

TRANSCRIPT OF THE
UNITED FACULTY OF FLORIDA
NEGOTIATION MEETING
April 23rd, 2019
Eastern Florida State College
Melbourne Campus
Building 8
Melbourne, Florida

The transcript of the United Faculty of
Florida Negotiation Meeting taken before Diane Lynch, Court
Reporter, held on the 23rd 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

FRANK MARGIOTTA

UNITED FACULTY OF FLORIDA:

ANDREW LIEB

ROBIN BOGGS

DR. KATINA GOTHARD (via phone)

P R O C E E D I N G S

1
2 DR. MIEDEMA: So let's get started. The first
3 one we did was the article from last time that we
4 talked about with student code of conduct.

5 MR. LIEB: And the only thing I had to say with
6 that is, we got to figure out where to put it.
7 Because that was something we weren't sure about. One
8 thought we had was putting it in Article 6 as a new
9 subsection. But, otherwise, we're open to really
10 putting it wherever. We just --

11 DR. MIEDEMA: Article 6 as a new section, I think
12 it makes perfect sense. And then 6.20, where -- if
13 we're going to alphabetize, I can't remember if we did
14 that last time or not. I think it'd be 6.20, would be
15 where --

16 DR. MIEDEMA: Put it in the next numerical order.
17 So we're going to tentatively approve the article on
18 student conduct. And relations to faculty. And that
19 makes me very happy.

20 MR. LIEB: I think it will make a lot of people
21 feel a little more reassured.

22 DR. MIEDEMA: So now on to the next subject.

23 MR. LIEB: The good news with that is, I don't
24 think we're really that -- I think we're saying the
25 same thing, it's just a matter of some terminology

1 differences. So what I did, and I talked with the
2 rest of my team, was we put together -- we took the
3 document that you had sent for proposal for today, and
4 just made some minor edits and/or slight rephrasing
5 that we can go through with you guys as well.
6 Because, again, I think for the most part we're really
7 saying the same things, it's just a matter of, for
8 clarity's sake, how do we want to phrase it. The only
9 difference that we had up top with the minimums was I
10 wanted to keep the number three one. And the reason
11 for that is, if we have courses that traditionally
12 have a low cap, such as art, where they are limited
13 based on the space and stuff, every semester they're
14 going to have to go through the provost and create a
15 lot of paperwork for everybody involved, for courses
16 we know we're going to run. I added in there, 50
17 percent, plus one, because I figure that might make
18 accounting a little happier as well.

19 DR. MIEDEMA: My -- I don't have an issue with
20 that specifically, other than to say, if it's a
21 classroom size issue, we already address that under
22 the maximums, that we can't have more than a certain
23 number because --

24 MR. LIEB: Correct. But we're saying the minimum
25 on this side. So let's say that I have eight in there

1 -- if it's a cap of 15, and we have eight or nine,
2 that would -- we would say it has to go through the
3 process of every -- then every semester it's going to
4 be going through the process. We know we're going to
5 offer it. And then that's going to create a backlog
6 with the provost with the classes that we really
7 aren't sure about. Was my concern.

8 DR. HANDFIELD: I have a question. What does it
9 do for those courses, like when you mentioned the art,
10 because I know in the past when we've had art here, we
11 would have to combine courses and pay for just one.
12 So it might only have two or three in one section, but
13 we would --

14 MR. LIEB: But there's really actually 15 in
15 there, even though we're --

16 DR. HANDFIELD: By the time we add two or three
17 sections.

18 MR. LIEB: They're still doing that right now as
19 well. But we do pay it as one still. To the best of
20 my knowledge, I believe that's what Joanna White told
21 me, that they still do that, particularly with
22 painting. Where you might have painting one or
23 painting two at the same time. I guess painting
24 three, for oil based and watercolor, it's not
25 something you can do at the same time. She has a lot

1 of reasons that I probably don't understand, so I'm
2 not even going to attempt to rationalize. But that
3 was one of their big concerns, was with the combined
4 classes, with those kinds of situations, if we know
5 this is the way this one's being run or done. And
6 it's being paid out when we didn't want to have to
7 create -- without that, they'd have to fill out that
8 -- the appeal form every semester. That means the
9 provost has to look at it every semester, every
10 semester they have to give it on to you. And if now
11 it's something that we need to change moving forward,
12 to where they're able to have more in a class size,
13 then the maximum goes up, which we're going to have a
14 process for, they might not fall under that anymore.

