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CeRI (Cornell e-Rulemaking) Moderator Protocol

Cornell eRulemaking Initiative

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CeRI (Cornell e-Rulemaking) Moderator Protocol

From 2005-2017, CeRI was a multidisciplinary group of Cornell University researchers engaged in theoretical and applied research, in partnership with government agencies and civil society groups, to discover how the design and process of online engagement can support public discussion that is informed, inclusive and insightful.

The Moderator Protocol was used by moderators (students in a Cornell Law School e-Government Clinic) to facilitate dialogue and discussion during live discussions on our RegulationRoom.org and SmartParticipation.com platforms. It is provided here as a resource and reference tool. Additional information on the project is available at SmartParticipation.com.

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Moderation Overview:

Our primary goal is to achieve better and broader public participation in complex policymaking. Moderators help create an environment of informed and thoughtful participation and mentor effective commenting behavior.

Moderators move participants past “voting and venting” behaviors to effectively contributing the information they possess. They also make participants feel that their voices have been heard and that they are part of a forum for civic engagement. We consider moderators part of the community—contributing to the discourse and educating (and being educated by) the participants.

Moderator Persona:

Moderators are advocates for the commenting process. Moderators encourage a “knowledge building community” that supports commenters’ access to, participation in, and learning about the policymaking process. Moderators help commenters to both contribute as individuals and collaborate with each other towards consensus. They facilitate dialogue and are recognized as having authority and expertise. Moderators keep a positive tone and should be respected by and show respect to all participants – they model the behavior we desire for the community.

Moderators remain **neutral** at all times. They do not take a position on the substance of the Discussion and must avoid forming biases on or making assumptions about participant's comments. Moderator neutrality is also essential for ensuring the legitimacy of the commenting and summarizing process, and for maintaining the principles of SmartParticipation design and operation.

The Process of Moderating

When a moderator receives a comment, it is natural to start immediately thinking of a response. Avoid this temptation. The process of responding to a comment is first and foremost an exercise in active listening. The moderator must first carefully read and reflect to understand what the commenter is saying. The process of responding to a comment is filled with steps that occur before writing the response even begins. Moderator questions should be purposeful; a moderator may only have one opportunity to interact with a commenter.

Moderators' Primary Responsibilities:

- I. **Become an Expert on the Discussion and Website Operation:** Moderators are responsible for being experts on the substantive content of the Discussion, as well as use of the SmartParticipation website.
- II. **Supervise the SmartParticipation Community:** Moderators are responsible for maintaining and encouraging the community norms of dialogue, civility, learning, and accessibility on the site.
- III. **Facilitate Informed, Thoughtful, and Effective Commenting:** Moderators are responsible for helping commenters to make the most meaningful contribution they are able to provide, and for encouraging collaboration in commenting and learning about the commenting process.

I. Provide Expert Assistance on the Discussion and Website Operation

Moderators are authorities on the substance of the discussion, site operation, and the needs of the agency (or other body.)

Before Moderating, you should:

Familiarize Yourself with the Operations of the Website

You will be given access to the staging and/or a training site to practice on before the live opening. Make sure you log-on and use the site. Explore all the pages and links, and use the moderator interface. Any problems or questions should be sent to the Fellow.

Read and Understand the Discussion and Related Documents

Read all the issue posts and any additional documents provided. If time has allowed for it, you will have contributed to the outreach plan and drafted issue posts. Both these activities will assist with your knowledge of the discussion. Students should also build a document with URLs of useful links. For example, in the Mortgage Servicing Rule, we referred users to a [HUD approved housing counselor](#) when they needed help with a loan going into foreclosure.

Develop a Co-moderation Strategy and Schedule

The Fellow will create a moderation schedule in advance. Make sure you know when you are scheduled to moderate. You will be responsible for ALL comments that are posted during your moderation schedule. This includes comments you have asked the Fellow or Professors for assistance with – even if their responses come after your scheduled shift. Occasionally, we may schedule more than one moderator for a shift for posts that are receiving many comments. If this occurs, make sure you have developed a strategy to co-moderate, i.e. by section.

