

Governance Documents

A GUIDE PREPARED FOR THE *Oregon Watershed Enhancement Board*



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IN COLLABORATION WITH BONNEVILLE ENVIRONMENTAL FOUNDATION

Contents

- 1 Introduction**
- 2 Document types and examples**
- 4 Developing and using governance documents**
- 5 Common components of governance documents**
 - 6 Purpose, scope, and principles**
 - 7 Roles and responsibilities**
 - 7 Partner roles
 - 8 Member responsibilities
 - 8 Advisors and other participants
 - 9 Leaders and staff
 - 10 Committees and work groups
 - 11 Representation
 - 12 Operating procedures**
 - 12 Communications
 - 14 Decision making
 - 15 Conflict management
 - 16 Fiscal management
- 17 Reviewing and revising governance documents**
- 18 References**

Introduction

This guide was developed to help ecological restoration partnerships¹ develop governance documents—written agreements that describe how a group makes collective decisions and coordinates actions to achieve shared goals.

Just as partnerships take many different forms, so too do their governance documents. Charters, operations manuals, memoranda of understanding, and other governance documents vary widely in their levels of specificity and formality, but most include statements of purpose, participant roles and responsibilities, decision making procedures, and communication guidelines.

Governance documents benefit partnerships in a number of ways. The process of collectively defining goals, scope of work, and expectations of participants builds group cohesion and trust. Operating procedures keep

“A good governance system should ensure all partners do what they have agreed to do, while allowing diversity, innovation, and flexibility”
(WaterAid 2021).

work on track, and the documents serve as a reference partners can turn to for guidance during times of transition and to orient new participants.

This guide describes typical components of governance documents and provides examples and questions to assist partnerships in developing their own. Not all groups need detailed written agreements for each topic described in this guide, but all partnerships can benefit from discussing them and addressing areas of ambiguity or disagreement.

Benefits of governance documents

Transparency – Participants can reference agreed-upon statements of the group’s purpose, scope of work, individual partner responsibilities, and how information will be shared.

Efficiency – A shared understanding of individual roles and group procedures streamlines operations and avoids delays due to misunderstandings.

Responsiveness – Clear communication and decision making rules facilitate timely responses to changing conditions.

Internal accountability – Specifying expectations of participants and how they will be held responsible for carrying out decisions and agreements builds trust.

External credibility – Clearly identifying the partnership’s objectives, leadership, and information sharing policies help builds social capital with external interests, including funders.

Reduced conflict – Translating implicit expectations into explicit agreements reduces misunderstandings, and having dispute resolution procedures in place facilitates speedy resolution of disagreements when they do arise.

¹ In this document, the term “partnership” is used to refer to any collection of organizations and/or individuals who come together to achieve a shared purpose, often one none of them can readily achieve alone. Such groups may also be known as collaboratives, coalitions, collectives, councils, and by other names.

Document types and examples

Governance documents include ground rules, charters, operations manuals, memoranda of understanding, and other written agreements. These document types are defined differently in different places, and the terms are often used interchangeably. Some groups maintain a collection of different types of governance documents, while others develop one comprehensive document.

The amount of detail included in governance documents typically increases with partnership size and scope. In general, smaller partnerships and those with only a few objectives and low levels of controversy may settle on fairly short statements of shared purpose and guidelines for making decisions and implementing actions.

Groups with multiple members involved in planning, decision making, and project implementation, those working across jurisdictional boundaries, and groups needing a high level of accountability among members or with outside interests may want more detailed rules and guidelines. Often, governance documents are signed to further demonstrate partner commitment to their responsibilities and group agreements.

Sample governance documents from ecological restoration partnerships representing a range of different formats and levels of detail are described on the following page and are reproduced in full on the OWEB Focused Investment Partnership (FIP) resources page.

“While document names may vary, the important thing is the purpose they serve. In general, make sure your group has written down your members’ consensus on purpose, scope of work (which can include things you won’t address), the mechanics of how you’ll conduct business and make decisions, and expectations regarding personal behavior”

(National Forest Foundation 2008).

Additional examples of governance documents that informed this guide are listed in the references. For example, the Payette Forest Coalition maintains several separate governance documents addressing member commitments, communications, and decision making. The Blue Mountains Forest Partners is a nonprofit organization with both an operations manual and bylaws. The National Policy Consensus Center (Johnston et al. 2020) and National Forest Foundation guides include other examples.

