

TRANSCRIPT OF THE  
UNITED FACULTY OF FLORIDA  
NEGOTIATION MEETING  
April 16th, 2019  
Eastern Florida State College  
Melbourne Campus  
Building 8  
Melbourne, Florida

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The transcript of the United Faculty of  
Florida Negotiation Meeting taken before Diane Lynch, Court  
Reporter, held on the 16th day of April, 2019, commencing  
at 3:00 p.m.

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A P P E A R A N C E S

EASTERN FLORIDA STATE COLLEGE:

DR. SANDY HANDFIELD

DR. LINDA MIEDEMA

DARLA FERGUSON

JACK PARKER

FRANK MARGIOTTA

UNITED FACULTY OF FLORIDA:

HAROLD ZACKS

ANDREW LIEB

ROBIN BOGGS

LYNN SPENCER

DR. KATINA GOTHARD

P R O C E E D I N G S

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DR. MIEDEMA: So we'll start. Introduce yourselves, so that she has that information.

MR. ZACKS: Harold Zacks.

MS. SPENCER: Lynn Spencer.

MR. LIEB: Andrew Lieb.

MS. BOGGS: Robin Boggs.

MS. FERGUSON: Darla Ferguson.

DR. MIEDEMA: Linda Miedema.

MR. MARGIOTTA: Frank Margiotta.

DR. HANDFIELD: Sandy Handfield.

DR. MIEDEMA: All right. So where are we going to start?

MR. LIEB: I think it's probably best to start with the student/faculty complete procedure that we were talking about. Because as stated at the last meeting, that we weren't going to do any money items, because we're putting those off. We know there was better than expected allocations, but we want to give you guys times to plan appropriately for the next full book, where we will definitely be talking those things. I did get the proposal from you guys. I know last session we gave you ours. I went back and forth with a lot of different faculty members, bargaining team members, and if anybody wants this on the phone,

1           if they're there, I can e-mail it to any faculty that  
2           care. This is where -- I tried to merge the two, and  
3           really boil it down to, what is it that we really were  
4           trying to worry about. And so, by and large, we  
5           looked at -- made a few minor changes to the initial  
6           proposal you guys submitted. And then out of all the  
7           things that we had on our list, the only one that we  
8           truly felt we wanted explicitly to be stated was that  
9           last second paragraph that we've added on. I do want  
10          to say that the number one listed under there is of  
11          the utmost importance, because we don't want this to  
12          be done willy nilly. I went through the policies and  
13          procedures manual, and everywhere in there it says,  
14          you know, with the preponderance of evidence standard.  
15          We want that same standard to be held, so it's not  
16          where a student will be removed just because I don't  
17          like them. There needs to be, more likely than not,  
18          evidence that supports why they're being removed from  
19          that course section.

20                 DR. MIEDEMA: Okay. Let me just read it for a  
21                 second. Yeah. My concern with the initial language  
22                 was that it was a little prescribed, and situations  
23                 vary. And as long as we agree to following a standard  
24                 procedure, and knowing that we're going to get to all  
25                 the steps, that was my concern. Because you can't

1           legislate that all of them are going to be handled  
2           this way, when we know that some of preferred this  
3           way, some have preferred this way.

4           MR. LIEB:   Correct.   And that's when we went back  
5           over, and we agreed with that.

6           DR. MIEDEMA:   A combination of the two -- you  
7           need a chance to look at it?   And I don't have a  
8           problem, if you have a student you want removed out of  
9           the classroom, there should be some justification.  
10          But you should have that right, because you do have  
11          the right to manage your classroom and to have a safe  
12          and collegiate atmosphere within your classroom.   And  
13          I also agree that if we're moving someone because of a  
14          process, that the receiving instructor needs to have  
15          some information.   They may not get every detail,  
16          depending on what the type of case may be.   If it's a  
17          police case, we simply can't respond until we get the  
18          police report, which makes it public knowledge.   But  
19          that person receiving that student should be aware.  
20          Would you agree with that?

21          DR. HANDFIELD:   So would the student, say, while  
22          the investigation is going on, is the student out of  
23          that class?

24          MR. LIEB:   Our understanding would be, if there's  
25          an issue that we know that this is going to come into

1 play, if we feel that we need to move them to another  
2 section while it's playing out, that's probably the  
3 best option. We just want to make sure that -- even  
4 if it's just in broad strokes, say, hey, the student's  
5 been removed because of a student conduct issue.  
6 That's the only information I can give you at this  
7 time. But these are the things you perhaps might want  
8 to keep an eye on to make sure if anything like this  
9 happens, please let us immediately so we can deal with  
10 it.

11 DR. HANDFIELD: What if there's not another  
12 section to move that student to? Or there's another  
13 section and they can't attend at that time, there's a  
14 conflict? What do we do?

15 MR. LIEB: We have the direct or independent  
16 study that can work for it. Other option is, if it's  
17 highly egregious to the point where we see where it's  
18 going, it's going to be a withdrawal or removal  
19 anyway. So I don't imagine it will be a lot of times  
20 where the direct study won't be able to cover that  
21 scenario.

22 DR. MIEDEMA: So the question would be, I'll pick  
23 on Harold --

24 MR. ZACKS: Who's going to do that direct study?

25 DR. MIEDEMA: It's because I like to pick on you.

1           If you are the only instructor in a particular -- who  
2           does a particular course, and that's the course we  
3           have the student in, who do we give the directed study  
4           to?

5           MR. ZACKS: My first choice would be probably one  
6           of my adjuncts. If push came to shove, I mean --

7           MR. LIEB: And other credentialable faculty  
8           member, whether they're teaching the class or not at  
9           that point. Obviously we can't --

10          DR. MIEDEMA: If they're credentialed.

11          MR. LIEB: We need to find a way for, how do we  
12          handle it in that situation? Because I don't want it  
13          forced on anybody. And if we're going to do a  
14          directed study -- I mean, you could even -- depending  
15          on what it is, it could be a campus course shell  
16          that's set up to where, if they meet the objectives to  
17          the campus course shell, where there's not necessarily  
18          the direct contact.

19          DR. MIEDEMA: That was what I was getting to.

20          MR. LIEB: Is the other option that I'm thinking  
21          of. But we probably need to develop that for the  
22          policies and procedures, I would think.

