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IMPROVING GOVERNMENT THROUGH COLLABORATION: OPPORTUNITIES AND CHALLENGES

The American Council for Technology-Industry Advisory Council (ACT-IAC) is pleased to provide these comments regarding the development an Open Government Directive to implement President Obama's memorandum of January 21, 2009 on "transparency and open government." Given ACT-IAC's unique mission and structure, we have chosen to focus on the principle of "collaboration."

Executive Summary and Recommendations

Since 1979 the American Council for Technology has provided an objective, ethical and trusted environment where government and industry executives work together to improve the government's use of information technology. With over thirty years of experience as a collaborative forum, ACT-IAC has reached the following conclusions:

- The current culture and regulatory environment in government discourages collaboration;
- Collaboration can improve government decisions and program effectiveness;
- Successful collaboration requires management support and commitment;
- Effective collaboration requires clear governing principles; and
- Collaboration takes many forms – there is no single approach

We discuss the above findings in more detail later in this memorandum. We also offer the following specific recommendations for your consideration in drafting an Open Government Directive:

- Create a culture and regulatory environment throughout government that encourages – and does not discourage – collaboration.
 - Identify and review the current rules and regulations that govern collaboration;
 - Revise the laws and update the regulations as needed to encourage collaboration by government employees;
 - Direct the Office of Government Ethics – or other appropriate body – to issue consistent, government-wide guidance that encourages appropriate collaborative activities by government employees when in the interest of the government.
- Encourage the use of new collaborative technologies and establish a consistent, government-wide framework and policy structure for the use of such technologies.
- Ensure that senior management throughout government reinforces the President's January 21 directive on collaboration. Require the head of each department and agency to issue a similar statement on the value of collaboration.

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Government and Industry IT: one vision, one community

- Include collaboration as a metric in the performance evaluation criteria of the appropriate senior level executives.
- Require the head of each department and agency to issue an annual report describing the collaborative activities it has established and/or supported over the past year.
- Establish a set of principles that agencies should use in evaluating the potential effectiveness of any collaborative process. At a minimum, these principles should include:
 - Does the process have value for the government? Will participation improve government operations or the delivery of services to the public?
 - Is the process output driven? Is there a method to evaluate the success of the process?
 - Is the process objective and ethical?
 - Is the process inclusive? Is there an opportunity for all interested parties to participate in some manner?
- Recognize that there are many types – and formats -- of collaborative processes and encourage agencies to employ any and all that have value.

These issues and recommendations are discussed in more detail below. We begin, however, with a description of ACT-IAC and its unique role as a collaborative facilitator.

ACT-IAC – 30 Years of Successful Collaboration

In the 1970's the Federal government was beginning to invest in the emerging information technologies. By 1975 there were 8,600 computers in the government's inventory, almost 90% of which were located outside Washington, DC. The government executives responsible for using these new technologies created local user groups where they could exchange information and collaborate with their peers. In 1979, with support from the Office of Management and Budget and General Services Administration, these local groups created a national collaborative forum – the Federation of Government Information Processing Councils (FGIPC). FGIPC was established as a non-profit, 501(c)3 educational organization to promote communication among the managers, users, regulators and providers of IT assets; to provide education and training to improve the competence of the government IT workforce; and to promote the profession of IT management in the public sector. *FGIPC was created by government employees, governed by government employees and offered programs and services of value to the government IT community.*

Recognizing that the government does not build IT – it depends upon the private sector to provide the needed products and services – FGIPC decided to expand its collaborative umbrella to bring industry to the table. In 1989 FGIPC created the Industry Advisory Council to provide a forum whereby government executives could be assured of objective and vendor/technology neutral advice from the private sector. In 2004 FGIPC changed its name to the American Council for Technology.

Today, ACT is governed by a Board of Directors composed of government officials who set the strategic agenda for the organization and preserve the integrity of the collaborative process. Government employees participate in the organization as members of ACT and they represent every department and agency, every functional area (CIOs, CFOs, acquisition officials, program

managers, etc.), headquarters and regional offices and every level of government (federal, state and local.) Private sector companies serving the government IT community participate in the organization as members of IAC. Today, over 500 companies -- large and small, from every sector of the government IT community -- belong to IAC.