II. Supervise the SmartParticipation Community

Moderators are responsible for maintaining and encouraging the community norms of dialogue, civility, learning, and accessibility on the site. In supervising the community, it is important that moderators (1) use the correct tone and wording when responding to commenters; (2) intervene when users are having difficulty with website functionality, and (3) ensure that participants are using the site appropriately and responsibly.

1. Using the Correct Tone and Wording

Moderators are responsible for maintaining the norms of the SmartParticipation community through both direct intervention and by modeling a tone of conversation that encourages participation, dialogue and learning. In general, moderators should try to craft responses that are receptive and encouraging, and model an overall attitude of intellectual curiosity and civility.

Remain Neutral on the Comment Substance and Commenter's Viewpoint: Use simple, declarative sentences when helping commenters find information or better understand the discussion.

- *That clarification is available in several forms on the [agency documents page](#).*
- *DOT has estimated that the benefits of this Discussion will outweigh the costs.*

Avoid questions that challenge a user's opinion or their basis for making statements. Instead, use questions to encourage more information sharing or to clarify how they reached their conclusions:

- *This is an interesting suggestion, whitneyq, thanks. Could you provide a little bit more information on the guidelines, and perhaps a link to them, so that others can see what you mean?*
- *What you have described would be considered a “covered error” under the CFPB’s proposed error resolution rules. Do you think that these rules would have been helpful to you in your situation? Check out [CFPB’s proposed error resolution procedures and tell us what you think.](#)*

Avoid Evaluative and/or Condescending Responses: Avoid “you” statements; avoid expressing surprise (no exclamation points).

- *What do you mean by crap tires! OR Your comment is vague.*

Always use plain language: Plain language “is communication your audience can understand the first time they read or hear it.” Use short sentences and common, everyday words and terms. Avoid using technical terms in your response.

Limit the number of questions: Questions are commonly used in moderator comments; however, too many questions in one moderator comment may confuse or intimidate the commenter. The general rule is that one moderator comment should not have more than one or two questions. One exception is when dealing with a sophisticated returning commenter, and as appropriate, more questions can be asked.

Don’t make assumptions: When the moderator is not completely sure what the commenter is saying, it is always a good idea to rephrase what the moderator thinks the commenter is saying at the beginning of the moderator comment (e.g. “It sound like you are saying X...”) and then ask the commenter whether your rephrasing is an accurate portrayal of what they were trying to say.

- *Welcome to Regulation Room, andrea from md. Banks can transfer the servicing rights for your mortgage to other companies. Is that what happened to you? If so, what do you think of the proposed notice of the servicing transfer?*

Be curious: Moderators should model a spirit of inquiry and a desire to learn from and understand commenter’s experience and views. Beware of unconscious biases toward comments you find less interesting or germane – or biases towards certain types of commenters. Try to be interested in the

bases upon which each commenter stakes his or her claims and the lines of reasoning that has led each commenter to those particular conclusions.

- *“It sounds like you’re suggesting that the new servicer should disclose to the borrower all the information it received from the old servicer. Do you think that the new rules on [information requests](#) and [error resolution](#) would protect borrowers from mishandled information? The costs of responding to error requests may be much lower than the disclosures you suggest.”*

2. Intervene when users are having difficulty with website functionality or have questions about the site.

Assist with technical or other site use issues: Occasionally a commenter may have a direct question about the site or you will be able to see they are having difficulties.

- *Thanks for your comment. It looks like your previous submission has reappeared. I'll let our site programmer know there might have been a problem.*
- *You can comment on another post by clicking on the reply button that appears on the bottom right hand corner of the post.*

Explaining the role of the moderator: You may have to explain the goals/policy of moderation and who we are (e.g., nongovernmental status).

- *Thank you for your response, trucking. The moderators of the Regulation Room don't take a position on guidelines; our job is to help commenters use SmartParticipation to share their views, learn from others, and be informed about the proposed guidelines.*
- *Commenter, thank you for returning and continuing to participate in this discussion. We don't have a position pro or con the proposed guidelines. (Regulation Room is not run by [the agency].) The main goal of the Regulation Room is to provide useful and effective comments to the agency. Our job is to help every person air his or her views in the most effective way - whatever those views are.*

3. Ensure that participants are using the site appropriately and responsibly.

In supervising the community, moderators are responsible for ensuring that commenters using the site appropriately and responsibly. Moderators also set the tone for the user's experience on the site with simple acknowledgements of participation.