23          DR. MIEDEMA: I would hate to put too much here.  
24          Because, again, it ties our hand, but I wanted to have  
25          that out in the open, that that may be some of the

1 things we'd have to take a look at.

2 MR. LIEB: Right. As long as we can find that  
3 mutually agreeable policy with it, I don't think it'll  
4 be an issue.

5 DR. MIEDEMA: And I don't think we've had any  
6 issues when we've had a student that we really needed,  
7 for whatever reason, to put into an independent -- a  
8 directed study, we have found cooperation and been  
9 able to do that. Because we've worked it out  
10 together. I'm looking at Sandy, because she gets --  
11 she's going to be the one -- I was going to say she  
12 gets more of them than anyone else, but I'm just  
13 saying she's the only in a provost role here that can  
14 say that --

15 DR. HANDFIELD: And it might tie it to be too  
16 specific, like you just said, but then I would wonder,  
17 is there going to be a time limit?

18 DR. MIEDEMA: I think what we do from here would  
19 be to actually write an operational procedure for it.  
20 That could be then incorporated into the standing  
21 operating protocols for the associate provost, and  
22 working with your provost.

23 MR. LIEB: Yeah. As long as we are able to do  
24 that together, have at least a mutually agreeable --

25 DR. MIEDEMA: Yeah. Absolutely. Frank wants to

1 speak too.

2 MR. MARGIOTTA: Just continuing on that, we've  
3 had situations where, depending on the subject matter  
4 and how far in the semester we are, that instructors  
5 have agreed to allow the student to complete the  
6 course online by submitting assignments and, you know,  
7 if you have to go watch a video, here's where you look  
8 at in the library. So it's -- there are options.

9 MR. LIEB: There's a common sense way to approach  
10 it. I think as long as we incorporate that in that  
11 policy that we write together, it shouldn't be a  
12 larger issue. Which I think this language would allow  
13 for that.

14 DR. MIEDEMA: I think I'm comfortable with that.  
15 I'm looking at our resident expert on it. What are  
16 your concerns, Darla?

17 MS. FERGUSON: It's almost like the student's  
18 guilty before there's an investigation. And they're  
19 going to get the short end of the stick. Especially  
20 where --

21 MR. LIEB: I don't know. Do you have to provide  
22 justification for why it's going to be an unsafe  
23 environment, why that it would be interfering with  
24 somebody else's education and/or how their behavior's  
25 been so egregious? At that point, all the

1 documentation's there. It's not a safe environment.  
2 That's where that preponderance of evidence thing  
3 comes in.

4 MS. FERGUSON: True. But it says here, the  
5 faculty member has the right to remove complainant  
6 from the course if they feel -- if the instructor  
7 feels. Is there going to be a process where that  
8 faculty member has to have a discussion with their  
9 supervising administrator?

10 DR. HANDFIELD: So you're saying before the  
11 action is taken, you need to --

12 MR. LIEB: Yes. Because we're not saying this is  
13 a normal withdrawal, we're saying they need to be  
14 taken for a reason. That would be part of that  
15 operating procedure, I would think.

16 DR. GOTHARD: Well, it says here that you're  
17 going to provide justification to the supervising  
18 administrator.

19 MR. LIEB: Correct.

20 MS. FERGUSON: Before the action's taken.

21 MR. LIEB: Yeah, number one, must provide  
22 justification and/or supporting documentation to the  
23 supervising administrator.

24 DR. HANDFIELD: Before action is taken.

25 MR. LIEB: We can -- I don't think that's an

1 issue to add.

2 DR. MIEDEMA: Make sure that's in there. The  
3 reason I ask that question and the reason I refer to  
4 Darla is, we do have a situation that occurs from time  
5 to time where we have had a faculty member drop a  
6 student from a course, particularly in a health  
7 sciences course, without giving them any due process.  
8 And the idea then is, this student has gone through  
9 all of the pre-reqs to get into, say, the nursing  
10 program, and when you drop her from the course,  
11 you're, in essence, withdrawing her from the college.  
12 Because they're not going to be able to take anything  
13 else. They've done their prerequisites, and --

14 MR. LIEB: I mean, withdrawals are supposed to be  
15 governed by what's stated in the syllabus anyway.  
16 This I don't look at as supplanting or superceding  
17 that withdrawal policy. This would be that behavioral  
18 issue, which we're not trying to write what the  
19 student code of conduct, we just want to make sure  
20 that the faculty have the right to get somebody out of  
21 the classroom that really is a problem.

22 DR. MIEDEMA: And you should be able to do that.  
23 That has been there, but it's been the unwritten rule,  
24 and we just want to put some teeth to it. But that's  
25 what -- I just didn't want his to become the catch-all

1           that says, oh, I can get rid of anybody I want.

2           MR. LIEB: Correct. That is not the intention.

3           DR. HANDFIELD: We've had that in health  
4           sciences.

5           MR. LIEB: That should not be --

6           DR. HANDFIELD: And everything in health  
7           sciences.

8           MR. LIEB: Correct me if I'm wrong here, it would  
9           be fair to say that the interpretation of this is not  
10          to supercede any withdrawal policy, it is not to be  
11          used except in specific policy and procedure that  
12          would be outlined.

13          DR. MIEDEMA: Absolutely. And if you have an  
14          unsafe situation -- I tell faculty this all the time.  
15          If you have someone who's that disruptive in the  
16          classroom or if you feel unsafe, you have the right to  
17          tell them, you don't come back to class until you go  
18          see the associate provost. That's very normal. But  
19          we've never put that in writing. So this gives us  
20          that in writing that --

21          MR. LIEB: I mean, what someone might feel is an  
22          unsafe environment, others might not. And that's  
23          where the instructor opinion really kind of does  
24          matter here. Because if they're supposed to manage  
25          the classroom, if they're trying to do that but then

1           they're being told no, that's the real reason this has  
2           kind of evolved. So if I add the "before action is  
3           taken," we should be good with that then.