ACT-IAC operates in accordance with the following principles:

- The organization's mission is to help government use information technology -- government issues drive the agenda.
- All activities must be ethical, transparent and open to all interested parties;
- Activities must be objective, fair and vendor/technology neutral; and
- Lobbying, business development and business promotion are prohibited.

ACT-IAC provides an objective, ethical and trusted environment where government and industry work together on the IT issues that keep government managers up at night. The government and industry executives who participate in ACT-IAC represent the breadth and depth of the government IT community. The individuals who sit at the ACT-IAC table share a commitment to improving government through the use of IT, adherence to the above principles and a belief in the value of collaboration based on trust and integrity. Federal Computer Week, the leading trade publication in the government IT community, has described ACT-IAC as "...a model of how government and industry can work together, particularly at a time when partnerships often exist in name only."

With over thirty years of experience in building and maintaining a collaborative environment, ACT-IAC is a unique laboratory that should be of value as you seek to develop a framework and policies to foster collaboration.

The Current Culture and Regulatory Environment in Government Discourages Collaboration

Perhaps the single most significant impediment to greater government collaboration is a culture and regulatory environment that discourages government employees from pursuing opportunities to work with those outside their own office or agency. There are several contributing factors:

- An absence of any explicit support from management for collaboration;
- Confusion regarding what laws and rules govern collaboration;
- A decentralized approach to interpreting the current rules that has led to inconsistent and often contradictory interpretations
- Differing and inconsistent agency policies regarding the use of collaborative technologies such as social networking

Elsewhere in this memorandum we discuss the need for management support for collaboration. It is sufficient to note that it is impossible to find any meaningful statements by senior government officials over the past two decades in support of greater collaboration. To the best of our knowledge, President Obama's January 21 memorandum is the first such statement. In the absence of any such support from management, government employees are unsure whether they will be rewarded or punished for pursuing collaborative activities. The result, in many instances, is inaction.

Even when government employees choose to pursue collaboration, they are often faced with an unclear legal and regulatory framework. There appear to be a number of different laws and regulations that govern the government's ability to collaborate -- although it is difficult to tell as

each agency cites different authorities. More importantly, it is not clear whether the current laws and regulations discourage or encourage collaboration by government employees. Although we have not conducted an in-depth legal review, it appears that the current regulatory regime neither encourages nor discourages collaboration. Rather, the rules seem to permit agency employees to participate in collaborative activities when it is in the interest of the government. However, the interpretation of what is permitted and what is “in the interest of the government” has been left up to ethics officers throughout the government.

Under the current system, the interpretation of the existing rules and regulations is left up to each department, agency and bureau. Although there is an Office of Government Ethics, it has specifically declined to issue government-wide guidance on key issues. The result is that each bureau ethics officer is free to interpret the rules as he or she sees fit – and government employees are unsure as to what is permissible. The answer is likely to be different depending upon the employing agency. In the absence of any clear support from senior management encouraging collaboration, ethics officers and inspectors general tend to err on the side of the least risk. Hence, they spend their time telling employees what they cannot do – rather than what they can do. This negative approach tends to discourage collaboration in many agencies.

Another issue is that each agency has different rules regarding the ability of its employees to take advantage of new technologies such as Facebook. Some agencies prohibit such use while others permit it. There does not seem to be any consistency across government. While there may be legitimate reasons for each agency to have different rules, it would seem appropriate that a consistent set of criteria be established and applied. The current patchwork is confusing and counterproductive to collaboration.

We have encountered numerous examples of how this culture and regulatory framework has impacted the government’s ability to collaborate. Some agencies will permit their employees to participate in ACT-IAC as part of their job – recognizing that participation has value to the government. Some agencies require the employee to participate in their personal capacity. And some prohibit their employees from participating at all. The same collaborative opportunity – three different interpretations. We have had instances recently where a government speaker at a public event has declined to provide a copy of his or her slides (to make available to a wider audience and thereby increase transparency) on the advice of the department’s inspector general.

In another example, we are aware of a government executive who participates in an international organization composed of the national CIOs of over 20 democratic nations. The purpose of the organization is to share information internationally on government IT issues. Membership is limited to government employees. The US official was elected president of the organization. Her agency ethics officer advised her that she was precluded from having a leadership role in the organization and would have to resign or be subject to potential criminal sanctions. At a time when the United States is seeking to rebuild its relationship with the rest of the world, this outcome would not seem to be our best interests.

