

V. **Consensus**. Consensus is agreement by all that a specific course of action is acceptable. Consensus can be unanimous or near-unanimous. Consensus does not mean "majority rules." It is important to reach consensus in every phase of the ATSRAC process because introduction of disagreement in later phases of ATSRAC is counter productive to ATSRAC's objectives and extremely costly to the FAA's rulemaking process.

Note: This general philosophy for reaching consensus is also applied within a FAR/JAR harmonization working group.

A. **Three Levels of Consensus**

(1) **Full Consensus** means that agreement among members is unanimous. All members of the group agree fully in context and principle and all members fully support the specific course of action.

(2) **General Consensus** means that, although there may be disagreement among the members of the group, the group has heard, recognized, acknowledged, and reconciled the concerns or objections to the general acceptability of the group. Although not every member fully agrees in context and principle, all members support the overall position of the group and agree not to object to the proposed recommendation.

(3) **No Consensus** means that the disagreement among the members of the group cannot be reconciled to the general acceptability of the group. The group cannot reach a position that all members will support. Nevertheless, the group can send forward a recommendation with dissenting opinion(s), a record of the vote, and the group's reasons for not accepting the dissenting opinion.

B. **When Consensus Cannot be Achieved** each member has the right and responsibility to have his or her objections considered. The following guidance is provided for those situations where consensus cannot be obtained:

(1) **The Dissenting Member(s)** must present written objections to the group in a format that can be understood clearly by all members. To ensure communication and understanding, the group's position relative to the objections must be documented with reasons why the group chose and retains its position. The documentation of objections and positions offers additional opportunity for meaningful communication among all group members in the hopes of attaining consensus. Through this exercise, disagreements can, through compromise, be resolved. If consensus still cannot be attained, the working group has the documentation required to elevate the disagreement to ATSRAC for resolution. With ATSRAC's resolution, the group can proceed with the task, because all

members' concerns have been addressed by ATSRAC. ATSRAC's decision automatically provides consensus to the working group. When ATSRAC cannot reach consensus, the majority position will prevail and the dissenting members will be allowed to include their position in the meeting minutes.

(2) **Sometimes Reaching a Consensus** is a matter of ensuring that all avenues of the problem have been explored and investigated. At times it is advantageous to bring in a group facilitator to help with the process. Facilitators are available if requested by the Working Group Chair.

C. **If All Above Attempts to Attain Consensus Fail** and major opposition to the group's position still exists, the proponents of the existing opposition must document their position, summarize their understanding of the group's position, and state why they believe their opposing position is superior. The group must document its position, summarize the opposition's position, and state why the group believes its position is superior and why the opposing position should not be accepted. This documentation must be submitted to ATSRAC as part of the working group's report and must be included in any subsequent preamble to a draft rulemaking proposal as minority positions with the reasons that they were not adopted in the rule. If action other than rulemaking is proposed, the documentation must be included in ATSRAC's report to the FAA.