4           DR. MIEDEMA: I am good with that. That's the  
5           one I thought was going to be the hardest one.

6           MR. LIEB: No. I mean, when we got the proposal,  
7           it was -- we legitimately wanted to sit down and look  
8           and figure out what is it that we really are concerned  
9           with. Because as I told everybody, when I went  
10          through all the policies and procedure, they're far  
11          more detailed than what we put together. Which is why  
12          we had it worked in coordination with the policies and  
13          procedures.

14          DR. MIEDEMA: Wonderful. I think we can consider  
15          that one tentatively approved. I love it.

16          MR. LIEB: The more fun one probably is the class  
17          caps, class mins. This is the draft that came from  
18          some of the faculty on the task force. It's not  
19          necessarily -- the packet is not the task force  
20          recommendation. I just want to be clear about that.  
21          Because there isn't -- there has not been a consensus  
22          regarding that. But I wanted to -- I figured we were  
23          trying to kind of sum things up. With the minimums, I  
24          think we're pretty much -- the task force has agreed  
25          kind of to the policy. The only difference was

1           between what I have there listed for the course  
2           enrollment minimums. And the proposal that you had  
3           submitted before, I just put it in numbers, to make it  
4           a little easier for people to follow. I did add in  
5           number three though, where it says, the minimum for  
6           any course with a maximum enrollment of 20 or fewer  
7           students is 50 percent of the maximum enrollment. I  
8           had a couple of the arts, the music, some of the  
9           classes, where they literally can't have more than 14  
10          or 15 students. Using 12 means that if they,  
11          essentially, lose one student every time, they have no  
12          real safe way of predicting if their load is going to  
13          make or not. So I picked the 50 percent, and really,  
14          I imagine, it should be the 50 percent plus one  
15          theory. Because if it's 15, then I would say eight.

16                 DR. MIEDEMA: I know we had put in there before  
17                 about bachelor's courses too.

18                 MR. LIEB: Right. For the maximums we did. In  
19                 which we can -- so are we okay with the minimum stuff  
20                 that is there though?

21                 DR. MIEDEMA: Well, I'm -- my question is, when  
22                 we start the bachelor's degree, you know you're going  
23                 to have low enrollment initially. But if we get to a  
24                 point that we are continually only have six in a  
25                 bachelor's program, I would question how we're

1 managing our enrollment.

2 MR. LIEB: Okay. Would you prefer to have just  
3 the honor's listed there, and let the bachelor's use  
4 the 12, and we just --

5 DR. MIEDEMA: And we'll look at it as --

6 MR. LIEB: And we'll look at it, and we know that  
7 we're going to be running low for a little while.

8 DR. MIEDEMA: Because I took a look, just for  
9 chuckles and grins, at how we schedule our courses.  
10 And I think that's the real issue. The issue is not  
11 mins and max, the issue is management. And here's the  
12 example. ENC 1101, in the fall term, face to face, 80  
13 sections. In the spring term, 47 sections. It's a  
14 big difference.

15 MR. LIEB: Yes, you've had the same fun I've had,  
16 I have a feeling.

17 DR. MIEDEMA: Speech, 71 sections in the fall, 50  
18 in the spring. That's why our speech faculty worry  
19 about being able to make load in the spring and  
20 they're trying to bank their load in the fall. But  
21 they shouldn't have to do that. We should manage the  
22 enrollment. And maybe take an average of the two and  
23 say, this is how many we're going to do. You're going  
24 to have to pick a different class this fall term. And  
25 I know it's easier for advising to say, speech is a

1 good one because you don't have to have any of your  
2 Dev. Ed. done. But it does not lead to good  
3 enrollment management. So that's really where I see  
4 more of the issue than class caps. Because most of  
5 the time, the size of the classroom is dependent upon  
6 -- determines the number of students you can put in  
7 the classroom. We don't have any classrooms, other  
8 than auditoriums, that can that put more than 30  
9 students in. Most of ours can't put more than 24 or  
10 25 in, because of fire marshal regulations. So the  
11 upper cap becomes a little more fluid because it's  
12 dependant on physical environment.

13 DR. GOTHARD: I have a question about that then.  
14 So you know what happens during this last couple of  
15 days before the start of the semester, every single  
16 semester, is those advisors start hounding the  
17 department chairs to open new sections. That practice  
18 will have to stop.

19 DR. MIEDEMA: That is correct. That is correct.  
20 Now, if there is not a way to create a schedule, then  
21 we do need to take a look at that. But in reviewing  
22 it, what became very clear in reviewing all this  
23 information is that we are running classes that are  
24 very small, when we could have combined classes. And  
25 that's enrollment management. And that's the piece

1           that we really have to be watching for. It's one of  
2           the reasons that Dr. Sidoran and Sandy have split the  
3           responsibilities a little bit. Because one person  
4           can't look at all of that stuff. And poor Sandy's  
5           trying to run health sciences on campus and keep track  
6           of enrollment. You can't do it. So we needed a plan  
7           where we could actually start to take a look at it.  
8           And I really would like to, in the fall, get together  
9           a group of faculty and staff to try and take a look at  
10          what is that. I've asked the provost for each of the  
11          clusters to get together with department chairs and  
12          say, okay, what is the optimal mix of face to face,  
13          online, spring, fall. So that you have consistent  
14          load that you can depend on, and we can manage the  
15          enrollment.

16                 MR. LIEB: I know one thing that we discussed at  
17                 Sandy's meeting yesterday was the idea, well, let's  
18                 see how many sections we need for all full-time  
19                 faculty just to meet load, not -- ignoring over loads  
20                 how many sections have we traditionally run, what's  
21                 the difference. And then figure out if we can find a  
22                 way, some day, to figure out, okay, based on  
23                 enrollment over the last historical years, you should  
24                 have ten psychologies. You put them at whatever times  
25                 you feel you need to, but you have ten. If you need

1 more than ten, you come back, and we'll figure out if  
2 it's appropriate or not to add them.

3 DR. MIEDEMA: But I think we really need to take  
4 a look at it. I see that as the major concern that we  
5 need to be addressing. Which, if we hadn't put this  
6 into the contract to be looking at, we probably would  
7 have gone another year or so before we went to it and  
8 went, whoa, wait a second, that doesn't make any  
9 sense. But it doesn't.

