

MEMORANDUM – APPEAL BRIEF

To:

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From: Jerry Upton jerry.upton@ieee.org

Chair 802.20 Working Group

Dated: April 7, 2006

Appeal Brief Regarding Executive Committee Vote Disapproving the 802.20 Working Group PAR Extension Request

Per the IEEE 802 Policies and Procedures section 7.1.6.8, “Appeals and complaints concerning Executive Committee decisions shall be referred to the Computer Society SAB,” I am formally appealing a decision by the 802 Executive Committee not to forward to NesCom a legitimate PAR Extension Request made by a Working Group that has a draft specification in Working Group Letter Ballot. The decision of the Executive Committee was arbitrary because it was without any procedural basis.

Although I sincerely hope a resolution can be reached within the 802 Executive Committee before an appeal hearing is held, any potential resolution will occur beyond the appeal filing deadline. Therefore I am filing an appeal with the Computer Society’s Standards Association Board requesting an Appeal hearing.

Requested Remedial Action:

It is requested that the Appeal Panel rule the 802 Executive Committee vote was in error because the 802.20 Working Group did not violate any IEEE 802 Policies and Procedures in approving their PAR Extension Request. Based on that ruling, the requested PAR Extension should be forwarded to NesCom for its approval. If the Appeal Panel remands this matter to the 802 Executive Committee for another vote, it is requested that the Executive Committee members, by a roll call, state their procedural rationale for not approving the PAR extension if they vote “NO” or “Abstain” on the motion. This requested roll call vote will provide an open process for this matter.

Adverse Effects if Remedial Action is not granted:

The Working Group currently has completed its first Working Group Letter Ballot and will shortly issue a recirculation. The Working Group expects to proceed to Sponsor Ballot in 2006, but may not finish Sponsor Ballot before the current PAR date expires on December 31, 2006. If a PAR Extension is not granted, then a Working Group of more than 100 members will not be allowed to finish their standardization work.

Summary of Appeal Rationale:

In January 2006, the IEEE 802.20 Working Group members voted to request a PAR extension. The Working Group motion directed the Chair to complete the form and forward it without any further actions by the Working Group. The motion below was approved by the 802.20 Working Group at the January Interim with quorum in attendance (66 of 79 Voters).

Motion: The 802.20 Working Group approves the request for a two year extension of the current PAR. The chair will forward the completed PAR Extension Form to the 802 Executive Committee for approval. If approved, the request will be sent to NesCom for its approval. Two years is the customarily granted extension; however a one year extension shall also be acceptable if that is deemed appropriate by the 802 EC and NesCom.
Vote results: 51 Yes, 8 No, 1 Abstain. Motion passes with 86.4% approval.

During the 802 Executive Committee closing session on March 10, 2006, the Executive Committee voted not to approve the 802.20 Working Group PAR extension request.

Motion: Move the 802 Executive approve the IEEE 802.20 Working Group PAR extension request and form for forwarding to NesCom for its approval.
Move by: Jerry Upton, Chair of 802.20 Seconded by: Bob Heile
Results: 6/8/1, the motion fails (Roll Call results in Appendix A)

Summary Arguments in Support of the Appeal:

(1) The vote by the Executive Committee was arbitrary because it was without any procedural basis. No specific 802 Policies and Procedures violations were cited for the non-approval. The 802.20 Working Group did not violate any 802 Policies and Procedures in approving the PAR extension request and in directing the Chair to complete and forward the PAR extension form for 802 Executive Committee approval. Note the PAR Extension request does not change the PAR Scope, Purpose or any other sections of the PAR except as to the expected completion date.

(2) The instructions given by the 802 Chair to the Chair of 802.20 following the non-approval vote cannot be executed. The Chair of 802.20 Working Group was instructed to have a re-vote of the PAR Extension completed form at an Interim or a Plenary. The Chair of 802.20 cannot unilaterally and arbitrarily overrule a valid motion passed by the Working Group members.

(3) Disapproving a legitimate PAR Extension Request made by a Working Group that has a draft specification in Working Group Letter Ballot is without precedent.

Expanded Arguments in Support of the Appeal:

Argument #1 - - The vote by the Executive Committee was arbitrary because it was without any procedural basis.

