

TS Consensus Decision Making Process

Consented 2018-12-15

Scope

This process concerns decisions of the Touchstone Cohousing Association as a whole. Committees are created by decisions of the Association and have their own decision making processes and powers, which are described in their D&R documents.

This process does not include a proposal format, agenda outline, meeting format, or facilitator tools. These are important resources that should be developed and maintained by the Process Committee, but do not need to be consented upon by the whole community.

This process governs decisions in matters which the Association **Bylaws** prescribe a consensus process. The Bylaws may prescribe other decision making standards and processes for certain special matters, or to be used in the event that this process fails. The Bylaws supersede this document in any area of disagreement or inconsistency.

This document replaces and supersedes any previous policies or procedures governing the decision making of the Association as a whole.

Membership & Eligibility to Vote

The Bylaws prescribe standards for who is eligible to vote on decisions of the Association. Those standards apply in this process.

Per the Bylaws, voting representative forms for each unit in the community must be maintained in the files of the Association. These forms should list one **primary** and, optionally, one or more **alternate** representatives.

In the following process, **member** refers to any resident of the community, while **member eligible to vote** refers to a member who is listed as primary or alternate on a valid voting representative form for one or more units.

Plenary Worthiness

The Steering Committee is charged with determining which issues need **plenary** attention and which should be handled by committees or other entities. Where there is no agreement within Steering on whether something is plenary worthy, the default should be that it is.

The following issues should always be given plenary attention:

- Issues requiring plenary attention per a committee's D&R
- Involuntary loss of member rights (in the extreme, this means expulsion)

- Adoption or clarification of common vision or values
- Adoption of strategic plans
- Approval of the annual budget
- Process agreements for how the plenary will do its work
- Establishment of the rights and responsibilities of members

Issues that are emotionally charged and important to a large number of members can be considered for plenary attention even if they technically fall under a committee's purview.

Issue Shape and Flow

The following phases and steps describe how ideas and concerns become official decisions of the community. They are presented in chronological order except where noted.

Phase 0: Inception

1. A member brings an **issue** (idea or concern) to an appropriate committee, or to the Steering committee if they are unsure of which committee to approach. In the latter case, Steering directs them to the appropriate committee or permits them to proceed as an individual. This committee/individual is known as the **sponsor**.
2. The sponsor designates a **champion**—an individual who is knowledgeable and invested and will stay with the issue until its completion.
3. If the sponsor believes the issue is suitable for **fast-tracking**, they may proceed to Phase 3 below and attempt to write a proposal. Issues should only be fast-tracked if they are of a housekeeping nature (e.g., small policy amendments) or extremely urgent. Steering can assist with this determination.
4. The sponsor develops a brief presentation for the first plenary (full-community) meeting. The presentation should include questions designed to ascertain **factors** that a good proposal should take into account.
5. We define a factor as a criterion or requirement against which solutions for the issue will be judged. Examples might include “the solution shouldn't cost more than \$1,000” or “the solution should be wheelchair accessible.”

Phase 1: Discovery

1. The champion brings the issue to Steering to request plenary time.
 - a. Steering judges whether the issue is **plenary worthy** (see above) and schedules it for a meeting.
 - b. For sensitive or complex issues, Steering considers the neutrality and abilities of the available facilitators.
2. The champion ensures that a **post-plenary** sponsor meeting is scheduled at which further research and discussion will occur and a proposal may be drafted. This meeting should be at least 8 days after plenary and should be announced at plenary.

3. The facilitator convenes a meeting with the champion to:
 - a. review the presentation and meeting format,
 - b. confirm that the right questions are being asked to elicit key factors, and
 - c. confirm the post-plenary sponsor meeting.
4. The champion presents at plenary.
 - a. The goal of this plenary is to present the issue, answer clarifying questions, and ascertain the factors (criteria or requirements) that a good proposal should take into account.
 - b. If an accelerated, 2-meeting process is required, and there is sufficient space in the agenda, this plenary may also include problem solving work if it is clearly delineated as such and occurs after the previous step, preferably with a break in between. In this case, proceed to Step 6 of Phase 2 below.
5. The facilitator clearly identifies the issue's champion and sponsor, roadmaps how and when members can provide further input outside the meeting, and identifies next steps.
6. Plenary minutes are distributed at most 2 days after the meeting.
7. Written comments are due to the sponsor at most 6 days after minutes are posted.
Comments submitted after this deadline or not in written form are not required to be included in the sponsor's deliberations. This timeframe may be altered in special cases by a prior decision at plenary.