Sample governance documents

Memorandum of Understanding of the Mattole River and Range Partnership

Five-page document developed by three partner organizations coordinating restoration activities in a 304-square-mile watershed, with a focus on allocation of partnership funds, roles, and responsibilities.

Oregon Central Coast Estuary Collaborative Charter

Two-page document developed by a network of partners working on estuary preservation and restoration projects in a 67-square-mile area. This document includes succinct sections describing the group's mission, vision, goals, roles and responsibilities, expectations of participants, and basic voting and communication rules.

Rogue Forest Partners Charter

Twelve-page document developed by 10 organizations working together to restore dry, fire-prone forests in the 7,100-square-mile Rogue Basin. The charter includes descriptions of the group's history, collaborative approach, and inclusivity and collaboration best practices as well as details of the group's organizational structure, consensus decision making process, and meeting and communication ground rules. The charter also describes the group's strategic action plan and implementation strategy and references six memoranda of agreement among partners.

Dinkey Collaborative Charter

Sixteen-page document guiding a 17-member group that provides forest restoration recommendations for a 241-square-mile section of the Sierra National Forest. The charter states that its diverse members can have passionate and divergent views and therefore provides specific and fairly formal descriptions of executive, member, advisory, and staff roles and responsibilities and detailed procedures for collaborative planning, joint fact finding, and consensus decision making. Accountability and conflict management are further addressed in process agreements, including meeting ground rules and a media protocol.

John Day Basin Partnership Operation Manual

Twenty-two-page document for a partnership of over 30 organizations coordinating watershed restoration and maintenance in a nearly 8,100-square-mile basin. Reflecting the large partnership size and geographic scope, this document provides specific guidelines and procedures, and the rationales behind them, for all of the governance topics discussed in this guide. The operations manual also includes a summary of the group's strategic plan elements and a list of activities specifically outside the group's scope of work. Appendices include a signed memorandum of understanding committing all partners to the group's purpose, vision, function, and guiding principles.

Developing and using governance documents

Ideally, governance documents are developed soon after a partnership is formed and reviewed and revised as the partnership evolves over time.

Initial document drafting typically requires a few to several partnership meetings held over a number of months. Some groups take more than a year to draft their governance documents, and some choose to use an iterative process starting with general areas of agreement and developing more specific structures and procedures over time as needed.

While the time required is not insignificant, for most groups using a participatory process to identify and work through differences of opinion will pay off in improved efficiency and reduced likelihood of misunderstandings. It is important to ensure the final governance decisions reflect the understanding and

agreement of all partners, even if a subset of the group drafts and revises language between meetings. Many partnerships enlist a neutral facilitator to guide this process.

Once written, governance documents serve as a reference that partners can turn to guide communication and decision making and hold one another accountable. They are also useful tools for orienting newcomers to the group's purpose, scope, and norms. Some partnerships begin group meetings by referencing key aspects of their governance documents. For example, reviewing codes of conduct or meeting ground rules can lead to more constructive discussions, and reviewing the group's purpose and scope before prioritizing projects or allocating funds can preclude unnecessary review of activities that are outside the group's priority work areas.



Common components of governance documents

Topics frequently addressed in governance documents are listed below and described in more detail in the following sections. As previously noted, not all governance documents address all of these topics. For example, groups that do not jointly raise and allocate funds may not need fiscal management procedures.

“Even loosely structured groups benefit from some sort of a collaborative governance framework and governance documents, if only to manage internal group dynamics and address how the group will involve others and communicate activities and results” (Johnson, Willis, and McGinnis 2022)

Common components of governance documents

Purpose – may include history of why and how the group formed, mission and vision statements, and broadly stated goals

Scope – may include geographic scope of the group’s work and descriptions of the types of activities that the group will and will not undertake

Principles – may include statements of shared values and ground rules for participant behavior

Roles – may include lists of group activities and organizational tasks and who is responsible for each

Responsibilities – may include member and leadership selection criteria, and expected contributions of core members, leaders, and other participants

Communication guidelines – may include formal rules and informal expectations for meetings, reporting, and information sharing

Decision making procedures – may include types of decisions that require collective decision making, who is involved in group decision making, and decision making rules

Fiscal management procedures – may include procedures for prioritizing activities for funding, how partnership funds will be allocated, and how fiscal agents will be selected

Conflict management procedures – may include grievance procedures and sanctions for unfulfilled commitments

Purpose, scope and principles

While the group's objectives and scope of work may be covered in more detail elsewhere, such as in a strategic action plan, governance documents usually include over-arching statements of the need for the partnership and broad goals or mission and vision statements.