10 MR. LIEB: I would agree. And the reason -- what  
11 I sent here under the course enrollment maximums, I  
12 went with the 25 that you had suggested. I just tried  
13 to narrow down to just the number -- the ones that  
14 typically run or have historically always run at a  
15 lower cap, such as the English and speech. And I put  
16 those in as an exception, but still with the caveat  
17 that "any course that meets criteria outlined in a  
18 mutual agreeable process for exceeding a course  
19 enrollment maximum will be reviewed," just like we did  
20 above, "by faculty and administration to determine an  
21 appropriate course enrollment maximum above the 25."  
22 That's a process that I think we can have working in  
23 progress. I started -- I tried to start it, and I  
24 realized there's no way in heck I'm going to know  
25 every reason that we want to exceed that maximum. I

1 know there's going to be budgetary considerations.  
2 And we understand that, over the short term, we might  
3 be exceeding that 25 that was suggested, or even  
4 sometimes, some cases, the 22 or the -- you know, the  
5 12, depending what it is. But we need to have some  
6 kind of justifiable reason for the short term that  
7 we're doing it. If we look at these more as a  
8 long-term goal, this gives us the flexibility to work  
9 towards that goal. But we still have it established  
10 there so faculty feel a little safer knowing, hey, I  
11 know that my cap should be this, and if it needs to be  
12 above that, we'll talk it out and figure it out.

13 DR. MIEDEMA: When I put in before that we'd look  
14 at anything from 25 on up, it was not to make that as  
15 the cap. That was just a starting point to start to  
16 look at it. I wasn't saying that we need to drop the  
17 cap of every class to 25. I was just saying that  
18 anything from that point on should be evaluated, just  
19 like we're evaluating low enrolled, to make sure that  
20 we're not over loading, we're doing things that need  
21 to be done. We have situations right now where  
22 faculty request to combine lecture portions of their  
23 courses, and to do more lab sections. That's very  
24 appropriate if that's what they want to do. They do  
25 that in Titusville all the time in our science

1 classes.

2 MR. LIEB: We did remove that part, only two  
3 enrollment, because of that exact situation. Another  
4 faculty member brought it up to say, look, this is  
5 what I'm doing. I know the original draft had a  
6 version of, instructors may over load up to two  
7 students, but we cut that out to deal with that. I  
8 understand what you're saying, you'd like to review it  
9 if course enrollment is above the 25. What number  
10 would you prefer to put there as the general max then?  
11 Because we can have a general max, and we can have a  
12 course -- a we need to examine it when it's above this  
13 number as well.

14 DR. MIEDEMA: I think that we need to just take a  
15 look at -- let me look at my notes here. I thought  
16 that our unofficial max for ENC 1101 and 1102 was 25.

17 MR. LIEB: No, they were 22 for the last -- as  
18 far as I looked back in the data. I put the 20 in  
19 there, because one of the attachments I sent out to  
20 the task force showed that moving it would be budget  
21 neutral for us at this point. Essentially, we needed  
22 to make up, I think, about three seats per area per  
23 campus. Because they've done a good job for the most  
24 part with not having too much excess capacity.  
25 Lowering it there, they'd still be within the little

1 bit that they have, but it would force them now to pay  
2 more attention to the schedule as well. But,  
3 otherwise, the other ones were all the same. That one  
4 did get put at 20 just because I looked at the numbers  
5 that Mark gave me, that it was budget neutral.  
6 Otherwise, I wouldn't have put it there. And one of  
7 the things is, also at the very top of this, I put in  
8 the caveat that they will expire at the end of the  
9 current contract and shall be re-bargained. Simply  
10 because, if we need an escape clause, if this does  
11 cause a problem, it gives us about a year and a half  
12 to figure out, is this working? If it's not, we'll  
13 redo this. We're not trying to set this in stone, as  
14 in, okay, it never can be changed again. But at least  
15 this way we have grounding to, let's see what happens,  
16 if it's okay. Nothing here is out of the range of  
17 what we normally do anyway. But if we need to adjust  
18 that starting course max of 25, because I  
19 misunderstood what you meant, we can figure out --

20 DR. MIEDEMA: Yeah, I just wanted to just use  
21 that as the starting point to be reviewed, to --

22 MR. LIEB: As the -- to examine what the cap  
23 should be. What number would you want for --

24 DR. MIEDEMA: I think we have some situations in  
25 some areas that caps are higher. So it makes it

1           difficult to say that this is a cap. Our criminal  
2           justice program, is that your cap?

3           MR. ZACKS: Crime scene tends to be smaller, but  
4           criminal justice classes fill up. We run seven or  
5           eight criminology classes, and they fill, and students  
6           are always looking to get in.

7           DR. MIEDEMA: And how many in a class?

8           MR. ZACKS: Tonya's got a big room, so she's got  
9           30. But mine's, like, 22.

10          DR. MIEDEMA: And that's normal in that program.  
11          When you start to carve out things -- law enforcement  
12          is frequently at 30.

13          MR. LIEB: Right. Would the 1(f) help out with  
14          that, where it says, any course that is subject to  
15          enrollment ratios or maxes, the programmatic or  
16          statutory requirements such as, but not limited to,  
17          art, music, technology, health sciences shall have a  
18          max equal to what is allowable based on the  
19          restriction and established programmatic standards or  
20          policy. I'd argue that that is a programmatic policy  
21          that has been in place for a number of years. That's  
22          why it's there.

23          DR. MIEDEMA: Nursing, they still --

24          MR. LIEB: Yeah, they still do a 60 cap on that.  
25          But it's also a cohort class.

1 DR. MIEDEMA: They do team teach it.

2 MR. LIEB: So I would put that under that 1(f) as  
3 well, to where, yes, you know what, their max is going  
4 to be higher because -- and that's where it's just a  
5 general exception. It's not lower exceptions -- there  
6 are some classes there that I'd argue, absolutely.  
7 Like with the nursing, the team taught ones, they have  
8 a max of what they have because of that.

9 DR. MIEDEMA: And LIT 1000 wasn't on my list  
10 of --

11 MR. LIEB: It's been at 22 for -- since I wrote  
12 the course, and I think that was three or four years  
13 ago. I wrote it initially in response to the State  
14 adding that to their required list. We didn't offer  
15 it before. But that's -- even online, that's what  
16 it's been offered as, 22.