Phase 2: Problem Solving

1. The sponsor considers community input and begins to problem-solve. *The sponsor may require that members with strong opinions participate in their deliberations.*¹
2. The sponsor prepares a report that presents their research and some alternatives for ways forward.
3. The champion brings the issue to Steering to request plenary time unless plenary time has already been scheduled for this phase.
4. The champion ensures that a **post-plenary** sponsor meeting is scheduled at which further research and discussion will occur and a proposal may be drafted. This meeting should be at least 8 days after plenary and should be announced at plenary.
5. The facilitator convenes a meeting with the champion to:
 - a. review the presentation and meeting format,
 - b. confirm the discussions focus on problem solving, and
 - c. confirm the post-plenary sponsor meeting.
6. The champion presents at plenary.
 - a. The goal of this plenary is to problem-solve as a group. This may consist of sketching the elements of a proposal, weighing of options, or other group work.
 - b. Work is examined on the basis of how well it addresses and balances the factors identified in Phase 1.

¹ If a member is requested and able to participate but refuses, that member may not block the sponsor's proposal when it comes up for consensus.

- c. *This is not a time to fish for additional factors missed in Phase 1 and the group is not obliged to work with new factors identified at this stage.*
 - d. The facilitator clearly identifies the issue's champion and sponsor, roadmaps how and when members can provide further input outside the meeting, and identifies next steps.
7. Plenary minutes are distributed at most 2 days after the meeting.
 8. Written comments are due to the sponsor at most 6 days after minutes are posted. *Comments submitted after this deadline or not in written form are not required to be included in the sponsor's deliberations.* This timeframe may be altered in special cases by a prior decision at plenary.

Phase 3: Proposal Consideration

1. The sponsor compiles input from the meeting and written comments and works toward a proposal, using a prescribed **proposal template**, that addresses the factors identified. *The sponsor may require that members with strong opinions participate in their deliberations².*
2. When the proposal is ready, the sponsor delivers it to Steering and requests plenary time.
 - a. If the sponsor is requesting to fast-track the issue, Steering determines if the issue meets the fast-track criteria listed above. If it does not meet the criteria, it is treated as in Phase 1 above.
 - b. Steering checks that the proposal meets the prescribed format and appears to account for the factors identified³. If no Steering meeting is scheduled before the next plenary addressing the issue, the plenary facilitator may perform this function.
 - c. Steering/facilitator may direct the issue back to Phase 2 if it believes the issue is not ready for consensus.
3. The facilitator convenes a meeting with the champion to review the proposal and discuss how it will be presented.
 - a. Review the presentation and meeting format,
 - b. Confirm the discussions focus on how the identified factors are considered by the proposal
4. The champion presents the proposal at plenary.
 - a. This is *not* a time to fish for additional factors missed in Phase 1 and the group is not obliged to work with new factors identified at this stage.
 - b. If consensus is reached, the facilitator ensures all appropriate implementation details (e.g. tasks, deadlines, budget implications) are considered and assigned.

² If a member is requested and able to participate but refuses, that member may not block the sponsor's proposal when it comes up for consensus.

³ Note that Steering/facilitator should not do the work of plenary in reviewing the merit of the proposal, only that it appears to have accounted for key factors identified. Steering's job here is to prevent proposals that are obviously not ready from taking up valuable plenary time.

- c. If consensus is not reached, the issue returns to the start of Phase 3. The facilitator again identifies the issue's champion and sponsor, describes how and when members can provide further input outside the meeting, and identifies next steps.
5. Plenary minutes are distributed at most 2 days after the meeting.
6. For approved proposals, the Framework Subcommittee is responsible for ensuring the final proposal shows the date on which it was approved and is archived in the Association's Book of Agreements.

