

UNIVERSITY OF KENTUCKY
SENATE

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Regular Session

November 8, 2004

3:00 p.m.

W. T. Young Library
First Floor Auditorium
Lexington, Kentucky

Dr. Ernie Yanarella, Chair

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ERNIE YANARELLA, CHAIR

GIFFORD BLYTON, PARLIAMENTARIAN

REBECCA SCOTT, SECRETARY TO SENATE COUNCIL

ROBYN BARRETT, COURT REPORTER

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1 CHAIR YANARELLA: Good afternoon and
2 welcome to the November 8th meeting
3 of the University Senate. I'd like
4 to ask if there are any changes to
5 be made to the minutes to the
6 October 11th, 2004 meeting. If
7 there are no corrections, consider
8 those approved. I'd like to make a
9 number of announcements before we
10 begin with our next agenda item.
11 First of all, I'd like to roll out
12 the Senate Ad Hoc Committee on
13 Enrollment Management. This
14 committee is involved in looking
15 into the faculty role in enrollment
16 management. It is being chaired by
17 Larry Grabau; in addition, Liz
18 Debski from Arts and Sciences, Tony
19 Baxter from Engineering, Roy Moore
20 from Communications, and Peter
21 Berres from Student Affairs in the
22 College of Health Science are
23 participating in this committee.
24 Senate Council is very interested in
25 trying to offer a perspective that

4

1 could be integrated into enrollment
2 considerations. It feels that there
3 are important and weighty issues
4 that relate to the faculty that
5 ought to be brought into
6 consideration, and this committee is
7 charged with examining those
8 possibilities. At its first
9 meeting, I delivered the charge to
10 the committee. There was
11 preliminary discussion that involved
12 both myself and Don Witt, who was
13 wearing a number of hats, including
14 his most recent one, the Assistant
15 Provost for Enrollment Management.
16 Finally, the committee developed an
17 outline of a plan for tackling the
18 charge and putting together a list
19 of university administrators and
20 others to interview over the course
21 of their deliberations. I look
22 forward to hearing from them around
23 mid-March and with getting their
24 report and any recommendations they
25 make to this body, perhaps for the

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1 April meeting. In addition, I would
2 like to introduce the faculty
3 representatives who are
4 participating in the Retiree Health
5 Benefits Committee chaired by Mike
6 Tearney. I was informed by Mike
7 Tearney that Sean Peffer is -- he
8 just raised his hand, I think -- is
9 the faculty representative and that
10 the faculty emeritus representative
11 is Bob Stroop, if I'm not mistaken.
12 I believe there was a preliminary
13 organization meeting that took place
14 in the last couple of weeks and that
15 this will be followed by scheduled
16 meetings, and I hope and expect a
17 Web page to inform all of us of
18 their deliberations beginning after
19 January 15th. The next to last
20 announcement that I'd like to make
21 relates to the Annual Board and
22 Senate's Holiday Reception. This
23 will take place on Tuesday, December
24 14th, from 3:00 to 5:00 p.m. in the
25 Lexmark Public Room of the main

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1 building. Electronic invitations
2 are shortly to follow. And finally,
3 by way of announcement, I'd like to
4 give you a quick preview on the
5 December University Senate Meeting.
6 It has become a recent custom that
7 the Provost meets with this body,
8 typically in December, and he has
9 graciously agreed to address this
10 group at the December meeting.
11 He'll be talking about a number of
12 issues, but in particular I think
13 he'll be discussing issues of
14 undergraduate education initiatives
15 and issues that relate to enrollment
16 management. I've also had a request
17 from the Faculty Board of Trustee
18 Representatives, Mike Kennedy and
19 Roy Moore, and they have agreed to
20 offer a report to this body. A
21 third report that will come forth at
22 the December meeting will be one
23 from the Ombud. It is, again, a
24 tradition that he addresses this
25 body, typically at the December

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1 meeting, and we look forward to
2 hearing his report. Finally, I hope
3 to have an update from the Academic
4 Offenses Policy Committee, chaired
5 by Bob Grossman, who has launched
6 that group in the last few weeks.
7 Let's turn, then, to the second item
8 on our agenda: Proposed changes to
9 Senate Rules regarding elections.
10 Some while ago, the Senate Council
11 requested of the Rules Committee
12 that it propose changes in Senate
13 Rules to facilitate and to simplify
14 Senate elections. There had been a
15 past pattern where a number of
16 rounds of voting were necessitated,
17 and this tended to lengthen the time
18 before which we were able to find
19 who had been elected. And so you
20 have before you the proposed changes
21 outlined in the materials provided,
22 both electronically and in hard
23 copy, that have been submitted by
24 the Senate Council with a positive
25 recommendation. I'd like to turn

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1 over this meeting to Senate Rules
2 Committee Chair, Kaveh Tagavi, who
3 will review for us those recommended
4 changes and offer an example of the
5 suggested sequential runoff that in
6 some ways lies at the heart of some
7 of these recommendations. Kaveh?

