

CONSULTATIVE COUNCIL CONSENSUS PROCEDURES

- Section 1. General. This consensus process shall be followed by the Consultative Council (Council) and its committees.
- Section 2. Definitions.
- 2.1 "Appointed members" are individuals who are not Institute members but who have accepted an invitation to serve on a topical committee.
 - 2.2 The term "consensus" used throughout these Procedures is the prevailing judgment rendered by a body of people representative of a broad cross-section of impacted or involved interests, balanced so that no single interest can dominate the proceedings and acting under due process to develop a solution to a specific problem or issue.
 - 2.3 Terms used in these Rules such as "balance," "balanced committee," and other similar wording shall all mean that the membership of each and all committees, unless otherwise noted herein, shall consist of individuals representing the broad interests of the Institute. "Balanced" shall not be construed necessarily to require a complete constituency or a numerical proportioning of all the interest groups represented in the Institute.
 - 2.4 Institute Members are categorized in one of the following twelve (12) classifications based on their primary trade, occupational or business affiliation. Representatives of trade and professional associations, and societies are categorized in the interest classification they primarily represent. Consultants, private attorneys and other similar individuals are classified in categories they predominantly serve. The purpose of the "interest classifications" is to insure an appropriate representation of the various interests of the building community in determining the balance and representation of project committees.
 - 2.4.1 Consumer and General Interest - Consumers, users, academia, media, and public interest groups.
 - 2.4.2 Architects - Architects and related professionals in private practice.
 - 2.4.3 Engineers - Engineers and related professionals in private practice.
 - 2.4.4 Federal Government - Officials and representatives of federal government agencies.
 - 2.4.5 State and Local Government - Officials and representatives of state and local government, including code officials.
 - 2.4.6 Building Construction - Building construction contractors, subcontractors and utilities.
 - 2.4.7 Labor Organizations - Building trade unions.
 - 2.4.8 Housing - Builders, developers and housing producers.
 - 2.4.9 Building Materials and Products - Producers, manufacturers and distributors of materials and products (including software) used in the building process.
 - 2.4.10 Codes and Standards - Standards and model code developing organizations.

2.4.11 Real Estate, Finance and Insurance - Owners, real estate, finance, and insurance organizations.

2.4.12 Research, Testing and Other Services - Research organizations, testing laboratories, and other service organizations.

Section 3. Records. The secretary of the Council and each topical committee or Institute staff shall, where applicable, organize and keep accurate records of all written matter, including but not necessarily limited to the following:

- 3.1 Minutes of all scheduled meetings;
- 3.2 Voting records of all actions taken;
- 3.3 Attendance at meetings including visitors;
- 3.4 Letter ballots;
- 3.5 Correspondence, including meeting notices;
- 3.6 Reports, resolutions and all other written matter;
- 3.7 Financial reports, including budgets and expenditures;
- 3.8 Memoranda giving information on significant verbal communications, including instructions from the Consultative Council; and
- 3.9 All such other records as may from time to time be requested by the Chair, and on request, all records may be open for inspection by (a) members of the Committee; (b) authorized staff of the Institute; (c) all members of the Institute Board of Directors and the Consultative Council; and (d) by such other individuals as may from time to time be expressly authorized by the chair of the Consultative Council.

Section 4.1 Topical Committee. A topical committee shall be established through a majority vote of the Council when it has been determined that examination of a topic would be beneficial to the work of the Council.

- 4.1.1 A topical committee shall consist of individuals who have demonstrated knowledge of and interest in the subject matter. Initial members of the topical committee shall be identified by members of the Council. Additional persons desiring participation shall apply in writing in response to an announcement of the committee's formation. The Council shall establish a closing date for membership on the topical committee.
- 4.1.2 To establish balance or obtain needed special expertise as determined by the Council, individuals shall be invited by the Council Chair to serve as appointed members of the topical committee.
- 4.1.3 Timely notice shall be given of each topical committee formation, stating its mission and purpose and offering membership to all interested persons.
- 4.1.4 Topical committee chairs shall be appointed by and serve at the discretion of the Council Chair following consultation with the Institute President and upon receiving the concurrence of the Chair of the Institute Board of Directors.
- 4.1.5 The vice chair of a topical committee shall be elected by the committee membership.