Be welcoming, encouraging and acknowledging: It is important to welcome participants by making them feel appreciated and part of the community. However, it's important not to be rote. Try to

make your welcome unique; if a commenter looks at all the comments in a stream, they all shouldn't have identical starting sentences, i.e. *"Welcome to Regulation Room and thanks for your comment."*

- *You raise an interesting point about how the proposed EOBR rule would affect carriers that use older, non-electronic trucks.*
- *bedbugbob, that is a great question, and many share your concern. Can anyone else share information about this?*
- *Thanks for the link, whitneyq.*

Redacting and quarantining comments: On rare occasions, moderators may have to redact or quarantine inappropriate comments. The site already screens for a number of known profanities and will automatically add asterisk. Quarantining a comment removes the comment from the website. It is only to be done in *extreme* circumstances and should always be approved by Professor Newhart and/or the Fellow. When you redact a comment, a portion of the comment will be removed and replaced by asterisks (* * * *). Redacting a comment is done when a commenter uses inappropriate language or includes personally identifiable information. If a comment is relevant we do not want to remove it, even if language used by the commenter is inappropriate or personal information is included. Instead, we redact the inappropriate word(s) and leave the rest of the comment on the website.

- *The Electronic logs are costly and I'm totally against them just because of some dumb a** that got in accident because he was driving when he should have been doing a reset.*

Duplicate comments: If a commenter makes duplicative comments, moderators can chose which post is most appropriate and redact duplicative comments. Occasionally, commenters will post similar content across posts. If you are uncertain if it should be redacted, contact the Fellow. Redacted text should note that the moderator removed the comment because it was a duplicate. Moderators can add a link to the remaining comment, if they think it is appropriate.

Civility policing: Civility policing is needed when the interaction between commenters becomes heated and offensive. The type of comment that requires civility policing is similar to the type of comments that need to be redacted or quarantined. The difference is that the comment that needs to be redacted or quarantined is offensive on its face; while, the comment that needs civility policing may be fine on its face but when put in context of the conversation between the commenters, it is inappropriate. Civility policy, should only be done in *extreme* circumstances and should always be approved by Professor Newhart and/or the Fellow.

- *This discussion is about more than Pro/Con EOBRs. The policymaking process isn't like voting. The decision to have some kind of regulation has already been made, and this is an opportunity for those who will be impacted by that regulation to shape it. We ask that all stay away from ridicule, sarcasm, and personalized attack.*
- *mjhaha, The purpose of Regulation Room is to provide an environment in which people can learn about important proposed government regulations and discuss them in ways that help the agency make a better final decision. Everyone who comments on the site is expected to remain civil and respectful. Please see the [Terms & Conditions](#) you agreed to when you registered. Comments should address the regulation CFPB is proposing. As a small community bank, you could provide important information on the actual costs the Discussions will create for small servicers.*

Wrong Venue: Directing a commenter outside of the SmartParticipation site (e.g., to the Agency website specifically so they can get more information about a topic NOT covered in this policymaking). This can include encouraging the commenter to report actual violations to appropriate agencies. Note: this is a different action from directing a user out of the site to information relevant to the current Discussion.

- *idrive, you can let FMCSA know that your employer is making it hard for you to comply with the HOS policy either online at [this website](#) or by calling them at 1-888-DOT-SAFT (1-888-368-7238).*

III. Facilitate Informed, Thoughtful, and Effective Commenting

Locate the Comment in the Discussion: Context is essential to really understand what a commenter is saying. Sometimes comments can be confusing or seemingly nonsensical when viewed in isolation but add value to the discussion when viewed in context. Moderators should navigate away from the moderator interface to the actual discussion before crafting a response.

Learn about the Commenter: Looking to the commenter's comment history often sheds light on what the commenter is saying in the comment at issue. For example, some commenters have special knowledge or experience with one aspect of the rule. These commenters may draw connections to seemingly unrelated issues and craft comments that do not make much sense when read in isolation. These comments may in fact be off-topic, or they may represent a unique recognition that the two issues are commingled. But without looking to the commenter's history to

flesh out the comment, it is often difficult for moderators to understand the comment, let alone assess its effectiveness.

