

Report by the Senate Budget Policies Committee on Whether the University's Guidelines for the Review of Academic Planning Proposals and Planning and Budget System Have Been Followed in the Case of the Partnership with Outlier to Offer Courses Bearing University of Pittsburgh Credits

Adopted by the Senate Budget Policies Committee on September 17, 2021

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**Executive summary**

Outlier is a private, for-profit company that offers asynchronous online courses for \$400 per course, with the promise of a refund to students who do not pass. In the summer of 2019, the University of Pittsburgh began a partnership with Outlier in which Pitt would provide course credit and transcripts for students who completed Outlier courses. Concerns were raised to the Faculty Assembly, the Senate Budget Policies Committee, and in public about Pitt's relationship with Outlier. During the spring 2021 term a subcommittee of the SBPC met with a number of faculty and administrators involved in the Pitt-Outlier partnership to study the Pitt-Outlier partnership and its conformity with relevant University policies.

The Pitt-Outlier partnership began as a yearlong pilot program in 2019 with one course in Psychology and one in Math. From fall 2019 to summer 2020 faculty and department leaders in the Dietrich School engaged actively with the Office of the Provost, raising detailed concerns about educational quality and procedural norms. These concerns did not result in changes to the Pitt-Outlier program. Over this period several hundred students enrolled in Outlier courses and earned Pitt credits.

In fall 2020 the Provost's office invited the regional campuses to participate in the Outlier program, and the Pitt-Johnstown administration accepted. In October and early November 2020 Pitt-Johnstown faculty were informed of the Outlier partnership and invited to at least two meetings hosted by the Pitt-Johnstown faculty senate to discuss the Outlier partnership but did not vote on the partnership or otherwise contribute to the decision. Pitt-Johnstown faculty did not have access to data from the pilot year, and they did not have access to information about the yearlong process that had taken place in the Dietrich School, in which faculty and departmental leaders deliberated and raised substantive and procedural concerns about the Outlier program. By November 19, 2020, Pitt-Johnstown had signed a five-year contract with Outlier.

The report finds that Pitt's well-established shared governance policies and norms require specific procedures to be followed in the creation and evaluation of new courses, and that these procedures were not followed in the case of the partnership with Outlier. In particular, Pitt policies primarily work through academic programs, which are the units to which requirements for planning and assessment apply. The Outlier program bypasses the academic program structure, raising significant concerns.

The report identifies three key [concerns](#) raised by the Pitt-Outlier partnership:

1. The Planning and Budgeting System and the Guidelines for the Review of Academic Planning Proposals require new credit-bearing courses to be created as part of existing academic programs, which was not followed in this case.
2. Outlier courses are not currently subject to regular evaluation and assessment as part of an academic program as required by the PBS and Guidelines.
3. Predetermining the outcome of deliberative processes, as this report finds, violates important norms of collegiality and good faith and undermines faculty responsibility for the curriculum.

The report also identifies several [substantive risks](#) raised by these procedural problems: reputational harm; misinforming students and placing unreasonable pressure on Pitt programs; accreditation; educational quality; conflicts of interest; shared governance; and unequal status of regional campus faculty.

The report makes four [recommendations](#) in light of these findings:

1. Minor revision to the Guidelines to clarify that individual courses are always created as part of academic programs.
2. Acknowledgement of the procedural errors by the administration and commitment to prioritize faculty responsibility for the curriculum.
3. Affirmation by the administration that ongoing deliberations with faculty in one unit should be respected, and the administration should not predetermine the outcome of deliberative processes.

4. Changes to the Pitt-Outlier program to conform with University policies and norms governing course development and assessment.

Norms of shared governance are not satisfied by ad hoc consultation with faculty in unstructured and unpredictable formats. Instead, shared governance is achieved by consistent and predictable application of procedures defined transparently and in accordance with well-established policies.

## Introduction

The [Planning and Budget System](#) (PBS) charges the Senate Budget Policies Committee (SBPC) with the responsibility of reviewing whether PBS processes are followed, and whether all constituencies involved are provided adequate opportunities to participate in the process and to be informed of its outcomes. As part of the PBS, the [Guidelines for the Review of Academic Planning Proposals](#) (Guidelines) establish detailed procedures for oversight of academic programs, including their creation, termination, substantial modification, and ongoing evaluation. These policies conform with the national standards set out in the [Statement on Government of Colleges and Universities](#) adopted by both the American Association of University Professors and the Association of Governing Boards of Universities and Colleges. The SBPC has previously exercised its role in overseeing the PBS and Guidelines in 2013, when it [investigated](#) the suspension/termination of three graduate programs in the Dietrich School of Arts and Sciences.

Concerns had been raised to the Faculty Assembly, the SBPC, and in public about Pitt's relationship with Outlier, including procedural issues relevant to the PBS and Guidelines. On February 19, 2021, the Senate Budget Policies Committee created a subcommittee to study the Pitt-Outlier partnership and its conformity with relevant University policies. The subcommittee included Tyler Bickford (DSAS), Beverly Gaddy (Pitt-Greensburg), Emily Murphy (SHRS), and Benjamin King (Student Government Board). The subcommittee spoke with several people with knowledge of the Outlier program in the Provost's office (OTP), the Dietrich School of Arts and Sciences (DSAS), and the University of Pittsburgh at Johnstown (Pitt-Johnstown), and reviewed email communications provided by participants, websites, and press coverage.