Most also describe types of activities the group will undertake and anything that is explicitly outside the group's scope of work. This helps partners easily identify and prioritize tasks that are more likely to move them toward their agreed-upon objectives.

Governance documents may also include brief background histories and statements of core values or other guiding principles such as “use the best available science” and “encourage participation of all interested parties.”

Purpose and scope considerations

- *Why is this partnership needed? What needs will it address?*
- *How does the partnership's work differ from what others are doing or have done independently?*
- *Why is this the right group of organizations and individuals to do this work?*
- *What types of activities will this group undertake?*
- *Are there any activities outside this group's scope of work?*
- *What is the geographic extent of this partnership's work?*
- *Has the partnership articulated principles or shared values to guide its work?*



Roles and responsibilities

There are a number of tasks that must be managed to fulfill a partnership's purpose, including meeting planning and facilitation, record keeping, fundraising, fiscal management, and reporting. For most ecological restoration partnerships, project planning, selection, implementation, monitoring, and evaluation also are core functions.

The roles and responsibilities section of a governance document describes how partners will contribute to the group's activities and functions. It may also include an organizational chart, or specific duties of partnership leaders, members, committees, advisors, and less active participants.

These descriptions are useful for recruitment and onboarding, and also for holding everyone accountable for their contribution to the collective work.

Partner roles

In less formal partnerships, and particularly those with fewer members, the roles and responsibilities sections of a governance document may focus on the skills, expertise, and focal areas of each individual or partner organization. Some groups include a matrix identifying which partner organizations are engaged in or responsible for different partnership activities.

Larger and more formal partnerships may focus on key tasks and functions to be fulfilled by leadership bodies, staff, committees, or other subgroups as described on the following pages.



Member responsibilities

Partnerships may differentiate between “core” (also referred to as “formal” or “active”) members and others who may attend meetings or occasionally provide input but are not held to the same expectations for contribution and do not have the same rights and responsibilities as full members, such as participation in decision making or the ability to receive partnership project funds.

Written expectations of core partners may include attending partnership meetings, abiding by the principles and procedures set out in the group’s governance documents, and engaging in partnership decisions such as project prioritization and fund allocation. Some governance documents also include membership criteria related to the group’s purpose and scope, such as geographic location, focus of work, or areas of expertise.

In cases where individuals are expected to represent a set of interests or a home organization, the governance document may specify how they will represent others or ensure their organizations’ support for partnership decisions.

More formal governance documents specify term limits, sanctions for non-performance, and member resignation and removal procedures.

Membership considerations

- *What are the criteria for membership?*
- *What are members’ duties?*
- *What are members’ rights?*
- *What are expected and unacceptable member behaviors?*
- *What are the procedures for adding new members?*
- *What are the sanctions for member non-performance?*
- *Are there member term limits?*
- *What are member exit procedures?*
- *What are the roles and responsibilities of non-member participants?*

Advisors and other participants

Documents also may explicitly describe the roles and responsibilities of participants who engage in specific projects or serve an advisory role but are not considered core members. For example, a governance document may state that non-member participants are expected to abide by the group’s ground rules, or specify that advisors do not participate in partnership decision making and should not advocate for specific projects or positions.

Leaders and staff

Broadly speaking, leaders are those members responsible for continued upkeep of the partnership and its work. Typical leadership responsibilities include developing and managing work plans and budgets, coordinating meetings, hiring and overseeing staff and contractors, and reporting.

An often unwritten but important leadership role is maintaining focus on and enthusiasm for the work: leaders may be called upon to settle disagreements and remind partners of their shared purpose and objectives.