To create a culture and regulatory environment throughout government that encourages – and does not discourage – collaboration, we offer the following recommendations:

- Identify and review the current rules and regulations that govern collaboration;
- Revise the laws and update the regulations as needed to encourage collaboration by government employees;

- Direct the Office of Government Ethics – or other appropriate body – to issue consistent, government-wide guidance that encourages appropriate collaborative activities by government employees when in the interest of the government.
- Encourage the use of new collaborative technologies and establish a consistent, government-wide framework and policy structure for the use of such technologies.

Collaboration Can Improve Government Decisions and Program Effectiveness

Collaboration enhances the sharing of knowledge, produces better decisions and stimulates innovation. Government and industry both benefit from the opportunities to work together in a trusted collaborative environment. The opportunities to share information ensure that industry understands government’s needs and is able to offer products and services tailored to those needs. Government is able to acquire a better understanding of what technologies exist – and are in development – to achieve government objectives. The sharing of information increases project success rates – and efficiency of government spending – as both parties have a clearer mutual understanding of the project objectives, performance expectations and outcomes. Exchanging information on best practices improves the operational performance of both government and industry. The diversity of ideas and perspectives that collaboration provides improves the quality of the output. Collaboration can also reach across organizational and functional silos to bring together different perspectives. We point to the diversity of individuals involved in ACT-IAC as support.

In the technology area, there are numerous examples of government IT projects that have been successful because government collaborated with industry – during the planning stages – on the project’s objectives, strategy and metrics. Similarly, there are also examples of projects that failed because the agency did not invest in collaboration at the outset. Another example of value can be found in a recent symposium that ACT conducted for the Federal Working Group on Cloud Computing. ACT provided a forum where senior government and industry executives could discuss the issues and opportunities associated with the application of cloud computing to government programs. As a result of this discussion, the participants have a better idea of what questions to ask about this emerging technology. At the request of the Federal Working Group on Cloud Computing, IAC has since formed a Cloud Computing Task Group of industry subject matter experts to continue this collaborative dialogue to help the government in this emerging area.

Successful Collaboration Requires Management Support and Commitment

Successful collaboration does not just occur – it requires constant and explicit support throughout the organization. This support must begin at the top – with strong and explicit statements by the President and agency heads that collaboration is to be encouraged and supported. In addition to statements of support, agency policies and processes (management and human resources) must support collaborative activities on the part of employees. In addition to support from management, successful collaboration requires a commitment on the part of individuals to investing in collaboration. Management must make clear to employees that they are encouraged to collaborate and will be supported. Management must also train employees on how to collaborate and provide them with guidance on what makes a successful collaborative process.

Until President Obama’s January 21 memorandum stressing the importance of collaboration as a principle of good government, there has been little or no management support for collaboration. In reviewing the record of the past thirty years, we have found few statements of support for collaboration and none from the White House or department heads. In the absence of such explicit

support, the current policy framework throughout the executive branch does little to encourage collaboration. To the contrary, as discussed above, many inspector generals and agency ethics officers provide advice that discourages collaboration.

Fortunately, there have been some managers throughout government who have supported collaboration. ACT-IAC has been successful because there has always been a cadre of forward thinking individuals – in both government and industry – committed to the concept of collaboration. These individuals have recognized that cooperation and the exchange of ideas and information improves the product – and been willing to invest their time in collaborative activities such as those offered by ACT-IAC.

To ensure an appropriate level of senior management support, we offer the following recommendations:

- Ensure that senior management throughout government reinforces the President’s January 21 directive on collaboration. Require the head of each department and agency to issue a similar statement on the value of collaboration.
- Include collaboration as a metric in the performance evaluation criteria of the appropriate senior level executives.
- Require the head of each department and agency to issue an annual report describing the collaborative activities it has established and/or supported over the past year.

