

*BICSI Standards Program Regulations*



**BICSI, Advancing Information Technology Systems**

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*An ANSI Accredited Standards Development Organization since 1999*

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# 1 Introduction

BICSI, through its relationship with the American National Standards Institute (ANSI), develops and maintains voluntary telecommunications standards. These activities are carried out by volunteer members of BICSI's Standards Committee (BSC) and its Subcommittees, persons who are directly and materially affected by the activity in question and operate under the authority of BICSI's Board of Directors. BICSI's Standards Program shall be administered by the BSC and BICSI's Standards Department.

## 1.1 Purpose

The purpose of these regulations is to guide BICSI's Standards Program in processing American National Standards (ANSs).

## 1.2 Relationship with ANSI

BICSI is a member of ANSI which recognizes BICSI as a Standards Development Organization (SDO). BICSI is accredited by ANSI to develop standards using a "canvass process". The canvass process shall be used for approving the creation, revision, reaffirmation or withdrawal of any BICSI developed ANS.

# 2 Scope

BICSI developed American National Standards are intended to establish best practices for construction quality of telecommunications infrastructure, to ensure performance, and to be exemplary of "neat and workmanlike" installation. BICSI developed ANSs are written to provide advice and guidance that do not detract from established structured cabling standards. Specifically, BICSI's scope for ANS development includes:

- Telecommunications Information Technology infrastructure design, installation and implementation requirements and best practices

These regulations apply to due process and activities related to the development of consensus for approval, revision, reaffirmation, and withdrawal of ANSs. BICSI shall comply with the normative policies and administrative procedures established by the ANSI Executive Standards Council (ExSC) or its designee.

# 3 Definitions and acronyms

## 3.1 Definitions

**BICSI Standards Committee:** The supervising and appeal body for BICSI standardization activities. The BICSI Standards Committee comprise volunteer members of BICSI operating under the authority of the BICSI Board of Directors.

**BICSI Standards Department:** Responsible for administration of the standards program and these *Regulations*

**consensus:** Agreement by a substantial majority of those interests that are directly and materially affected.

**consensus body:** A group of persons who have responded to the canvass invitation in the approval process for a proposed American National Standard.

**interest category:** A self-declared designation for a member of a consensus body indicating the industry segment to which the member belongs that would be affected by a proposed standard.

**periodic maintenance:** The maintenance of a standard by review of the entire document and action to revise or reaffirm it on a schedule not to exceed five years from the date of its approval as an American National Standard.

**resolved:** When a negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change their vote or the negative commenter accepts the proposed resolution of their comment.

**substantive change:** A substantive change in a proposed American National Standard is one that directly and materially affects the use of the standard. Examples of substantive changes include:

- changing “shall” to “should” or “should” to “shall”;
- addition, deletion or revision of requirements, regardless of the number of changes;
- addition of mandatory compliance with referenced standards.

**substantial majority:** Two-thirds of those voting (not counting abstentions).

**unresolved:** Either :

- a negative vote submitted by a consensus body member, or
- written comments, submitted by a person during public review expressing disagreement with some or all of the proposed standard,

that has not been:

- resolved to the satisfaction of the submitter. or
- withdrawn by the submitter after having been addressed according to Section 4.4.

### 3.2 Acronyms

ANSI American National Standards Institute

ANS American National Standard

ASD Accredited Standards Developer

BSC BICSI Standards Committee

BSR Board of Standards Review

ExSC Executive Standards Council

PINS Project Initiation Notification System

SDO Standards Development Organization

## 4 BICSI’s Process for Developing American National Standards

### 4.1 Notification of Standards Development and Coordination

All new American National Standards (ANS) projects shall be approved by the BICSI Standards Committee (BSC) prior to the completion and submission of the ANSI *Project Initiation Notification System (PINS) Form* by the BICSI Standards Department. Notification of standards activity shall be announced in suitable media as appropriate (e.g., *BICSI News*, *BICSI Connect*) as well as in ANSI’s *Standards Action* or its equivalent. Submission for inclusion within ANSI’s *Standards Action* shall occur within 60 days of approval.