In March and April the subcommittee met by Zoom with the following people: Joseph McCarthy, Vice Provost for Undergraduate Studies; Steven Wisniewski, Vice Provost for Budget and Analytics; Arthur Kosowsky, Chair, Department of Physics and Astronomy, DSAS; Jonathan Rubin, Chair, Department of Mathematics, DSAS; Jana Iverson, Director of Undergraduate Studies, Department of Psychology, DSAS; Sybil Streeter, Director of Undergraduate Advising, Department of Psychology, DSAS; Barbara Petrosky, President, Faculty Senate, Pitt-Johnstown; Paul Lucas, Chair, Education Policies Committee, Pitt-Johnstown; Steven Stern, Chair, Natural Sciences Division, Pitt-Johnstown.

Pitt-Johnstown President Jem Spectar shared a copy of an email sent by Barbara Petrosky to University Senate President Chris Bonneau in January 2021, and Vice President for Academic Affairs Janet Grady provided answers to written questions by email.

A draft of this report was circulated to the faculty participants in May 2021. A draft incorporating their corrections and clarifications was provided to the Provost's office and Pitt-Johnstown administration in July 2021. The administration provided written comments on August 24 on behalf of both the Provost's office and Pitt-Johnstown administration, along with a "governance document" on August 27, which is included here as an appendix. This report has been updated to include factual corrections and clarifications, and to note where the administration disagrees with the subcommittee's evaluation and recommendations. The administration's response also reported "inconsistencies and inaccuracies throughout the document" beyond those they specified, but unfortunately, they declined to enumerate those to allow for corrections. As described above the subcommittee's process was thorough and the report is accurate according to the best information available from a variety of sources, all of whom had opportunities to review the report and offer comments and corrections.

## **Background**

Outlier is a private, for-profit company that offers asynchronous online courses for \$400 per course, with the promise of a refund to students who do not pass. In the summer of 2019, the University of Pittsburgh began a partnership with Outlier in which Pitt would provide course credit and transcripts for students who completed Outlier courses. Provost Ann Cudd and Outlier CEO Aaron Rasmussen knew each other previously at Boston University.

In summer 2019 Outlier had developed materials for two courses, Introduction to Psychology and Foundations of Calculus. After the Provost's office agreed to the partnership, an incomplete syllabus for Introduction to Psychology was sent to the DSAS Psychology undergraduate advising office with a request to determine if the course would be approved for transfer, receiving an affirmative reply. Materials from Foundations of Calculus were sent to the DSAS Mathematics Department Chair's office for review, with a request for a fast turnaround. After review, the Chair and a faculty member determined that the course was reasonable but not equivalent to their department's Calculus 1 (MATH 220).

In Fall 2019 Outlier began enrolling students in Introduction to Psychology (PSY 6010) and Foundations of Calculus 1 (MATH 6210). The Provost's office decided to use 6000-level course numbers for the Outlier courses to distinguish them from existing Pitt courses. In Fall 2019 the Math department provided additional feedback on course materials developed by Outlier. The Psychology department had no further contact until a reporter contacted the Department Chair to ask about the Outlier class, at which point the Psychology Chair and DUGS consulted with the Director of Advising about the syllabus submitted for transfer and raised concerns with the Provost's office. In October 2019 there was a meeting between Rasmussen, McCarthy, and the Psychology DUGS in which further course materials prepared by Outlier were presented. The

Psychology Undergraduate Education Committee then began discussions of the Outlier program.

In January 2020 McCarthy invited some DSAS faculty to participate in an advisory group, which included the Math department and Physics and Astronomy department Chairs. That group did not include any faculty from Psychology. In February the Physics and Astronomy Chair asked by email for more substantial discussion of the underlying goals and process of the Outlier process, and raised significant concerns about conflicts, reputational risks, educational quality of the existing Outlier courses, lack of data about educational outcomes, misinforming students about Pitt credits, and accreditation. The advisory group met at least twice and discussed Outlier planning as well as concerns that were being raised by faculty in the DSAS departments and committee members. The administration proposed that individual faculty members would have an oversight role for each Outlier course. During this period the Physics and Astronomy faculty also began internal discussion of Outlier.

In May 2020 DSAS Psychology DUGS Jana Iverson sent McCarthy a long message enumerating substantive educational concerns with the Outlier Introduction to Psychology course, on behalf of a broad group of faculty, including the Psychology Department Undergraduate Education Committee, faculty who teach Introduction to Psychology, and the Department Chair. That message reported that the DSAS Psychology faculty did not consider the Outlier course to meet the educational standards they require in face-to-face courses, web-based courses, Pitt College in High School courses, or AP courses that are accepted as equivalents.

McCarthy responded briefly to that message to express disappointment that the Psychology department was not willing to work with Outlier to improve their courses. Iverson responded to that message reaffirming her department's consensus that the Outlier course "fails to live up to the high educational standards of the University and is not consistent with the University's reputation for providing undergraduates with the highest quality educational experience." That message emphasized that the department's substantive concerns about educational quality were linked to procedural concerns, noting that their core educational goals "require the presence of an instructor intimately involved with the creation and presentation of course content and actively engaged with and accessible to students," and objecting that Pitt "committed to giving credit for a course in Psychology without first confirming that it meets our standards for a rigorous and educationally effective introduction to the field and without giving us meaningful authority and control over its development." McCarthy does not appear to have responded to that message.

In June and July 2020, the DSAS Physics and Astronomy Chair sent multiple emails to McCarthy and later to Provost Cudd reporting concerns among his faculty about Outlier, which emphasized similar issues as those raised by the Psychology faculty, especially the need for Pitt faculty to be centrally involved in planning courses and evaluating student outcomes, which was not the case with the Outlier program. He also raised concerns about assessment and

accreditation and offered practical suggestions for involving Outlier in a supporting role to Pitt faculty, rather than the reverse. These messages do not appear to have received a response.