Effective Collaboration Requires Clear Governing Principles

Management support and committed individuals are necessary for collaboration, but not sufficient. There is also a need for principles or guidelines to govern the collaborative process. These guidelines – “rules of the road” – must be clearly enunciated and agreed to by all participants. Based upon our experience we offer the following principles:

- The process must be output driven – there needs to be an objective or outcome that all parties agree on;
- The process must be perceived to have value for the participants.
- The process must be objective and fact based; information used in the collaborative process must be accurate and factual -- it cannot be biased or advocacy oriented;
- The process must be inclusive – open to all interested parties;
- The process must be ethical; and
- The process and its participants must be trusted to conduct themselves with honesty and integrity at all times.

There are many different ways to implement the above principles and it is likely that each collaborative activity will be unique. For example, ACT-IAC has adopted a number of specific strategies and procedures based on its experience over the past thirty years. These include, but are not limited to:

- To ensure consistency with the ACT-IAC mission to improve government, the strategic agenda is established by a Board of Directors composed of government executives from a diversity of agencies and functions;

- The ACT board annually issues an agenda of government-wide IT issues. This agenda is disseminated to the government IT community and ensures that the organization is addressing issues of value to the government and it is used to drive the programs and outputs of all ACT-IAC activities. The 2009 agenda incorporates the five pillars put forward by the new government CIO and was reviewed by him prior to release.
- Every ACT-IAC activity --- such as conference planning – has participation and leadership from both government and industry.
- We have a number of standing committees – called Shared Interest Groups – focused in key IT issues ranging from acquisition and security to human capital. Each of these SIGs has a government advisory panel to ensure that issues of interest to the government are being addressed.
- ACT-IAC has established an aggressive ethics program to ensure that all participants – government and industry – adhere to the highest ethical standards.

The above operating guidelines are unique to ACT-IAC and may not be appropriate for all organizations. However, they demonstrate the type of “safeguards” that can be established to protect the integrity of the collaborative process. We offer the following recommendations:

- Establish a set of principles that agencies should use in evaluating the potential effectiveness of any collaborative process. At a minimum, these principles should include:
 - Does the process have value for the government? Will participation improve government operations or the delivery of services to the public?
 - Is the process output driven? Is there a method to evaluate the success of the process?
 - Is the process objective and ethical?
 - Is the process inclusive? Is there an opportunity for all interested parties to participate in some manner?

Collaboration Takes Many Forms – There is No Single Approach

A driving force behind the growing interest in collaboration is the emergence of exciting new Web 2.0 and social media technologies that create new opportunities for collaboration and participation. ACT-IAC shares the excitement in the potential offered by these new technologies. However, it is important to emphasize that there are many valuable forms of collaboration. The emerging collaborative technologies should be a complement – and not a substitute – for other collaborative activities.

ACT-IAC has learned that successful collaboration can take many forms. Much of what we do involves face-to-face interaction – whether in small brainstorming sessions or large conferences. While we are beginning to use the emerging collaborative tools, we see them as an opportunity to complement and improve the existing collaborative process – not replace it. For example, the cloud computing symposium described above was a day of face-to-face discussion. We have now put together an online collaborative forum where anyone in the government IT community interested in this issue can participate. Some of our most successful collaborative activities have been brainstorming sessions on a particular issue with government and industry executives and a

white board. We have not yet seen a technology that can successfully reproduce the dynamics and interaction of such a setting.

One of the most successful collaborative activities that ACT-IAC sponsors is a professional development program that pairs a government executive with an industry executive. Over a ten month period they get to walk in the other's shoes. The result is a better understanding of the unique perspectives and issues found in government and industry. We are proud to report that we have graduated over 400 executives from this program.

We have found that the best approach to collaboration is to encourage flexibility in the process consistent with the basic principles outlined above. ACT-IAC seeks to shape the structure of each collaborative activity to the needs of those involved. We are constantly improving and adapting the collaborative process to meet the needs of the participants. We would urge the same flexibility in any open government directive. Our recommendations are as follows:

- Recognize that there are many types – and formats -- of collaborative processes and encourage agencies to employ any and all that have value.

Next Steps

Developing an appropriate and effective collaborative environment will not happen instantly or with the issuance of a single open government directive. These are complex issues that require further consideration.

ACT-IAC would be pleased to assist in addressing these issues as they relate to the government IT community. Specifically, we would be pleased to host a series of collaborative forums (or other collaborative activities) to address issues such as open government and security, safe procurements, transparency, and other areas of strategic importance to the government.

We are available to assist you in addressing these important issues. Please do not hesitate to contact us.

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