If BICSI’s Standards Department receives written comments within 30 days from the publication date of a PINS announcement in *Standards Action*, and said comments assert that a proposed standard duplicates or conflicts with an existing ANS or a candidate ANS that has been announced previously in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held in accordance to the applicable requirements of Clause 2.5 and related sub-clauses of the *ANSI Essential Requirements*.

### 4.2 Consensus Body

#### 4.2.1 Participation

For an ANSI/BICSI standard, the consensus body, in part, shall be the BICSI Standards Subcommittee that has been tasked with development of the ANS. Participation in a BICSI Standards Subcommittee shall be open to any person or company having a direct and material interest in the subject of that Subcommittee and shall be free of charge. BICSI membership shall not be a prerequisite to participation. Additionally, an invitation shall be sent to those persons identified as having a potential interest in the subject matter of the ANS ballot. The invitation shall be open for replies for no less than 30 days. Concurrently, an invitation may be published within the next available ANSI PINS announcement. New members may be added to the consensus body upon request after the initial invitation is complete. If a member becomes unresponsive to BICSI Standards Subcommittee communication, requests, or fails

to return two consecutive ballots, the BICSI Standards Department shall contact said member to determine if the member wishes to continue membership within the consensus body.

#### **4.2.2 Interest Categories**

Interest categories provide a means to identify and categorize all materially affected parties in both the development of a standard and within the composition of the consensus body. Participants are asked to declare their interest category during the joining of a consensus body, and are required to state their interest category during the return of ballots.

Interest categories are defined relative to the nature of the standards being developed. Within BICSI Standards, the following interest categories shall be provided for all consensus bodies:

- *Producer* — A member who primarily produces or sells materials, products, or systems covered in the consensus body scope.
- *End User* — A member who primarily uses, or represents those who use products and services within the consensus body scope.
- *General Interest* — A member that cannot be categorized as one of the other provided interest categories for the consensus body.

One or more additional interest categories shall be provided to each consensus body. These may be from the following list or defined to cover the specific needs of the consensus body:

- *Design* — A member who primarily provides services related to the planning and design of systems and solutions from materials, products, or systems covered in the consensus body scope.
- *Installation* — A member who primarily provides services related to the installation and initial configuration of materials, products, or systems covered in the consensus body scope.
- *Assessment* — A member who are primarily provide testing, validation, or certification services of products and services to defined regulatory, code, or standards requirements.
- *Consultant* — A member who represents two or more interests categories as defined for the consensus body.

### **4.3 Balance**

All appropriate interests that may be directly and materially affected by the standards activity of BICSI shall have the opportunity for fair and equitable participation without dominance by any single interest category, individual or organization.

A consensus body is considered balanced when no one interest category represents more than 50% of the total consensus body. For consensus bodies involved with safety-related documents, balance is achieved when no one interest category exceeds 1/3 of the total consensus body.

Voting representation from any company or organization shall be limited to one representative. Where a company includes several divisions or subsidiaries, voting representation shall be limited to one person from that company unless it can be shown to the BICSI Standards Department that the operations are so different as to represent different interest categories (i.e., one company, one vote). Each consensus body member shall designate its own interest category.

If applicable, efforts to achieve balance through outreach to underrepresented interest categories shall be made and documented. Unless it is claimed in writing (including electronic communications) by a directly and materially affected party that a single interest category, individual or organization dominated the ANS development process, no test for dominance shall be required.

### **4.4 Ballots**

ANSs shall be produced by consensus. Consensus shall be achieved through a balloting process.

#### **4.4.1 Ballot Issuance**

ANS ballots for the creation of ANSs are sent to the consensus body and are issued for public review after submission of the BSR-8 form, or its equivalent, to ANSI. This ballot shall be open for no less than 30 days.

#### 4.4.2 Ballot Responses

Parties responding to a ballot shall have the following ballot response options:

- **Approve (comments optional).** Indicates general agreement, but may also include suggested enhancements or changes to the proposed draft standard text that, if not acted on, would not cause the party to change their vote. Comments shall be acknowledged by the appropriate BICSI Subcommittee, and shall be considered during comment resolution. Comments not adopted may be deferred to the next revision of the ANS.
- **Negative (comments mandatory).** Indicates disagreement with the proposed draft standard text for the technical reasons stated. Comments shall be specific as to the points or omissions being objected to, and shall state what changes or actions would resolve the objection. Comments shall be acknowledged by the appropriate BICSI Standards Subcommittee and shall be considered during comment resolution. Negative ballots received without comments shall be recorded as such, and reported within subsequent documentation as required by ANSI.
- **Abstain (with or without stated reasons for the abstention).** A company may return a ballot indicating that it has chosen to abstain from voting.