During the same period (June and July 2020) Outlier staff contacted the Physics and Astronomy Chair about developing a course in astronomy. At that point Outlier had already produced a substantial portion of the course materials. The Physics and Astronomy Chair offered feedback that Pitt courses would normally be more conceptual and theory driven. Outlier responded positively and suggested that they would like to work with the department in the future to include more such content in their course, but that they were on a deadline to get the course online by September 2020 and could not delay their timeline to respond to substantive feedback from Pitt departments.

On September 11, 2020, the Provost met with a number of people in the Dietrich School. After that meeting DSAS Dean Kathy Blee called a meeting of DSAS faculty from six departments involved. That appears to be the last time the Dietrich School was involved with Outlier.

At this point the Provost's office invited the regional campuses to participate in the Outlier program. According to the minutes of the December 2, 2020, Faculty Assembly meeting, the Greensburg and Bradford campuses rejected the proposed Outlier partnership, and Pitt-Johnstown accepted. In early October 2020 the Business and Enterprise Division Chair at Pitt-Johnstown contacted the business faculty individually to solicit their input about the Outlier program and did not receive objections. The Outlier plan was then presented to the Pitt-Johnstown Faculty Senate on October 7 and was discussed again at the Pitt-Johnstown Faculty Senate meeting on November 4, and at an "emergency meeting" with 52 attendees on November 11. At those meetings President Spectar, VPAA Grady, and Business and Enterprise Division Chair Raymond Wrabley addressed faculty questions. The faculty did not vote on whether to partner with Outlier or not. The Natural Sciences Division, which represented the fields covered by all the existing Outlier courses at the time, and the Educational Policies Committee, which reviews new program proposals, were not involved. By November 19, 2020, Pitt-Johnstown had signed a five-year contract with Outlier, according to [WFMZ-TV](#).

As of April 2021, according to their website, the courses offer by Outlier were:

- Fundamentals of Calculus I (MATH 6210)
- Introduction to Psychology (PSY 6010)
- Introduction to Astronomy (ASTRON 0085)
- Introduction to Statistics (STAT 0202)
- Introduction to Philosophy (PHIL 0100)
- Introduction to Microeconomics (ECON 0106)

Introduction to Astronomy began in December 2020. The statistics, philosophy, and economics courses are either still pending or were opened to students after that.

Individual Pitt-Johnstown faculty have been invited to volunteer to serve as faculty consultants for Outlier courses. According to Pitt-Johnstown VPAA Grady, "Outlier will provide course

materials and other information requested by Pitt Johnstown faculty, who will in turn carry out the course assessment in much the same manner as they currently assess achievement of learning objectives for their own courses on our campus.” Pitt-Johnstown expects this process to be conducted regularly, most likely annually. No such activities have yet taken place. The assessment process does not include divisions or departments.

New Outlier courses will be developed and proposed by Outlier with input from professors and content experts from other institutions with whom Outlier has contracted. According to VPAA Grady, “The syllabus is then reviewed by the Pitt Johnstown faculty member, who verifies that the syllabus accurately reflects the content, rigor, etc., one would expect to see in an introductory course in that specific subject area. If needed, revisions to the syllabus are made based on input from the Pitt Johnstown faculty member. Once the final version is agreed upon, it will become the version used when the course is launched. This same Pitt Johnstown faculty member will, at the appropriate time, be the individual who carries out the assessment of that specific course.” To our knowledge this process has not yet taken place for any Outlier courses. The course development process described by Grady does not go through departments or divisions.

According to Vice Provost McCarthy, about 200 students each enrolled in Introduction to Psychology and Fundamentals of Calculus I in the first year (2019-20), with about an 80% completion rate.

As of April 2021, Outlier courses are not accepted for general education, major, minor, or certificate requirements by any Pitt program. In response to an earlier draft of this report the administration communicated on August 24 that “Outlier credits are applicable toward elective credits across several units (including UPJ). Moreover, as of this writing, Outlier credits have been transferred successfully to over 50 different institutions of higher education including, but not limited to, Emory, Georgetown, Georgia Tech, Harvard, Indiana, NYU, Penn State, UPenn, Berkeley, Minnesota, and Wisconsin.”

### **Policy concerns**

This report finds that Pitt’s well-established shared governance policies and norms require specific procedures to be followed in the creation and evaluation of new courses, and that these procedures were not followed in the partnership with Outlier.

The Outlier program raises three important concerns in relation to the PBS and Guidelines:

1. The PBS and Guidelines, as well as all identified precedents, require new credit-bearing courses to be created as part of existing academic programs.
2. Outlier courses are not currently subject to regular evaluation and assessment as part of an academic program as required by the PBS and Guidelines.

3. Predetermining the outcome of deliberative processes, as this report finds, violates the norms of collegiality and good faith, and undermines faculty responsibility for the curriculum.

In their August 27 response to a draft of this report, the administration writes:

both the Office of the Provost and the leadership at the University of Pittsburgh at Johnstown (UPJ) are committed to shared governance, as was evidenced in the full engagement and support of the faculty senate at the UPJ [...] and the long-standing attempts at engagement with faculty within the DSAS prior to the transition of the relationship to Johnstown.

This report finds that ad hoc engagement with DSAS and Pitt-Johnstown faculty is not equivalent to the procedures required by Pitt's shared governance policies. As the Pitt-Johnstown faculty senate did not vote on whether to partner with Outlier, there is no basis to assess their support for the program.

