

APPENDIX E: COMMUNICATIONS POLICIES

INTRODUCTION

The objective of a communications policy is to provide clear guidance regarding communications with non-Executive Branch entities. Effective communications policies that cover all interactions with non-Executive Branch entities are essential to meeting the agency responsibilities outlined in the internal controls subsection in Section III.B.1. of this Circular. This Appendix covers key features of a successful communications policy and design considerations, and also provides an example of a program communication policy.

KEY FEATURES:

Communications policies may vary by agency, and even by program depending upon program objectives, stakeholders, and other characteristics. In addition to addressing other issues, communications policies should identify the types of communications that are required, permissible, and prohibited, along with any accompanying rules and procedures; cover agency personnel and contractors and make clear who within the agency is responsible for handling such communications; and protect information that is business confidential, market sensitive, and/or pre-decisional and deliberative.

KEY DESIGN CONSIDERATIONS:

In designing these policies, agencies should consider the following issues (among others):

- What communications between the agency, loan applicants, and other non-Executive Branch entities will be required or permitted in order for the agency to administer the program during each phase, including:
 - Outreach to potential applicants and other non-Executive Branch entities;
 - Evaluation of loan applications, including conducting due diligence and underwriting;
 - Loan and portfolio monitoring, management, and reporting;
 - Loan modification proposals, or other requests related to outstanding loans;
 - Re-structuring and write-downs; and
 - Defaulted loans and assets acquired in default.
- Who within the program office or the agency will be responsible for handling these communications?
- What other types of communication are expected and from whom; and, how should these communications be best handled?
- How will business confidential, market sensitive, and/or pre-decisional and deliberative information be safeguarded?
- How will staff and contractors be trained on the communications policies?
- How will any breaches of the communications policies be handled and by whom?

EXAMPLE PROGRAM COMMUNICATIONS POLICY

Communications policies can vary greatly by program, program goals, target borrower populations, stakeholders, and other characteristics. Below is a generic example of one possible policy and an example of communications rules and procedures that can supplement the communications policy for staff member training. It also includes an example of a documentation process regarding communications.

This example assumes a program with standard terms and conditions set forth in agency's regulations. In this scenario, all necessary information for the financing decision is collected via written applications. Because the applications process and contract terms are standardized, there is no need to negotiate with applicants during the application process. Program staff often consult, as appropriate, with non-Executive Branch entities, and there is regular consultation and coordination with other Executive Branch entities in the course of administering the program. Upon award, there is regular contact with any of these entities associated with monitoring and oversight, and where applicable to resolve issues that may arise on a given awarded loan.

CREDIT PROGRAM COMMUNICATIONS POLICY

Instructions Regarding Outside Communications With Respect to the [Program]¹

These policies apply to [Agency] personnel and contractors with responsibilities or records directly related to the execution, management, or oversight of the [Program]. This guidance outlines the actions you are required to take whenever you receive or participate in oral and written communications with any persons or entities outside the Executive Branch regarding [Program] applications for funding, program awards, or other information. Should you have any questions about any of the following, please contact [Lead Compliance Officer]. Staff will receive training on this policy (and any associated procedures) on a quarterly basis. [Agency] will also offer training to non-[Program] staff that may have interactions related to the [Program].

A. Oral Communications Regarding Logistical or Implementation Questions Related to [Program]

Generally Agency employees can answer questions from an outside person or entity that concern the logistics of the [Program] or program implementation, or otherwise cleared and public information. General logistics communications may include responding to a request for a meeting, an inquiry concerning the status of an action, an inquiry concerning the deadlines or logistics of [Program] funding, or any other similar administrative request. For example, below are five general topics of discussion that may fall within the category of general questions about logistics or implementation:

1. How to apply for funding under [Program];
2. How to conform to deadlines;
3. Description of [Program] terms and conditions;
4. Where to direct applications, questions, or communications of any type; and
5. Requests for information about [Program] requirements and [Agency] practices under the [Program].

B. Oral Communications Concerning Pending Applications or Awards

This section relates to oral communications with non-Executive Branch entities regarding pending specific applications or awards that are not covered by sections A or B, above. While an application for [Program] funding remains pending (i.e., during the period of time commencing with the submission of a formal and complete application by an individual or entity for funding under [Program], and ending with the preliminary approval for [Program] funding) you may not participate in oral communications with that applicant or other outside (non-Executive Branch) parties concerning that substance of that application, unless you are gathering information from the applicant to process their application or the communications are with entities the [Agency] is required to consult per statute. Otherwise, your communications must be limited to logistical topics, or otherwise cleared and public information, as discussed in Part A above.

¹ Brackets identify where the responsible entity, office, or party may vary by agency, or program.

COMMUNICATIONS PROCEDURES

The following procedures are intended to govern [Program] staff communications with non-Executive Branch entities. These procedures supplement the [Program] Communications Policy.

Inbound Communications

1. **Emails sent to [COMMUNICATIONS@AGENCY.gov].** Emails to the public mailboxes should be answered by designated [Program] staff using language from approved materials. For emails concerning policy issues for which guidance has not yet been developed, staff should send a note indicating that a response will be provided once guidance is posted. All non-logistical form emails are to be approved by the [Director of Application Review] and [Chief Operating Officer] or [Program Director] prior to first use.
2. **Applicant-specific calls or emails to [Program] staff.** All inbound calls or emails to [Program] staff from specific applicants concerning [Program] terms should generally be routed to the [Program Information line] or the [EMAIL@AGENCY.gov] mailbox.
3. **General calls to [Program] staff.** Calls to [Program] staff from outside entities that are not related to specific applicants should be routed to the [Outreach Coordinator] or Program Director.
4. **Inbound communications regarding pending applications.**
 - a. Any call regarding a non-logistical matter from an applicant that indicates it has an application pending (or which is otherwise in regard to a pending application) must be logged with the [Program Lead Compliance Officer].
 - b. [Program] staff should respond to communications or questions regarding pending applications on non-logistical matters (from applicants or other outside entities) with the explanation that “[Agency]’s policy does not permit us to discuss non-logistical matters regarding pending applications.”
5. **Congressional inquiries.** Congressional inquiries will be handled in consultation with Legislative Affairs. Congressional inquiries should be forwarded to the [Program Director], who will forward it to Legislative Affairs.
6. **Media inquiries.** Media inquiries will be handled in consultation with Public Affairs. Media inquiries should be forwarded to the Program Director, who will forward it to Public Affairs.

Outbound Communications

1. **Outbound calls from [Agency] to specific applicants that have not applied for [Program] funding.** In response to email requests or inbound calls, [Program] staff may call potential applicants that have not submitted an application to discuss program logistics, or otherwise cleared and public information.
2. **Outbound calls from [Agency] to specific applicants that have applied for [Program] funding.** Whenever possible, non-logistical communications with an applicant should be conducted in writing, via email or regular mail, rather than by phone. If Program staff must call a specific applicant regarding a pending application, and that conversation concerns a non-logistical matter, the procedure set forth here must be followed. The call must be approved by the Program Director or [Chief Operating Officer], at least two members of the [Program] staff should attend the call, and notes of the conversation should be taken and retained in the applicant’s folder. These phone calls must be logged with the [Program Lead Compliance Officer].