#### 4.4.3 Evidence of Consensus and Consensus Body Vote

Consensus requires that all views and objections be considered, and that an effort be made toward their resolution. Consensus is demonstrated by a vote of the consensus body. Consensus on ballots is considered to be reached when the number of *Approve* votes exceeds 75% of the sum of *Approve* and *Reject* votes cast. Evidence of consensus shall be documented.

The consensus body vote shall be conducted and reported in accordance with the rules set forth herein. A consensus body vote is considered valid when 50% or more of the consensus body casts a vote. Votes for the proposed action to a document or portion thereof as a candidate ANS may be obtained by letter, fax, recorded votes at a meeting or by electronic means. If a formal vote for a standards action (e.g., minor revision, withdrawal), which was not preceded by a ballot, is taken in a meeting, consensus body members not in attendance shall be provided the opportunity to vote either before or after the meeting. All members of the consensus body shall have the opportunity to vote.

(a) The BICSI Standards Department shall not change a vote unless instructed to do so by the voter. If the change of vote was not submitted in writing by the voter, then written confirmation of such a vote change shall be provided to the voter by the BICSI Standards Department. It shall never be appropriate for the BICSI Standards Department to inform voters that if they are not heard from, their negative vote shall be considered withdrawn and their vote shall be recorded as an abstention or an affirmative. All negative votes that are not changed at the request of the voter shall be recorded and reported to the BSR as unresolved negatives by the BICSI Standards Department.

(b) The BICSI Standards Department shall record and consider all negative votes accompanied by any comments that are related to the proposal under consideration. This includes negative votes accompanied by comments concerning potential conflict or duplication of the draft standard with an existing American National Standard and negative votes accompanied by comments of a procedural or philosophical nature. These types of comments shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.

(c) The BICSI Standards Department shall not be required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. The BICSI Standards Department shall indicate conspicuously on the letter ballot that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments shall be recorded as “negative without comments” without further notice to the voter. If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as a submittal of a new proposal. If clear instruction is provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, the vote may be counted as a “negative without comment” for the purposes of reporting to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus, unless BICSI’s Standards Regulations state otherwise. The BICSI Standards Department shall not be required to solicit any comments from the negative voter. The BICSI Standards Department shall not be required to conduct a recirculation ballot of the negative vote. The BICSI Standards Department shall be required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR.

(d) The BICSI Standards Department shall maintain records of evidence regarding any change of an original vote.

#### **4.4.4 Comment Resolution**

##### **4.4.4.1 Types of Ballot Comments**

###### **4.4.4.1.1 Substantive and Technical Changes**

A substantive change in a proposed draft standard shall be one that directly and materially affects the use of the draft standard. Examples of substantive changes:

- “shall” to “should”; “should” to “shall”;
- addition, deletion or revision of requirements, regardless of the number of changes; or
- addition of mandatory compliance with referenced standards.

###### **4.4.4.1.2 Editorial Changes**

An editorial change in a proposed draft standard shall be one that corrects typographical errors, grammatical errors, or clarifies a concept without making a substantive change. Any other changes to an ANS may only be made by a revision to the proposed draft standard.

##### **4.4.4.2 Resolution of Comments**

Purely editorial comments, once acknowledged, do not require further coordination with the originator. Technical comments received during balloting and public review shall be acknowledged when received, and the originator shall be advised, in writing, of the disposition of the comments, with the inclusion of the reason(s) therefore.. All reasonable attempts shall be made to resolve comments in one of the following ways:

- By explaining to the originator the rationale followed in arriving at the proposed resolution. BICSI shall maintain a detailed written record of all correspondence and contacts on this matter.
- By proposing changes to the proposed draft standard which are editorial only and which do not result in changes in the technical requirements of the proposed draft standard.