17 DR. MIEDEMA: It's not listed as a Gordon Rule  
18 class though.

19 MR. LIEB: It is a Gordon Rule class.

20 DR. MIEDEMA: It's not in our catalog as a Gordon  
21 Rule class.

22 MR. LIEB: I'll double check. Because it's one  
23 of the Gordon Rule humanities requirements.

24 DR. MIEDEMA: That's what we have listed in our  
25 current catalog as far as Gordon Rule classes.

1 MR. LIEB: It says Gordon Rule right next to it.

2 DR. MIEDEMA: But it's not highlighted. I'm  
3 saying it was in red, for those that are listed as  
4 Gordon Rule classes, and that's not listed as a Gordon  
5 Rule class.

6 MR. LIEB: I guess I'm confused, because it has a  
7 check mark and "yes" next to it. Why is it not  
8 highlighted? I don't know what the highlight means, I  
9 guess is what I'm asking.

10 DR. MIEDEMA: It's anything that was written in  
11 red, which I highlighted in yellow to make sure it was  
12 bright enough to see, were considered Gordon Rule  
13 classes.

14 MR. LIEB: And that's from the ECPR? I'm just  
15 going to pull up the curriculum, if you'll give me a  
16 second.

17 MS. SPENCER: I don't understand that either. So  
18 the highlighted ones are the Gordon Rule?

19 MR. LIEB: How did we determine which ones were  
20 highlighted, I guess is what I'm asking.

21 DR. MIEDEMA: That's what was given to me by the  
22 registrar.

23 MR. ZACKS: Who specifically in the registrar's  
24 office put that information together?

25 DR. MIEDEMA: Stephanie Burnette. That's why I

1           asked the question. She doesn't make very many  
2           mistakes.

3           MR. LIEB: No, she doesn't. It says Gordon Rule  
4           on the ECPR curriculum tracking.

5           DR. MIEDEMA: Well, somehow that message didn't  
6           get into the manual.

7           MR. LIEB: Okay. I will speak with -- I'll get  
8           in touch with the registrar. Because -- I'll look up  
9           these others. I'll look the other ones up and see  
10          what's going on. But, I mean, Intro to Lit -- I mean,  
11          I know for sure, I wrote it. I know that I checked  
12          Gordon Rule. But that's why it's at the cap that it  
13          was at. Because it's essentially -- there's no way to  
14          teach that class without papers.

15          DR. MIEDEMA: Oh, I'm not saying it's done  
16          without papers, I'm just --

17          MS. SPENCER: Is she looking at the state system,  
18          maybe, like course numbering? Because art  
19          appreciation is not necessarily a Gordon Rule class  
20          when you look at it from the state perspective. It  
21          just depends on the college, how they write the  
22          objectives. I mean, but ours is --

23          DR. MIEDEMA: So what you're saying in your  
24          course maximums is that certain Gordon Rule classes  
25          will have a lower cap, but others will not.

1           MR. LIEB: At this point, I went by what we  
2           traditionally had done through the college. I didn't  
3           try to adjust anything. So whatever I saw  
4           college-wide was happening, is what I put down. The  
5           only exception was the English one that I moved to 20  
6           instead of 22. Everything else is college-wide, what  
7           I'm seeing. I know that with the online part, I think  
8           psychology would have taken an extra two sections.  
9           And that's where we understand, with -- we're going to  
10          have to find a way to do this the right way, that it's  
11          not becoming a financial burden for any of this for  
12          the college.

13          DR. MIEDEMA: And when you're looking at whether  
14          or not we have to add another section, or we are  
15          maximizing sections, that's making some big  
16          assumptions.

17          MR. LIEB: Correct.

18          DR. MIEDEMA: In the data, it's real easy. But  
19          what campus is it on, what day of the week is it on,  
20          what time of the day it is --

21          MR. LIEB: The only one that didn't have excess  
22          capacity was the online. When I went through -- I  
23          went through all the different numbers too, there was  
24          more than enough -- as you were saying, it's an  
25          enrollment management issue for a lot of it. And

1           that's where I think, with the online, we can find a  
2           way to use enrollment management policies to --  
3           perhaps this next semester, it might have a cap of 28,  
4           because that's where we need to be. And if we need to  
5           raise it up again, closer to the 30 that it's  
6           currently set at, we'll adjust in the interim until we  
7           figure out a way to manage that enrollment that allows  
8           it to have the same cap as the face to face ones.

9           DR. MIEDEMA: Okay.

10          MR. LIEB: Like I said, we're not trying to  
11          create a financial hit to the college here at all. We  
12          understand the extra allocation this year, that's a  
13          blessing. We don't want to eat it up in something  
14          like this. We want the college to be able to use that  
15          properly. So, I mean, we're not -- the numbers that  
16          we have here are just -- again, all the exceptions  
17          were the ones that I saw college-wide. They were not  
18          -- with the exception of some of the ones for, like,  
19          the Gordon Rule. Because we put 25, all the  
20          psychology, all those, they have a cap 25 on the  
21          campuses. That's why I took them off of that list  
22          originally. Where before I had them listed at 25. If  
23          that makes sense. Because, originally, I believe we  
24          had listed a starting course maximum of 28, then we  
25          had Gordon Rule writing courses under an exception as

1           25. And what I'm gathering is, you're saying that you  
2           didn't mean for that 28 to be changed to 25. So, I  
3           mean, we can go about that either way.

4           DR. MIEDEMA: At this point, I think we have two  
5           options. When we brought this forward as our concern  
6           for our re-opener, it was to look at the minimums. So  
7           we could eliminate the discussion on the maximums and  
8           approve this now, and continue to work with the group  
9           on the maximums. Or we can schedule another meeting  
10          to finalize this particular piece, because maximums --  
11          I'm not comfortable saying yes without doing a little  
12          more research on it. So we have an option one way or  
13          the other. If we want it in the contract now, then  
14          we're going to have to have another meeting. If we're  
15          okay with just doing the minimum, which was the  
16          original intent, and continue working with the task  
17          force, then we can do it that way, we can add it as an  
18          MOU later on.