Consensus

Once a proposal has been crafted and seems ready for a decision, members must take one of three **positions** in relation to the proposal. Members should refrain from expressing positions, especially "stand aside" or "block", prior to this point. Note that taking an explicit position is different from expressing a concern, which is normal and encouraged early on in the process.

The three positions are as follows:

Position 1: Agree

The member is OK with the proposal going forward. Even if not highly supportive of the idea, they at least feel they can live with it.

Position 2: Stand Aside

The member is not ready to support the proposal, but does not feel strongly enough to block it. This may be due to a personal objection or a minor sense of uneasiness or uncertainty that they do not feel warrants delaying a decision.

When standing aside, the member has an obligation to explain their reasons, and the group has an obligation to make a good faith effort to hear and understand the concern.

No set number of members standing aside should be considered as automatically blocking a decision, but the facilitator should take special care if three or more members stand aside. It is within the facilitator's rights to delay a decision if they feel that the number or nature of stand asides warrant it.

Position 3: Block

The member objects to the proposal and stands in the way of its approval.

This is a strong step⁴, taken only when the member:

⁴ This process is designed to make blocks a rare event by surfacing concerns early and making a best faith effort to address them. However, the right to block is an important one, and should be treated with respect.

1. Has actively participated in the discussion, has made their concerns known in a meeting or by written comment between meetings as stipulated above, *and*
2. Demonstrates a full understanding of the issues involved, *and*
3. Believes that the proposal violates the community's stated values and/or will seriously endanger the group, *and*
4. Commits to contribute time and effort to explore solutions and alternatives, *and*
5. Is eligible to vote per the Bylaws, *and*
6. Is physically present at the meeting (i.e. not voting by proxy).

In the event of a block, the group is obliged to make a good faith effort to understand the block and the blocker is obliged to make a good faith effort to explain it. Care should be taken not to unduly pressure the blocker into rescinding their objection.

At least one other person in the group, excluding the facilitator, must agree that the blocker's position is rooted in a reasonable interpretation of a common value.

If, after a review of the above criteria, the block remains and is supported by at least one other member eligible to vote, the proposal is not approved and the facilitator should lead a group discussion of what to do next.

Since blocks may not be made by proxy, if a member eligible to vote is not able to attend a meeting due to highly extenuating circumstances (e.g. previously planned out-of-town trip, serious illness, death in the family) and has a potentially blocking concern on an issue that is up for consensus, they may request that the issue be moved to a different meeting. In order to allow facilitators time to adjust the meeting agenda, this request must be made within 48 hours after notice of the meeting has been given, unless the extenuating circumstance materializes after this point.

In order for a proposal to be approved, the facilitator must individually confirm the position of each member eligible to vote via thumb gesture, verbal statement, or other clear indication. A proposal is approved if no members eligible to vote block the proposal⁵.

Quorum

Per the Bylaws, for decisions to be made, a quorum of 35% of units voting in person or by proxy is required. Only one person per unit should be counted in this calculation, and a person representing multiple units may count multiple times. The Bylaws should be treated as the authoritative document in determining quorum.

Facilitators and participants are encouraged to knock on doors to gather enough members for quorum if needed.

⁵ Blocks deemed invalid do not count as blocks in this sense.

Meeting Notice

The requirements for meeting notice prescribed in the Bylaws must be adhered to in this process. In addition, the following must be included with meeting notices:

- The meeting agenda, listing all issues being discussed along with their sponsors and champions
- A clear indication of which phase each issue is in (discovery, problem solving, proposal)
- If an issue is up for consensus in the meeting:
 - The **final** proposal document (no modifications should be made after the notice goes out as people may decide whether to attend based on the proposal)
 - The words '**up for consensus**' in bold type next to the agenda item(s)
- An additional indication if an issue is being fast-tracked or accelerated

If notice is not sent by the deadline, the meeting must be canceled or rescheduled. If notice does not include clear indication of an item up for consensus, or its final proposal, the item cannot be consented to in the meeting. Not following these standards discriminates against those who are not able to attend every meeting and must choose and plan their attendance based on the meeting notice.

Minutes

Meeting minutes should follow a template and standards provided by the Process Committee.

Minutes must be posted on the community email list and document repository within two days of a meeting.