Note: If negative voters or public review commenters agree to withdraw their objections without technical changes in the proposed draft standard, they shall be asked to do so in writing (vote change form or email or fax for consensus body members and a form of written communication from a public review commenter), and sent to the BICSI Standards Department as proof that the negative vote or comment has been withdrawn. When all objections have been resolved, or all attempts to resolve continuing objection have been exhausted, processing shall continue.

- By proposing revisions to the technical requirements of the proposed draft standard which would remove the objections of the originator. Such revisions shall be supported by a consensus of the consensus body.

Public review commenters will receive notification in conjunction with receipt of the comment disposition report that the commenter has ten (10) business days of receipt to issue an objection to the described resolution with BICSI and if objection is not received, the comment will be considered resolved, If an objection is received in the specified time period, the comment will be considered unresolved, and efforts will continue to resolve the issue(s) raised.

After all comments have been addressed, all resulting substantive changes shall be issued for public review and consensus body approval.

##### **4.4.4.3 Recirculation of an American National Standard Ballot**

If a limited number of substantive changes were approved to be made to the proposed draft or ANS under revision, a recirculation ballot shall be prepared and issued to the canvas body as well as made available for public review, in order to afford all interested parties the ability to respond.

The contents of a recirculation ballot shall contain only the text of the substantive changes with only the material required to provide context. Consensus body members may elect to cast or change their vote, with the most recent vote taking precedence for determining if consensus (Section 4.4.3) has been met.

If the recirculation is comprised in part, or in whole, from the result of a continuing objection vote, the consensus body shall have 15-days to respond, reaffirm or change their vote. Should the ballot closing date fall on a weekend or holiday, the ballot close date shall be specified to be the next business day.

##### **4.4.4.4 Unresolved Objection Recirculation Report**

All efforts are made to resolve objections. If resolution has not been achieved after a recirculation ballot has been completed and the draft or revision is considered ready to be submitted to the ANSI BSR, each consensus body objector shall be informed in writing that an appeals process exists (Section 4.5).

The BICSI Standards Department shall send an Unresolved Objection Recirculation Report out to the established consensus body. This report shall include the continuing objection and all correspondence regarding the attempts to resolve the objection, and the comment resolution report. The consensus body shall be asked to review the accompanying documentation and determine if they want to respond, reaffirm or change their vote. The consensus body shall have 15 days to respond.

If the consensus body meets consensus conditions to approve the document with the unresolved objection, the *Reject* vote or comment shall be recorded as such on the BSR 9 form. If one or more unresolved *Reject* votes or public review comments remain in spite of reasonable efforts to resolve them, and if a consensus is believed to exist among the consensus body, the proposed standard shall be processed for publication.

#### **4.4.5 Consideration of Continuing Views and Objections**

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on the PINS announcement or public comment listing in *Standards Action*.

In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists. In addition each objection resulting from public review or submitted by a member of the consensus body, and which is unresolved must be reported to the ANSI BSR.

Each unresolved objection and attempt at resolution, and any substantive change made in a proposed draft standard shall be reported to the consensus body in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote. If the consensus body is reviewing a single unresolved objection, they shall have 15 days to respond, reaffirm, or change their vote (multiple unresolved objections shall have a 30 day response time). If no response is received from the consensus participants their vote shall stand as originally cast on the previous ballot.

When the results of the reported continuing view and objections show a consensus in favor of approval of the proposed draft standard, BICSI shall proceed toward approval of the standard. If after all reasonable attempts to resolve negative ballots have been exhausted, and there is consensus to go forward with the publication, the proposed standard shall be prepared for publication.

When this process is completed, BICSI Standards Subcommittee may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them in the same manner as a new proposal. Timely comments that are not related to the proposal under consideration shall be documented and considered in the same manner as submittal of a new proposal. The submitter of the comments shall be so notified.

### **4.5 Appeals**

The provision for appeals is important for the protection of directly and materially affected interests and of BICSI Standards Department. This section gives general criteria regarding the right to appeal, to whom appeals are made and what may be appealed.

#### **4.5.1 Right to Appeal Notification**

If after re-circulation balloting, any negative ballots or public review comments remain unresolved, then all parties with unresolved objections shall be advised in writing, including electronic means, of the efforts of the consensus body to resolve them and those parties shall be advised in writing, including electronic means, of their right to file an appeal.