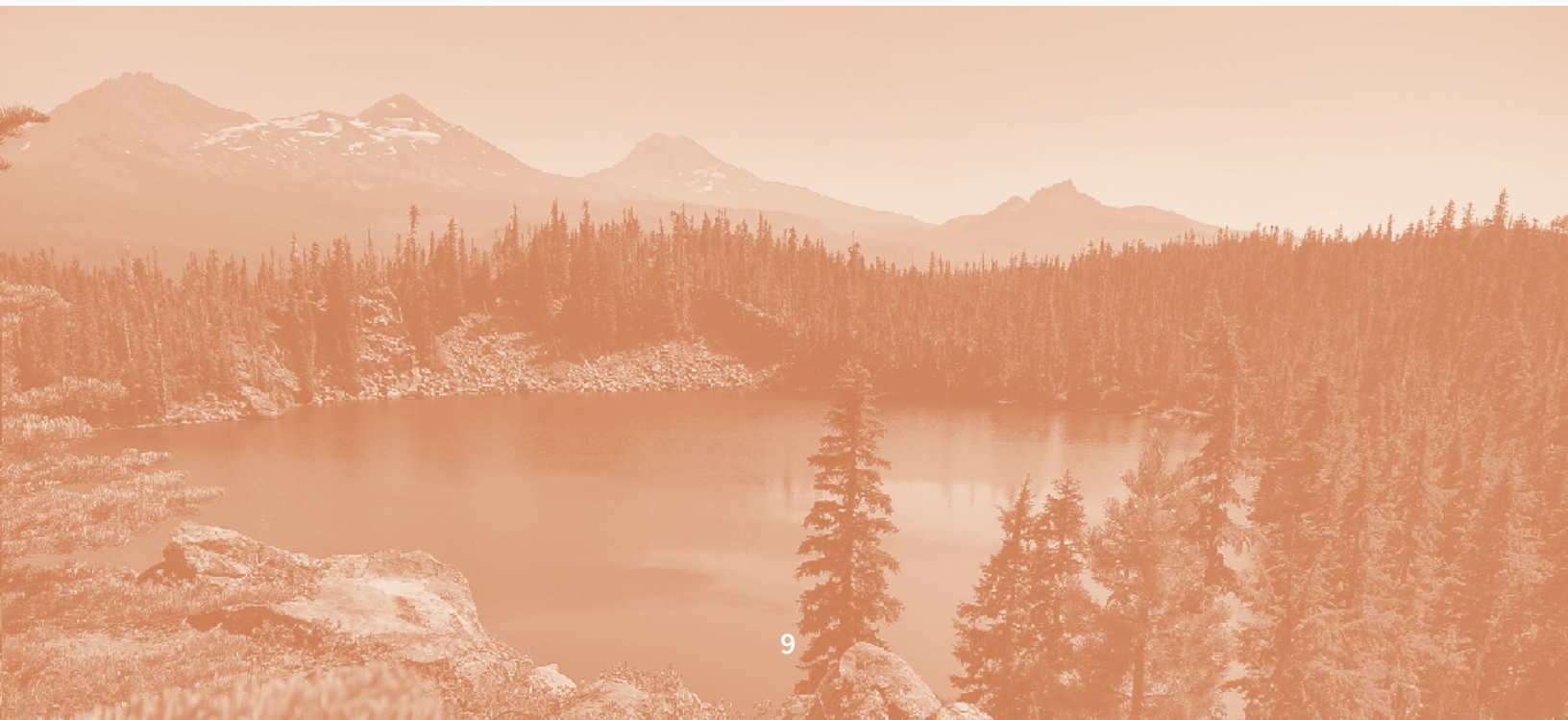
Clearly listing who is responsible for decision making and oversight tasks can help both members and non-members, such as outside funders, know who to turn to for partnership decisions and other information.

Leaders may be self-selected or elected by other members, and leadership may be held by one or two people, such as a chair and vice-chair or director, or a group, such as a steering committee. Governance documents typically identify leadership roles, list leaders' responsibilities, and describe how and when leaders will be selected and how and when leadership terms will end.

Some partnerships choose to designate a partner organization to fulfill some operational tasks. Others may hire a facilitator, coordinator, executive director, or other staff and list specific staff duties in the group's governance document.