When necessary, the vice chair shall assume the duties of the chair and shall perform such other duties as may be assigned by the chair.

- 4.1.6 The secretary of a topical committee shall be elected by the committee membership and shall perform duties normally incident to the office, including the preparation and keeping of minutes of committee meetings and other records as may be required by the chair, and shall perform such other duties as may be assigned by the chair.
- 4.1.7 A member of a topical committee who has two absences from any series of four consecutive meetings shall no longer be a member of the topical committee. A committee member who has failed to vote on any written ballot shall no longer be a member of the topical committee.
- 4.1.8 Upon due notification, the Council may terminate a topical committee for any of the following reasons:
 - 4.8.1 Completion of its assignment.
 - 4.8.2 Unavailability of funds to carry on the work.
 - 4.8.3 The need for the work ceases to exist.
 - 4.8.4 Inactivity.
 - 4.8.5 Noncompliance with the Rules.
 - 4.8.6 By instruction of the Board of Directors.
 - 4.8.7 For such other reasons deemed appropriate.
- 4.1.9 A topical committee shall:
 - 4.1.9.1 Perform all work assigned by the Council in conformity with the committee scope as prescribed by the Council.
 - 4.1.9.2 Conduct its business in strict compliance with these Rules.
 - 4.1.9.3 Keep accurate records of committee proceedings.
 - 4.1.9.4 Submit all final reports to the Consultative Council for review as to compliance and conformity with procedures and policies.
 - 4.1.9.5 Maintain the privacy of all reports, resolutions and other written documents until final approval and release of such information for public use is authorized by the Council and the Board of Directors.

Section 4.2 Topical Subcommittees.

- 4.2.1 Where necessary, at the discretion of the committee chair, a subcommittee may be formed to perform specific tasks identified by the committee.
- 4.2.2 A subcommittee chair and members of a topical subcommittee shall be selected from the topical committee membership and shall be appointed by and serve at the discretion of the chair of the topical committee.
- 4.2.3 Selection for topical subcommittee membership shall be based on the expertise and professional experience of the individual members to deal with a specific work assignment. All findings and/or recommendations emanating from the subcommittee are subject to the review and approval of the topical committee to which it reports. Subcommittee meetings do not require a quorum and subcommittee reports are not normally balloted.

- Section 4.3 Meeting Notices. Notices of all meetings of topical committees whether conducted in person or by electronic means shall be provided by mail, electronic mail, or facsimile not less than 15 days prior to the scheduled dates of such meetings, and shall give the place, time and other necessary information. Agenda and supporting documents shall be provided by mail, electronic mail, or facsimile at least 7 days prior to the meeting. The Committee Chair may call special meetings for specific purposes.
- Section 4.4 Open Meetings. All meetings of topical committees and topical subcommittees shall be open to visitors.
- Section 4.5 Visitors.
- 4.5.1 Visitors who are not members of the Council or members of the topical committee may participate in meeting discussions with the permission of the chair, but are not eligible to make or second motions or to vote.
- 4.5.2 The chair shall identify and introduce all visitors, determine their membership status, advise them of their rights and privileges, and instruct the secretary to enter their names and business affiliation into the minutes of the meeting.
- Section 4.6 Meeting Quorums.
- 4.6.1 Meetings of any topical committee will be considered duly constituted and officially ready for business when one third of committee members are present.
- 4.6.2 Meetings of topical subcommittees do not require a quorum.
- 4.6.3 Any scheduled meeting of a topical committee that does not have a quorum of its members present, may be opened at the option of the chair for purposes of discussion, but shall not be allowed to take any official action. If a quorum is not present at a meeting, actions may be taken subject to confirmation by letter ballot.
- Section 4.7 Voting Privileges.
- 4.7.1 All topical committee members shall be entitled to ballot on documents and draft reports.
- 4.7.2 Two or more Committee members representing a single organization or agency shall have one vote at topical committee meetings.
- 4.7.3 A committee member may appoint an alternate who is entitled to full participation and voting privileges in the absence of the active member.
- 4.7.4 At topical committee meetings, the topical committee chair shall identify eligible voters at the start of a meeting.
- Section 4.8 Committee Outputs. Final reports of the Committee for transmittal to the Council shall require approval by written ballot.
- 4.8.1 In each ballot of the Committee, a simple majority of the total votes cast, excluding abstentions, shall be considered a consensus and shall constitute due and proper procedure to validate the action of the Committee. Not less than a majority of those entitled to ballot, including abstentions, must be involved in the vote.
- 4.8.2 A Committee report may be revised and resubmitted, with ballot, to the Committee for as many iterations as needed to obtain approval.
- 4.8.3 The Committee chair shall establish a date for return of written ballot. A minimum of 20 days shall be provided for members to review and ballot the final report.

