

**Classroom Law Project**

**Building Consensus**

**Consensus Means:**

* Everyone can live with the decision (does not have to be unanimous)
* Every effort has been made to meet interests (interests are different than positions or demands)
* We will support our colleagues in implementing the decision
* We won’t impede the implementation of the decision

**Process for Abbreviated Consensus Building:**

1. Goal clearly stated (Goal ≠ End Product)
2. Everyone has access to the same evidence
3. Small Interest Groups meet & come to agreement (consensus) on a policy proposal, including arguments to defend it
4. Spokesperson for each Small Interest Group presents proposal to Convention
5. Facilitator records policies for Convention
6. Facilitator guides dialogue: questions & clarifications from delegates
7. Convention narrow options down to two
8. Final Dialogue (using evidence) to address all final interests around 2 Options
9. All voices are heard
10. Consensus decision (can take different formats of voting or verbal acknowledgement or “5-fingers”)

***Position = Interest + Experience***

**Definitions**

**Facilitation** – helping groups work together. Facilitation is a management skill that creates space for all voices to be heard, allows civil disagreement, and guides decision making processes. Facilitators are ideally neutral / nonpartisan and able to closely listen, summarize, and help participants clarify their arguments and questions.

**Mediation** – helping parties resolve conflict without participating in the conflict. Mediators assist parties in conflict to have a voice, hear each other, and come to resolution on their own.

**Recording** – creating a visual record of the consensus process. The recorder should have the skills of clarifying and summarizing, keeping a concise written record of arguments, questions, statements, concerns, and dialogue. Like minutes of a meeting, the recording (or written record) of the consensus process allows participants to go back and review what has happened during what can potentially be a highly emotional situation.

**Convening** – bringing the parties together. In our simulation, the convening is the form of a convention, where delegates attending are representing regions of the country.

**Creating & Claiming Value** – a way of thinking about conflict resolution where it is not a “win/lose” or zero-sum process, but rather where gains or value are achieved for all parties. Claiming value requires all parties to have cooperative approaches no matter their underlying interests.

**Evidence-Based Dialogue** – instead of “debate,” consensus-building asks participants to come ready to hear each other in order to discuss the issue(s). In addition, the dialogue that occurs should be evidence- or text-based so that all parties have the same reference points. Having participants refer back to texts or evidence keeps the dialogue from become person-centered rather than issue-centered.

**Five-Fingers Voting** – a way of assessing agreement in group during consensus building. This allows participants to hold up a number of fingers to rate where they stand on an issue or decision rather than limiting it to yes or no. This allows the group to acknowledge reservations or concerns of members. For consensus building, a final decision requires only that there are no fists showing (or “zero” agreement).