Leadership and staff considerations

- *Are there written descriptions of each leadership and staff role and associated responsibilities?*
- *What are the criteria for leader and staff selection, including necessary skills and knowledge?*
- *What is the process for nominating, electing, or appointing leaders?*
- *What is the process for hiring or designating staff?*
- *Are there defined leadership terms?*
- *What are the circumstances and procedures for removing someone from a leadership or staff role?*



Committees and work groups

Larger partnerships may choose to delegate management of specific activities to subsets of the membership, rather than involve all members in all partnership efforts. Examples of such subgroups include executive committees, technical advisory groups, monitoring committees, subbasin working groups, and prescribed fire committees.

Some subgroups are expected to stand for the life of the partnership, while others, such as project-specific committees, may be formed on an as-needed basis and phased out in time.

Often, governance documents will specify membership criteria for these subgroups, such as demonstrated expertise and commitment of time and resources. Some governance documents explicitly state that membership in these committees and work groups may include organizations and individuals outside of the core partnership.

Governance documents may also specify timelines and procedures for decision making within the subgroup and for reporting back to the larger partnership or leadership. Some partnerships develop separate governance guidelines for standing committees and work groups.

Committee and work group considerations

- *What is the type of subgroup (e.g., ad hoc, standing, executive, advisory)?*
- *What is the subgroup's purpose (why and when will it be formed or dissolved)?*
- *Are there any subgroup size or membership requirements?*
- *What are the processes for selecting subgroup participants?*
- *Are there any guidelines for balancing interests represented on the subgroup?*
- *What are the subgroup's decision making authority and procedures?*
- *What are the subgroup's deliverables, reporting requirements, and deadlines?*

Representation

Smaller and more focused partnerships may develop organically by including all interested groups and individuals working on related issues in a geographic area. Groups working across several jurisdictions, on potentially controversial issues, or whose work may affect non-members may want to demonstrate broad and balanced representation of different interests.

Some partnerships include language explaining how they will ensure a balanced representation of interests on the partnership and its subgroups. For instance, some groups stipulate in their governance documents that they will recruit and/or hold membership or leadership seats for individuals representing specific interests or organizations, such as tribes, state and federal agencies, watershed councils, natural resource industry groups, environmental groups, local government, and private landowners.

Representation considerations

- *What interests are represented within the partnership?*
- *How does the partnership ensure different interests are represented?*
- *How can interested parties apply for membership?*
- *Does the partnership have a written recruitment strategy?*



Operating procedures

Communications guidelines and decision making procedures are fundamental to building and maintaining working relationships and accountability among partners. Some governance documents also directly address conflict management by having dispute resolution procedures in place before they are needed. Partnerships that jointly seek and allocate funds may include fiscal management procedures.



Communications

Most partnership governance documents include expectations for how members will communicate with each other as well as specific meeting, reporting, record-keeping, and outreach procedures, as described below.

Expectations of members

Typical guidelines for both formal and informal communication among members include: “commit to sharing knowledge and expertise with the group,” “recognize the legitimacy of others’ opinions and interests,” and “openly share questions and concerns.” These may be listed under partnership principles, codes of conduct, meeting rules, or member roles and responsibilities.

Meetings

In addition to meeting ground rules, governance documents usually specify how meetings will be scheduled, announced, facilitated, and recorded. For example, a partnership governance document may list times, dates, and locations for regularly scheduled meetings, or state when and how these will be determined.

Many partnerships specify procedures for keeping, reviewing, and sharing meeting minutes. Some also describe what should be included in meeting minutes, such as decisions made, action items, and responsible parties.

Record-keeping

Partnerships use and generate large amounts of information, such as meeting notes, presentations, strategic and project plans, budgets, project maps and specifications, outreach materials, governance documents, and reports.

Clearly stating where information will be stored and how it can be accessed by both partners and non-partners makes communication more efficient and transparent. For example, partnerships may state which information is available on internal databases and what is on publicly accessible web sites.

Reporting

A governance document may specify who is responsible for major partnership reports, such as annual reports and reports to funders. Some groups also specify timeframes and procedures for partner review and input to reports before they are finalized.

Outreach and public relations

External communication guidelines may address who has the authority to speak for the partnership, how the group will notify non-members of its work and provide opportunities for external input or evaluation, and how outside inquiries, particularly media inquiries, will be handled.