15 DR. MIEDEMA: I don't see that when I read that.
16 It says that -- the example you gave, that the maximum
17 can be 12, means they have seven in there, it runs.
18 It doesn't say that we're looking to combine them if
19 they have six. And if that's the point we're trying
20 to get to, I don't think that that statement is
21 stating that. That's why I felt that it could be
22 addressed on a case by case basis, even if it is every
23 semester for the time being, to get that track
24 history, and then we know that for sure going forward.
25 Because right now --

1 MR. LIEB: Are you worried about it being applied
2 to too many courses?

3 DR. MIEDEMA: Uh-huh. Yes, sir.

4 MR. LIEB: Would it be helpful if we put the
5 number 20 lower? So if they have a maximum enrollment
6 of, like, I don't know, 17, 18, so that way it
7 eliminates any of the other courses that traditionally
8 fall into that window.

9 DR. MIEDEMA: Well, we have health sciences
10 courses that run at 15. So does that mean we're going
11 to run those courses if there's only seven? Or five?
12 It needs to be looked at, is what I'm trying to say.
13 Because we understand that the first semester, the
14 first two semesters, even the first couple years, but
15 if we're five years down the road and we're still only
16 having five enrollment, that's a program we have to
17 look at. So I just don't want it to be looked at as,
18 that's an automatic, we don't ever look at those
19 things. We need to have a mechanism to look at --

20 MR. LIEB: I agree. And we're not trying to make
21 it that. We're just trying to give the little bit of
22 folks who are used to bordering that -- or riding that
23 border, that sense that they're always not completely
24 unsure whether or not their loads going to make or
25 not, what it is when we know that it will. So I can

1 -- if we do a brief caucus in a little bit, I can try
2 and figure out a better way to phrase, now that I know
3 what your concerns are with it. You know, if there's
4 a way we can get around doing it at all and find
5 somewhere else that we can address it, I'm -- we're
6 open to that too.

7 DR. MIEDEMA: So is it specifically art classes
8 that you're looking --

9 MR. LIEB: That was the best example that I had.
10 I know that they still combine quite a few courses up
11 in Titusville, like creative writing one and two.
12 Creative writing one usually has, I think, 15, and
13 then two would have seven. But it's a combined
14 section, to where they're only getting paid for one
15 course. So they wouldn't want to cancel that one with
16 -- in creative writing two, let's say you only have
17 three in it, or four, but you have 13 in the other.

18 DR. MIEDEMA: And that's been handled each
19 semester on that --

20 MR. LIEB: Right. We could put in something to
21 where, rather than doing it automatic, that a provost
22 has the ability to create a standing minimum for
23 courses based on campus needs. I added some language
24 down at the bottom that could apply for that as well,
25 when we get there. So let's put a pin in it for a

1 second, and see if the stuff that we have maybe -- go
2 through the rest of it and see if we can find a way to
3 unify it all together.

4 DR. MIEDEMA: Sandy, I'm going to look to you as
5 far as some of that language and what that will do to
6 your work load.

7 MR. LIEB: What I tried to do with this was, I
8 knew, with your language, the way you had proposed it,
9 you were saying we'll look at -- when it's 15, we'll
10 look at -- I don't think it was -- the way that I was
11 reading it, it was saying, okay, well, once we hit 15
12 students, but we might have a different -- maybe we'll
13 put everything at 30, but once we get 15, we'll
14 re-evaluate it. I thought the intent was, really,
15 hey, if we hit 15, with a max of 15, we'll definitely
16 run it through the process. And that's what I tried
17 to create here based on the historical record of what
18 our courses have been run at.

19 DR. MIEDEMA: So if it's greater than 22, then
20 we'll pull those to review.

21 MR. LIEB: Right. If we hit 22 in a class, and
22 we know that we need to do it, then we pull that to
23 review, to say, hey, this semester, do we need to
24 raise that cap for a couple of these classes,
25 because --

1 DR. MIEDEMA: Because there's only one or two
2 extra.

3 MR. LIEB: Right. Because, again, the intent
4 here is to create some form of semblance of stability,
5 of this is, generally speaking, what it will run at.
6 But we're not trying to take away flexibility, because
7 we understand that we have to have flexibility.