- 4.8.4 When balloting to approve a report, Committee members shall cast their votes in one of the following categories:
- 6.1.4.1 Accepted
 - 6.1.4.2 Accepted with comment
 - 6.1.4.3 Abstain
 - 6.1.4.4 Negative
- 4.8.5 A negative vote must be substantiated to be valid. This provision shall be stated on the ballot.
- 4.8.6 All comments submitted with a negative vote or an accepted-with-comment vote will be reviewed at a meeting of the Committee, unless the steering committee finds the comments to be editorial, and in turn notifies the Committee of the decision and provides copies of the comments. Should a Committee member, other than the submitter, disagree with the decision of the steering committee, and state in writing the reason for such disagreement, the comments will be reviewed at a meeting of the Committee.
- 4.8.7 At a meeting of the Committee all comments submitted shall be evaluated, categorized, and disposed as follows:
- 4.8.7.1 Persuasive - relevant and of such substance as to require incorporation into the original report.
 - 4.8.7.2 Non-Persuasive - relevant but not of such substance as to affect the original report.
 - 4.8.7.3 Not-Relevant - not consistent with the intent or subject matter of the report.
 - 4.8.7.4 Editorial - changes in grammar, punctuation or format and revisions will be made.
- 4.8.8 The Committee chair shall notify all who submit comments with a ballot of the Committee's disposition of the comments. A voter who disagrees with the disposition of the voter's comment may appeal directly to the Committee chair for reconsideration. The Committee chair and steering committee, if any, shall evaluate the appeal and re-categorize the comment, if warranted.
- 4.8.9 A decision by the Committee chair or steering committee, if any, to reject the appeal may be appealed to the chair of the Council for review and adjudication by the Council. However, the Council will only consider appeals related to the Rules and Procedures or Institute policy. Technical issues are the sole responsibility of the Committee.
- 4.8.10 Committee members who cast negative votes with comments found to be persuasive and incorporated into the original report may change their vote to accepted or accepted-with-comment.
- 4.8.11 Final reports of topical committees are not official publications of the Council or the Institute and shall not be released outside the membership of the Council and its committees unless such release is approved by the Council Steering Committee.

Section 4.9. Minority Opinions. Minority opinions may be filed as an appendix to all Committee reports adhering to the following general guidance.

- 4.9.1 Minority opinions may be submitted only by Committee members who have cast an accepted-with-comment or a negative vote.