#### 1. Credit-bearing courses must be created by academic programs following established procedures

The Guidelines for the Review of Academic Planning Proposals apply to "academic programs." They establish procedures for changes to academic programs, including creation, termination, or substantial modification. The Guidelines enumerate several types of programs: schools, departments, degree programs, majors, minors, areas of concentration, and certificates.

New academic programs are expected to be developed as part of a long-range planning process, or in response to unavoidable or unexpected events. They are reviewed by the appropriate academic unit(s) and academic responsibility center(s) as well as by the responsibility center Planning and Budgeting Committee (PBC) and relevant departmental PBC. A recommendation from those bodies is expected to accompany a submission to the Provost for review. New undergraduate programs are reviewed by the Provost's Advisory Committee on Undergraduate Programs. [National standards for university governance](#) affirm that faculty have primary responsibility for the curriculum, subject matter, and instructional methods. The Guidelines implement this core principle by ensuring that faculty are involved in structured, transparent, and predictable ways at every stage of curricular development.

The Guidelines do not specifically refer to individual courses. Credit-bearing courses are a fundamental academic activity, and at Pitt they always exist within academic programs. It is both a straightforward implication of the Guidelines and a consistent institutional norm that credit-bearing courses are always contained within academic programs, and therefore subject to the same standards for oversight and evaluation that their programs are subject to. The alternative interpretation, that credit-bearing courses are outside the purview of the PBS and Guidelines, goes against all current precedents that we can identify and would create an obviously unintended loophole, allowing unlimited courses to be created without any process.



Given this context, the Outlier courses do not conform to the standards set by the Guidelines or the norms of longstanding University practice. To comply with the Guidelines Outlier would either need to have been created as a new academic program, as part of a long-range planning process following a robust proposal and approval process, or the Outlier courses would need to have been developed as part of the established course development procedure of an existing academic program.

In the Dietrich School, new courses are proposed by individual faculty and reviewed by departments. In most cases departments have a standing committee that fills this role, such as the Undergraduate Education Committee in Psychology. Courses that count for general education requirements are forwarded to the DSAS Undergraduate Council for additional review. At the University of Pittsburgh at Johnstown, new courses are developed according to procedures outlined in the [Policies and Procedures for Initiation, Termination and Changes to Programs and Courses](#) (Policies and Procedures): individual faculty propose courses, which are reviewed by departmental faculty, then a Division Curriculum Committee, and finally by the Division Chair. According to Pitt-Johnstown faculty the procedure described in the Policies and Procedures accurately reflects normal practice.

The Introduction to Psychology and Fundamentals of Calculus 1 did not go through any such process in the DSAS Psychology and Math departments. The process for new course development outlined by Pitt-Johnstown has courses being proposed and developed by Outlier, and reviewed by a single faculty member, and does not include departments, curriculum committees, or divisions.

Vice Provost McCarthy suggested that these procedures are not required for Outlier courses because Outlier does not offer unique courses, but rather seeks to provide standard courses that are offered at a range of institutions, so the Outlier courses are equivalent to existing Pitt courses and do not need to be created a second time. Whether or not they are similar to existing Pitt courses, for the purposes of Pitt policies they are not equivalent: they have distinct titles and course numbers, and they do not count for the same requirements as other Pitt courses.<sup>1</sup> It is common at Pitt to have similar courses that are created and overseen by different academic programs using different procedures. For example, “Analytic Geometry and Calculus 1” is MATH 220 at DSAS and MATH 221 at Pitt-Johnstown because they are different courses housed in different academic programs and subject to different assessment and evaluation

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<sup>1</sup> In April 2021 the only course with the same title as an existing Pitt course is Introduction to Psychology, offered as PSY 10 at DSAS and PSY 200 at Pitt-Johnstown. DSAS and Pitt-Johnstown have no course titled Fundamentals of Calculus; they offer Analytic Geometry and Calculus 1: MATH 220 at DSAS and MATH 221 at Pitt-Johnstown. There is no existing course titled Introduction to Astronomy, but DSAS offers ASTRON 0089: Stars, Galaxies, and the Cosmos and Pitt-Johnstown offers GEOL 0010: Principles of Astronomy. There is no existing course titled Introduction to Statistics, but DSAS offers STAT 200: Basic Applied Statistics and Pitt-Johnstown offers PSY 270 Introductory Statistics. There is no existing course titled Introduction to Philosophy, but both offer Concepts of Human Nature as PHIL 10 in DSAS and PHIL 13 at Pitt-Johnstown. There is no existing course titled Introduction to Microeconomics but both offer Introduction to Microeconomic Theory as ECON 100 in DSAS and ECON 105 at Pitt-Johnstown.

procedures. The same must be true for Outlier courses with different numbers and titles, and which do not count for the same requirements as parallel Pitt courses.

Nothing in the Guidelines appears to prevent academic programs from converting an existing course into online formats or partnering with third parties on such a project. Such a course would have the same number and title and count toward the same degree requirements as the equivalent course, and it would be overseen and evaluated by the same academic program.

The closest comparison to Outlier is the College in High School (CHS) program, in which courses bearing Pitt credits are taught by non-Pitt faculty to non-Pitt students. Unlike Outlier, CHS conforms to all the expectations established by the PBS and Guidelines. CHS courses have the same course number and title as equivalent Pitt courses, and they count for the same requirements if students matriculate into a Pitt program. They are actively overseen and managed by Pitt departments, who provide course materials and assessments, including exams, that CHS teachers must use. For the purposes of the PBS and Guidelines, CHS courses are the same as Pitt courses, which means they are fully located within established and properly constituted academic programs that are subject to ongoing assessment and evaluation activities. Were Outlier courses structured like CHS courses, the policy concerns described in this report would not be raised.

