

(3) Unless otherwise provided by law, reimbursement will not be made for expenditures not obligated on or before June 30 of the fiscal year for which the allocation is being made.

(4) Performance based funding components will be used to distribute the adult basic education program allocations.

#### B. Instructional material fund

(1) Distributions will be made to state administrative sites according to New Mexico department of finance and administration rules.

(2) A state administrative site that has funds remaining for the purchase of instructional material at the end of the fiscal year shall retain those funds for expenditure in subsequent years.

[5.3.13.10 NMAC - Rp, 6 NMAC 8.2.1.10, 6/30/2003; A, 7/31/2005; A, 7/1/2010]

## **CHAPTER 4: POST-SECONDARY EDUCATIONAL PLANNING [RESERVED]**

## **CHAPTER 5: POST-SECONDARY EDUCATIONAL PROGRAMS**

### **PART 1: GENERAL PROVISIONS [RESERVED]**

### **PART 2: APPROVAL OF NEW GRADUATE PROGRAMS**

#### **5.5.2.1 ISSUING AGENCY:**

New Mexico Higher Education Department, 2044 Galisteo Street, Suite 4, Santa Fe, New Mexico 87505, (505) 476-8400.

[5.5.2.1 NMAC - Rp, 5.5.2.1 NMAC, 06/12/2018]

#### **5.5.2.2 STATUTORY AUTHORITY:**

Section 9-25-8 NMSA 1978, Section 21-2-5 NMSA 1978, Section 21-1-26 NMSA 1978, and Section 21-1-24 NMSA 1978.

[5.5.2.2 NMAC - Rp, 5.5.2.2 NMAC, 06/12/2018]

#### **5.5.2.3 SCOPE:**

All graduate programs offered by a public research or comprehensive higher education institution, as defined in Article XII, Section 11 of the New Mexico constitution.

[5.5.2.3 NMAC - Rp, 5.5.2.3 NMAC, 06/12/2018]

**5.5.2.4 DURATION:**

Permanent.

[5.5.2.4 NMAC - Rp, 5.5.2.4 NMAC, 06/12/2018]

**5.5.2.5 EFFECTIVE DATE:**

June 12, 2018, unless a later date is cited at the end of a section.

[5.5.2.5 NMAC - Rp, 5.5.2.5 NMAC, 06/12/2018]

**5.5.2.6 OBJECTIVE:**

To provide a process for objective review of proposed graduate programs. Any public research or comprehensive higher education institution, as defined in Article XII, Section 11 of the New Mexico constitution operating within and receiving financial support from the state of New Mexico shall follow the procedures set out by the department before creating a new graduate degree program.

[5.5.2.6 NMAC - Rp, 5.5.2.6 NMAC, 06/12/2018]

**5.5.2.7 DEFINITIONS:**

**A. "Department"** means the New Mexico higher education department.

**B. "Dormant programs"** means degree programs that have not admitted new students for a period of three consecutive years.

**C. "Graduate program" or "program"** means a sequence of courses, activities or experiences in an academic discipline or sub-discipline which leads to award of any degree in the academic discipline or sub-discipline beyond the baccalaureate degree, including a master's degree, doctoral degree, or professional degree in fields such as law, medicine or other professions.

**D. "Institution"** means a public research or comprehensive higher education institution, as defined in Article XII, Section 11 of the New Mexico constitution operating within and receiving financial support from the state of New Mexico.

**E. "Institutional review"** means the process by which an institution conducts internal evaluation and approval of new courses, programs or any other matter related

to curriculum. The required review process may differ between institutions and is set by each individual institution.

**F. "New graduate program"** means one that differs from currently approved programs at the proposing institution, in terms of degree level or academic discipline or sub-discipline.

**G. "Post-baccalaureate certificate"** means a program of study that is designed to develop or enhance a focused area of expertise, provide specific skill training and to enhance employability.

[5.5.2.7 NMAC - Rp, 5.5.2.7 NMAC, 06/12/2018]

#### **5.5.2.8 GENERAL REQUIREMENTS:**

**A.** No graduate degree program established after the effective date of 5.5.2 NMAC, nor any student enrolled in that program, shall be eligible for inclusion in any of the department's funding recommendations unless the program has been approved by the department cabinet secretary and New Mexico state board of finance.

**B.** The department will maintain an inventory of graduate degree programs that are offered at each institution. The department shall update the degree inventory to include changes reported to the department by the institutions.