8 TAGAVI: Okay. Why a new election
9 rule? Well, the rationale is,
10 first, we were asked by the Senate
11 and the Senate Council to come up
12 with a new rule to implement
13 electronic balloting as opposed to
14 paper balloting that we have right
15 now and, if possible, to avoid the
16 multiple runoffs that at times
17 spills into the new selection Senate
18 Council term. As of now, we have
19 multiple runoffs and each one takes
20 about maybe a period of about three
21 weeks to a month. And as I said,
22 sometimes it spills to the term and
23 it's not very convenient. And there
24 were also a couple of loose ends,
25 such as what do you do if one -- in

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1 case of a tie happens, so we try to
2 also take care of those loose ends.
3 The features of the proposed rule,
4 if I could very briefly mention to
5 you, it builds upon the existing new
6 rule as much as possible. Its
7 establishment, I'd like to credit
8 for it or blame -- I don't know
9 which way -- but it is established
10 rule. It's known by many different
11 names: Sequential runoff, instant
12 runoff, Irish method, and so on.
13 It's used by several cities, city
14 council elections, by at least two
15 other countries that I know, Ireland
16 and -- what is the other one?
17 Australia, they use it for their
18 parliamentary election. And many
19 U.S. corporations use it to elect
20 Board of Trustees. It guarantees
21 to -- it guarantees to conclude the
22 election in one round of voting,
23 which is the attractive -- most
24 attractive part of this. On the
25 second bullet, I forgot to

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mention -- or the one after the

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first bullet: It also builds upon

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the way Board of Trustees elections

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as of now are being run in the way

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that we vote for two choices, number

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one and number two, and then there's

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an instant runoff. Summary of the

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new rule: The nomination round is

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basically unchanged. Every Senator

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votes for three nominees, and the

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six nominees with -- six Senators

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with the highest number of

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nominations are put on the ballot,

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on the next ballot. When the ballot

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is sent out, either

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electronically -- well,

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electronically in this case -- each

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Senator votes and ranks in order

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three choices, which is exactly the

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number that we have now. But the

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addition is that it is rank order.

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In each round we then either elect

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one person or eliminate one person,

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based on the -- what the number of

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the highest ranked vote that they

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1 have. Of course, if you have the
2 highest, you are elected. If you
3 have the lowest, then that's kind of
4 obvious; you are eliminated. You
5 are -- okay. I already covered
6 that. The ballots for these, for
7 them -- after one person is either
8 elected or eliminated, the ballots
9 for these -- for those who are
10 elected or eliminated are then
11 redistributed to the remaining
12 candidates. And that would be the
13 instant runoff or sequential
14 runoff. And this process is
15 repeated until three candidates are
16 elected. This was a humbling
17 experience. I called a friend of
18 mine, who is a philosophy professor,
19 and I asked him about this. And he
20 said: I'm warning you; this is not
21 easy to write. The writing part of
22 it is very difficult. It kind of
23 reminds me of an example that I have
24 heard, that many children know how
25 to do their shoelaces, but it takes

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1 a sophisticated writer to write down
2 the procedure in writing. So what
3 I'm trying to attempt to do is to
4 show you how to do the election, and
5 you will forgive me for the arduous
6 language that I have proposed. But
7 more important than that, I want to
8 say: This could not have been done
9 without the help of a bunch of other
10 people -- oops, sorry.

11 CHAIR YANARELLA: Them too.

12 TAGAVI: These people, who are extremely
13 smart and very knowledgeable, helped
14 me a lot, stopped me from making
15 mistakes: Pat DeLuca from
16 Pharmacy; Janet Ford, Social Work;
17 Davy Jones, Toxicology; Braphus
18 Kaalund, Law; Mike Cavagnero and
19 myself in Engineering. Now, if you
20 allow me, let me go over the
21 demonstration of the procedure. If
22 I could read the Senate Rule, the
23 proposed Senate Rule, it says:
24 There shall be six names on the
25 voting ballot. The six eligible