#### **4.5.2 Right to Appeal: Appeals at BICSI Standards Committee**

BICSI Standards Regulations contain an identifiable, realistic, and readily available mechanism for the impartial handling of procedural appeals regarding any action or inaction. Appeals shall be addressed promptly and a decision made expeditiously. BICSI Standards Department may choose to offer an appeal process to address appeals on other than procedural issues. Procedural appeals include whether a technical issue was afforded due process. Appeals at BICSI Standards Committee level shall provide for participation by all parties concerned without imposing an undue burden on them. Consideration of appeals shall be fair and unbiased and shall fully address the concerns expressed.

Persons who have directly and materially affected interests and who have been or will be adversely affected by any procedural action or inaction by the consensus body with regard to the development of a proposed draft standard or the revision, reaffirmation, or withdrawal of an existing ANS, have the right to appeal. The burden of proof to show adverse effect shall be on the appellant.

Appellants shall file a written appeal concerning procedural or substantive matters related to a ANSI/BICSI standard with the BICSI Standards Department within fifteen (15) days after the date of notification of action or at any time with respect to inaction. The appeal shall state the nature of the objection(s), the clause(s) of these procedures or the standard at issue, actions or inactions that are at issue, and the specific remedial actions(s) that would satisfy the appellant's concerns. The BICSI Standards Department shall provide previous efforts to resolve the objection and the outcome of each objection. Appeals shall be reviewed by the BICSI Standards Committee, which shall act upon the appeal within 30 days. Appellants shall be notified in writing of the committee's decision.

#### **4.5.3 Right to Appeal: Appeals at ANSI**

Persons who have directly and materially affected interests and who have been or will be adversely affected by any procedural action or inaction by ANSI or by any ANS-related process have the right to appeal. ANSI will not normally hear an appeal of an action or inaction by the BICSI Standards Department relative to the development of an ANS until the appeals procedures provided by BICSI Standards Department have been completed. Appeals of actions shall be made within reasonable time limits; appeals of inactions may be made at any time. Such appeals shall be directed to ANSI in accordance with the procedures of the appropriate ANSI board or council (e.g., BSR, ExSC).

#### **4.6 Audit Process**

Once a ballot meets the approval criteria listed above, the BICSI Standards Subcommittee shall provide BICSI Standards Department a completed set of minutes which includes a listing of actions and resolutions on all received negatives and comments. Upon receipt, BICSI's Standards Department shall complete the BSR-9 form, and submit all necessary materials to ANSI for review.

#### **4.7 Publication**

Upon approval by the applicable audit body, the document shall be published and made available by BICSI within the time period as specified by ANSI.

## **5 Maintenance of American National Standards**

American National Standards (ANSs) shall be kept current and relevant by means of timely revision, reaffirmation or action to stabilize. Obsolete standards shall be withdrawn.

### **5.1 Periodic Maintenance of American National Standards**

Periodic maintenance shall be defined as the maintenance of a standard by review of the entire document and action to revise or reaffirm it on a schedule not to exceed five years from the date of its approval as an ANS.

In the event that a PINS or BSR-8/108 has not been submitted for an ANS within five years after its approval, BICSI's Standards Department may request an extension of time to reaffirm or revise the standard, or shall withdraw the standard. The request for an extension of time shall be submitted to ANSI within thirty days following five years after the approval date of the ANS. Requests for extensions shall provide the program and schedule of work that shall lead to revision, reaffirmation, or withdrawal. The extension may be granted by the ExSC or its designee.

No extension of time beyond ten years from the date of approval shall be granted for action on a standard. In no case shall an ANS maintained under the periodic maintenance option retain its status as a current ANS beyond ten years from the date of approval. Such approval automatically expires on the tenth anniversary date of approval as an ANS.

In the event that an ANS that is approved by the BICSI Standards Committee (BSC) is not reaffirmed, revised, or withdrawn within five years after its approval, the BICSI Standards Department shall follow its own procedures to ensure that work is proceeding and shall notify the Institute and provide the estimated time of completion. In no case shall a standard maintained under the periodic maintenance option retain its status as a current ANS beyond ten years from the date of approval. Such approval automatically expires on the tenth anniversary date of approval as an ANS.