In accordance with the direction of the Working Group motion approved in January, 2006, the PAR extension form was completed and supplied to the Executive Committee in advance of the March meeting by the 802.20 Chair. The form was reviewed by IEEE staff and revised based on the comments received from Jodi Haasz of IEEE NesCom staff.

During the debate on the motion at the March Executive Committee meeting, some of the Executive Committee Members believed the Working Group had to re-vote the PAR extension form after it was completed by the Chair of 802.20. The Chair of 802.20 responded that the 802 Policies and Procedures do not require this vote, given the motion passed by the Working Group. The Working Group motion directed the Chair to complete the form and forward it without any further actions by the Working Group. This motion did not violate any 802 Policies and Procedures. The PAR Extension request does not change the PAR Scope, Purpose or any other sections of the PAR except as to the expected completion date. The Working Group members felt it appropriate to request the extension date as additional time may be needed for completion of the Sponsor Ballot process beyond the calendar year 2006.

At the previously referenced Executive Committee vote on the motion, the Chair of 802.20 referenced the 802 Policies and Procedures sections related to approving PARs. A review of the IEEE 802 Policies and Procedures supports the 802.20 Chair's statements. Not only is there no requirement for approving the completed PAR Extension form; there are also no statements regarding the manner in which a Working Group should approve a motion for a PAR Extension Request.

For information, below are the relevant 802 Policies and Procedures sections related to approving PARs which the 802.20 Chair referenced during the Executive Committee motion debate to explain his position.

17.2 LMSC Approval

Submit proposed PAR and, if applicable, responses to the five criteria per 17.5 below to the LMSC Executive Committee for approval prior to sending outside of LMSC. Approval is contingent on inclusion of responses describing how the proposed PAR meets the five criteria and a work plan for the development of managed object definitions, either as part of the PAR or as a part of an additional PAR. PARs which introduce no new functionality are exempt from the requirement to provide responses to the five Criteria. Examples of such PARs are: Protocol Implementation Conformance Statements (PICS), Managed Object Conformance Statements (MOCS), PARs to correct errors and PARs to consolidate documents.

Complete PARs shall be circulated via the EC email reflector to all Executive Committee members no less than 30 days prior to the day of the Opening Executive Committee meeting of an LMSC Plenary session.

At the discretion of the LMSC Chair, PARs for ordinary items (e.g., Maintenance PARs) and PAR changes essential to the orderly conduct of business (e.g., division of existing work items or name changes to harmonize with equivalent ISO JTC-1 work items) may be placed on the Executive Committee agenda if delivered to Executive Committee members 48 hours in advance.

Delivery may be assumed if sent by either FAX or e-mail one full working day prior to the deadline. All PARs must be accompanied by supporting documentation, which must include:

- Explanatory technical background material*
- Expository remarks on the status of the development of the PAR (e.g., approved by WG, Draft pending Working Group approval at next meeting, etc.)*

17.3 Plenary Review

In order to ensure wide consideration by the 802 members, PARs for significant new work (those that will result in a new Standard/Recommended Practice/Guide or an addition to an

existing one) must pass through the following process during the plenary session week in which Executive Committee approval is sought:

The PAR must be presented in summary at the opening plenary meeting to the general 802 membership. Supporting material must be available in sufficient detail for members of other Working Groups to understand if they have an interest in the proposed PAR (i.e., if they would like to contribute to/participate in the proposed work, or identify if there is conflict with existing or anticipated work in their current Working Group). It is highly recommended that a tutorial be given at a previous plenary session for major new work items.

Working Groups, other than the proposing Working Group, must express concerns to the proposing Working Group as soon as possible and must submit written comments to the proposing Working Group and the Executive Committee not later than 5:00 p.m. on Tuesday.

The proposing Working Group must respond to commenting Working Groups and to the Executive Committee together with a Final PAR not later than 5:00 p.m. on Wednesday. It will be assumed that insufficient coordination and/or inter Working Group consideration had occurred prior to the submission of the PAR if this deadline is not met, and the proposed PAR will not be considered by the Executive Committee at the closing Executive Committee meeting.

17.4 Chair responsibilities

The Working Group Chair shall sign the copyright acknowledgment.

The LMSC Chair shall, as Sponsor, submit the PAR to the following:

a) Chair, CS Standards Activities Board

b) IEEE-SA Standards Board New Standards Committee (NesCom) Administrator

The 802.20 Working Group followed all their own Policies and Procedures and the 802 Policies and Procedures in approving the PAR extension request. No procedural basis exists for rejecting this valid and legitimate Working Group PAR Extension request.