Communication considerations

Overarching

- *How is relevant knowledge shared among partners?*
- *Are there clear channels and timelines for communicating essential information?*
- *What are expectations regarding member communications between meetings?*

Meetings

- *How are meetings scheduled and announced?*
- *What are the ground rules for behavior at meetings?*
- *Are decisions, action items, and accountable parties clearly identified in meeting minutes?*
- *Are minutes made available within a specified timeframe?*

Record keeping

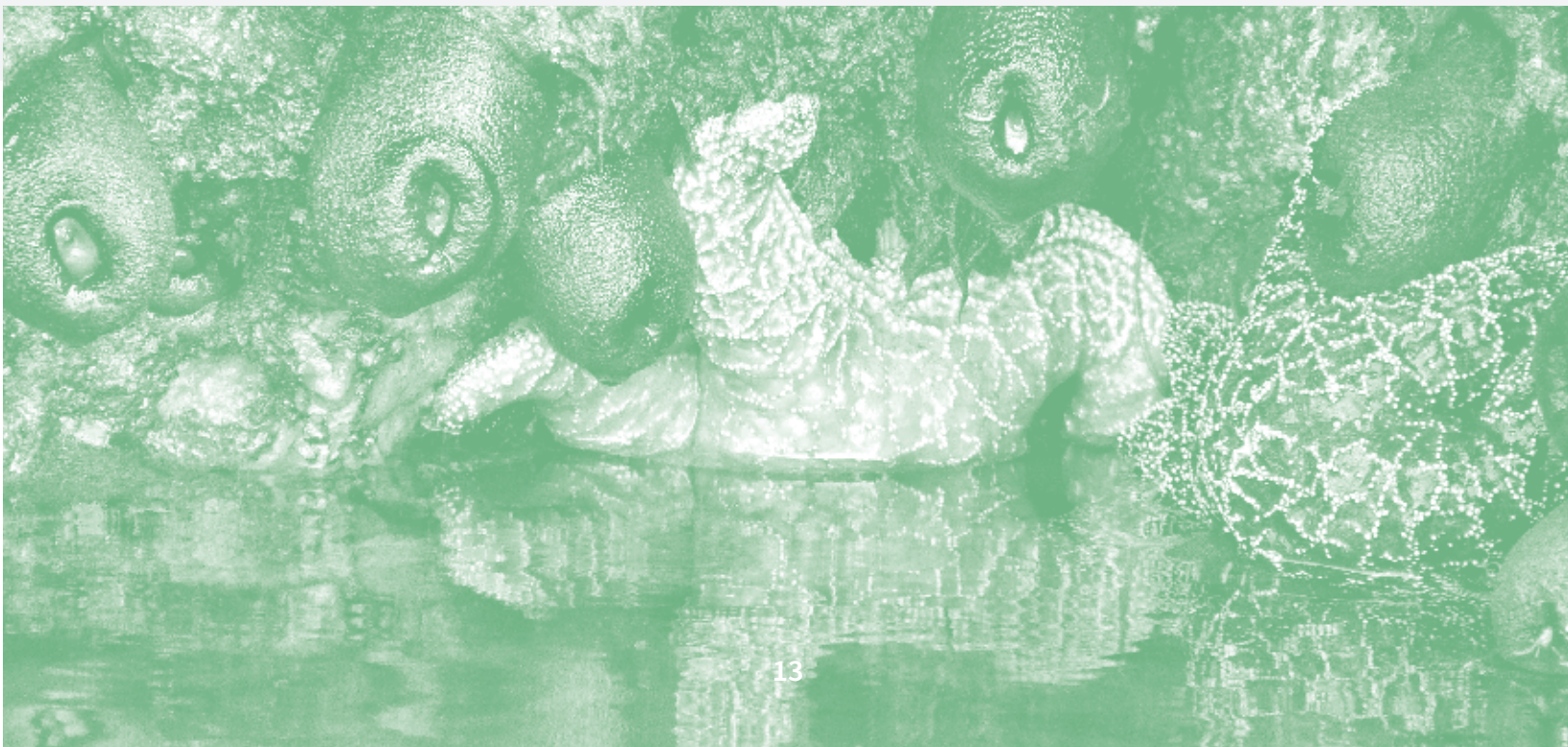
- *Who is responsible for record keeping?*
- *Where are different types of partnership records kept, and who has access to them?*

Reporting

- *Who is responsible for writing annual reports, reports to funders, and other partnership documents?*
- *How and when can partners review and give input to draft reports?*

External communications

- *Who has authority to speak for the partnership?*
- *How is information about the partnership communicated to external stakeholders?*
- *How can non-members provide input or feedback to the partnership?*



Decision making

Decision making specifications include who is eligible to participate, what constitutes a quorum, and the decision process that will be used. Documents may also specify how much notice will be given before a decision is made, how members will receive notice of upcoming decisions, how decisions will be recorded and shared, and under what circumstances a decision may be revisited.

