prepared by a military service member or employee of the U.S. Government as part of that person's official duties."

(8) It is common practice for publications to copyright the layout and design of the article and this is acceptable. However, if the authored work is released as a Government work, in addition to the civilian publication, there is no copyright limitation on its distribution.

(9) An embargoed release is often used by civilian publications to alert media of an upcoming event or news story that is being held until a specific release date.

Authors should contact their command public affairs officer (PAO) before agreeing to a publisher's request to place a hold or embargo on the release of information. Exclusive release rights cannot be given to a civilian publication when releasing official Government work. However, on a case-by-case basis, the Navy and civilian publication may mutually agree to place an embargo on a release. This must be coordinated with BUMED PAO to ensure exclusive rights on major stories of obvious widespread news value will not be honored.

(10) Speakers offered an honorarium should contact their legal officer, staff judge advocate, or command ethics counselor before accepting the honorarium.

b. Navy Medical Department Commands must:

(1) Appoint a member of the command to be responsible for maintaining and tracking authored works.

(2) Ensure appropriate review of material by the command public affairs officer and command ethics counselor, and, if required, submit to higher authority for review.

(3) Ensure that authored works are properly reviewed and approved utilizing NAVMED 5721/1 (1-2005), Request for BUMED PAO Clearance for Publication or Presentation.

c. BUMED PAO must:

(1) Ensure that authored works are reviewed and approved or disapproved by an appropriate subject matter expert or specialty leader at the appropriate level of authority.

(2) Coordinate the review process when review by higher authority (DOD, Secretary of the Navy (SECNAV), or Chief of Naval Operations (CNO)) is required due to the subject matter of the authored work.

(3) Notify the originator by letter once the authored work is approved or disapproved.

5. The Review Process

a. Commanders and commanding officers have approval and release authority for authored works prepared by their personnel for submission to peer reviewed publications or for presentation before professional communities or organization, except under certain conditions as outlined in this instruction provided that the authored works have been properly reviewed by the command PAO and ethics counselor.

b. Commands must allow sufficient time for the chain-of-command higher review process. Allow a minimum of 20 working days, exclusive of mailing time, for review of authored works forwarded to BUMED PAO. An additional 20 working days should be allowed for authored works requiring review from higher authority (DOD, SECNAV, or CNO). Review may take longer depending upon the complexity or sensitivity of the subject.

c. Authored works and accompanying materials received by BUMED PAO with insufficient time for proper review may result in the review not being completed in time to meet presentation or publishing deadlines.

6. Form. NAVMED 5721/1 (1-2005), Request for BUMED PAO Clearance for Publication or Presentation, is available electronically as a fillable PDF at the "Forms" tab on the Navy Medicine Web site at: http://navymedicine.med.navy.mil/.

D. C. ARTHUR

Distribution:
All Internal BUMED Codes
SNDL, FH (BUMED command activities)

Distribution is electronic only via the Navy Medicine Web site at:
http://navymedicine.med.navy.mil/default.cfm?seltab=directives

Request for BUMED PAO Clearance for Publication or Presentation

Author(s) complete this section:

Date: _____

List author(s), command/work place and rank/grade/title:
Title of Work:
Relevance of manuscript or presentation to operational medicine/Navy medicine:
Summary of media sensitive subject matter:

Local Public Affairs Officer completes this section:

Date: _____

☐ The local public affairs officer has reviewed the manuscript/presentation and requests a BUMED PA review and approval.

PAO Name: _____

Contact Information

Telephone: _____

E-mail Address: _____

☐ Presentation

Date: _____

Audience: _____

Location: _____

☐ Yes ☐ No Will media be attending the presentation:

Request for BUMED PAO Clearance for Publication or Presentation (Cont'd)

☐ Journal Article

Publication Date: _____

Audience: _____

Publication Title: _____

☐ Book/Book Chapter

Publication Date: _____

Title: _____

Publisher: _____

☐ Other

Explain

Synopsis in layman's terms

Background:
Results:
Conclusions:
Sensitive areas/media interest:

BUMED Public Affairs completes this section:

☐ BUMED Public Affairs has approved for submission/presentation Date: _____

☐ BUMED Public Affairs has forwarded for higher review Date: _____

☐ BUMED Public Affairs has received higher review Date: _____

☐ BUMED Public Affairs has notified sender Date: _____