

Dear Anna, Victor, and Jiezhen,

This e-mail is in response to questions raised in your e-mail of 3/9/06, subsequent e-mails, and to our face to face meeting of 7/21/06 which Victor was unfortunately unable to attend, but Tom Kolze attended in his stead.

In your e-mails (and the meeting) you expressed concern about the ballot resolution process being used in the ongoing 802.20 Working Group (WG) ballot, and how that process was developed. You presented some detailed material for review and asked two specific questions:

- 1) Should the vote to approve the Comment Resolution Procedure (CRP) have been a technical vote?
- 2) Could the Executive Committee provide an opinion on whether the CRP rules are compliant with IEEE 802 'recommended practices'?

As chair of the IEEE 802 Executive Committee I am providing these responses.

- 1) No, a vote to approve a CRP does not necessarily have to be a technical vote. After inquiring of several EC members and based on my own personal experience, I do not believe there is a set threshold for approval of 'procedural processes' dealing with technical matters. The decision of whether a matter is procedural or technical resides with the chair of the WG. Procedural issues are decided by the chair (though the chair may decide to put the question to the group with whatever approval level the chair desires). A chair's determination that a matter was procedural, rather than technical, can be appealed. Likewise, a chair's procedural ruling can be appealed, if there are grounds for such an appeal. Technical matters are decided by a vote of the WG (with 75% approval threshold). Some Chairs have ruled that a specific procedural issue, because it deals with technical matters, should be decided by a technical vote. Others have simply said it is a procedural matter, and decided it as they wished by (for example) submitting it to a vote at a 50% approval threshold. So there is no requirement (or standing tradition) that this matter must always be decided by a technical vote.
- 2) IEEE 802 has no formal 'recommended practices' documents that would be relevant here, so I will respond based on my knowledge of governance documents, standing informal guidance (Chair's Guide), or traditional practices. Based on the material you provided and various conversations (including conversations with yourselves and the 802.20 chair), I would respond that while the 802.20 Chair's process is not the 'traditional' process, I am not aware of any express and specific governance or informal guidance that it would violate..

It is a common practice within IEEE 802 to resolve comments on ballots, and there is specific governance (as you have noted) from IEEE SA down to the 802.20 WG that deal with the issue. I have reviewed the specific governance references you provided in your 802.20 contribution (C802.20-06/13r1) and have not found any explicit provision that the 802.20 Chair's decision necessarily violates. But I want to review each of the 3 references you provided to be clear as to why.

- a) You identify the requirement for Openness in IEEE-SA Standards Board Operations manual [1], section 5.1.2 (f). I note that IEEE 802 is highly committed to openness. However, openness does not translate to unconditional access at every point in the process. The WG ballot you reference is open, and at least some of you are participants. All participants in that ballot (yourselves included) will see all of the comments and all of the comment resolutions and get to comment and modify their votes based on it. The process is open. All meetings within IEEE 802 relating to standards are open. Where perhaps you are dissatisfied is that the Chair has adopted a fairly closed process for developing resolutions to comments on the ballot. However I do not see any specific provisions against this, as I will explain further below.

- b) You identify the IEEE 802 policies and procedures document [3], section 7.2.4.1 Chair's function, "The working group members and the Chair decide technical issues by vote." You probably (and correctly) feel that comment resolutions are a technical issue. However this provision must be balanced with the provision in 7.2.4.2.2, Voting by Letter Ballots, which says "The Working Group Chair determines if and how negative votes in an otherwise affirmative letter ballot are to be resolved. Normally, the Working Group meets to resolve the negatives or assigns the task to a ballot resolution group." Ordinarily when two rules in a governance document seem to conflict, the more specific rule controls. In this case I believe it is clear that section 7.2.4.2.2 is the more specific for this situation, and it therefore controls. This rule clearly says that "The Working Group Chair determines if and how negative votes in an otherwise affirmative letter ballot are to be resolved." But the rule also goes on to say that "Normally, the Working Group [not the Working Group Chair] meets to resolve the negatives or assigns the task to a ballot resolution group." Therefore the WG Chair can make the decision as to how Negative ballots (with their comments) are resolved. As noted in the rules, tradition is that this is handled in the WG or is assigned by the WG (not the chair) to a ballot resolution group and then voted by the WG at the meeting. The rules clearly leave open the possibility that some other approach can be used, which is what the 802.20 Chair has done in this case.
- c) You identify a rule from the 802.20 P&P in section 9.1.4 which states "All comments are reviewed and addressed in resolution comment documents and approved by the WG and TG administering the letter ballot before a recirculation letter ballot is conducted". While you are correct about this, section 9.1.4 (actually the entire of section 9 of that P&P) is marked 'informative' which means it is for information purposes only. It amounts to a 'suggestion'. It does not strictly bind the Working Group or the Chair, and clearly the Chair has decided not to comply with this suggestion.

In short, the rules and practice do not strictly and expressly prohibit the precise actions that the WG Chair has taken. This does not mean that his decisions are necessarily proper or that they cannot be challenged on other or more general grounds, but I do not believe that the EC can advise you on such matters, since any such appeal may come to the EC for decision. In addition, as you know, the 802.20 WG has been suspended through September, and the Standards Board has invited interested persons "to submit relevant factual information on 802.20, its operation, and its interaction with other groups and organizations." The SASB has set a submission deadline of 31 August 2006, and a 2500-word limit per submission. More information is available at <http://grouper.ieee.org/groups/802/20/SASBdot20actions.pdf>. Please note that providing information to the SASB is a separate path that may or may not address your concerns, and in any event it does not preserve any appeal rights you may otherwise have under the 802.20, 802, or SA rules.

Best Regards,

Paul Nikolich