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POLICY CONSENSUS INITIATIVE

A PRACTICAL GUIDE *to* COLLABORATIVE GOVERNANCE



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CHOOSING AND WORKING WITH A NEUTRAL FORUM AND FACILITATOR

The concept and role of facilitator was introduced briefly in the Introduction to this *Guide*. This chapter will expand upon the tasks and responsibilities of the facilitator. First, though, the chapter will introduce the related concept of a “neutral forum”—a concept that has grown markedly in importance in the past decade.

What a Neutral Forum Is

We use the term *neutral forum* to mean an institution that has a reputation for impartiality, objectivity, and credibility and the ability to create a neutral “space” in which leaders can gather participants to address issues. It is not necessarily a particular place or location, but rather is an entity with the credibility to assure participants that a collaborative process will operate in an unbiased environment suitable for discussion and deliberation. Such an institution lends integrity to a collaborative process. In the Columbia River case, the National Policy Consensus Center served as the neutral forum, helping all of the different levels of government and other entities to come together to address the key issues.

Neutral forums provide leaders with expertise and capacity to assess, plan, and conduct collaborative governance processes. The staff of a neutral forum knows how to structure processes for on-going problem solving and implementation. This kind of institution ensures that the collaborative structures and processes developed and conducted under its guidance are carried out according to the principles and best practices enunciated in this *Guide*.

An increasing number of universities are serving as neutral forums through their institutes of government, extension programs, and special centers that specialize in multi-party conflict resolution, collaborative problem solving, and public engagement. Universities are among a handful of institutions that have managed to maintain a reputation for objectivity in the current polarized political climate, and many times they are uniquely positioned to help leaders address today's difficult issues.

Other organizations—some of them within federal, state, and local governments, such as the U.S. Institute for Environmental Conflict Resolution, and some nonprofit organizations established for these purposes—also have as their mission to serve as neutral forums for the resolution

of disputes. In local communities, organizations such as civic clubs, the League of Women Voters, and others have also served this function:

William Ruckelshaus, former administrator of the Environmental Protection Agency, once said, “It is often valuable for a collaborative group to operate under the auspices of a neutral organization, like a university” (PCI Report, June 2005). To that end, Ruckelshaus has helped to create two such university centers that have the mission of serving as neutral forums for collaborative problem solving in their states.

University centers and other similar institutions typically have skilled facilitators on staff who can handle all phases of a collaborative process. Others have rosters of qualified facilitators from which to choose. They can help sponsors find facilitators, conduct assessments, determine what processes will work best, and consult with them about how to play their role as sponsor most effectively.

What Facilitators Do

Facilitators play important roles before, during, and after a collaborative process. The activities undertaken before discussions begin are critically important to the success of any collaborative process and deserve as much attention as conducting the process. The tasks include: conducting the assessment; designing and organizing the process; creating the climate for collaboration; gathering and preparing information; finding and consulting with experts; preparing parties to participate; planning how to engage the broader public; and managing the logistics. Facilitators, in many ways, function as project managers in carrying out these activities.

Once discussions have begun, facilitators generally plan and run the meetings and help to manage the flow of information. If parties decide to seek advice from experts, facilitators can organize and manage a fact-finding process. They help participants keep their constituents informed. They can serve as liaisons to parties not at the table, such as elected officials or constituencies. And they can assist with drafting agreements. After a process concludes, facilitators often are needed to coordinate implementation and keep it on track.

The most important qualification for a facilitator is past experience managing collaborative processes for public issues, as well as a working knowledge of the particular context and culture. A thorough grounding in the dynamics of working with government agencies can also be key. Subject matter knowledge is important when the facilitator's job is to help participants manage complex technical information. Usually it is not essential that facilitators be experts on the subject under discussion; however, a facilitator needs to have enough knowledge so they don't slow down communications or get in the way due to lack of understanding of basic terminology.

When parties have good working relationships and are experienced at collaborating, the sponsor and participants may be able to share responsibility for the facilitator's tasks and take turns facilitating meetings. Or, it may be acceptable to participants for a member of the sponsoring agency's staff to serve as the facilitator or project manager. In most cases, however, an outside facilitator will be crucial in helping to manage the process.