*Administration response:*

In their August 24 response, the administration disputes this concern. They write:

The first two candidate courses were communicated to the dean's office within the DSAS. The syllabi for those courses were then vetted in detail by faculty within both the PSY and MATH departments. In fact, the chair of the MATH department engaged substantially with Outlier in early modifications of the calculus course. Only after receiving confirmation from the DSAS that the courses were acceptable as "worthy of Pitt credit" were the first courses launched as a pilot. Shortly after launching the courses, the PSY department reached out to the OTP to suggest that their initial internal routing of the syllabus for vetting was inappropriate and they asked for additional communication. A detailed meeting was then held between OTP, Outlier, and faculty within MATH and PSY (Jana Iverson to be precise) and all parties left that October 2019 meeting satisfied with the continuation of the pilot, as evidenced in an email from PSY chair Dr. Fiez to Vice Provost McCarthy on 11/13/2019, "Jana concurs that the course does have a strong design, with many details filled in from the earlier syllabus we saw."

This response does not address the question of whether the Outlier courses have been created as part of an academic program following such a program's existing policies and procedures. Ad hoc judgments like "worthy of Pitt credit" or "having a strong design" are not equivalent to specific procedurally consistent actions to create new courses, and faculty asked to make such judgments cannot be expected to understand themselves as fulfilling the formal approval process required by their departments and programs. During a pilot phase such exceptions to

established procedures may be justified, but after the conclusion of the pilot phase courses continued to be created outside of academic programs according to this ad hoc process. Since Outlier created and offered new courses, those courses should have been subject to the same procedures for approving new courses as any other course in DSAS or Pitt-Johnstown. The decision to bypass the established procedures for creating new courses was not appropriate.

## 2. Outlier courses are not currently subject to regular evaluation and assessment as part of an academic program as required by the PBS and Guidelines.

The Guidelines require academic programs to include evaluation and assessment in their design, so proposals for creation or modification of programs must include plans for ongoing assessment and evaluation. The Guidelines require “annual assessment of program performance; progress evaluation of newly instituted programs; and long-term evaluation of academic programs.” Similarly, the 2006 [Assessment Requirements](#) require formal assessment of each program. Regular assessment of academic programs is also a requirement for accreditation by the Middle States Commission on Higher Education. Since individual courses are part of academic programs, they are evaluated and assessed as part of the academic program’s evaluation and assessment, fulfilling all these requirements. Outlier courses are not subject to assessment as part of an academic program.

According to Vice Provost McCarthy Outlier courses are also subject to Middle States and Pitt assessment requirements, and he describes expecting Outlier courses to be assessed in the same way as their equivalent existing courses.

No assessment practices were undertaken during the 2019-20 pilot. Introduction to Psychology and Fundamentals of Calculus 1 have been offered for nearly two years, enrolling hundreds of students. These courses were intended to be a pilot program, but the Outlier partnership was extended with a long-term contract even though it appears that no Pitt faculty member or department has reviewed student outcomes or conducted any evaluation of the educational quality of the Outlier programs.

The Pitt-Johnstown administration reports that assessment of Outlier courses has not yet been implemented but will ultimately be conducted by individual faculty members. Those faculty members will set the standards for assessment and conduct the assessment activities themselves.

Assessment is required to be conducted by programs rather than individual faculty, “in accordance with the appropriate programmatic or departmental governance structure” ([Assessment Requirements](#)), but Pitt-Johnstown divisions and departments are not involved in overseeing Outlier courses. This is important because faculty in programs work collaboratively and iteratively over assessment cycles to establish assessment targets (for example, learning outcomes) and methods for evaluating meeting those targets. In an academic program, an individual faculty member may conduct an assessment, but in that process they are building on decisions made previously by others (including from the very start as part of the academic

program's initial planning proposal), and they are responsible to colleagues and others in their program. It is difficult to see how an individual faculty member deciding assessment goals, developing assessment methods, conducting specific assessment activities, and finally evaluating the results, without the involvement of a broader program structure, achieves the goals of regular assessment. Those goals include evaluation over time, but if the faculty assigned to an Outlier course changes, will the assessment targets and methods also change?

The academic program structure avoids these problems. Were Outlier developed according to the process for creating new academic programs required by the Guidelines, evaluation and assessment would be built into its design, and there would be no questions about how it would be assessed and by whom. Alternatively, were Outlier courses created by existing academic programs according to their established processes, there would be no questions about how they would be assessed and by whom. If Outlier courses are not part of any academic program, they may not be subject to any assessment or evaluation procedure. That does not appear to be the position of the provost's office or the Pitt-Johnstown administration, who all report expecting some assessment process for Outlier courses, but the proposed Outlier assessment procedures bypass the established procedures for course and program assessment.

*Administration response:*

In their August 24 response, the administration disputes this concern. They write

The courses provided by Outlier do not constitute a program, therefore they should not be evaluated as a program. At the same time, however, It is inaccurate to state that the Outlier courses are not subject to regular evaluation and assessment. [...] each course is subject to faculty review prior to launch and learning outcomes are assessed and evaluated at regular intervals thereafter, in much the same way as natively taught Pitt courses.

The concern raised by this report specifically refers to assessment *as part of an academic program*. As the report describes, the mandate for assessment and evaluation applies to academic programs. If Outlier is not a program, its courses should be part of an existing program or programs. Evaluating Outlier courses "in much the same way" as Pitt courses does not meet the standard set by Pitt policies that credit-bearing courses must be part of academic programs and evaluated according to those programs' appropriately constituted policies and procedures.