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1 Senators receiving the largest
2 number of nominations shall be
3 placed on the voting ballot. So
4 let's assume these six people are
5 having the highest number of
6 nominations. And by the way, this
7 is just a demonstration. I'm not
8 covering every case of every tie or
9 every permutation. Those are in the
10 rules. This is the essence of it.
11 Now, having had these six people to
12 go on the runoff ballot, then we are
13 going to ask -- each voter must rank
14 in order exactly three candidates
15 from the list of the six nominees on
16 the voting ballot. Failure to rank
17 exactly three different candidates
18 will disqualify the ballot. So a
19 ballot -- oops. This ballot is then
20 sent and you -- every Senator is
21 going to choose three but rank in
22 order the three that is the choice.
23 Now, just imagine that we receive 17
24 ballots and these 17 ballots, each
25 one is in the rank preference.

14

1 These are the ballots. As you
2 notice, the last one did not choose
3 three and therefore is
4 disqualified. And by the way, that
5 part is already also the way the
6 rules are. Then what we do next is,
7 first, we count the ballots. We
8 have -- sorry. Before that, on each
9 ballot we're going to initially give
10 that ballot to the person on the top
11 of the ballot. So for example --
12 sorry about that. The first one is
13 ranked Pebbles, Barney and Betty.
14 We are going to give that ballot to
15 Pebbles and then so forth and so
16 on. These ballots are allocated to
17 these people. Next we are going to
18 tabulate these ballots. Total
19 number of ballots, 16. You need
20 one-third to be elected. The reason
21 for one-third is that's the magical
22 number that guarantees three: No
23 more, no less. So you need six to
24 win. When we tabulate this, we
25 have: Pebbles, five; Barney, three;

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1 Betty, two; Dino, one; Fred, one;
2 and Wilma, four. Of course, as you
3 can see, nobody has six, so nobody's
4 elected in the first round. We want
5 to eliminate somebody. The two with
6 the lowest are Dino and Fred. The
7 way we break the tie is look at the
8 total number of occurrences of the
9 name at any rank, because we thought
10 that's better than directly going
11 into a three (unintelligible). In
12 this case Dino has seven; Fred has
13 four; Fred is eliminated. Now we
14 are going to go take Fred's name and
15 take from every ballot. As you can
16 see, these are the blank slots that
17 Fred was -- Fred's name was there.
18 After we drop this, then the ballots
19 are going to look like this. Fred
20 used to be here, number one; that
21 was Fred's ballot. Now it's going
22 to go to Pebbles. And since he had
23 only one vote, that is the only one
24 that is going to be redistributed at
25 this point. Now we have Pebbles,

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1 six; Barney, three; Betty, two;
2 Dino, one. Fred is already
3 eliminated and (unintelligible).
4 Pebbles is elected. Now, we are
5 going to go and let me read the
6 rule. On each ballot, the names of
7 the elected candidates will be
8 removed and the ballots retabulated
9 according to the rankings of the
10 remaining candidates on those, on
11 each of them. So now we are going
12 to drop Pebbles's name. As you can
13 see, we have now a bunch more empty
14 slots here. We redistribute this to
15 these people. This one goes to
16 Barney, Dino, Betty, and so on.
17 Retabulate: Pebbles now has one
18 already; Barney has five; Betty has
19 five; Dino has one; Fred,
20 eliminated; Wilma, five. Nobody in
21 this second or third round is going
22 to win, so we're going to go after
23 the weakest again, and that would be
24 Dino in this case. We go to the
25 ballots, take Dino's name out. Now

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1 the ballots are going to look like
2 this, and these are the people who
3 it has been assigned to. Now we
4 have here win, six; five,
5 eliminated. Eliminated five.
6 Barney now has been elected. We go
7 and remove Barney's name. The rest
8 of the ballots are redistributed in
9 this fashion, and when we do the
10 retabulation, now we have eight
11 here, five there. Betty has more
12 than six, so Betty is declared
13 elected. Now we have three elected
14 people. The three are Pebbles,
15 Barney, Betty, and this method also
16 gives us a runner-up, which would be
17 used in future cases where we might
18 have a vacancy.

19 GROSSMAN: You can't have three Rubbles
20 on the Council.

21 (UNINTELLIGIBLE.)

22 GROSSMAN: Oh, Pebbles is a Flintstone.
23 I'm sorry.

24 TAGAVI: I am done.

25 CHAIR YANARELLA: Why don't you stay up

18

1 here for just a second. We may have
2 questions. If you have any
3 questions for Kaveh -- yes. Will
4 you please --

5 EDGERTON: Lee Edgerton, Agriculture.

6 It looks to me like this is a great
7 Kentucky system, but you're really
8 allowing people to vote multiple
9 times, if I understood it
10 correctly. If I voted for Pebbles,
11 then when Pebbles is dropped, my
12 next ballot comes into play. That's
13 vote and vote often. I don't think
14 that's what is typically intended by
15 these programs. I think the idea is
16 to let those whose vote did not
17 count, because it went to a loser,
18 to then come into play.