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How to Get Process Assistance

If the aim is to find a source of advice for all aspects of problem solving, the best option may be to turn to a neutral forum, as previously discussed—a university center, an institute of government, an extension service, or another organization that has the experience and capacity to plan and facilitate a wide range of collaborative governance processes. Some centers have skilled facilitators on staff; others have rosters of qualified facilitators they can recommend. These centers can assist a sponsor in selecting and managing the services of a qualified facilitator.

If the aim is to find a facilitator directly, a number of private and nonprofit organizations and individuals offer facilitation and other kinds of public engagement services. In deciding whom to choose, it is wise to involve or consult other participants in the selection process, whenever possible, to avoid the perception that the sponsoring agency alone is the facilitator's client.

The Policy Consensus Initiative maintains a directory of university and other resource centers on its website, www.policyconsensus.org. The National Roster of Environmental Dispute Resolution and Consensus Building Professionals is a list of facilitators maintained by the U.S. Institute for Environmental Conflict Resolution; their website is www.ecr.gov. Sponsors can also turn to their peers and professional associations for suggestions of skilled resource people and organizations that have

Questions for Interviewing Facilitators

1. What is your general experience? What is your experience with situations like this? With participants like us?
2. How long did those processes take? What were the outcomes?
3. Do you specialize in one approach? Describe what kind of process you usually use in these circumstances.
4. What approach would you take in managing this situation? What sorts of things do you need to learn in order to tailor your approach to fit this situation?
5. Have you ever encountered unexpected challenges? How have you responded to them?
6. How familiar are you with the types of issues in this case?
7. What kind of staff will assist you? How will you handle logistical arrangements for meetings? What kind of help will you need?
8. Do you know of any conflicts of interest you may have?
9. How long will this process take? What is your availability during this window of time?
10. How do you charge for your services?

worked on similar issues in similar contexts. Private and nonprofit organizations and individuals who offer these kinds of services can also be located online.

Some of the key factors to consider in choosing which resource to use are related to their expertise, availability, and cost. Sponsors can solicit this information from candidate organizations and individuals via phone calls and meetings.

Sponsors can also issue a Request for Proposals (RFP) or a Request for Qualifications (RFQ) as a way to narrow the list of candidates. An RFQ is the better choice because it avoids some of the problems associated with an RFP. The most significant problem with an RFP is that it puts the cart before the horse by asking candidates to propose how they would carry out a collaborative process before they have made an assessment or consulted with the parties.

When using the RFQ approach, ask for the following items: a resume; a list of projects or cases the program or candidate has facilitated, with brief descriptions of those most pertinent to the project at hand; a brief description of their general approach (not specific to this project); a list of previous work, if any, with the sponsor or other parties; a declaration of any potential conflicts of interest; and references.

If the sponsor is using the services of a resource center that will serve as the neutral forum, that forum will take responsibility for setting up interviews with facilitator candidates. If the sponsor is going to contract with a facilitator directly, they need to consider how they will involve other parties in the selection process.

See the box on the facing page for a list of useful questions to ask when interviewing facilitators.

The Sponsor's Relationship to a Neutral Forum or Facilitator

A central principle of collaboration is that neutral forums and facilitators are unbiased and equally accountable to all participants. This principle requires sponsors to think differently about their relationship to the forum and facilitator than they typically think about their relationship with a consultant. When a facilitator treats a sponsor as their sole client—the one they are working for and responsible to—this creates a fundamental problem in terms of their accountability to the other participants in the process.

It is natural for a sponsor to look for a consultant who will get the results the sponsoring agency wants to achieve. However, when the purpose is to seek a decision or a result through a collaborative process, the sponsor must focus on how the forum and facilitator will assist them in making the process successful, rather than in achieving a particular outcome. If a sponsor needs a particular outcome, they should use methods other than collaboration to achieve that result.

Personal services contracts usually define a special relationship between a contractor and a client. Since the neutral forum or facilitator needs to work on behalf of all participants, and not just the sponsoring agency, the contract should be written in such a way that it could be shown to any participant as a confirmation of the forum or facilitator's ability to act impartially. For example, a contract might say: "The facilitator's role is to serve as an independent process manager. The facilitator's 'client' is the process, and the facilitator is equally accountable to the sponsor and all other participants for ensuring that the process is impartially conducted according to the jointly agreed-upon ground rules. The facilitator will not act as an advocate for anyone on any substantive or procedural issue."