The administration's response does not address whether any Outlier courses have in fact been evaluated according to the ad hoc procedures they describe. The Pitt-Johnstown administration's spring statement that no such evaluations had yet been conducted remains the most current information.

### 3. Predetermining the outcome of deliberative process violates the norms of collegiality and good faith and undermines faculty responsibility for the curriculum

The PBS refers throughout to “collegial structures” and “collegial process.” Effective shared governance, as set out in the PBS and Guidelines, requires good faith engagement by all parties, including willingness to accept outcomes different than those desired by individual participants. Especially in matters related to curriculum, subject matter, and instructional methods, which are the primary responsibility of the faculty, objections and concerns raised by faculty cannot be dismissed or overridden by administrators. “Venue shopping” for a different outcome violates the explicit norm of collegiality and the implicit norm of good faith, and it undermines the well-established principle of faculty responsibility for the curriculum.

In May 2020 VP McCarthy wrote to Iverson, “The purpose of the pilot is for us to work on making an evidence-based decision as to whether this relationship will achieve the goals of access and affordability to which we aspire while also instilling the learning outcomes. As I have said time and again, we are more than willing to require that outlier make any and all necessary changes to achieve these goals.” VP McCarthy also describes being motivated to move the program to Pitt-Johnstown because DSAS faculty were too busy or unwilling to participate in assessment of Outlier courses.

But we see no evidence that these goals were acted upon. DSAS faculty did not refuse to participate in an assessment process; they raised significant concerns that the assessment process being envisioned was inadequate and did not meet their standards or university norms. As of April 2021, it does not appear that any such evidence-based evaluation has been undertaken by any entity at Pitt, despite exactly this concern being raised by DSAS faculty.

Were Outlier truly a “pilot,” the reservations presented by DSAS departments and faculty in response to the pilot should have led to a pause in the program to negotiate those concerns and build new structures to address them, or to termination of the program altogether if the concerns could not be resolved. Instead, it appears that during this period Outlier was expanding and creating new courses despite caution urged by DSAS faculty and departmental leaders, and Pitt administrators declined to pause or slow that process or to make substantial changes to the Outlier program in response to the significant concerns raised by DSAS faculty and departmental leaders.

It also does not appear that Pitt-Johnstown faculty were provided information about the concerns raised by DSAS faculty. It does not appear that faculty at either school were given data resulting from the 2019-20 pilot to inform their deliberations about whether to accept Outlier on their campus.

Pitt-Johnstown faculty had six weeks or less to consider the proposal to partner with Outlier, between the early October communications in the Business Division and the “emergency” faculty senate meeting on November 11. According to President Spectar the email from Barbara Petrosky that described these meetings and consultations “addressed faculty governance on

the Johnstown Campus,” which we understand to mean that this was the extent of the consultative process. Unlike in DSAS, where faculty, departmental committee members, directors of undergraduate studies, and department chairs were consulted over a period of months, at Pitt-Johnstown division and department chairs, division curriculum committees, and the school-level Educational Policies Committee were not consulted in the decision to partner with Outlier.

Pitt-Johnstown faculty have the autonomy to make different judgments from DSAS faculty. That is a different question from whether the administration has the authority to decline to engage fully with faculty in one school in search of a preferred outcome elsewhere. While DSAS faculty are harmed by having their input ignored, Pitt-Johnstown faculty are also harmed by a rushed process that denied them the same opportunities as their DSAS colleagues to participate in an extended pilot and to consult one another and engage with administrators and colleagues over several months to deliberate, identify concerns, and have those concerns included in the design of the new program.

Pitt-Johnstown and DSAS faculty alike have the right to expect that new curricular programs in their schools will be developed following established procedures with predictable and transparent opportunities for structured deliberation. Faculty senates and ad hoc meetings do not replace the roles designated to departments, divisions, curriculum committees, or standing senate committees in established policies. The academic planning procedures established by the Guidelines are an example of the “collegial structures” required by the PBS. Bypassing collegial processes established by policy in favor of ad hoc alternative procedures does not meet the standards of collegiality required by the PBS.

Determinations of good faith and collegiality involve judgment and interpretation, but in this case the level of active engagement by DSAS deans, department chairs, and faculty across ranks in the spring and summer of 2020 is unusual and points to a high level of prioritization and concern by those involved. Given that level of engagement, the provost’s office’s decision to move the program to a different venue appears to be an effort to achieve their preferred results through different means. The extended partnership with Outlier was a predetermined outcome, and no amount of faculty or departmental engagement was able to produce a different outcome. That is a clear violation of basic norms of shared governance.

*Administration response:*

In their August 24 response, the administration disputes this concern. They specifically attribute the decision to end the Dietrich School’s involvement with Outlier to DSAS faculty and administrators:

Despite early indications of engagement from PSY and MATH as well as a DSAS faculty advisory panel, in 2020 it became clear that no faculty within the relevant departments within the DSAS were interested or able to continue to engage. Specifically, in email from Dr. Iverson to Vice Provost McCarthy on May 8, 2020 she states that “we have lost

any interest in contributing the effort needed to ensure that the course meets our standards for the major. This leaves us standing behind our previous request, which is for Pitt to discontinue its collaboration with Outlier, at least insofar as it involves Psychology.” Similarly, an email from Dr. Rubin from MATH addressed to Vice Provost McCarthy on June 13, 2020 states that he “asked those faculty members in my department who I thought would be most suitable if anyone would be interested in one of these types of opportunities, with compensation. I had no takers.” In an email from July 10, 2020 from Dr. Kosowsky from Physics to Vice Provost McCarthy, he states “I also sent around an email to our astronomy faculty seeing if anyone is interested in getting involved with this class. I have a strong ‘no’ from everyone.” In communication from the CEO of Outlier, on September 4, 2020, we were informed that, “This morning Satish followed up with some broader questions about the program. He then emailed and said that they would not be able to support the pilot,” where ‘Satish’ refers to the chair of STAT within DSAS. Having been given a clear indication that no relevant departments within the DSAS were interested in continuing to engage on the project then, and only then, was UPJ approached as a potential steward of the relationship (invitation email from Provost Cudd to President Spectar occurred on September 23, 2020). As has been duly communicated (and evidenced), the faculty on the UPJ campus were suitably engaged from that point forward.