- 4.9.2 Only those submitting comments held to be persuasive or non-persuasive by the Committee will be entitled to file a minority opinion to be considered for publication. A minority opinion will not be published without the expressed written consent of the author.
- 4.9.3 Minority opinions shall address only the substance of comments submitted with a ballot.
- 4.9.4 The content of the minority opinion shall be as follows:
 - 4.9.4.1 Identify the subject and state the objection.
 - 4.9.4.2 Explain the rationale for the objection.
 - 4.9.4.3 State alternates that are recommended.
 - 4.9.4.4 Sign the statement.
- 4.9.5 Minority opinions may be submitted on separate issues contained within a single report but each must be prepared separately.
- 4.9.6 Minority opinions on a single issue may be combined and signed jointly.
- 4.9.7 Minority opinions must be prepared to meet the deadline for submittal of the original report.
- 4.9.8 The format of a minority opinion submitted is subject to change and the content subject to editorial review without change in intent to assure one style in the report.
- 4.9.9 The Committee chair and steering committee shall evaluate minority opinions for adherence to these Rules and authorize publication. If publication is rejected, the decision may be appealed to the chair of the Council for review and adjudication by the Council.

Section 5

Representative Hearings. Representative Hearings may be organized upon a majority vote of the Council when it has been determined that examination of a topic by this mechanism would be beneficial to the work of the Council.

- 5.1 At least three Council members appointed by and serving at the discretion of the Council Chair following consultation with the Institute President and upon receiving the concurrence of the Chair of the Institute Board of Directors shall be charged with organizing and shall preside at such Representative Hearings. The chair for the Representative Hearing shall be designated by the Council Chair.
- 5.2 The secretary for a Representative Hearing shall be selected by the presiding members at the Hearing and shall perform duties normally incident to the office, including the preparation and keeping of minutes and other records as may be required by the chair, and preparation of a hearing report, and shall perform such other duties as may be assigned by the chair.
- 5.3 To assure balance or obtain needed special expertise as determined by the Council, individuals shall be invited by the Council Chair to present or provide written comments at any Representative Hearing.
- 5.4 Upon establishment of the need for a Representative Hearing, timely notice shall be given of each Representative Hearing scheduled, stating its mission and purpose and offering an opportunity for input to all interested persons. Such notice shall appear in relevant Institute newsletters and other forums.
- 5.5 Any interested party desiring to present in person at a representative hearing shall submit

a written request to the Council no later than 14 days in advance of the scheduled date for such hearing. Such request shall be by a means and format designated by the Council.

- 5.6 Any interested party who is unable to participate in person, but wishes to provide written responses to the issue outlined in the Hearing scope shall do so no later than 7 days in advance of the scheduled date for such hearing. Such responses shall be by a means and format designated by the Council.
- 5.7 At the discretion of the Hearing Presiding Chair, clarifying requests for additional written comments may be made to parties submitting written or in person responses either in advance of the hearing or upon completion of the hearing but before transmission of the hearing results to the Council.
- 5.8 The Hearing shall be conducted at the discretion of the Hearing Presiding Chair, but at a minimum shall provide adequate time for presentations of those submitting requests to speak, discussion of written comments submitted in advance of the hearing, and discussion of issues and recommendations identified in the course of the Hearing.
- 5.9 The privacy of all reports, resolutions, submissions, and other written documents generated in the conduct of a Representative Hearing shall be maintained until final approval and release of such information for public use is authorized by the Council and the Board of Directors.
- 5.10 Upon completion of the Representative Hearing, the Presiding Council members shall prepare and submit to the Council in a timely manner a report including the findings and recommendations as identified at the Hearing.
- 5.10 A Representative Hearing shall:
 - 5.10.1 Be conducted as assigned by the Council in conformity with the hearing scope as prescribed by the Council.
 - 5.10.2 Be conducted in strict compliance with these Rules.
 - 5.10.3 Produce accurate records of hearing proceedings.
 - 5.10.4 Submit all final reports to the Consultative Council for review as to compliance and conformity with procedures and policies.

Section 6. Consultative Council Business.

Section 6.1 Approval of Report. Final reports of the Council shall require approval by written ballot.