**C.** A program, option, concentration or specialization that has been prepared to meet a request of a particular employer and that will be financially supported by that employer is not subject to approval by the department or the New Mexico state board of finance. However, such programs are considered restricted and do not receive state funding. Students enrolled in such programs are not eligible for any state support until the program is approved pursuant to 5.5.2 NMAC and the program becomes unrestricted.

**D.** Any change to an existing graduate program's curriculum that is equivalent to more than one-third of the program's degree requirements will be considered a new graduate program for the purposes of 5.5.2.9 NMAC.

[5.5.2.8 NMAC - Rp, 5.5.2.8 NMAC, 06/12/2018]

#### **5.5.2.9 SUBJECT TO APPROVAL:**

The following actions require the approval of the department cabinet secretary and the New Mexico state board of finance:

**A.** Addition of a new graduate program.

**B.** Addition of a doctoral degree in an academic discipline or sub-discipline in which a master's degree is already awarded.

**C.** Addition of a master's degree in an academic discipline or sub-discipline in which a doctoral degree is already awarded.

**D.** Addition or deletion of a program option, concentration or specialization that will result in a new degree level or academic discipline or sub-discipline. For example, the addition of a concentration or specialization in British literature to an existing master of arts in English would not be subject to 5.5.2 NMAC; however, the addition of an option of British literature in an English department that would result in a new master of arts in British literature would be subject to 5.5.2 NMAC.

**F.** Addition of a post-baccalaureate certificate that requires additional funding, faculty or facilities.

[5.5.2.9 NMAC - Rp, 5.5.2.9 NMAC, 06/12/2018]

#### **5.5.2.10 ADVISORY REVIEW COMMITTEE:**

**A.** The department shall convene an advisory review committee, chaired by the department cabinet secretary or designee, to evaluate applications submitted by institutions seeking approval of a new graduate program. The advisory committee shall make a recommendation to the department cabinet secretary. The authority to determine whether a program is submitted to the New Mexico state board of finance rests solely with the department cabinet secretary.

**B.** The advisory review committee shall be convened at the request of the department at least four times per year if there are programs to be reviewed.

**C.** The advisory review committee shall consist of:

(1) the cabinet secretary or designee of the New Mexico higher education department;

(2) the cabinet secretary or designee of the New Mexico department of workforce solutions;

(3) the cabinet secretary or designee of the New Mexico department of finance and administration;

(4) the cabinet secretary or designee of the New Mexico department of economic development;

(5) the director or designee of the New Mexico legislative finance committee;

- (6) the chief academic officer from a two-year independent community college;
- (7) the chief academic officer from a two-year branch community college;
- (8) the chief academic officer from a four-year research university; and
- (9) the chief academic officer from a four-year comprehensive college or university.

**D.** A chief academic officer serving on the advisory review committee shall recuse himself or herself from voting on any matters from his or her institution brought before the advisory review committee.

[5.5.2.10 NMAC - Rp, 5.5.2.10 NMAC, 06/12/2018]

#### **5.5.2.11 APPROVAL BY THE DEPARTMENT:**

**A.** Before submitting an application to create a new graduate program, an institution must have completed all institutional reviews required by the institution, including approval by the board of regents.

**B.** An institution must submit a completed application to the department, on a form provided by the department, by the deadline published by the department.

**C.** A completed application shall include approval by the New Mexico council of graduate deans. It is the sole responsibility of the institution to comply with all requirements of the council of graduate deans and seek approval within a timeframe that allows the institution to comply with all necessary deadlines set by the department.

**D.** The department shall conduct initial review of an application. The department may request additional information from the institution for use in its initial review. The department shall determine whether the application is correctly and fully completed. If the department determines that an application is not correctly and fully completed, the department shall return the application to the institution with recommendations as to how deficiencies may be remedied. An application shall not be presented to the advisory review committee until the department has completed its initial review and determines that the application is correctly and fully completed.

**E.** If the application is submitted on or before the deadline published by the department, consideration of the application shall be placed on the next advisory committee meeting agenda. If the institution submits the form after the published deadline, consideration of the application will be postponed until the subsequent advisory committee meeting.

**F.** The department shall have a representative present during the advisory committee meeting to present the application. The department representative shall not be an advisory committee member.

**G.** A representative from the applicant institution shall be present during the advisory committee meeting and shall be prepared to respond to questions presented by the advisory committee. The institutional representative shall not be considered a member of the advisory committee and may not cast a vote on any matters before the committee.