19 CHAIR YANARELLA: So you have an
20 objection to the basic underlying
21 strategy or philosophy of the
22 voting.

23 EDGERTON: To let one person get
24 multiple votes in the system, yes.

25 TAGAVI: May I answer that? Lee, that

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1 is exactly what happens right now.
2 In the first round, let's say you
3 vote for Fred. Fred gets elected.
4 Then in the next round, you are
5 going to vote for somebody else.
6 All we are asking you is: Make your
7 three votes at the same time so that
8 we know your intention so that we
9 don't have to go through rounds and
10 rounds of elections without any
11 endpoint. That's actually exactly
12 what you said. Maybe I'm a little
13 bit --

14 EDGERTON: No, no, I think that's right.

15 TAGAVI: That's the way we do it now.

16 This is just to make it into
17 electronic balloting in a sequential
18 round.

19 CHAIR YANARELLA: You're raising the
20 question, though --

21 UNIDENTIFIED SPEAKER: (Unintelligible.)

22 TAGAVI: That wasn't my intention.

23 CHAIR YANARELLA: Kaveh, you didn't like
24 that question? Is that what you --
25 now you've completely blown my

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1 question, but let me just turn to
2 someone else. Yeah, Matt?

3 GABEL: Matt Gabel, Political Science.

4 I don't know the current system well
5 enough to compare it, so you may
6 well be right, but this is much
7 closer to a Borda count method than
8 a single transferable vote, like
9 they do in Ireland. And what he
10 said is exactly right: That the
11 Irish system is your ballot, once
12 it's gone toward a candidate, is
13 gone. So, I mean, that may be
14 neither here or there, if what you
15 want to do is replicate what we are
16 doing but with a different
17 methodology, but it's not correct.

18 TAGAVI: Can I say something?

19 CHAIR YANARELLA: Response?

20 TAGAVI: You are correct. There are
21 different types. There is -- for
22 example, there is one type of
23 sequential runoff, which is you
24 start from the bottom. You take the
25 lowest one; you eliminate them.

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1 Then you take the second lowest one,
2 eliminate them. And then you take
3 the third lowest one and if you are
4 six --

5 (INTERRUPTED BY COUGHING IN THE AUDIENCE.)

6 TAGAVI: -- and then you remain with
7 three. You are correct. There are
8 different methods. There are some
9 methods that reassign the ballots
10 randomly. There are some methods
11 that weights them and then reassigns
12 them, but this was the closest to
13 what we have now. I tried to
14 replicate what we have now.

15 CHAIR YANARELLA: Suketu and then Bob
16 Grossman in the back.

17 BHAVSAR: Suketu Bhavsar from Arts and
18 Science. A specific question
19 regarding the example you gave and
20 then actually leading to a related
21 general question.

22 TAGAVI: Sure.

23 BHAVSAR: Specifically, the two people
24 at the bottom had one vote each, and
25 so you went to count their totals,

22

1 and you could eliminate one, but
2 suppose they're tied even there?
3 And so the general question is that,
4 in case of problems not anticipated,
5 who decides? Is there some way
6 that, you know, you come across
7 something that hasn't been
8 anticipated, the votes are in: What
9 is the body that decides?

10 TAGAVI: May I, please? First, it is in
11 the rule, if you read all the little
12 fonts; that is, we do -- eventually
13 we do a random draw. And that --
14 it's so many (unintelligible) now, I
15 don't remember whether we do the
16 random draw presently or if we
17 don't. Maybe that was one of the
18 loose ends that I was mentioning.
19 Your second question: I have been
20 humbled in the sense that I'm not
21 going to say there is no permutation
22 we have not talked about. There
23 probably is some. And the way the
24 rules are right now, at least
25 implicitly, any problem with the

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1 election comes to Rules and Election
2 Committee, and the committee makes a
3 decision as a whole, as a
4 committee. That's the -- in the
5 charge of this committee. And in
6 fact, if some of you remember, we
7 did have one mishap. Two Board of
8 Trustees ago, things got lost and we
9 had to make an ad hoc decision, and
10 I was a member at that point. We
11 did make a decision, and we went on.