8 DR. MIEDEMA: We certainly do.

9 MR. LIEB: I mean, I was thinking, even if we are
10 able to come to terms with both of these today, we may
11 still want to have that task force to help develop
12 that, you know, how to raise the minimums or that
13 process that we reference in here. Because I don't
14 think we want to try and rush that right now.

15 DR. HANDFIELD: I'm just concerned when it gets
16 us locked in to a specific number.

17 MR. LIEB: It doesn't though. When it says,
18 shall be reviewed when a course enrollment maximum
19 greater than 22 is required. So if you say it's
20 required, then we review it. At least this way, we
21 don't -- we know we don't have to review, oh, I have
22 22 students in my class. If you don't think it's
23 necessary, you don't need to go through the process of
24 doing it. But if someone comes in and says, hey, you
25 have three students, I have ten sections of this that

1 are all full --

2 DR. MIEDEMA: And I've got three leftovers.

3 MR. LIEB: Can we see -- if we raise the cap for
4 these three students, so we don't have to --

5 DR. MIEDEMA: So we don't have to create a class
6 for the last three.

7 MR. LIEB: Right.

8 DR. HANDFIELD: And then who's making that call?
9 Is it the faculty member that's making that call?

10 MR. LIEB: No. That's going to be -- well, you
11 can do -- I would probably say the department chair is
12 your boots on the ground for the provost, which they
13 are. They should let you know, hey, this is what's
14 going on, do you want me to do this process, or do you
15 want me to do something else? Meaning, do you want me
16 to open up a new section, or do you want me to have
17 this reviewed? Because the mutually agreed upon
18 process will absolutely, just like the minimums, take
19 into account both people's -- both sides, the impact
20 to the student, impact to the college, impact to the
21 faculty member. I'm trying to look at, you know, all
22 the different areas and what we should do with that
23 cap.

24 DR. MIEDEMA: And those that are called out at 22
25 are the ones we've been capping at 22.

1 MR. LIEB: Correct. We've actually been capping
2 creative writing --

3 DR. HANDFIELD: I knew what I was doing.

4 DR. MIEDEMA: I knew what you were looking for.

5 MR. LIEB: I did go and check. I promise. I
6 moved the --

7 DR. MIEDEMA: I knew that's what she was looking
8 for.

9 MR. LIEB: I put English at the 22 because I know
10 you were worried about that. I mean, in the future --
11 because I know it was budget neutral this year. It's
12 something I think we'll just start tracking. If it
13 continues to look like it'd be budget neutral to
14 switch to the 20, we'll talk about it then. We did
15 leave off, actually, a couple that are usually capped
16 at 22. I wasn't sure how you wanted to handle them,
17 but I didn't want to add them in without talking to
18 you guys first. Because I'm not a big fan of, you
19 know, dropping a surprise. Creative writing was one
20 of them. Traditionally, on all campuses, it caps at
21 22. Online, I think it's been a little higher. So I
22 let them go under that 25 policy for now, unless
23 you're amenable to putting them in there, just -- the
24 foreign languages also is one that, on almost every
25 campus, it's either 22 or 20. Online, it is higher.

1 So I didn't know if we wanted to set it at the
2 campuses that way, knowing the intent eventually
3 online is to get it lower. But we'd create a plan for
4 how that can be done in a budget neutral way. I did
5 start trying to write some of that, from my limited
6 experience of when to raise a cap, and one of the
7 first things I thought of was, has this been
8 historically running at a higher number due to
9 delivery methodology? So, like, the team teaching or
10 online. And if that's one of the criteria, if it
11 meets that, then, yes, we need to take a look and see
12 what we can do.

13 DR. HANDFIELD: Because when I have a nursing
14 class --

15 MR. LIEB: Right. We're not trying to -- and
16 that's fine. Because, one, that's a programmatic
17 thing, that that's the way that their program has
18 decided, this is the policy we want. We're trying to
19 get the leeway to where, any course that is subject to
20 enrollment ratios, minimums and/or maximum enrollment
21 due to regulatory or programmatic -- because, in my
22 mind, with the nursing program, that is a programmatic
23 choice that has been made. It's maybe not regulatory
24 or statutory, but it's the choice that was made for
25 the program. And I think that's perfectly acceptable.