What is an Effective Comment? An effective comment is an *informed* comment. The commenter should address what is actually being proposed, consider and react to the factual assumptions and policy arguments, and make suggestions and criticisms consistent with the agencies statutory authority and mandate. Our participants often contribute experiential (or situated) knowledge gained from their on-the-ground, first-hand exposure to the problems, circumstances, or solutions involved in the proposed policy. An effective comment may:

- Use personal experience to reveal and explore contradictions, tensions, or disagreements within what otherwise may appear to be a unitary set of interest or practices.
- Use situated knowledge to identify contributory causes of the problem the agency aims to resolve. The factors they identify may or may not be within the agency’s regulatory authority, but they should be aware of them because these factors might affect the costs of efficacy of new regulatory measures.
- Predict possible outcomes and effects of the Discussion that are different than those the agency is seeking to achieve.
- Help the agency reframe the issues, including the competing values at stake.

How Do We Respond to Useful Comments? Moderators have four options when responding to an effective comment. The technique will depend on the conversation (i.e. is it their first comment? Are they responding to a moderator?). Depending on the situation, the moderator could:

1. Encourage the commenter to come back and make more comments on the particular issue post. You might thank them for their comment and ask their opinion on another agency question. It could be on the same post or another issue post.
2. Use the comment to generative discussions among commenters. The moderator could ask others what they think of the comment or if they have something to add.
3. Not respond – may be an appropriate technique if this is a user who has made multiple comments and has responded to the moderator.
4. Recommend the comment to others – we can recognize good comments with a “moderator recommended” heart icon on the site. This is a way to model good comments for other users.

How do we know a comment is not effective? An ineffective comment doesn't provide information that contributes to the agency's decision-making process because it is off-topic or it does not give reasons or provide substantiation for the claims. It may just state a preference or make a claim without providing reasons or substantiation. These types of comments aren't discarded; instead, moderators prompt commenters to improve their comment.

How do we help commenters improve? Moderators must help/educate the commenter to be able to make useful comments and get his or her message across to the agency. Novice commenters often don't understand that simply stating a preference is an effective comment. It is the moderator's job to help the commenter to articulate their reasoning for preferences and to substantiate their claims. It is likely they expect quick, simple, and low-effort participation. Moderators must help reset these expectations and mentor newcomers in developing the kinds of participation that produce meaningful comments. Moderator responses encourage commenters to:

- Demonstrate an understanding of the relevant facts, circumstances, and issues
- Articulate reasons for their preferences
- Consider and evaluate a range of possible outcome alternatives
- Engage with and respond to opposing points of view

If the commenter is making off-topic comments on an issue post, we want to be able to redirect them to the correct issue post or rule. And in rare circumstances, we want to deter and/or correct uncivil or unruly behavior. Use the following set of questions, in order, to decide how to respond to comments to help users improve them. Examples of interventions for each question are below.

1. Focusing the commenter

a. Is the comment in the right place?

If not, help the commenter to focus by directing them to another discussion topic or subtopic that applies to their comment. If the moderator feels the comment should be moved to a more appropriate post, notify the Fellow and/or Prof. Newhart. The lead technologist can move comments, but because it may confuse users we do this sparingly.

- *5 culvers, do you think FMCSA made a mistake in calculating the costs, since for them the benefits outweigh the costs? Go back to the [Costs post](#) and let us know where you think there are errors.*

b. Is the comment is on-topic?

If not, refocus the commenter to engage the issue post. Look for a way to connect the substance of the comment to the issue post, or remind the commenter of the agency's goals and/or questions. You may have to correct misstatements or clarify what the agency is looking for.

- *Trucking, smart phones are not at issue in this proposed rule. However, some commenters have suggested that smart phones are capable of doing what an EOBR does, but can do it cheaper. Do you think that using a smartphone to track HOS would be a better option and/or would work?*
- *For the costs and benefits, the DOT is looking for your reactions to the estimated costs and benefits, as well as your reactions to their methodology. Do you think they did a good job in their calculations? Do you think the balance of costs & benefits justifies each of the proposed regulations?*

3. Is the comment clear? Do you understand the commenter's meaning?

If you don't understand the commenter's meaning, ask for clarification. Usually, this will require the moderator to paraphrase what the commenter she/he believes the commenter is trying to say and then ask them for confirmation.