19          MR. LIEB: I prefer to put the mins and maxes in  
20          at the same time. And that's where, I think, we could  
21          use the task force to come up with, what is the policy  
22          starting in the fall of how do we determine when to  
23          exceed them? Is that a fair representation?

24          DR. MIEDEMA: Well, then we're going to have to  
25          schedule another meeting, because this is something

1 I'm going to have to discuss with the executive team  
2 and the provost. Because on paper, it does not look  
3 like there would be a financial hit, but I can tell  
4 you, in practice, there will be. Because we cannot  
5 fit our students perfectly into a schedule that says,  
6 I have 25 openings, and you're going to take those 25  
7 openings. Because, no, I work Thursday nights, I  
8 can't do a night class on Thursday nights, so I need  
9 to go into a day class on Tuesdays, because that's  
10 when I can come to class. So we're never going to get  
11 a perfect match. So we do need to take a little bit  
12 more of a look at it. I want everyone to be  
13 comfortable, but I want to know that we can move  
14 forward, but I'm not ready to sign off on a maximum.

15 MR. LIEB: One option we could looking at doing  
16 then is, if we know that these ones are the ones we're  
17 worried about, how do we create that flexibility some?  
18 We could alter the language here to include, the task  
19 force will continue to examine maximums; in the  
20 interim, these are the ones while the rest of the  
21 impact is determined. I mean, either way, I think  
22 you're right, we'll probably need another meeting.  
23 But that's just something I'm going to throw out there  
24 on the table. Again, we're not trying to create a  
25 financial impact to the college. I'm just trying to

1 codify what we currently do, so that people feel a  
2 little more comfortable knowing, yes, this is the  
3 standard operating procedure; however, they do need to  
4 understand that we need to have a process for when  
5 that cap needs to be higher. And one of the reasons I  
6 think would be for the online classes, it might have a  
7 higher cap in the beginning because we have to create  
8 a transition plan to do this in a budget neutral --  
9 find out if there is a way to do it budget neutrally.

10 DR. MIEDEMA: So these caps that you're proposing  
11 here would be for face to face only?

12 MR. LIEB: I'd prefer them to be for online as  
13 well, except for where -- if we look online, where we  
14 are having the issues. Predominantly, I know some of  
15 the BAS, or some of the business ones, I'd argue that  
16 they meet those -- the criteria to raise the cap, and  
17 we just have to determine what that criteria is. But,  
18 I mean, I'd put them in that category, absolutely.  
19 Because if there's only one section of the course  
20 being offered, and there's 30 people in it, and we've  
21 historically filled it, rather than adding another  
22 section right away, we need to figure out a way. Is  
23 it, one, possible? Two, if it is, how can we work  
24 that into the system in a way that's not just  
25 completely jarring to everything? I mean, that's why

1           that last bit there, under one -- or it doesn't have a  
2           letter. Because, again, I'm not trying to jar the  
3           system, jolt the system. Everything that's listed  
4           above that is what we currently do. Again, with the  
5           exception of the composition one. Otherwise, I would  
6           say we need to figure out, okay, the ones that we know  
7           it's going to impact, how do we -- can we adjust? And  
8           if so, how can we? So I wouldn't expect, in the  
9           interim, for those to immediately be dropped down to  
10          25. We might start there, and if we see that they're  
11          filling and we need the space, we might go under the  
12          practice that some of the online chairs have used in  
13          the past, where, okay, I'll raise all the sections by  
14          one. I'll raise all the sections by another one. And  
15          have that as a short-term solution, but try to keep  
16          them equally distributed among all instructors and not  
17          just raising one class's cap by five.

18                 DR. MIEDEMA: Well, I had a meeting just this  
19          morning with our financial officer, who said I need to  
20          raise all my caps, because it's costing too much money  
21          to have faculty in all these classes, and he needs --  
22          we need to look at increasing. So I'm trying to  
23          balance between the two. I'm not trying to be anti  
24          anything, but he's saying, why don't you just make it  
25          limitless, the number of students, because it's

1 costing us so much money? Well, we have to --

2 MR. LIEB: Ask him if he'd like to grade all the  
3 papers.

4 DR. MIEDEMA: Well, he doesn't care about that,  
5 any more than you care about how he has to manage the  
6 finances.

7 MR. LIEB: No, I care about the money, because I  
8 want the college in a good strong financial position.

9 DR. MIEDEMA: But you don't care what reports he  
10 has to write to answer all the state requirements that  
11 we have to do. We all have our own areas to do. And  
12 that's why we want to be equitable, but we need to be  
13 mindful of our persistence rate. Because if we don't  
14 manage this well, we will not persist for very long.  
15 And I don't want that to happen. At least until I get  
16 ready to retire.

17 MR. LIEB: So, I mean, what we can do then is, if  
18 you wanted to, the ones that we have listed there that  
19 we know have been in practice -- because I know  
20 online, they've all been 22 for a while for English.  
21 When I looked at the list from Laura Dunn's division  
22 90, everything there, I think with one exception, has  
23 been 25 or 22 for a number of years. As far back as I  
24 went anyway. I don't know if that was something that  
25 changed farther back than the four or five years I

1           looked. Maybe. I don't know. But everything else --  
2           the other ones, like the psychology, I know full well  
3           that some of those are set at 30, and those are the  
4           ones we need to figure out if we can, realistically,  
5           lower them. And if we can't, then we've got to figure  
6           something else out. If we can't, we can't. But we'd  
7           at least like to codify what we know we've been doing  
8           that doesn't have a financial impact. And then  
9           figuring out for all classes that total class cap,  
10          that might be the one where we continue to explore  
11          that for the fall. So we might just put in right now  
12          the exceptions that we have listed, and then saying,  
13          you know, the class cap task force will be created in  
14          order to determine a college-wide course enrollment  
15          maximum, and have it done that way. So that way we're  
16          not, perhaps, giving the total cap yet, but we're at  
17          least codifying the stuff that we all kind of know is  
18          happening already. And so, like, I know for  
19          mathematics, I couldn't find a single course online or  
20          face to face that was over 25 either. That might be  
21          one we leave as current practice at 25, but we codify  
22          that when we figure out that generic cap. If that  
23          makes sense.