1 Because we're not trying to do that stuff.

2 DR. MIEDEMA: Same thing with Titusville, with
3 science teachers too, and they lecture together in a
4 combined session.

5 MR. LIEB: Correct.

6 DR. MIEDEMA: But doing the separate labs. That
7 was the decision that was made on that campus.

8 MR. LIEB: And it was a programmatic decision,
9 that as long as the administration is okay with it --

10 DR. MIEDEMA: And it met the need there, so the
11 students didn't have to drive to Cocoa to take
12 classes.

13 MR. LIEB: Right. So, again, the whole intent
14 here, once I saw what you guys had proposed, was, I
15 think we were all saying the same thing, it was just a
16 matter of finding a way to say them the same way. I
17 did add on at the very bottom there, a supervising
18 administrator may create standing lower caps based on
19 campus needs or facilities, which may be reviewed,
20 altered and/or rescinded by the college before any
21 term begins, with appropriate notification to the
22 affected faculty. For example, Scott Herbert e-mailed
23 me and said, I only have so many lab stations. Does
24 that mean Sandy and I are going to have to do this
25 every semester for every one of my labs, or all of our

1 labs here? And I was like, you know, that's kind of
2 silly. So I wanted to leave you guys the ability to,
3 one, if you say, you know what, Scott, I know that you
4 can fit 24 every single time, that's fine. But you
5 still have -- the college will always have the right
6 to, hey, no, it's not fine now, we need to -- we got
7 you a bigger lab with ten more stations, we've got to
8 talk now.

9 DR. MIEDEMA: Thoughts?

10 MR. MARGIOTTA: You had mentioned the difference
11 in online and face to face. You know, I think that
12 should be addressed.

13 MR. LIEB: Well, I think the intent is for -- to
14 eventually work towards having face to face and online
15 having equivalent or same caps. It's just the
16 realization, we can't just do it right away.

17 DR. MIEDEMA: I think what Frank is saying is,
18 this article, itself, should say this is for face to
19 face classes. Because we have another article in
20 there that says what the limits are online.

21 MR. LIEB: Yeah. The online one says that it'll
22 be the same as the face to face classes. I checked
23 it.

24 DR. MIEDEMA: Does it? It used to say 30.

25 MR. LIEB: I know. That's why -- someone asked

1 me about it, so I went and checked. Because I thought
2 that it was --

3 DR. MIEDEMA: Let's just make sure of that.

4 MS. FERGUSON: Which article is that?

5 DR. MIEDEMA: But that's a good question to ask.
6 Because we --

7 MR. LIEB: I agree.

8 DR. MIEDEMA: We wouldn't want to have a
9 discrepancy.

10 MR. LIEB: If it does say the same as -- I just
11 looked at it. That's the worse part. I believe it's
12 Article 8.

13 DR. MIEDEMA: It should be. Article 8 would be
14 the appropriate section.

15 MR. LIEB: Tell you what, I can look for it
16 during caucus. But with the online ones -- again, and
17 that's that process that we're writing. And if we
18 need to have online absolutely be one of the criteria,
19 because we get -- we need to develop a plan. But at
20 least now we have the basic language we want to work
21 towards. And then have the process to allow for that
22 to develop towards it, and not necessarily be an
23 immediate application. Would a line saying that help?
24 UFF and the college both mutually understand that
25 current online cap sizes are -- 8.9(d)(6). So page

1 52.

2 MS. FERGUSON: Starting at the bottom is the
3 e-learning -- oh, we're going to have to change that.

4 MR. LIEB: Yeah, I noticed that too.

5 DR. MIEDEMA: E-learning will have the same
6 maximum number, unless otherwise agreed to by faculty
7 member. Yeah, that is the change that we did. We did
8 the minimum and the maximum.

9 MR. LIEB: Right. Because we knew we were trying
10 to figure that out. But, again, with it being
11 recorded in the transcripts, I want it to be
12 completely -- and I don't know if we need to put the
13 line in the contract, but it should be completely
14 understood that we both agree the interpretation is
15 and will be that this is the goal for online to work
16 towards. We understand that it will take time to get
17 there. As long as we're working towards it, that's, I
18 think, going to be okay.

