

UNITED STATES AIR FORCE ACADEMY



Board of Visitors (BoV) Handbook for Members

Introduction

Thank you for agreeing to serve on a military service academy federal advisory committee, the United States Air Force Academy (USAFA) Board of Visitors (BoV).

Your service helps to ensure that agency decisions are based on the best and most current trends in education, industry, and business, while considering military requirements and service. In the words of the Federal Advisory Committee Act (FACA), which governs BoV operations, independent panels of experts provide invaluable service by “furnishing expert advice, ideas, and diverse opinions to the Federal Government.”¹

10 U.S.C. § 9455 establishes the USAFA BoV. The BoV’s purpose is to “inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.”²

The Board is mandated to “recommend appropriate action” and is charged with preparing a semiannual report containing its views and recommendations about the USAFA that it provides to the Secretary of Defense (SecDef), through the Secretary of the Air Force (SecAF), and to the Committees on the Armed Services of both the Senate and the House of Representatives.³

In addition to its enabling statute, the Board also operates pursuant to a charter. The BoV Charter indicates that

¹ 15 U.S.C. App 2 section 2(a)

² 10 U.S.C. § 9455(e)(1).

³ 10 U.S.C. § 9455(e)(3) and (f).

the BoV shall be established in accordance with the FACA and 41 CFR § 102.3.50(a).⁴ The Charter reiterates the statutory purpose and requirements for Board recommendations/reporting and states that members serve without compensation.⁵ The Charter also explains BoV member status; specifically, that full or permanent part-time Federal officer or employees are appointed as Regular Government Employee (RGE) members⁶ and those who are not, will be appointed as experts or consultants, referred to as Special Government Employees (SGEs).⁷

The USAFA BoV is currently structured to operate as a single committee with no subcommittees.

Staff Support

The Secretary of the Air Force Assistant Secretary for Manpower and Reserve Affairs, Deputy Assistant Secretary for Force Management Integration (SAF/MRM), Secretary of the Air Force Legislative Liaison office (SAF/LL) and Headquarters United States Air Force, AF/A1, Manpower, Personnel and Services, Directorate of Force Management Policy, Accessions and Training Division (A1PT) are the primary offices that provide support to the BoV.

- A representative from SAF/MRM serves at the Board's Designated Federal Officer (DFO), your primary liaison for most BoV issues,

⁴ BOV Charter, ¶ 2.

⁵ BOV Charter, ¶ 4 and 12(e).

⁶ 41 CFR § 102.3.130; 21 CFR 102-3.130(a). The Federal Advisory Committee Act and the 2001 implementing regulations are available at <http://www.gsa.gov/portal/category/21244>

⁷ BOV Charter, ¶ 12(e), per 5 U.S.C. § 3109 and 18 U.S.C. § 202(a).

including overall meeting logistics, records management, and all administrative support for non-Congressional (SGE) members.

- SAF/LL provides logistics support to include travel arrangements to and from meetings and hotel and reimbursement payments for Congressional members.
- AF/A1PT supplies a Primary and Alternate Executive Secretary who takes and transcribe meeting notes.

Attachment 1 contains a list of government points of contact (POCs).

Ethics Requirements

Your participation on the USAFA BoV is a public service to the Air Force and the country. To protect the integrity of the committee's advice, members are subject to certain conflict of interest and ethics rules.

Before beginning your service, and annually thereafter for the duration of your appointment, you must complete a confidential financial disclosure form (OGE-45 Form). This form provides information to determine if your participation in an advisory activity would present a conflict of interest or might raise an appearance of a lack of impartiality. The Board's DFO will work with you and the Office of the Secretary of the Air Force, General Counsel (SAF/GC) to complete this requirement.

Before you participate in an advisory activity for the first time, you also must receive ethics training that explains the ethics rules and how they apply to you. You must

also receive this training annually for the duration of your service. The DFO will arrange ethics training, typically during a meeting's administrative session, to fulfill the annual requirement.

Workload

The time commitment required of members depends on the scope and nature of the advisory activity. The three meetings each year last 1-2 full days and there may be one or more teleconference meetings over a 4 to 6-month period. In addition, you may spend approximately 20 hours reading and writing outside of the meetings. Your DFO can give you a sense of the workload for the current fiscal year.

All advisory activities are chaired by a member of the committee and voted on by the committee members.

The BoV Chair has additional responsibilities (e.g. to run public meetings and oversee report production). The BoV Chair generally manages his/her time commitment through delegation to panel members and judicious reliance on the DFO.

Travel Arrangements

Typically three meetings are held each year, two at the USAFA and one in Washington D.C., typically at the Capitol building. The DFO works with you to schedule the meetings around your and the members' availability.

Depending on your status, the SAF/MRM (for SGEs) or SAF/LL (for Congressional members) arranges for your travel and reserves hotel rooms.