- *It sounds like you feel that when drivers violate HOS rules, it's often because of things outside their control, like your example of shippers and receivers holding them up. Is that right? It would be great to hear more about your experiences with Peoplenet. What did you like about it?*

4. Is the comment substantiated, does it contain reasoning? Do you know how the commenter arrived at their conclusion?

Comments are more useful and persuasive when they provide reasons and substantiation for claims, i.e. how the commenter came to their conclusions. A simple opinion or value judgment ("I like that" or "That's wrong") is not useful. An effective comment will provide information on why or how the commenter formed their opinion and may offer insight on how the proposed rule advances or is in conflict with the commenter's particular needs and interests.

Commenters may offer different types of knowledge:

- Declarative “this is what things are” – fact, definition, description, life experience, objective substantiation – verifiable information
 - *Most warranties from the major EOBR vendors are 3 years*
 - *I am a company driver*
- Procedural “how the community of practice does things” - Practices, contexts, norms, existing ways of coping with problems
 - *EOBR’s track us by the minute, but carriers insist on paying via the antiquated method of mileage pay*
 - *I can say from my own fleet that I’ve caught drivers going 40 miles out of route simply because they thought it was faster.*
- Schematic “why things are the way they are”) – values, explanations of causes, reframing the regulatory issues
 - *Providing them with advance notice allows them to make changes to their route.*
- Strategic “how and why things may turn out in a particular way”- unintended consequences; detailing complexity
 - *if you buy an EOBR today that is 395.15 compliant, it will be grandfathered into the 395.16 program until 2014, at which point you will need a 395.16 compliant device.*

A commenter’s source of knowledge may come from:

- First-hand experience - their own personal experience, something that has happened to them.
 - *I have been pulled over for various things and pulled in for inspections and have very rarely been asked to see my logbook*
- Observation – witnessing something happening to one’s relatives, coworkers, etc. something they saw happen to another person
 - *Most drivers that like EOBRs that I have talked to are brand new to the industry and drive for the large carriers*
- Membership in a community of practice – refers to knowledge or practice commonly shared or understood by one’s community
 - *When we go to the EOBR, will we as drivers need to carry travelling papers to be legal*

These are legitimate types of knowledge that can be used for reasoning and substantiation. If it is not apparent from the comment how they reached their conclusion, or if their comment

could be strengthened by further elaboration, the following questioning techniques can encourage commenters to better explain their reasoning and offer more of their knowledge.

a) **Asking for an example of a personal experience** that helps to substantiate their claim

- *Could you give an example of a personal experience, or someone else's experience that you know of, that illustrates how the paperwork requirements under the current Discussion are burdensome?*

b) **Situating a story or experience**

When the commenter provides an example, try to clarify whether the story or experience is based on their own knowledge, or the experience of someone they know. You can also ask the commenter whether he or she feels that their experience is unique or is a more common experience in their cultural context.

- *Thank you for sharing this experience, jeff. Did this happen to you or someone you know?*
- *Thank you for sharing your story, hazel. It brings up many of the issues DOT is trying to address in this Discussion, such as how long truck drivers currently spend doing paperwork. Do you feel that this story is unique? Or is this something that is more commonplace in your experience?*

c) **Asking them to provide more information**, factual details, or data to support their declarative statements

This type of response is generally used when dealing with a good comment with information that the agency would be interested in. There are two primary purposes to this type of intervention. First, the commenter probably has other information that the agency may be interested in. Second, the agency is also interested in any sources of the information the commenter could provide.

- *Thanks for the information Dr Mom. So that more users and the DOT could access the information, perhaps you could post a link to a pdf version of the study or the name and author of the study.*
- *Hi damnin. Would you share with us your source for the statistics that you cite for the low number of truck crashes?*

d) **Asking for elaboration**

This intervention is generally used when there is a good comment but the content is very general. The moderator asks specific questions about the comment and encourages the

commenter to brainstorm and think through the comment some more. Ideally, the commenter will add more information and detail and arrive at a more informed Discussion. This type of response also helps other commenters learn about the thinking process behind a good comment.