12 CHAIR YANARELLA: Bob.

13 GROSSMAN. Yeah. In terms of Lee's
14 objection, I actually -- I don't
15 think that there actually is a
16 problem because right -- we vote for
17 three people, right? We currently
18 have three votes; each person has
19 three votes.

20 TAGAVI: Exactly.

21 GROSSMAN: And so in this system, again,
22 each person gets up to three votes.
23 So there's no need to -- if your
24 first person choice gets elected,
25 there's no reason for your second

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1 and third choice votes to get
2 eliminated. If we were voting for
3 just one person, this would be
4 exactly equivalent to the sorts
5 of -- that are used in elections now
6 where, if the first person gets a
7 majority, then they're elected, end
8 of story; if not, then you start
9 cutting off the bottoms until --
10 until someone does get a majority.
11 So actually, I think the current
12 system is -- the proposed system
13 works for what we -- in terms of
14 what we already do.

15 TAGAVI: And it's not unprecedented. We
16 do the Board of Trustees election
17 almost identically the way we have
18 proposed here, so I tried to build
19 upon the existing norms and rules
20 and the ways we are doing it, so it
21 wouldn't be a total surprise to you
22 guys.

23 CHAIR YANARELLA: Let me jump in for a
24 second. Lee, does that respond to
25 your concern?

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EDGERTON: Yeah, I think I kind of

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missed the point that there were

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only six to start with, so by the

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time you've eliminated three, then

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everybody's got three left, yeah.

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CHAIR YANARELLA: What I wasn't sure

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about was whether you felt that not

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having a second and third round of

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choices, second and third round of

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ballots, would sometime -- would in

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some way effect a kind of

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recalculation on the part of each

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individual voting in light of the

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diminished number of people who are

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now on the ballot. What this does

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is it basically freezes the priority

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list, and it does not presume that

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there would be any changing taking

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place subsequent to that first and

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only ballot. Are there other

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questions? Yes, Hans Gesund.

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GESUND: Hans Gesund, Engineering. What

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happens if -- you are now assuming

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that there will be six candidates

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who will have the highest number of

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1 nominating positions. Suppose you
2 have a clear one, two, three, four,
3 five and then have ten people all
4 tied for sixth place in the
5 nominating round?

6 CHAIR YANARELLA: Kaveh?

7 TAGAVI: That was essential in reducing
8 this to one round, and the decision
9 was -- well, the way the vote is
10 returned, we would have a random
11 draw to decide who would be number
12 six.

13 GABEL: Matt Gabel, again. I've just
14 been running it quickly, and as far
15 as I can tell -- maybe this is the
16 current system, so forgive me if I
17 am not aware of the current system,
18 but is there any reason to think
19 you'll get any different results
20 than if you just do a Borda count
21 where you ask people to rank them
22 and give the highest -- you give the
23 seats to the candidates as they come
24 in, in terms of total votes, where
25 first place gets you three, two gets

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1 you second, one gets you third? And
2 that's much more transparent, it
3 seems to me, and could get you the
4 same result.

5 TAGAVI: Well, I hope it's equally
6 transparent. It might be simpler;
7 at least the write-up would be
8 simpler. Yes, you change a little
9 bit of the rule and you could come
10 up with a combination of ballots
11 that would then change the result.
12 As I said, one way would be to start
13 from the bottom and get rid of the
14 bottom and then end up with the top
15 three. There is going to be one
16 percent of a combination of ballots
17 that is going to end in a different
18 result. What you are saying is, if
19 we do it that way, then the problem
20 is that we might elect people with
21 very few votes. For example, if all
22 six people get identical or very
23 close to identical number of
24 ballots, then somebody with 15 out
25 of 100 could win. Or if two people

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1 get almost everybody's vote, the
2 third person with a very few votes
3 could -- could get elected. This
4 just eliminates those type of
5 extreme situations. By no means is
6 the other one unworkable. It could
7 be worked; there's no question about
8 it. But this assumes that your --
9 try to read your intent, that: Your
10 first choice is elected; who do you
11 vote now? Rather than tell us in
12 one month, tell us right now. And
13 we are just going to do sequential
14 runoff. We thought the merit of
15 this is it basically replicates to
16 some degree what we do right now.

17 CHAIR YANARELLA: Yes. Name, please?

18 SOTTILE: Joe Sottile, Engineering.

19 Kaveh, the way it is now, if I
20 understand it right, if one
21 individual got a second-place vote
22 by everyone voting, they would be
23 eliminated; is that correct?