## 5.2 Procedures to Initiate Five-Year Review

If the review process (reaffirmation, revision, or withdrawal) cannot be completed within the five-year period, the BICSI Standards Department shall request an extension of time by completing the ANSI BSR-11 (Request for Extension of Time) form, and submit to ANSI for approval. If a PINS or BSR-8 for the ANS has been submitted to ANSI by the fifth year then a BSR-11 shall not be required. The request shall include a specific date by which the review shall be completed and submitted to ANSI for approval. The BICSI Standards Department can request an extension for up to five years (for a total of 10 years review). If the document has not completed the ANSI Board of Standards Review (BSR) review by the end of the 10<sup>th</sup> year, the standard shall automatically be withdrawn. The ANSI approval process shall be completed as if the standard was a new project from the beginning. The BSR-11 must be completed in order to extend the review period.

## 5.3 Procedures for Revising American National Standards

The process of revising a standard is similar to the development of a new standard in that consensus shall be reached by ballot on changes to the technical content or meaning of the standard. Usually the revision takes the form of a complete revision and re-issuance of the standard. Revision of or addition to the technical content of an existing ANS requires that the procedures for the development of a new standard be followed. Revision, reaffirmation or withdrawal takes the form of a periodic review wherein BICSI shall determine whether the document in question should be reaffirmed, revised, or withdrawn. Unless otherwise noted, all ANSs shall be reviewed every five years. BICSI shall initiate action to:

- **revise** the ANS to incorporate additional language or delete language that will change its technical content or meaning;
- **reaffirm** that a review of the ANS resulted in a decision that the technical content is valid and does not need change; or
- **withdraw** the ANS following determination that the technical content is no longer of value.

**Note:** Reaffirmation and withdrawal of an ANS does not require a PINS form to be completed and sent to ANSI.

## 5.4 Procedures for Reaffirmation of American National Standards

The BICSI Standards Committee shall recommend reaffirmation of a standard if it finds the technical content valid and does not require change. Reaffirmation shall be accomplished without any substantive change to the main text of the standard. All non-substantive changes in the main text of the standard shall be explained, or noted, in a foreword. An ANS undergoing an update of references to standards necessary to implement the ANS shall be processed as a revision unless the updated reference is only a reaffirmation of the referenced standard. Any substantive changes in such references requires processing as a revision. The ANS shall clearly indicate on its cover or title page that it is a reaffirmation.

Reaffirmation requires formal approval by the balloting process. The procedures for the development of a new ANS shall be followed for the reaffirmation of an ANS. Copies of the ANS under reaffirmation shall not be distributed with the ballot, but may be acquired by making a request to the BICSI Standards Department. g

## 5.5 Procedures for Withdrawal of an American National Standard

### 5.5.1 Administrative Withdrawal (ANSI Initiated)

An ANS shall be withdrawn five years following approval, if the standard has not been revised or reaffirmed, unless an extension has been granted by the ExSC or its designee. An ANS that has not been reaffirmed or revised within the five-year period, and that has been recommended for withdrawal by the ExSC or its designee, shall be withdrawn at the close of a 30-day public review notice in *Standards Action*. ANSs that have not been revised or reaffirmed within ten years from the date of their approval as ANSs shall be withdrawn and such action shall be announced in *Standards Action*.

### 5.5.2 Withdrawal by BICSI

The BICSI Standards Committee shall recommend withdrawal of an ANS if it determines that the ANS is no longer required to meet the purpose for which it was written.

If BICSI's Standards Committee wishes to withdraw its approval of one or more of its ANSs, it may do so with a vote of the relevant consensus body using the balloting process. If the consensus body no longer exists or as other circumstances warrant, the BSC can serve as the consensus body. Once withdrawal has been approved, the BICSI

Standards Department shall notify ANSI immediately and the standard shall be withdrawn as an ANS and announced in *Standards Action*. Copies of the standard shall not be generally distributed in relation to withdrawal actions but may be acquired by interested parties by making a request to the BICSI Standards Department.