You have options for air travel. The government can

make flight arrangements and purchase tickets for you, or you can make your own arrangements. The government will reimburse you, but only up to the government rate to and from your state of residence. For other reasonable expenses (e.g. hotels, meals, taxis), you apply for reimbursement.

As a member, your responsibilities include promptly responding to requests for your travel preferences (airports and travel times), calling the hotel to confirm your lodging, and submitting your receipts for hotel accommodations, taxis, and meal costs to the appropriate government representative, in a timely manner, after the meeting.

The FACA

The FACA is a “government in the sunshine” statute that works to ensure that the public has access to the advice provided to the government by federal advisory committees. The key provisions of the law are that committees are to be balanced, meetings are to be publically announced ahead of time and open to interested members of the public, detailed meeting minutes are to be kept, and all materials presented to or prepared by or for an advisory committee are to be made available to the public. FACA spells out the duties of the DFO to approve agendas, convene meetings, and keep required records. The public website for these documents is:

https://gsageo.force.com/FACA/apex/FACAHomeTab?sf_dc.tabName=01rt0000000L56h.

Please be aware that emails among committee or panel members may constitute a meeting under the FACA if the

dialogue substantively discusses meeting topics (even if only among 2 members). Thus, we highly discourage you from sending emails to committee panel members for anything other than administrative matters (e.g., meeting logistics).

Regardless, you should always copy the DFO on all email communications. The DFO is responsible for ensuring that email discussions do not violate the FACA open meeting requirements and retains email records in accordance with legal requirements. If substantive emails are sent, they must be reviewed in the public meeting.

Meeting Preparation

Most advisory committees are guided by a formal charge from the agency including questions and providing background for the request. The charge guides, but need not limit, the BoV's deliberations.

The DFO works with the BoV Chair and the Air Force to negotiate an initial set of charge topics or questions and to identify background information the BoV needs to accomplish its task. The BoV Chair also assigns lead discussant duties to panel members and provides input on the overall meeting agenda. Under the FACA, the DFO must approve the final agenda.⁸

Prior to the meetings, BoV members are expected to thoroughly review the materials provided by the DFO, including agency documents and written public comments, if any were received.

The Board Chair may instruct members to prepare preliminary written comments on the review materials.

⁸ 5 USC App. 2 section 10 (f).

These “pre-meeting comments” serve several important purposes, including to:

- Help you prepare for discussions at the meeting.
- Help the BoV Chair identify issues that may require additional meeting time.
- Flag areas where the BoV committee may need additional information to answer the charge questions or topics.

If members’ pre-meeting comments are shared with all members, they should be posted to the public BoV website to help the agency and the public understand your initial thinking.

During the meeting, your views may be influenced by your committee colleagues. This is the strength of the committee process and your preliminary comments do not necessarily represent your final conclusions. Your final views should be reflected in the consensus report from the committee.

Public Meeting Format

With rare exceptions, all FACA committees are required to meet and deliberate in public.⁹ Depending on the interest in the topic of the meeting, there may be members of the public and members of the media in attendance. All statements that you make during a public

⁹ 5 U.S.C. App. 2 section 10. FACA allows the head of an agency to close a meeting if it falls within certain exemptions under the Government in the Sunshine Act (5 U.S.C 552b), such as discussion of matters of national defense, trade secrets, or internal personnel practices. USAFA BoV must obtain permission to close the meeting from the Agency Committee Management Officer or SAF/AA per DoDI 5105.04 and AFI 90-1401 and post the general topic and reason for the closure in the Federal Register

meeting are on the record. Professional behavior is expected.

The BoV Chair runs the meeting, ensuring that public comments are heard, that all members have an opportunity to participate in discussions and that the committee accomplishes its work. The DFO addresses process, FACA issues, and helps the Chair stay on schedule. At a meeting you can expect the following to occur:

- The DFO convenes the meeting and indicates for the record that all participating panel members are in compliance with ethics and conflict of interest rules, or notes any instances where a member will recuse him/herself from discussion on a particular aspect of the meeting.
- The BoV Chair reviews the agenda and leads a discussion to ensure effective coverage on the agency's charge for the committee and agenda topics for adequate information gathering.
- The agency has an opportunity to present briefings on the subjects for the meeting.
- A period of time is set aside for public comments from registered speakers, if any. The committee is not required to respond to public comments, but as time allows, the BoV Chair is expected to provide an opportunity for members to ask clarifying or follow-up questions of public presenters.
- Following all presentations, the BoV members begin their deliberations. The discussions are guided by the charge from the agency and any concerns being addressed. In the deliberations, it's important to

consider any conclusions which may be drawn or recommendations which may be provided to the agency for review.