24                 DR. MIEDEMA: We're going to need to caucus and  
25          talk about it, because I'm not comfortable --

1           MR. LIEB: Absolutely.

2           DR. MIEDEMA: But the other thing I would like to  
3 address is under number four, it says, not preclude  
4 faculty member from grieving based on other factors  
5 such as unfair or inequitable scheduling. What does  
6 that mean?

7           MR. LIEB: Right in there when it says the  
8 decision -- it's absolutely your call whether we run  
9 it or not. If there's -- again, this was not written  
10 with you mind. I would just clarify that. Because I  
11 know that you're not the reason that line's in there.  
12 Okay. Are we playing favorites? Are we doing that  
13 for everybody? How is this being done? Under, you  
14 know, article eight, if we're supposed to have fair  
15 and equitable course load distribution or scheduling  
16 distribution, I don't want to say, well, no, you can't  
17 grieve this inequity, because I'm just going to  
18 pick and choose kind of thing. Does that make sense?

19           DR. MIEDEMA: Well, then let's say "per article,"  
20 so it's --

21           MR. LIEB: Absolutely. Yes.

22           DR. MIEDEMA: That I'm fine with. Otherwise, I  
23 don't know what fair and equitable scheduling is.

24           MR. LIEB: So you would change it to "per  
25 article," and I'll look up --

1 DR. MIEDEMA: Yeah, whatever that --

2 MS. SPENCER: Just say, except as indicated  
3 elsewhere in the contract. Or except as allowed  
4 elsewhere in the contract.

5 DR. MIEDEMA: Yeah. That just helps me to make  
6 sure I know that we are focusing on -- because what I  
7 think is fair and equitable might not be what Katina  
8 thinks is fair and equitable.

9 MR. LIEB: So I'll add onto that, except as  
10 indicated elsewhere in -- well, but not grieve -- I  
11 will add that in too, but not grieve except as  
12 indicated elsewhere in the contract.

13 DR. MIEDEMA: Exactly. That's fine.

14 MR. LIEB: And we'll step over across the way.

15 MS. SPENCER: The financial thing, were you  
16 looking at raising the minimums? How much was the  
17 suggestion? Were they saying, like, double the class  
18 size or --

19 DR. MIEDEMA: He was complaining about the  
20 monetary -- because he has to try to balance the  
21 budget, and he says that the amount of money we spend  
22 on faculty compared to the amount of revenue we're  
23 getting in for tuition, he says it's inequitable. And  
24 he said, I don't know how I balance that. And I said,  
25 that's your job.

1           MR. LIEB: That's where I think the course  
2 enrollment management conversations we're having will  
3 absolutely help.

4           DR. MIEDEMA: We had that conversation, we'll  
5 have a better mix and understanding of course  
6 enrollment. We were talking specifically about dual  
7 enrollment over the summer. Because that's a huge  
8 cost to the college, since we get no money for it.

9           MS. SPENCER: Still no money?

10          DR. MIEDEMA: No money for it. We do not get  
11 paid one penny for the summer. And last summer, we  
12 had 300 students, dual enrollment students, take  
13 speech.

14          MR. LIEB: Hopefully we'll fix that in the  
15 upcoming -- to get something. I'm not saying we're  
16 going to get full coverage, but --

17          DR. MIEDEMA: We're working on a process, but you  
18 have -- again, it's a balancing act to try to make  
19 sure that it all makes sense. Because they can take  
20 two courses during the summer currently, and it's all  
21 for free. The way it's supposed to work is that we  
22 get an allotment from the state legislature that  
23 covers -- we get paid directly, rather than going  
24 through the public schools. But that's never  
25 happened. That allocation never comes. So it costs

1           us 40 or 50 thousand dollars easily over the summer to  
2           teach dual enrollment students. Which is a huge hit,  
3           and then we try to manage through the rest of the  
4           year. So it is a balancing act. And that's what he  
5           was really complaining about. But he says, oh, we  
6           spend so much money on faculty. And I said, I had --  
7           I get that. We're trying to come up with a balance  
8           that makes and makes everyone feel like they've been  
9           heard, and at least partially satisfied with the  
10          outcome. Because none of us --

11                 MR. PARKER: And his feelings aren't that faculty  
12          doesn't deserve it, his feelings are -- he just --

13                 MR. LIEB: No, I understand. I -- when I went  
14          through the budgets last year completely, to where I  
15          finally had an accountant friend teach me how to read  
16          all these things -- I mean, I know where the money is,  
17          I know where it's going --

18                 MR. PARKER: If we had more revenue coming in, he  
19          wouldn't worry a bit.

20                 MR. LIEB: Part of it too, I think, will be --  
21          we'll have to, as a college, as we continue to go  
22          through, to re-evaluate what priorities we've placed  
23          where, and determine what's really suiting the mission  
24          of the college. Where if we are wasting elsewhere --  
25          and if turns out we're wasting something here, then,

1           yes. But we just want to make sure we look at that  
2           total budget.

3           DR. MIEDEMA: One of the things we have done, and  
4           we're continuing to do, is we do program assessments,  
5           program reviews. And as we look at program reviews,  
6           we're actually looking at enrollment at the same time.  
7           And that's not to cut off a program willy nilly, but  
8           it's to say, look, you've got three students in your  
9           program. You got to get more than that, or we're  
10          going to have to consider next year whether or not the  
11          program continues. Because paying a full-time faculty  
12          member for three students --

13          MR. LIEB: Can't have a lost leader forever.

14          DR. MIEDEMA: It's one thing to have a lost  
15          leader for a couple years, but you can't live there.  
16          And that's what I said with the bachelor's degree, I  
17          had a concern that we -- we've been in the business  
18          long enough that we need to follow the regular  
19          protocol for enrollment. You start a new bachelor's  
20          degree, yeah, we'll look at it then. Because as it  
21          fills, it's going to take a while before it fills.

22          MR. LIEB: And I think the procedure we created  
23          will allow for that too.

24          DR. MIEDEMA: We start a new AS degree in  
25          horticulture, if we have a low enrollment the first

1 semester or two, that's fine, we know that.

