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To: Paul Nikolich, Chair. IEEE 802 Executive Committee

From: Jerry Upton, Chair 802.20 Working Group

Dated: April 5, 2006

Re: Executive Committee decision not to forward the 802.20 PAR Extension Request to NesCom

Dear Paul,

In your role as the Chair of 802, you have the responsibility to support legitimate actions of Working Groups and have the authority to decide procedural issues. Therefore, I respectfully request you take the following actions in support of the 802.20 Working Group:

1. Issue a Chair's opinion that the 802.20 Working Group did not violate any IEEE 802 Policies and Procedures in approving their PAR Extension Request. The opinion should clarify that the PAR Extension Form text does not require another vote of the Working Group beyond the vote taken in January which directed the 802.20 Chair to complete the form extending the PAR's effective date.
2. Based upon the Chair's opinion and this request there should be another Executive Committee vote on the 802.20 Working Group motion to forward the PAR extension request to NesCom either by an electronic ballot, or at the next 802 Plenary session.
3. To provide an open process on this matter, the Executive Committee members, by a roll call, should state their procedural rationale for not approving the PAR extension if they vote "NO" or "Abstain" on the motion.

Although I sincerely hope a resolution can be reached within the Executive Committee before an appeal hearing is held, any resolution attempt 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.

Rationale for the Request:

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)

The three points supporting this request are:

(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.

(2) The instructions given 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

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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.

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

The Working Group members voted by valid motion to request a PAR extension and have the Chair prepare the completed form and forward it to NesCom via the 802 Executive Committee. The motion below was approved 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.

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

During the debate of 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 motion directed the Chair to complete the form and forward it without further actions. 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 standard 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 on 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.

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 request.

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Point #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.

Point #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

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Referenced Documents:

1. Approved Minutes of the 802.20 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.

Note: The Draft minutes of the 802 Executive Committee closing session at the March Plenary 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

Note: Mat Sherman, 1st Vice Chair, was absent.