- *You mentioned that the government could subsidize production of new trucks so that they come pre-fitted with EOBRs. Could you share more details about how you see this working? Would truck owners receive subsidies to equip old trucks as well?*

e) Pointing out characteristics of effective commenting

- *We certainly hope truck drivers will air their opinions to give us that important "on the ground" perspective. However, opinions alone, without providing more explanation or reasoning, are not useful to DOT because they do not help the commission figure out what is wrong with the proposed rule and what needs to be changed. What makes a comment persuasive in a policymaking? Check out our [Effective Commenting page](#)*
- *Virgil Tatro, policymaking isn't about voting or just expressing your opinion. The kind of comments that really matter are those that explain exactly why the commission should or shouldn't do something. One person with some new information or a really good idea will have more impact than 1,000 people who just give an opinion. So, how do you make comments that count? Focus on parts of the commission Discussion that will affect you directly, or that you know something about. Express your concerns and suggestions clearly. To learn more about effective commenting check out our [Effective Commenting page](#)*

f) Pointing the commenter to relevant information in primary documents or other data sources

- *DOT is currently proposing that websites be required to conform to the WCAG 2.0 Level AA accessibility standards (<http://www.w3.org/TR/WCAG20/>).*
- *The current regulations require that a driver reconstruct RODS for the past 7 days in the event of an EOBR failure and then keep a handwritten RODS until the EOBR is fixed. (You can read more [here](#), [here](#), and [here](#).)*

g) Asking them to make or consider possible solutions/alternative approaches

- *Thanks for your comment, openreels. The issue with international flights is that people let back into the airport might need to go through Customs and Immigration*

again. Do you think creating a special terminal zone where people could wait without having to be re-admitted by Customs and Immigration would be a viable solution, at least for international flights?

- *Thank you for your insightful comment and alternative suggestion. With regard to your comment on the caps, what do you think would be a better amount, in your opinion to limit overbooking, or, if as you say the auction scheme is a better alternative, how do you think the DOT should go about implementing and enforcing such a system for the airlines?*

5. **Can the comment stimulate further engagement?**

If the comment has the basic properties of informed participation, moderator intervention may then focus on developing the comment further or stimulating discussion between this commenter and another. This type of intervention works best when you find a comment that brings up intriguing issues or questions.

(a) **Encouraging** commenters to consider and engage the comments of other commenters, with or without specifically linking to another comment

- *What do you think of the ideas jeff raises below?*
- *Trucking, smart phones are not at issue in this proposed rule. However, some commenters have suggested that smart phones are capable of doing what an EOBR does, but can do it cheaper. Are you suggesting that you agree or disagree with this?*

(b) **Posing a question to the community** at large that encourages other commenters to respond

- *Welcome, Hgranato. You raise a unique point. Is regulating peanuts in this manner arbitrary? What do other commenters think?*
- *Thanks for the comment, pkcamper! Do you have links to the articles you mentioned? Has anyone else found that the information collected by the EOBR could be easily changed?*
- *Have other commenters been stopped by officers who didn't check their logbooks? If so, do you agree that having officers actually check the logbooks would increase compliance with the HOS rules?*

Listing of Moderator Roles and Related Interventions

Roles:	Interventions:
<i>Supervisory</i>	
Social Functions	Welcoming, encouraging and acknowledging
Site Use Issues	Resolving technical difficulties
Role of Moderator	Providing information about the goals/rules of moderation Providing information about who we (CeRI) are
Policing	Redact and quarantine Duplicate comments Civility policing Wrong venue
<i>Substantive</i>	
Focusing Commenter	If comment was added to the wrong post, redirect to the correct issue post If comment is off topic, refocus commenter Correcting misstatements or clarifying what the agency is looking for
Clarity	Asking for clarification to determine commenter meaning/intent
Focusing Comment	Getting an off-topic commenter to engage the issue post Point them to relevant issue posts or related information
Substantiation and Reasoning	Examples of a personal experience Situating a story or experience More information (factual details or data) or elaboration Characteristics of effective commenting Pointing to relevant information Consider possible solutions/alternatives
Further Engagement	Encourage users to consider and engage comments of others Posing a question or comment to the community