19 DR. HANDFIELD: What about in number five, just
20 about that -- when it talks about the minimum of 15
21 for an e-learning minimum? It does say, unless
22 otherwise approved, but we talk about 12 over here,
23 and then we have 15 here.

24 MR. LIEB: That's correct. I suppose we can
25 alter that, seeing as the minimum was the opener,

1 correct? It's not limited by article, it's limited by
2 issue.

3 DR. MIEDEMA: It is limited by issue, not by
4 article. So we could make that change.

5 MR. LIEB: We could make that change there to
6 adjust it.

7 DR. MIEDEMA: What I'd like to do is just take a
8 minute to talk to Phil and make sure that for the
9 online -- I have to go home, my ink pen doesn't work
10 anymore.

11 MR. LIEB: I tried that once with my students.
12 It didn't go over well.

13 DR. MIEDEMA: Let's do a 15-minute caucus, and
14 then hopefully we will be able to put this one to bed
15 as well.

16 (Thereupon, a break was taken.)

17 DR. MIEDEMA: All right. Our thought is, under
18 the minimums, number three, we don't need, because we
19 addressed it down below. If you're comfortable with
20 that.

21 MR. LIEB: One thought that we'd had is, if we
22 lower that 20, but also said, if below this, these
23 courses will use the same process referenced above
24 and/or follow past practice. Giving you guys the
25 option to either do that process, or if you're saying,

1 no, this is based on past practice, what we've done.
2 That way it retains flexibility, and I can tell some
3 of the faculty to stop worrying that we're going to do
4 this the way we've always done it.

5 DR. MIEDEMA: I don't see it as necessary,
6 myself. I think we've addressed it down below by
7 saying that they can lower it. So just like you said
8 with Scott Herbert's class, which made me think about
9 it, as 24, if we say "art can run at," that becomes
10 the rule. So it's a conversation now for the fall
11 term between that faculty and their supervising
12 administrator, and then it's done.

13 MR. LIEB: So you're saying that I could -- we
14 should mirror that language up there? Because the one
15 down below refers to the maximum, not the minimum.
16 But I could very easily just have, you know, any
17 course minimum may be lowered with permission from the
18 supervising administrator. I could -- that could be
19 very easily put up under that course enrollment
20 minimum section as well, just with minimum instead of
21 maximum. I mean, the other option is, we can just say
22 any course maximum or minimum, and just leave it in
23 one place.

24 DR. MIEDEMA: Yeah, that's what I had done in my
25 original -- in my message to you this morning, was to

1 say the maximums or the minimums, under one section.
2 Rather than having to repeat the language twice.

3 MR. LIEB: I'm okay with that, I think. So I'm
4 going to change the bottom part to say, any course
5 maximum or minimum may be lowered with permission.

6 DR. MIEDEMA: Yep.

7 MR. LIEB: And that last part, supervising
8 administrator may create standing lower maximums or
9 minimums based on campus need or facilities.

10 DR. MIEDEMA: Standing lower caps or minimums.

11 MR. LIEB: So instead of caps, we just say, may
12 create standing -- I hate to be the long worded part
13 here -- course enrollment maximums or minimums, to
14 mirror the language that we already have. If we have
15 that, I think we'd be okay with letting number three
16 above go.

17 DR. MIEDEMA: Got it. Okay. What I did was, I
18 took that, added it there and there. So if you want
19 to initial those changes, we'll get a clean copy out.
20 But in the meantime, we have a done deal.

21 MR. LIEB: I had a wording idea if we wanted to
22 change the 8.9(d)(5). For the 8.9(d)(5), trying to
23 keep the change to as minimal as possible. Because,
24 one, we know that e-learning has to change throughout
25 this whole document, as Robin just pointed out.

1 E-learning section will have the same minimum
2 enrollment requirements and their subsequent processes
3 of face to face courses, unless otherwise approved for
4 a lesser number by the supervising administrator.

5 DR. MIEDEMA: That's fine. Send me that, and
6 we'll get that included in the thing. And this has
7 got to be a record. Thank you. I appreciate it.

8 (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 23rd day of April 2019.

DIANE LYNCH
Court Reporter