

May 8, 2003

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Dear Mr. Pittampalli:

This letter is in response to your appeal letter to Paul Nikolich, Chair of IEEE 802 dated April 8. Geoff Thompson, 1<sup>st</sup> Vice Chair has prepared the LMSC response to your appeal. We will address your complaint on a paragraph-by-paragraph basis of your submitted text and then provide a summary statement at the end. (Your complete original text is shown in *red italic.*)

*As set forth in Section 9.0 of the IEEE Computer Society, Standards Activities Board Policy and Procedures, I am writing to appeal the March 14, 2003 decision by the LMSC Executive Committee not to affirm the duly elected leadership of IEEE 802.20. I hereby request that said election results for Chair and Vice Chairs of the 802.20 Working Group be immediately affirmed.*

It is accepted that Section 9.1 (Purpose) of the IEEE Computer Society, Standards Activities Board Policy and Procedures addresses appeals regarding this matter.

*Nature of Objection: The election for the IEEE 802.20 Chair and Vice-Chairs was held on March 13, 2003. Paul Nikolich, Chairman SEC and Chairman LMSC duly administered the election. The Working Group elected Jerry Upton, Gang Wu, and the undersigned, Eshwar Pittampalli, as Chair, Procedural Vice-Chair and Liaison Vice-Chair, respectively. According to you, there was no violation of election rules. However, on March 14, 2003, the SEC failed to confirm the election results. According to your following correspondence,*

*From: Paul Nikolich [mailto:paul.nikolich@att.net]  
> Sent: Saturday, March 15, 2003 11:55 AM  
> To: IEEE802  
> Subject: [802SEC] 802.20 affirmation  
>  
> Dear SEC,  
>  
> People will want to know why the SEC did not affirm the  
> 802.20 officer candidates presented to at the closing  
> plenary meeting. I have already had two inquiries.  
> In my view, the decision was made because the candidates  
> were not qualified due to lack of experience in 802.  
>  
> Regards,  
>  
> --Paul Nikolich*

*it appears that the election was not affirmed because of my lack of qualifications. This rationale for refusing to affirm the results appears to be inappropriate and unsupportable. The election rules were reviewed line-by-line with the Working Group prior to the election. There are no IEEE requirements for LMSC experience. Each of the candidates had an opportunity to present themselves to the Working Group prior to the election. There was never any question regarding the experience of these candidates. Based on the foregoing, the SEC's actions appear to be arbitrary and capricious and should not stand.*

The above referenced e-mail from Paul Nikolich clearly includes the phrase “in my view”. The “reason” noted above as the “summary view” of the Chair was his personal view and this perspective did not represent any official position. In fact, there is no official summary for the basis of the decision not to confirm.

*I am further concerned regarding the activities underway by the Executive Committee to resolve this matter. I understand that a private meeting was held on March 20, 2003 to discuss a resolution to the election, however not all affected parties were invited. Specifically neither Gang Wu nor I were requested to participate. The proposed resolution would arbitrarily ignore the results of the election by recommending Geoff Thompson, as an Interim-Chair and Mark Klerer and Jerry Upton become Interim Vice-Chairs. This lack of transparency into the IEEE process and arbitrary rule making is unacceptable for an ANSI accredited standards body.*

It is the responsibility of the Sponsor Chair to administer the work within LMSC in accordance with its Policies and Procedures. In so doing, it is incumbent upon the Sponsor Chair to act in the best interest of 802.

The meeting that you refer to was not “to discuss a resolution to the election” but rather to refine a proposal for interim leadership in the best interest of 802. With respect to your allegation of lack of transparency in the process, the proposal and summary of the action items resulting from the discussions on March 20 were made available on the SEC reflector on March 24, 2004 (<http://www.ieee802.org/secmail/msg03484.html>).

*Specific Remedial Action(s): The only remedial action that is appropriate is to affirm the election results and cease all interim actions.*

Your particular request for remedial action is not appropriate. It does not respect the failure of the required confirmation by the LMSC Executive. The procedure:

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#### 5.1.2 Chair

LMSC Working Group Chairs and Vice Chairs shall be elected by the Working Group and confirmed by the LMSC Executive Committee. Terms shall end at the end of the first Plenary session of the next even numbered year.

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...clearly requires that two conditions must be satisfied in order to satisfy the requirements for office for "Working Group Chairs and Vice Chairs".

The requirements are:

- \* shall be elected by the Working Group
- \* confirmed by the LMSC Executive Committee

The dual requirement provides a check and balance system.

*Previous Efforts: My previous efforts include email and phone call correspondence with you to resolve this issue in the best interests of preserving the IEEE Society's reputation and integrity. After an informal phone call conversation on April 2, 2003, I have decided to appeal to you in writing since your explanations during our informal meeting were unacceptable to me and should not be acceptable to IEEE SA. (During this meeting you reflected some of the ideas that are documented in the following email-*

*{ 802SEC] 802.20 current proposal under consideration*

- *From: "Paul Nikolich" <paul.nikolich@att.net>*
- *Date: Fri, 4 Apr 2003 17:40:15 -0500 (EST)}*

*During this conversation, I also mentioned to you since there was no procedural impropriety or violation of any Working Group rules, there was no valid reason for the SEC not to affirm the elections. I also pointed out to you it was not appropriate for you to conduct private meetings to discuss the future course of action for the Working Group with members, some of whom have no official standing while not all elected members were included nor consulted.*

It is accepted that a formal appeal is appropriate given your lack of satisfaction with the results of the informal process.

*I urge you to correct this matter by fulfilling the will of the Working Group and confirming the duly elected leadership immediately. Further delay of this confirmation is divisive to the Working Group and will prevent the important work of IEEE 802.20 from proceeding.*

Your appeal is denied because:

The LMSC Executive Committee, by its rules, has discretion in deciding whether to confirm or deny an election of officers by the Working Group. In reviewing the process, and in the absence of any evidence that the decision was arbitrary, we have concluded that the decision will stand.

Sincerely,



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