24 TAGAVI: No.

25 SOTTILE: I thought you had to have a

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1 first place vote to be --

2 TAGAVI: That's -- that's one of the
3 extremes, correct. You are correct,
4 yes.

5 SOTTILE: But it is possible for that to
6 happen, and that's just part of
7 the -- the way it's going to be.

8 TAGAVI: No matter -- we talked about
9 these combinations. No matter what
10 system you choose, there's going to
11 be some extreme situations, yes.

12 CHAIR YANARELLA: Other questions.

13 Suketu?

14 BHAVSAR: Again, one big difference is
15 that, say my second choice was
16 actually eliminated; then, in the
17 second round, I would actually
18 choose from among the people that
19 are there, and it would be a
20 different election than I wrote in a
21 second choice amongst all the
22 candidates. I mean, there are these
23 differences between this runoff type
24 and --

25 TAGAVI: There are subtle differences,

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1 correct.

2 CHAIR YANARELLA: Don Gross?

3 GROSS: Don Gross, Political Science.

4 I'd just like to reiterate what Matt
5 said, and there's literally hundreds
6 of these things worldwide. And I
7 guess what's unclear is what
8 criteria is trying to be maximized.
9 Certain systems maximize certain
10 criteria; other ones maximize other
11 criteria. And other than suggesting
12 it's close to what we do now, I
13 still don't know what we're trying
14 to maximize.

15 TAGAVI: We are trying to minimize
16 number of rounds. That's truly the
17 impetus for this, the biggest
18 impetus.

19 CHAIR YANARELLA: Yes.

20 MARTIN: Catherine Martin, Psychiatry.

21 In the tone of "every vote should be
22 counted," what I'd like
23 clarification on is electronic
24 versus paper, which is a totally
25 different question than what we're

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1 discussing now. If your office is
2 at the clinic and you don't have a
3 computer in front of you, how are
4 you informed that you should vote
5 with a paper ballot?

6 TAGAVI: No. That phrase, the reason we
7 added that was: What if the
8 programmer who does this, which is
9 none of us six, quits? So as a
10 fall-back, then we would do the same
11 procedure but with paper ballot.
12 The intent is not to do paper
13 ballot. The intent is to do --

14 MARTIN: How are you going to decide?
15 Like if a clinician hardly gets to
16 their office where their computer
17 is, how are they are going to know
18 when they -- when to vote? Because
19 usually it's notified by --
20 electronically.

21 TAGAVI: We would -- we would basically
22 do it the way Board of Trustees
23 election is done. The way --
24 correct me if I'm wrong. Rebecca,
25 can you help me? We sent e-mail

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1 notices. We announced it on the
2 Senate floor. I don't think we sent
3 any --

4 SCOTT: We sent a broadcast e-mail,
5 also, for people who don't
6 necessarily see my messages.

7 TAGAVI: Correct.

8 SCOTT: It's still electronic, but
9 it's --

10 MARTIN: I know. That's the problem.
11 That's what I'm raising. You've
12 got --

13 UNIDENTIFIED SPEAKER: It's still a
14 (unintelligible) system, you see.
15 That's the problem.

16 SCOTT: But still, there'd be usually
17 about a ten-day window during which
18 voting would occur. It's much -- I
19 mean, over the course of ten days, I
20 don't -- correct me if I'm wrong,
21 but I'm not sure how many people
22 don't check e-mail for ten days at a
23 time. I'm not sure.

24 CHAIR YANARELLA: Mike and then Davy.

25 CIBULL: Probably the same people who

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1 don't check their mailboxes. I
2 think that most -- does not every
3 member of the faculty have a site
4 e-mail address?

5 SCOTT: Yes.

6 CIBULL: Are there any members of the
7 faculty who do not? I think, you
8 know, a lot of important
9 announcements are essentially by
10 e-mail only these days. I think if
11 you don't check your e-mail, you're
12 not going to get to vote. And this
13 is for the Senate Council; is that
14 correct?

15 TAGAVI: This is for the Senate Council,
16 and the constituents are Senators.

17 CIBULL: If you go to the Senate
18 Meetings, you will hear that
19 you're -- that an election is going
20 to take place and you should vote.
21 Now, if you're not at the Senate
22 Meeting and you're not -- don't
23 check your e-mail, I'm not sure
24 whether you should be voting.

25 MARTIN: That's kind of a harsh

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1 judgment.

2 CIBULL: Yeah, well, I'm prone to those.

3 MARTIN: Yeah, you are. I just think we
4 need to raise -- I think from the
5 Medical Center's side in particular,
6 there is a concern about that. I've
7 heard that from other people, and
8 I'm representing the Med Center.