As described above, this report finds that the ongoing concerns about educational quality and assessment and oversight procedures raised repeatedly by DSAS participants were not accepted by the administration or incorporated into the design of the Outlier partnership during the pilot period. The concern raised by this report is that the DSAS participants’ good faith efforts to communicate that the Outlier program was not in alignment with their policies, norms, and expectations were unable to change any substantive outcomes of the deliberative process. When the DSAS participants declined to continue a process that did not accept their contributions, the provost’s office took the program to a unit whose faculty were not given information about the DSAS process and concerns raised and were not given the same opportunities as DSAS faculty to raise those concerns. The administration’s response does not address these concerns.

### **Substantive risks**

While the SBPC’s role is limited to procedural oversight, it is important to note that the procedural failures of the Pitt-Outlier partnership raise a number of substantive concerns that would not be raised were the procedures followed appropriately. Those include:

- Reputational harm: Outlier advertises its courses as “transferable college credits.” Colleagues at other institutions who are asked to accept Outlier credits are likely to investigate and determine that Outlier courses are not taught by Pitt faculty and are not accepted towards the same degree requirements as equivalent Pitt courses. This would raise reasonable concerns with those peers that other Pitt courses might not be subject to the same oversight and quality control as they expect.

- Misinforming students and placing unreasonable pressure on Pitt programs: Outlier students receive a transcript from Pitt. But currently no Pitt programs accept Outlier credits toward major requirements, and the provost's office has attempted to reassure Pitt programs that Outlier courses will not "compete" with their existing courses. This may be unsustainable. Outlier students who matriculate into a Pitt program will reasonably expect that their Outlier courses should count toward degree requirements at Pitt. Pitt programs will either be pressured (by students, their families, or Pitt administrators) to accept those credits despite assurances now that they will not compete, or they will be put in the difficult position of telling students that their Pitt-Outlier courses do not have the same value that they were led to expect.
- Accreditation: Middle States requires assessment, but the absence of clear procedures for assessing Outlier courses as part of academic programs, and the lack of formal assessment two years into the partnership, raises concerns that we are not meeting those standards.
- Educational quality: Pitt faculty have repeatedly raised concerns that Outlier courses do not meet their standards for undergraduate education.
- Conflicts of interest: partnering with a for-profit third party while bypassing normal oversight procedures raises potential conflict of interest risks.
- Shared governance: faculty have primary responsibility for the curriculum, subject matter, and instructional methods, but Pitt faculty do not design Outlier courses, they do not propose the topics for new Outlier courses, and they do not determine the instructional methods used by Outlier courses. At most they may have opportunities for offering suggestions to Outlier staff who propose, design, and implement the courses. This undermines a core principle of shared governance.
- Unequal status of regional campus faculty: by rushing through Pitt-Johnstown's adoption of Outlier without following the normal procedures for creating new courses or new programs, and without giving Pitt-Johnstown faculty the same extended opportunities to participate in and respond to a pilot program, the Outlier program inappropriately positions Pitt-Johnstown faculty as having fewer privileges and less authority than DSAS colleagues.

Were Outlier courses created by existing academic programs or were Outlier itself developed as a new standalone academic program, these risks would not apply or would be substantially reduced. These risks may be more or less likely, but they are all genuine concerns raised by various participants in the Outlier process.

## **Recommendations**

1. The Guidelines for the Review of Academic Planning Proposals should be revised to clarify that they apply to courses as well as academic programs. This can be achieved simply, by adding a sentence that says that credit-bearing courses are core academic activities that take place within academic programs.
2. University leadership should acknowledge the procedural errors described here and recommit to shared governance. Specifically, the Provost should reaffirm the core



principle that faculty have primary responsibility for the curriculum and affirm that the Guidelines implement that principle.

3. University leadership should affirm that “venue shopping” is not appropriate and administrators may not predetermine the outcome of deliberative processes. If one unit or program is actively engaged in discussion, planning, and negotiation around an administrative initiative, the administration has an obligation to respond to concerns raised during that process and should not seek a more amenable environment. This is a basic norm of good faith engagement between administrations, faculty, and units that should not need to be spelled out explicitly in written policy.
4. The Pitt-Outlier program should be changed to conform with University policies and norms governing course development and assessment. Either (1) Outlier courses should be developed and overseen by existing Pitt-Johnstown departments and divisions channels, or (2) the Outlier program should be established as a standalone academic program in its own right, with its own leadership, faculty, internal organization and policies, and assessment and evaluation procedures, following the procedures established in the Guidelines for approving new academic programs. Faculty at Pitt-Johnstown have the right to expect that courses associated with their school will follow established procedures and undergo the same oversight that their own classes are expected to follow. We recognize that this raises workload concerns for faculty, curriculum committees, department chairs, and division chairs. That is due to errors made by the Provost’s office, who should be accountable for any associated costs in time or labor.