## **5.6 Discontinuance of a Standards Project**

The BSC may abandon the processing of a proposed new or revised ANS or portion thereof. Upon discontinuance by BICSI, ANSI shall be notified of the resultant action within 5 business days of the approval date of discontinuance. A written justification for such an action shall be made available upon receipt of any written request received by the BSC within 60 days of the date of the final action. Appeals of such actions shall be made to the ExSC based on procedural noncompliance.

# **6 Normative American National Standards policies**

BICSI's Standards Department complies with the normative policies contained in this section.

## **6.1 Coordination and Harmonization**

Good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards (ANSs) and candidate ANSs.

### **6.1.1 Definition of Conflict**

Conflict within the ANS process refers to a situation where, viewed from the perspective of a future implementer, the terms of one standard are inconsistent or incompatible with the terms of the other standard such that implementation of one standard under terms allowable under that standard would preclude proper implementation of the other standard in accordance with its terms.

### **6.1.2 Coordination/Harmonization**

BICSI, as an ANSI-Accredited Standards Development Organization (SDO), shall make a good-faith effort to resolve potential conflicts and to coordinate standardization activities intended to result in harmonized ANSs. A "good faith" effort shall require substantial, thorough and comprehensive efforts to harmonize a candidate ANS and existing ANSs. Such efforts shall include, at minimum, compliance with all relevant sections of these regulations. The BICSI Standards Department shall retain evidence of such efforts in order to demonstrate compliance with this requirement to the satisfaction of the appropriate ANSI body.

## **6.2 Openness**

Timely and adequate notice of any action to create, revise, reaffirm, or withdraw an ANS, and the establishment of a new consensus body shall be provided to all known directly and materially affected interests. Notice should include a clear and meaningful description of the purpose of the proposed activity and shall identify a readily available source for further information. In addition, the member's name (or if membership is by organization, the name of the organization with a point of contact), affiliation and interest category of each member of the consensus body shall be made available to interested parties upon request.

## **6.3 ANSI Patent Policy - Inclusion of Patents in American National Standards**

BICSI Standards, at a minimum, requires full compliance with the text of *ANSI Essential Requirements* Section 3.1 and its related subsections, if any. If material found within the *ANSI Essential Requirements* conflicts with the material of Section 6.3 of this document, the *ANSI Essential Requirements* takes precedence.

There shall be no objection in principle to drafting an ANS in terms that include the use of an essential patent claim (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach.

Participants in any BICSI Standards activity are encouraged to bring patents with claims believed to be essential to any standard or document within BICSI standards to the attention of the BICSI Standard Committee or the BICSI Standards Department. If notice is received that a proposed draft standard or an approved ANS may require the use of such a patent claim, the procedures in this clause shall be followed.

### **6.3.1 Initial Determination**

The BICSI Standards Subcommittee shall make an initial determination that a patented item (a material, product, process, other property or constituent thereof) shall be required for inclusion in a proposed or draft standard. The BICSI Standards Subcommittee shall make efforts to determine whether alternatives to the patented item exist. If an alternative(s) exists, no reference to the patented item shall be made.

If it has been determined inclusion of a patent shall be necessary, the BICSI Standards Subcommittee shall include with the ballot a statement of willingness to consider alternatives and a request for identification of alternatives to patented items. If an alternative(s) is identified, the BICSI Standards Subcommittee shall reconsider whether the patented item shall be required and, if not, reference to the patented item shall be removed.

### **6.3.2 Statement from Patent Holder**

If it has been determined that inclusion of a patent shall be necessary, the BICSI Standards Department shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either:

- a) assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any essential patent claim(s); or
- b) assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the standard either:
  - i) under reasonable terms and conditions that are demonstrably free of any unfair discrimination; or
  - ii) without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Such assurance shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

The assurance shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

### **6.3.3 Record of Statement**

A record of the patent holder's statement shall be retained in the files of both BICSI's Standards Department and ANSI.

### **6.3.4 Notice**

When the BICSI Standards Department receives from a patent holder the assurance set forth above, the standard shall include a note as follows:

NOTE – The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights. By publication of this standard, no position is taken with respect to the validity of any such claim(s) or of any patent rights in connection therewith. If a patent holder has filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license, then details may be obtained from BICSI Standards Department.