The next chapter will address the final key role in a collaborative process—that of convener.

APPENDIX: A MINI-GUIDE TO PARTICIPATION

This appendix is geared toward prospective participants in a collaborative process. It describes the stages of a collaborative decision-making process and highlights the actions participants will be called on to take at these various stages.

Before Discussions Begin: Decide Whether or Not to Participate

At the outset, you will need to assess whether or not a collaborative approach to the issue serves your interests and objectives. A major incentive for participating is the opportunity to have a direct role in making decisions. To participate in good faith, however, you must also work toward a consensus solution that everyone can support. It is therefore in each party's interest not only to try to meet their own needs, but also to try to help meet the needs of the others.

At this stage, you should:

1. Be willing to meet with the interviewer. Refer to "Questions for a Stakeholder Analysis" in Chapter 4 to prepare for your interview.
2. During the interview, share your view of the issue and the context. Ask questions so that you fully understand how the process will work. Then you and your associates can compare it to other options for meeting your objectives.
3. Be candid with the interviewer about your perspectives, your organization's interests, and whether or not you are interested in participating.

You may need to meet with the interviewer more than once before deciding to participate. For example, another party may object to an issue that you have requested be placed on the agenda (or vice versa), and the disagreement may need to be resolved before the process can begin. The interviewer may shuttle between you and the others until the matter is resolved, or may suggest that you and they discuss it directly. You will not be asked to commit to a process until all of your questions have been answered, so you can continue to evaluate your options until you and the others can agree to go forward.

Before Discussions Begin: Prepare for the Process

This step begins after you and the other parties have agreed to participate and the sponsor decides to move forward. During this phase, you will work with the facilitator and the other parties to plan the process. At this stage, you should:

1. Express all of your concerns about how the process will be organized—the "who, what, where, when, why, and how."
2. Listen to the concerns of other parties.
3. Work with the facilitator and others as requested to plan the process and write ground rules.
4. Keep your colleagues and constituents advised of the plans and allow them to review draft ground rules if they are interested.
5. If the process is going to be made up of representatives of groups, select someone well equipped to represent your group's interests and to communicate effectively with others. In some processes, several organizations may form caucuses, so that not every organization will have a member directly participating in the discussions. If that is the case, make sure you are comfortable with the person or persons representing your caucus. Establish a clear process for instructing your representative before each session and reporting back afterwards. Clarify your caucus's procedures for making decisions, especially decisions to approve components of an agreement.
6. Once all concerns are addressed, commit to following the ground rules. When all parties have made this commitment, the process can begin. If you are not satisfied after reviewing the ground rules, you can decide not to proceed.

During the Discussions: Participate Actively and Effectively

During the discussions, you should be prepared to:

1. Explain your interests and concerns. Be forthright about putting them on the table.
2. Listen carefully to learn about the interests and concerns of other parties. Ask questions to make sure you understand.
3. Share information that can contribute to better solutions. If some information must be kept confidential, consider ways to share the relevant parts safely.
4. Seek ways to jointly gather information that is credible to all participants.
5. Work with all parties to develop creative solutions that all can accept.
6. Abide by the ground rules and be willing to enforce them when you think they are being broken.
7. Keep constituents informed. Take back tentative agreements for their review. The better informed they are, the more likely they are to support agreements the group develops. Make sure other parties understand how your group makes decisions and how much time is needed for that to happen.
8. Use the facilitator as an intermediary to help resolve sticky issues.
9. View the overall outcome as a package to support, even if some components are not what you might have preferred.
10. Indicate your support by signing the written agreement.

After the Process Ends: Support Implementation

Implementation involves first transforming the informal agreement into an official decision, and then putting the decision into effect.

While the agreement is being translated into an official decision, support the agreement package through any official public review process. Be prepared to attend public hearings and other meetings to explain the agreement and answer questions. If a legislative body needs to make a decision regarding the agreement, be prepared to lobby legislators and testify at hearings. Also, be prepared to meet with other stakeholders if there is a need to modify the agreement.

During implementation, you will need to take the action steps necessary to uphold your part of the agreement. Implementation may also involve serving on committees to monitor the agreement and make mid-course corrections. This can also be an opportunity to involve other members of your organization.