## **Appendix: Pitt-Outlier Governance Structure**

On August 27 Vice Provost Joe McCarthy provided the subcommittee with a document titled “Pitt-Outlier Governance Structure.” It is included as is starting on the next page. According to Vice Provost McCarthy, this document was sent to the Pitt-Johnstown administration in September 2020 when Provost Cudd invited them to join the Outlier partnership. Vice Provost McCarthy affirmed that the document is being followed but could not say whether it was provided to Pitt-Johnstown faculty in fall 2020, whether it has been updated, who is responsible for maintaining and updating it, and who at Pitt-Johnstown has access to it. None of the faculty interviewed for this report mentioned having knowledge of this document.

The document refers to “Pitt-affiliated faculty” but not to departments, divisions, curriculum committees, or other structures of academic governance at Pitt.

The establishment and continuation of the University of Pittsburgh and Outlier partnership hinges on continued engagement of Pitt-affiliated faculty for the review, assessment, and evaluation of the offered courses as well as -- when applicable -- the development and implementation of course content and materials. The outline below details expectations, approximate timelines, and remuneration points related to the ongoing relationship.

Course Development (i.e., before a course is approved)

- Outlier Responsibilities
  - Outlier should inform Pitt-affiliated faculty of the intent to develop a new course prior to beginning the process of syllabus development.
  - Outlier should inform relevant Pitt-affiliated faculty of which external institutions will comprise the comparison set for syllabus vetting, and should, where appropriate, consider the relevant Pitt-equivalent course syllabus alongside the external example syllabi being vetted.
  - Outlier will consider, when appropriate, inclusion of Pitt-affiliated faculty as potential members of the course design and/or instruction team.
- Pitt Responsibilities
  - Pitt should inform Outlier as soon as possible, but no later than three weeks subsequent to gaining notice, of any potential concerns and/or conflicts that may arise with the planned course development.
  - Pitt should provide as soon as possible, but no later than three weeks subsequent to gaining notice, the relevant Pitt-equivalent course syllabi for the planned course as well as any recommendation for Pitt-affiliated faculty that may be potential partners for the design/instruction team.
- Note that any more comprehensive involvement of Pitt-affiliated faculty with course development (e.g., designing and/or recording lectures or instructional materials) will be undertaken via a consultation agreement (or similar) between Outlier and the Pitt-affiliated faculty (or their academic home), as appropriate.

Course Oversight and Transcribing (i.e., after a course is approved for deployment)

- Outlier Responsibilities
  - Outlier will provide the names and credentials of both the “north star” professor and all participating lecturers and/or course materials developers.
  - Outlier will provide Pitt with the names and credentials of all outlier employees who will serve as “teaching assistants” or “tutors” (collectively, “TAs”) for each course.
  - As appropriate, Outlier will consider Pitt-affiliated faculty and/or graduate students for the roles of north star professor and TAs, respectively.
- The final decision of north star professor and TAs will be by mutual agreement of Pitt and Outlier.
- Any involvement of Pitt-affiliated faculty or students during course oversight will be compensated under a separate consulting agreement [Note: alternatively, persons serving in these roles may be compensated via “course release” at the option of the relevant Pitt campus administration.]

### Development of Learning Outcomes Assessment Vehicles

- Outlier responsibilities
  - Outlier will deploy relevant learning outcome assessment vehicles within each of the Pitt-affiliated Outlier courses during each session offered.
  - Outlier will provide raw results of such assessments to Pitt within three weeks of the conclusion of any academic session.
- Pitt responsibilities
  - Pitt faculty will aid in the development and, as appropriate, deployment of learning outcomes assessment vehicles (ideally these would be analogous to the vehicles used in the relevant live, Pitt-equivalent courses).
  - As outlined below, Pitt will provide formative assessment, based on the outcomes results, during the “assessment phase” of each course and summative assessment at the conclusion of each “evaluation phase”.

### Course Evaluation and Assessment

Ongoing course oversight will involve both an “evaluation phase” as well as an “assessment phase”. The evaluation phase will occur at the outset of any five-year cycle of course offering (i.e., when a new course is instituted, as well as at the end of a five-year engagement for a course). The assessment phase will consist of each year of a five-year engagement that is not immediately prior to the outset of a new five-year cycle. That is, after an initial evaluation, an ongoing course will evoke 4 years of “assessment cycle” with the fifth year concluding an “evaluation cycle”.

- Evaluation Phase (prior to year 1 and every 5 years thereafter)
  - Outlier Responsibilities
    - Outlier will supply a candidate (or five-year old) syllabus for evaluation.
    - If relevant, Outlier will help to coordinate the collection of enrollment and completion trends from the previous five academic years.
  - Pitt Responsibilities
    - For a new course, Pitt will acknowledge receipt and supply preliminary questions within two weeks and will return a full response within four weeks of receipt (or two weeks after receiving responses to preliminary questions).
    - For an ongoing course, Pitt will return summative assessment modifications within 4 weeks of the conclusion of data collection.
- Assessment Phase (after years 1-4, 6-9, etc.)
  - Outlier Responsibilities
    - As mentioned above, Outlier will implement Pitt-supplied assessment vehicles either as embedded or after-the-fact.
    - Outlier will implement any necessary alterations to an on-going course as a result of the mid-cycle formative assessments.

- Pitt Responsibilities
  - Pitt faculty will collect learning outcome assessment results at the end of each semester.
  - Preliminary evaluation of assessment results will occur annually (and may result in small modifications of course content and/or delivery, as needed).