9 TAGAVI: But this is not general
10 faculty. These are Senators who on
11 average are going to be here, and
12 it's not the general faculty;
13 although, even in the case of
14 general faculty for the Board of
15 Trustees, we inform the general
16 faculty by e-mail.

17 CHAIR YANARELLA: Davy, did you want to
18 respond to that question or add --

19 JONES: I was going to say exactly what
20 Mike said. I mean, it's not the
21 university faculty. It's the
22 Senators, who are presumed to be
23 watching the Senate Web site, which
24 would also be announced to go click
25 and get their agendas for these

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1 meetings. I mean, there's a
2 presumption that Senators are
3 maintaining an awareness about
4 Senate processes.

5 CHAIR YANARELLA: Other questions?

6 Yes. Name, please.

7 HOLMES: Oh, Jim Holmes from B&E.

8 CHAIR YANARELLA: Thank you.

9 HOLMES: Do the ballots from the last
10 election still exist, or have they
11 been destroyed?

12 CHAIR YANARELLA: No.

13 SCOTT: I have them under my desk for
14 safekeeping.

15 HOLMES: Now, you may have already done
16 this, but I think when you introduce
17 a new process, people have more
18 faith in it if you could take those
19 old ballots and run them through
20 this new process.

21 TAGAVI: But it's not congruent. It was
22 not ranked. We can go rank it on a
23 random basis, but --

24 HOLMES: Oh, I understand.

25 CHAIR YANARELLA: Other questions?

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1 Okay. I'd like us to vote on this.
2 I understand that Kaveh is going
3 over to Iraq to help in the
4 elections there. One more.

5 BHAVSAR: Can I propose an amendment or
6 an addition -- I don't know
7 technically what it would be
8 called -- so that this possibility
9 that something is not accounted for
10 can be taken care of by the Election
11 Committee? I don't know if that's
12 been done.

13 UNIDENTIFIED SPEAKER: Second.

14 BHAVSAR: In the case of election
15 problems not anticipated by the
16 rules, the Rules and Election
17 Committee is the final arbitrator.
18 That's what I would add to it.

19 CHAIR YANARELLA: I see.

20 TAGAVI: Can I say something?

21 CHAIR YANARELLA: Sure.

22 TAGAVI: This is implicitly done exactly
23 the way you say, and it's in the
24 charge of the Rules and Election
25 Committee. But if you want to

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1 explicitly add one sentence in there
2 to make it more explicit, we could
3 do that.

4 CHAIR YANARELLA: Would this, then, be a
5 friendly amendment?

6 BHAVSAR: Yes.

7 CHAIR YANARELLA: Would you accept it as
8 such?

9 TAGAVI: I have no problem.

10 CHAIR YANARELLA: Okay. Any other
11 comments?

12 UNIDENTIFIED SPEAKER: Question.

13 CHAIR YANARELLA: Call the question.
14 Okay. All in favor of calling the
15 question? Gifford?

16 BLYTON: I believe it's two-thirds.

17 CHAIR YANARELLA: Two-thirds. All in
18 favor of calling the question,
19 please raise your hands.

20 CIBULL: I don't get the vote count if
21 there's nobody voting against it.

22 CHAIR YANARELLA: Michelle, I think we
23 have assent. All opposed? Okay.
24 Any abstentions? It's approved.
25 Okay. Pardon me?

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1 TAGAVI: Vote on the proposal itself.

2 CHAIR YANARELLA: We'd like to vote now
3 on the proposal, which is in the --
4 in the electronic or hard copy form,
5 with the multiple changes, including
6 the basic thrust of it, which
7 relates to the sequential runoff
8 system. All in favor of the
9 proposal, please raise your hands.

10 SOHNER: 35.

11 CHAIR YANARELLA: All opposed? None?
12 The motion passes. Okay. Thank
13 you, Kaveh. Jim?

14 ALBISETTI: A forum is 40, is it not?

15 CHAIR YANARELLA: A quorum is 45, yes.
16 It's my understanding that no
17 objection was made before the vote,
18 and as a consequence, the vote
19 carries. Is there anything that
20 follows from this?

21 UNIDENTIFIED SPEAKER: I'm an
22 ex-officio, nonvoting. There may be
23 others.

24 SCOTT: We have to have 45 voting
25 members. Thanks, though. Good

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1 try. I think this means that we
2 can't --

3 CIBULL: Were there any abstentions?

4 CHAIR YANARELLA: There were no
5 abstentions. I did not ask if there
6 were any abstentions.

7 JONES: After the last meeting, I asked
8 our parliamentarian about this. I
9 said: What about the situation
10 where nobody votes and nobody
11 indicates an abstention? Are they
12 counting for the quorum, or are they
13 not counting for the quorum? He
14 told me they are counting for the
15 quorum, and there may be some of
16 those in here.