Eligibility: Governance documents should clearly state who may engage in decision making and who may not, including whether and how members may send an alternate. Examples of eligibility requirements include being a signatory to a governance document and regular and recent meeting attendance.

Kinds of decisions: It can be helpful to address what kinds of decisions can be made independently by an individual member or subset of the membership, and when decisions need to be brought to the full group for discussion and formal decision making. For example, there may be some decisions that can be made unilaterally by staff, others that can be made in a subcommittee, and still others that require input from all partners. A smaller team such as an executive committee may be designated to make time-sensitive decisions.

Some groups include prioritization criteria or other systems for making important decisions such as hiring, project evaluation, or fund allocations.

Decision making methods: The most common decision making processes are consensus and majority vote.

Consensus decision making may be defined as no opposition to the decision or, less commonly, unanimous full support. Many groups define different levels of consensus agreement, which may include options like “enthusiastically support the decision” and “can live with the decision and won’t disparage it in public.”

Groups that vote to decide decisions will need to specify what constitutes a majority (e.g., greater than 50% or over 60%) and whether certain types of decisions, such as voting to amend an agreement or remove a partner, requires a super-majority (e.g., 75% or higher).

Some groups some use a hybrid decision making process that strives for consensus but allows a fallback to voting if the group cannot reach consensus, and some include options for majority and minority reports to identify areas of agreement and explain specific areas of disagreement.

Decision making considerations

- *What kinds of decisions need to be brought to the full group for a decision?*
- *What kind of decision making process will be used (e.g., majority vote, consensus)?*
- *What is the forum where decisions will be made (e.g., executive meeting, group email, etc.)?*
- *What constitutes a decision making quorum?*
- *How will partners receive notice of an upcoming decision point?*
- *Who leads the decision making process?*
- *May partners send alternates to represent them in a decision making forum? If so, under what circumstances?*
- *Are there any pre-set criteria for making specific types of decisions, such as project selection or funding allocation?*

Conflict management

Most partnerships include language intended to minimize conflict throughout their governance documents, for instance under codes of conduct, member roles and responsibilities, and communication guidelines. Examples of such language include “assist one another with solving problems and brainstorming solutions,” “work to ensure that any agreement developed by the partnership is acceptable to your constituents or organization,” and “keep commitments to projects and to one another.”

Decision making procedures may include wording such as, “participants who disagree with elements of decisions must offer a constructive alternative that seeks to meet the needs of the group” and “past decisions will not be revisited unless significant and relevant new information becomes available.”

Larger groups and those working in areas where there is a history of conflict or decisions are likely to be controversial may specify formal grievance procedures or a point-person who will facilitate response to a conflict.

For example, some documents include procedures for involuntary removal of a partner or notifying other partners of intended legal action related to partnership activities.

Conflict management considerations

- *What are the group’s guidelines regarding respectful and constructive ways to address differing opinions?*
- *Is there a point-person or leadership body identified to address conflicts?*
- *Are there specific dispute resolution procedures in place?*
- *What are the procedures for dealing with external complaints?*