Argument #2 - - The instructions given to the Chair of 802.20 following the non-approval vote cannot be executed.

The Working Group technical motion for the PAR Extension Request received an 86.4% approval. Though the 802 Policies and Procedures gives the Working Group Chair the responsibility to decide procedural issues, the Chair cannot overrule a technical vote. Forcing the Chair to unilaterally call for a re-vote creates the distinct possibility of an appeal(s). Therefore the instructions given to 802.20 Chair cannot be executed.

Argument #3 - - The decision by the 802 Executive Committee not to approve a legitimate PAR Extension Request made by a Working Group that has a Draft specification in Working Group Letter Ballot is without precedent.

The positive results 802.20 Working Group Letter Ballot vote are indicative of the progress of the Working Group. The Letter Ballot results without a recirculation received an Affirmation Ratio of 79.45% with a Return Rate of 92.14%. The Executive Committee did not state any specific procedural violation as justification for the non-approval.

Sincerely,

Jerry Upton
Chair, IEEE 802.20 Working Group

Referenced Documents and additional information:

1. Approved Minutes of the 802.20 January Interim Session #18 as posted http://www.ieee802.org/20/WG_Docs/802.20-06-01R3_Jan_Minutes.doc
2. IEEE 802.20 Policies and Procedures, 802.20-05-PD-05 as posted http://www.ieee802.org/20/P_Docs/IEEE%20802.20%20PD-05.doc
3. IEEE 802 Policies and Procedures as posted <http://www.ieee802.org/policies-and-procedures.pdf>
4. The 802.20 PAR Extension Request Form http://www.ieee802.org/20/WG_Docs/802.20-06-02R1.rtf
5. Appendix A –
802.20 PAR Extension Request motion made at the Executive Committee meeting March 10, 2006 and Roll Call Vote results.
6. Appendix B –
Background on the Progress of the IEEE 802.20 Working Group

Note: The March 802 Executive Committee session draft minutes are not yet published.

Appendix A:

Moved: To approve the IEEE 802.20 WG PAR extension request and form for forwarding to NesCom for its approval.

Moved: Jerry Upton Second: Bob Heile

Hand vote: 6/8/1, the motion fails

Vote by Roll Call:

Pat Thaler	nay
Bob O'Hara	nay
Buzz Rigsbee	nay
John Hawkins	nay
Tony Jeffree	nay
Bob Grow	nay
Stuart Kerry	abstain
Bob Heile	aye
Roger Marks	nay
Mike Takefman	nay
Mike Lynch	aye
Steve Shellhammer	aye
Jerry Upton	aye
Ajay Rajkumar	aye
Carl Stevenson	aye
Mat Sherman	absent
Paul Nikolich	did not vote

Appendix B - - Background on the Progress of the IEEE 802.20 Working Group

The 802.20 Working Group held its initial session in March 2003 and has since conducted a fair, open and thorough process leading to the confirmation of a Draft specification for Working Group Letter Ballot approval. The Working Group members agreed during the early sessions to move forward in a thorough and thoughtful process that called for the development and approval of detailed Systems Requirements, Channel

Models, Evaluation Criteria including Traffic models and a Technology Selection Process. These documents were developed based upon members' contributions made over multiple sessions, reviewed in multiple sessions and consensus was achieved for approval. The cumulative voting on the four documents was 145 Yes, 2 No and 6 Abstains - - an almost unanimous approval for all the documents.

The Working Group participants invested the time and effort in this advance work leading up to taking technology proposals. The expectation was that this advanced consensus development would facilitate a timely and efficient technology selection process and help avoid a potential deadlock situation which has occurred in other IEEE 802 Working Groups. This advance consensus approach and document approval occurred over more than 2 years. As a result of this approach, the 802.20 Technology Selection and Draft confirmation did proceed efficiently and without undue delays.

The Working Group approved a Draft specification in January, 2006 and Letter Ballot was started. The positive Working Group Letter Ballot vote results of an Affirmation Ratio of 79.45% with a Return Rate of 92.14% are indicative of the progress of the Working Group. The Working Group expects to proceed to Sponsor Ballot in 2006. However, there is a high probability that the Working Group will not finish Sponsor Ballot before the current PAR date expires on December 31, 2006.