17 BLYTON: The forum -- I mean the quorum
18 is 45 members, and we've got 45
19 people here.

20 SCOTT: 45 voting members. Would you
21 mind grabbing the signature sheet so
22 we can check to see how many voting
23 members are present?

24 CHAIR YANARELLA: Okay. We're going to
25 check the signature sheet to see if

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1 we have 45 members, voting members.

2 JONES: I've got another question for
3 the parliamentarian. When does the
4 question have to be raised as to
5 whether there is a quorum?

6 BLYTON: It should -- it should be
7 raised before you even discuss it,
8 but it wasn't. And so when you
9 don't raise a question of the
10 quorum, the Chair assumes a quorum
11 is present.

12 CHAIR YANARELLA: Right. I have done
13 that. I did that, right?

14 UNIDENTIFIED SPEAKER: I heard you.

15 BLYTON: So the vote stands.

16 CHAIR YANARELLA: So the vote does
17 stand. It looks like we're winning
18 some and losing some as we speak.

19 CIBULL: Isn't this what they did in
20 Ohio?

21 GROSSMAN: Ernie?

22 CHAIR YANARELLA: Yes.

23 GROSSMAN: Since we're going to have to
24 vote later and now that the question
25 of quorum has been raised, is this

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1 question going to have to be
2 settled? And if it's settled that
3 we don't have a quorum, we don't get
4 to leave without voting further? Or
5 does it have to be raised for every
6 single vote?

7 CHAIR YANARELLA: I will raise that
8 to the -- as a question to the
9 parliamentarian.

10 BLYTON: What's the question, now?

11 CHAIR YANARELLA: The question now
12 relates to whether we have a --
13 since the issue of a quorum has been
14 raised and we have discovered, after
15 the fact of this vote, that it does
16 not appear that we have a quorum,
17 what follows from that?

18 BLYTON: Well, why can't you determine
19 whether you have a quorum?

20 CHAIR YANARELLA: We are trying to right
21 now. Yes.

22 BURKHART: Pat Burkhardt for Nursing. We
23 couldn't vote on passing the minutes
24 either, right, confirming the
25 minutes? So you can conduct

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1 business, right? You just can't
2 vote if you don't have -- you can't
3 pass any votes if you don't have a
4 quorum. So it seems like at the
5 beginning of each meeting, we should
6 count up the number of voting people
7 to determine whether or not we can,
8 you know, vote on anything. Because
9 even the minutes from the last time,
10 we'd have to defer those till the
11 next meeting.

12 CHAIR YANARELLA: A self-interested
13 presiding officer would like to get
14 material through, even if that
15 question is uncertain, at least
16 until the issue of a quorum is
17 raised. It has been raised here,
18 and we are now trying to determine
19 if there is indeed a quorum
20 sufficient for us to continue
21 carrying out business.

22 SCOTT: There is not.

23 CHAIR YANARELLA: There is not.

24 SCOTT: We have 42 voting members
25 present.

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1 BURKHART: How many?

2 SCOTT: 42.

3 BURKHART: What's a quorum?

4 CHAIR YANARELLA: 45. Under the
5 circumstances, then, I believe this
6 meeting is adjourned. Thank you.

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1 STATE OF KENTUCKY)
2 COUNTY OF FAYETTE)

3

4 I, ROBYN BARRETT, CSR, the undersigned Notary
5 Public in and for the State of Kentucky at Large,
6 certify that the foregoing transcript of the
7 captioned meeting of the University of Kentucky
8 Senate is a true, complete, and accurate transcript
9 of said proceedings as taken down in stenotype by
10 me and later reduced to computer-aided
11 transcription under my direction, and the foregoing
12 is a true record of these proceedings.

13 I further certify that I am not employed by nor
14 related to any member of the University of Kentucky
15 Senate and I have no personal interest in any
16 matter before this Council.

17 My Commission Expires: November 24, 2007.

18 IN TESTIMONY WHEREOF, I have hereunto set my
19 hand and seal of office on this the 13th day of
20 December, 2004.

21

22

23

24 _____
25 ROBYN BARRETT, CERTIFIED SHORTHAND
REPORTER, NOTARY PUBLIC, STATE AT
LARGE, KENTUCKY