Fiscal management

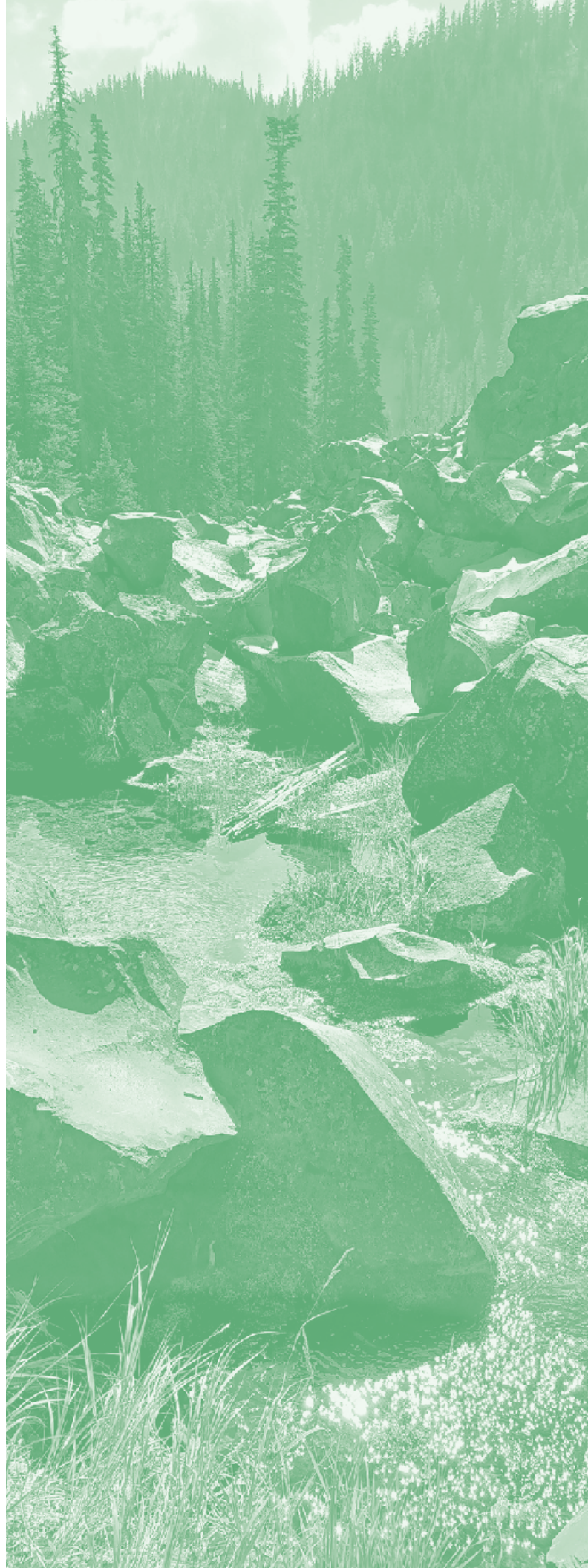
Partnerships that jointly raise and allocate funds often develop protocols to avoid confusion and conflicts regarding fund applications and distribution.

For instance, documents may describe how potential funding opportunities will be reviewed, when funds may be sought by individual partners as opposed to the partnership as a whole, who will take the lead on partnership proposal development, and how the group will select a fiscal agent for awarded funds.

Smaller groups may provide simple guidelines for allocating grant funds, while those with many partners or projects may develop decision systems for evaluating and funding projects or partner subcontracts.

Fiscal management considerations

- *What are expectations of partner resource contributions or fundraising responsibilities?*
- *How are fiscal agents selected?*
- *How are funding priorities determined?*
- *What are the guidelines for determining fund allocation among partners?*



Reviewing and revising governance documents

As discussed above, periodically reviewing governance documents helps ground both new and long-standing partners in their common purpose, shared values, and operating agreements.

At the same time, it is important to recognize that partnerships change over time as new challenges and opportunities emerge and leadership and membership change, and their governance documents need to evolve with them. For this reason, most groups date their governance documents and treat them as living documents to be periodically reviewed and revised. Some partnerships revisit their governance documents when questions or conflicts arise, while others designate a timeline for periodic document review.

In partnerships that have not taken the time to develop and use governance documents, unexplored assumptions about individual responsibilities and group operations can lead to misunderstandings, delays, and frustration. Partnerships that engage all partners in crafting and regularly reviewing these documents build a culture of open communication and mutual trust that can help them weather transition and sustain themselves over the long term.

Review considerations*

- *Have the partnership's purpose, scope, or activities changed?*
- *Have changes affected any member's capacity or incentives to be involved?*
- *Are roles and responsibilities clear? Are they working?*
- *Are partners delivering on their commitments?*
- *Do partner representatives have support from their organizations?*
- *Are there any gaps in roles? If so, can they be filled by existing partners?*
- *Is there a need for capacity development or to bring in new partners?*
- *Are the decision making rules clear?*
- *Are clear grievance systems in place?*
- *Do any of the governance procedures need streamlining or strengthening?*

**After WaterAid 2021.*

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