- The BoV Chair, working with the DFO, may assign committee members to lead different parts of the discussion. Lead discussants also may be asked to prepare an initial draft of the panel's advice on a subject.
- At one or more points in the meeting, the BoV Chair or designated members may summarize the committee's consensus views in response to the topics at hand. This summary helps to identify issues that may require further discussion, as well as provide any early indication of the committee's views for agency staff in attendance.

Meeting minutes are to be prepared within 90 days after an advisory committee or panel meeting.¹⁰ Minutes are drafted by the DFO, and must contain a record of persons present, and a description of matters discussed and conclusions reached.¹¹ The BoV Chair is responsible for certifying the accuracy of the minutes. Minutes are separate, but relevant to, the Board's bi-annual reports.

To be effective, it is critical that committees develop credible, independent and objective advice. Your role on a committee or panel is to provide your expert advice as an individual, not as a representative of your employer, agency or constituents. Once appointed, you are expected to carefully avoid interactions with anyone,

¹⁰ 41 CFR section 102- 3.165.

¹¹ 5 USC App. 2 section 10(c).

including agency representatives or members of the interested public that might create a perception of conflict of interest. If in doubt, consult your DFO for guidance.

Report Preparation

All final reports are approved and transmitted to the SecDef, through the SecAF, by the committee.

Draft reports are usually developed by the BoV Chair, with assistance from the DFO, based on the discussions at the meeting(s) and the writing assignments submitted by panel members, if any.

The BoV Chair is responsible for the accuracy of the report and the DFO is responsible for ensuring that the report is written in such a way that it is understandable to the agency.

Draft materials being discussed by the committee are available to the agency and the public via the website. Prior to final approval of a report by the chartered committee, agency members are treated as members of the public to maintain the independence of the advisory process. The Air Force or Academy should not in any way approve or attempt to influence the content of the draft committee report. However, the agency is provided an opportunity to request technical corrections (errors of fact) or clarification of text in draft reports. These requests should be made in writing. Occasionally the DFO requests additional information from the agency on behalf of the committee and this information is also a public record.

Members may conduct fact-finding with outside experts, including colleagues both inside and outside the agency.

However, these contacts should first be discussed with the DFO and the DFO should be copied on any email communications. Papers or emails shared among members in the course of the advisory process are federal records and may be requested under Freedom of Information Act (FOIA).¹² The DFO should be copied on all such communications.

Once the draft is completed, the Chair provides it to the committee for review and concurrence. Substantive discussions and revisions to the report must be conducted in a public meeting; this can be conducted as a teleconference.

When the BoV Chair determines the draft reflects the findings and recommendations of the committee, he/she asks the members to concur on the draft report or to concur with minor editorial comments. Advisory committees are structured to include a range of disciplines. At times, committee members may reach different conclusions based on a review of the available data and briefings. The BoV Chair takes the lead in identifying areas of agreement and in helping members talk through issues in contention. Consensus recommendations and conclusions are most helpful to the agency. However, when there is disagreement among the experts, that information is also valuable to note. In most cases, different views can be accommodated within the committee's report. On very rare occasions, a member may request that a minority report be appended to the report.

The committee's advice is conveyed to the Air Force in a written report with an executive summary and cover letter to the SecAF. The report can be outlined in the

¹² U.S.C. § 552.

following manner:

- The **cover letter**, a few pages in length, addresses the larger issues in a policy context meaningful to the SecAF. The letter should summarize the issues that were reviewed and present the key findings and recommendations with minimal detail.
- The **executive summary** is directed at Academy senior leadership and should provide more detail on the issues addressed in the report, including summary responses to each of the issues being evaluated.
- The **body** of the report contains the greatest level of detail along with supporting references, data, and analysis.
- In the rare instance that one or more dissenting opinions could not be fairly addressed in the body of the report, a minority or dissenting report may be appended to the report.

Report Quality Review

The committee must review and approve the report. The quality review should be guided by four questions:

- Were the charge questions or issues to the committee adequately addressed?
- Are there any errors or omissions or issues that are not adequately dealt with in the draft report?
- Is the draft report clear and logical?

- Are the conclusions drawn or recommendations provided supported by the body of the draft report?

When the BoV Chair is satisfied that all issues have been addressed, he/she authorizes signature of the cover letter. The BoV Chair can email the final report to the SecAF for further submission to the SecDef. The report can also be transmitted through the Air Force's formal correspondence management system to the SecDef, through the SecAF. The final report is posted to the BoV website.

All FACA committees are advisory and the agency is not required to accept the committee's advice. However, the agency response usually acknowledges the committee's recommendations and discusses which recommendations will be accepted and which will not, and why.

Conclusion

The Federal Advisory Committee Act provides the structure for managing Federal advisory committees and making them accessible to the public. The United States Air Force Academy's Board of Visitors, as a non-discretionary committee, is committed to enhancing public awareness, confidence, and trust in the institution.

Attachment 1 – Government Points of Contact

Designated Federal Officer, SAF/MRM

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SAF/LL

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