

In considering the appeal before it, the IEEE Computer Society Standards Activities Board 802.20 Appeals Panel reviewed written submissions from Jerry Upton, Gang Wu/Joshua Gordon, Eshwar Pittampalli, Paul Nikolich and Geoff Thompson; minutes of the March 10-13, 2003 802.20 Working Group (“WG”) and March 14, 2003 Lan Man Standards Committee (“LMSC”) Sponsor Executive Committee (“SEC”) meetings; and oral testimony presented at the Appeal Hearing October 9, 2003 at the Chicago Airport Hilton. The Appeal Panel also reviewed the LMSC Operating Rules. These findings and conclusion have no precedential value with respect to other appeals.

The appeals panel concludes:

Findings:

1. The WG election was proper and conducted in a way consistent with applicable policies and procedures. All parties agreed on this point.
2. The SEC actions taken in considering and voting on the confirmation of officers elected by the 802.20 WG were consistent with the policies and procedures of the LMSC Operating Rules¹.
3. Mark Klerer’s actions in the meeting of March 14, 2003 did not constitute any procedural violations.
 - a. He was entitled to share his perspectives in an open meeting and was entitled to present the report of the 802.20 WG as its duly appointed interim chair.
 - b. He did not speak to the motion between the time he made the motion to confirm the elected officers and the time the vote on the motion was taken. He stated he would abstain from voting.
 - c. Confirmation of the elected 802.20 officers was on the SEC agenda. The question of whether Mark Klerer was a member of the SEC is not relevant. The motion to confirm would have been brought to the floor by some member of the SEC.
4. The motion to approve the slate of officers was not divided to allow for each candidate to be considered by the SEC separately.
5. Neither the minutes of the SEC meeting nor any subsequent actions provide any indication of the rationale of the SEC decision not to confirm the elected officers group.
6. The working group and potential WG officers have been given no further guidance regarding SEC expectations for the confirmation of elected officers.
7. The actions of the SEC, especially Findings 4, 5 and 6 above, create the perception that the SEC’s decision not to confirm the elected officers of the WG was arbitrary.

Action:

The confirmation proceedings are remanded to the LMSC SEC for reconsideration of the confirmation of the WG officers elected at the March, 2003 802.20 meetings. Should any officer not be confirmed, the rationale for such action shall be documented in the minutes of that meeting consistent with this opinion.

Respectfully submitted,

The IEEE Computer Society, Standards Activities Board 802.20 Appeals Panel

Sept. 15, 2003

¹ LMSC Operating Rules is the document entitled: “Operating Rules of IEEE Project 802 LAN MAN Standards Committee (LMSC)”; revised effective July 12, 2002.