### **6.3.5 Responsibility for Identifying Patents**

Neither the BICSI Standards Department nor ANSI shall be responsible for identifying patents for which a license may be required by an American National Standard or for conducting inquiries into the legal validity or scope of those patents that are brought to their attention.

## **6.4 Commercial Terms and Conditions**

BICSI Standards, at a minimum, requires full compliance with the text of *ANSI Essential Requirements* Section 3.2 and its related subsections, if any. Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in any BICSI Standard, as the appearance that a standard endorses any particular products, services or companies shall be avoided. Therefore, it generally shall not be acceptable to include manufacturer lists, service provider lists, or similar material within either the normative or informative body of the standard or publication. For standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for

determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns only.

## **6.5 Record Retention**

The BICSI Standards Department maintains the official collection of records for the BICSI Standards program. All records shall be prepared and maintained to provide evidence of compliance with these procedures. All documentation for an approved ANS shall be kept as follows:

- New ANS - for one complete standards cycle, or until the standard is revised.
- Revised or Reaffirmed ANS - for a minimum of five (5) years or until approval of the subsequent revision or reaffirmation of the complete standard. Records concerning withdrawn ANSs shall be maintained for five years from the date of withdrawal.
- Patent declarations shall be maintained for the life of the ANS or the patent, whichever is longer.

## **6.6 Metric Policy**

The International System of Units (SI), as specified in ANSI/IEEE-268 or its subsequent revisions, shall be used in ANSI/BICSI standards. If appropriate, dual dimensioning can be used with an explanation in the Foreword or Introduction of any variation.

## **6.7 Interpretations Policy**

BICSI's Standards Department shall have on file at ANSI an interpretations policy. Official interpretations of ANSs that are developed by the BSC shall be made only by the BSC, which shall be responsible for maintenance of that standard. ANSI shall not issue, nor shall any person have the authority to issue, an interpretation of an ANS in the name of ANSI. Requests for interpretations addressed to ANSI shall be referred to BICSI's Standards Department.

### **6.7.1 Informal Interpretations**

BICSI's Standards Department and BSC members may provide explanations and opinions about the intent or meaning of an ANSI/ BICSI standard, based on best technical judgment. Such explanations and opinions shall clearly state that these informal interpretations are not to be construed as expressing an official position of BICSI.

### **6.7.2 Formal Interpretations**

A request for formal interpretation shall be filed in writing with the BICSI Standards Department. The request shall be reviewed by the BSC, which shall formulate a response supported by explicit technical reasoning. Alternatively the BSC may conclude that the request is outside the scope of the standard or concerns a subject that the standard was not intended to address. The response shall be approved by the BSC and provided to the requestor through the BICSI Standards Department.

# **7 Copyright**

The finished document shall be copyrighted and published by BICSI. Joint standards may be copyrighted by all pertinent Standards Development Organizations (SDOs) involved in development and as determined by a signed agreement. If joint standards documents are being produced, the language may need modification to include all SDOs who will hold copyright. The applicable statements mentioned below grant BICSI the right to copyright and sell ANSI/BICSI standards, which contain the submission in whole or in part, and to allow publication of excerpts by the BICSI Standards Department. The statements also extend these rights to BICSI's existing policy of allowing and encouraging other regional, national or international standards bodies to adopt ANSI/BICSI standards publications as their own. (These statements make it clear that a license to use the BICSI's copyrighted material contained in a BICSI Standards publication granted to another region, nation, or SDO does not automatically convey rights to essential patents or copyrights required for conformance with the ANSI/BICSI publication.)

## 8 Revision of BICSI Standards Regulations

From time to time the *BICSI Standards Regulations* will require modification as a result of changes made by ANSI within its *ANSI Essential Requirements* or procedures; or as a result of issues experienced by BICSI with a particular section of these Regulations. Areas of change may also be highlighted as part of the normal review of processes and procedures to make the standards process more efficient and effective, or as a result of issues discovered during a routine ANSI audit. Such proposed modifications should be brought to the attention of BICSI's Standards Department. Changes to these Regulations shall be approved by the BICSI and sent to ANSI for its review and subsequent approval as applicable. Depending on the nature of the change, ANSI may call for a public review period in its *Standards Action* on the revision or make such other requests, as it deems appropriate.