2 Horticulture and landscaping started this fall.

3 MS. FERGUSON: Well, I came into college in 1985,  
4 so we had horticulture at that point in time.

5 MS. SPENCER: That's cool.

6 DR. MIEDEMA: And it's really great because a  
7 couple of our campuses already have greenhouses.

8 MR. LIEB: So at caucus, we're going to look at  
9 the separation of the general cap, and perhaps putting  
10 that as language to be determined by the task force,  
11 and then the exceptions we know do exist, codify  
12 those, correct?

13 DR. MIEDEMA: Yeah.

14 MR. LIEB: Just wanted to make sure we're talking  
15 about the same things.

16 (Thereupon, a break was taken.)

17 DR. MIEDEMA: Okay. Officially back on.

18 MR. LIEB: So I know after caucus, both sides, we  
19 kind of feel one more meeting would probably be  
20 appropriate. We did want to throw something like this  
21 out there for you guys to think of. Because in  
22 addition with the attrition rate information, that  
23 kind of stuff, if we had something along the lines of,  
24 any course with an enrollment maximum of 25 or more  
25 students shall follow a mutually agreed upon process

1 to determine appropriate maximum enrollment, with the  
2 following exceptions. And then list those exceptions  
3 that we currently have. So that would allow us--

4 DR. HANDFIELD: Would you mind repeating that one  
5 more time?

6 MR. LIEB: Any course with an enrollment maximum  
7 of 25 or more students shall follow a mutually agreed  
8 upon process to determine the appropriate maximum  
9 enrollment, with the following exceptions. And the  
10 list that we have there, the only thing I'd want to  
11 add to that list then would be, all Gordon Rule  
12 writing will be 25, listed there, except those that  
13 are listed below that as lower. But that way, that  
14 gives us a lot of the flexibility to set the caps as  
15 we need it. How long do we want to -- until the  
16 next --

17 DR. MIEDEMA: Tomorrow? I need a day or so to  
18 get some data from Mark. He can usually turn it  
19 around pretty quickly, but I would be willing to meet  
20 next week. If that will work for anyone else.

21 MR. LIEB: I will make it work for me. Would  
22 Tuesday still work for everybody here on this side?

23 DR. MIEDEMA: I have conflict next Tuesday, but I  
24 can move it, if that works for everybody else.

25 MR. LIEB: Does this same time work?

1 DR. MIEDEMA: Yeah. Uh-huh.

2 MR. LIEB: So let's just do that, next Tuesday,  
3 so we can hopefully wrap this --

4 DR. MIEDEMA: Hopefully we can get this out  
5 before the end of --

6 MR. LIEB: I think we're close. We just need to  
7 figure out a way to -- again, we don't want to cause a  
8 financial impact. So if there's other things we need  
9 to think about.

10 DR. MIEDEMA: I think that's reasonable. I think  
11 -- on another note, I think we're really, really close  
12 on the load, I just have one or two questions on the  
13 load points.

14 MR. LIEB: I was going through it. I think we're  
15 really --

16 DR. MIEDEMA: Yeah. So I went through that,  
17 so -- so I think we are honing this down. When I  
18 heard people were banking load because -- that's not  
19 -- I mean, if you choose to bank load, that's your  
20 choice. But you should not because --

21 MR. LIEB: Holly's literally doing it because she  
22 is afraid she won't have a job next spring.

23 DR. MIEDEMA: That's craziness.

24 MR. LIEB: Like, because I know we have the  
25 option to teach one online for load, but it's an

1 option, they shouldn't have to do that.

2 DR. MIEDEMA: No. No. You shouldn't have to do  
3 anything.

4 MR. LIEB: Look at our dear friend Karen Ott. I  
5 don't know that she will ever teach a class online.  
6 She probably could, but she has no desire, no -- she  
7 and technology don't always get along. So I would  
8 never want to force her and say, well, sorry, you got  
9 to teach one online for load.

10 DR. MIEDEMA: That was never the intent. That  
11 was not the intent for the banking process, that was  
12 not the intent for being able to teach online. That's  
13 enrollment management. But until you look at the data  
14 on a global -- you know, when everyone is looking at  
15 their own campus, it's -- if you look on a global  
16 basis, you start to see it. That's why I asked the  
17 provost and --

18 MR. LIEB: I think it's really productive.  
19 Because, I mean -- I mean, the college has the right  
20 to create the college-wide schedule. We're not going  
21 to, I don't think, fight you there. We'll fight you  
22 on the staffing part, but that's --

23 DR. MIEDEMA: And that's what we want to do. But  
24 we want the input, we want to know that we're making  
25 the right decisions.

1           MR. LIEB: And I did point out to Sandy too that  
2 I think some of the faculty are confused with the  
3 tenure seniority system. That once you have tenure,  
4 tenure is tenure.

5           DR. HANDFIELD: Because I told him we -- in  
6 health sciences, they were going by the date of hire.

7           MR. LIEB: Now, if everybody agrees to it within  
8 the department -- we did it to where tenure is tenure.  
9 Because it's not --

10          DR. HANDFIELD: So how are you going to make the  
11 decision whenever you've got everybody in the room,  
12 you've got all the courses up on the board --

13          MS. SPENCER: Then it's your job, if they don't  
14 get along. They can try rock, paper, scissors.

15          DR. HANDFIELD: That's true, Lynn.

16          DR. GOTHARD: We've tried different systems in  
17 the math department in Palm Bay. Starting -- rotating  
18 through the names, keeping that list, and the person  
19 who gets to pick the first course rotates to the  
20 bottom the next semester. We've done that.

21          MR. LIEB: You've done draw straws, haven't you?

22          DR. GOTHARD: Yeah. We've tried all kinds of  
23 different things. It seems to be --

24          DR. HANDFIELD: May 6 we're going to be doing  
25 that, Lynn, so come on by. It's going to be a fun

1 day.

2 DR. MIEDEMA: All right. We'll see you next week

3 then.

4 (Thereupon, the meeting was concluded.)

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C E R T I F I C A T E

STATE OF FLORIDA  
COUNTY OF BREVARD

I, DIANE LYNCH, Court Reporter and Notary Public,  
certify that I was authorized to and did stenographically  
report the foregoing UFF Negotiation Meeting and that the  
transcript is a true and complete record of my stenographic  
notes.

DATED this 16th day of April 2019.

\_\_\_\_\_  
DIANE LYNCH  
Court Reporter