- 6.1.1 In each ballot of the Council, two thirds majority of the total votes cast, excluding abstentions, shall be considered a consensus and shall constitute due and proper procedure to adopt a final report of the Council for transmission to the Institute Board of Directors. Not less than a majority of those entitled to ballot, including abstentions, must be involved in the vote.
- 6.1.2 A Council report may be revised and resubmitted, with ballot, to the Council for as many iterations as needed to obtain approval.
- 6.1.3 The Council chair shall establish a date for return of written ballot. A minimum of 30 days shall be provided for members to review and ballot the final report.
- 6.1.4 When balloting to approve a report, Council members shall cast their votes in one of the

following categories:

- 6.1.4.1 Accepted
- 6.1.4.2 Accepted with comment
- 6.1.4.3 Abstain
- 6.1.4.4 Negative

- 6.1.5 A negative vote must be substantiated to be valid. This provision shall be stated on the ballot.
- 6.1.6 All comments submitted with a negative vote or an accepted-with-comment vote will be reviewed at a meeting of the Council, unless the steering committee finds the comments to be editorial, and in turn notifies the Council of the decision and provides copies of the comments. Should a Council member, other than the submitter, disagree with the decision of the steering committee, and state in writing the reason for such disagreement, the comments will be reviewed at a meeting of the Council.
- 6.1.7 At a meeting of the Council all comments submitted shall be evaluated, categorized, and disposed as follows:
 - 6.1.7.1 Persuasive - relevant and of such substance as to require incorporation into the original report.
 - 6.1.7.2 Non-Persuasive - relevant but not of such substance as to affect the original report.
 - 6.1.7.3 Not-Relevant - not consistent with the intent or subject matter of the report.
 - 6.1.7.4 Editorial - changes in grammar, punctuation or format and revisions will be made.
- 6.1.8 The Council chair shall notify all who submit comments with a ballot of the Council's disposition of the comments. A voter who disagrees with the disposition of the voter's comment may appeal directly to the Council chair for reconsideration. The Council chair and steering committee, if any, shall evaluate the appeal and re-categorize the comment, if warranted.
- 6.1.9 A decision by the Council chair or steering committee, if any, to reject the appeal may be appealed to the chair of the Institute Board for review and adjudication by the Board. However, the Board will only consider appeals related to the Rules and Procedures or Institute policy. Technical issues are the sole responsibility of the Council.
- 6.1.10 Council members who cast negative votes with comments found to be persuasive and incorporated into the original report may change their vote to accepted or accepted-with-comment.

Section 6.2. Minority Opinions. Minority opinions may be filed as an appendix to all Council reports adhering to the following general guidance.

- 6.2.1 Minority opinions may be submitted only by Council members who have cast an accepted-with-comment or a negative vote.
- 6.2.2 Only those submitting comments held to be persuasive or non-persuasive by the Council will be entitled to file a minority opinion to be considered for publication. A minority opinion will not be published without the expressed written consent of the author.
- 6.2.3 Minority opinions shall address only the substance of comments submitted with a ballot.

- 6.2.4 The content of the minority opinion shall be as follows:
 - 6.2.4.1 Identify the subject and state the objection.
 - 6.2.4.2 Explain the rationale for the objection.
 - 6.2.4.3 State alternates that are recommended.
 - 6.2.4.4 Sign the statement.
- 6.2.5 Minority opinions may be submitted on separate issues contained within a single report but each must be prepared separately.
- 6.2.6 Minority opinions on a single issue may be combined and signed jointly.
- 6.2.7 Minority opinions must be prepared to meet the deadline for submittal of the original report.
- 6.2.8 The format of a minority opinion submitted is subject to change and the content subject to editorial review without change in intent to assure one style in the report.
- 6.2.9 The Council chair and steering committee, if any, shall evaluate minority opinions for adherence to these Rules and authorize publication. If publication is rejected, the decision may be appealed to the chair of the Institute Board for review and adjudication by the Board.

Section 7. Incorporation by Reference. Any consensus or procedural requirements identified in the Council Charter shall be incorporated into these procedures by reference and where conflicting, shall take precedence.

Section 8. Amendments. The Consultative Council may propose changes to these Consensus Procedures which may be amended only by a two-thirds majority vote.

Approved by the Consultative Council, May 19, 2010.