**H.** The advisory committee may recommend to approve, disapprove, or return a proposal to the sponsoring institution, for modification.

**I.** After receiving a recommendation from the advisory review committee, the department cabinet secretary shall make the final written determination as to whether the new program shall be presented to the New Mexico state board of finance within 10 business days after the advisory review committee meeting.

**J.** At any point during the review process, the institution may withdraw its application.

**K.** If the department cabinet secretary determines the application for a new graduate program will not be presented to the New Mexico state board of finance, the institution may file an appeal to the department within 10 business days of issuance of the decision by the department cabinet secretary. The appeal must contain the institution's arguments for reversal of the decision, clearly labeled accordingly. The appeal must be mailed to the department cabinet secretary via certified mail. The department cabinet secretary will evaluate the merits of the appeal and consider the arguments of the institution. Upon review by the department cabinet secretary, a final written determination will be sent to the institution within 20 business days of receipt of the appeal. While an appeal is pending, the institution and the department are strongly encouraged to continue discussions and negotiations in an effort to resolve the matter by agreement and reestablish productive working relations. The institution may withdraw an appeal at any time before the secretary reaches a final decision.

[5.5.2.11 NMAC - N, 06/12/2018]

#### **5.5.2.12 APPROVAL BY THE NEW MEXICO STATE BOARD OF FINANCE:**

**A.** If the department cabinet secretary determines that the proposed graduate program shall be presented to the New Mexico state board of finance, the department shall notify the institution of the date when the New Mexico state board of finance has scheduled its consideration of the proposal.

**B.** The department will submit a summary of the proposed program along with the recommendation of the department cabinet secretary to the New Mexico state board of

finance by a deadline set by the New Mexico state board of finance. A representative of the applicant institution shall be present to answer questions, present information or provide justification of the proposal to the New Mexico state board of finance.

**C.** If the New Mexico state board of finance denies the request for a new program, the department will not reconsider the application. The institution must initiate a new application process addressing the concerns of the New Mexico state board of finance.

**D.** No new graduate program shall be effective unless approved by the New Mexico state board of finance.

**E.** New graduate programs shall not be included in institutional catalogs until the institution receives the approval of the New Mexico state board of finance.

[5.5.2.12 NMAC - N, 06/12/2018]

#### **5.5.2.13 FACTORS CONSIDERED IN APPLICATION REVIEW:**

The department and advisory committee will consider factors from both an institutional and statewide perspective when reviewing an application for a new graduate degree program. The department and advisory committee reserve the right to consider additional factors and to weigh factors differentially when reaching decisions that best meet the interests of the state of New Mexico. Factors that may be considered include, but are not limited to the following:

**A.** purpose that is consistent with the mission of the proposing institution;

**B.** curriculum;

**C.** state and regional needs met by the program;

**D.** duplication of existing programs and cooperative arrangements with other institutions;

**E.** enrollment and credit hour projections for the first five years;

**F.** the extent to which the institution is ready to initiate the program, citing the remaining needs and recognizing each of those needs in the cost analysis developed pursuant to Subsection H of 5.5.2.13 NMAC;

**G.** assessment for program effectiveness, including criteria and timeline; and

**H.** projected cost of the program and the sources of funding that will support it, completed in collaboration with the institution's financial office.

[5.5.2.13 NMAC - N, 06/12/2018]

**5.5.2.14 REQUESTING A CLASSIFICATION INSTRUCTIONAL PROGRAMS CODE:**

**A.** When a new graduate program is approved, the institution must submit a classification of instructional programs (CIP) code request form, provided by the department, and documentation of approval by the New Mexico state board of finance to the planning and research division of the department within 30 business days of New Mexico state board of finance approval.

**B.** The planning and research division of the department will assign and approve the use of a new CIP code.

[5.5.2.14 NMAC - N, 06/12/2018]

**5.5.2.15 REPORTING:**

**A.** Institutions shall report to the department within 30 days of implementation:

- (1) new graduate programs;
- (2) new post-baccalaureate certificate programs; and
- (3) discontinued graduate programs.

**B.** Any items reported to the department in Subsection A of 5.5.2.15 NMAC shall include CIP code, curriculum, campus location, and program requirements.

**C.** Institutions shall annually report dormant programs to the department on a date set by the department.

[5.5.2.15 NMAC - N, 06/12/2018]

**PART 3: PROGRAMS OF TECHNICAL EXCELLENCE AT TWO-YEAR INSTITUTIONS DESIGNATION OF**

**5.5.3.1 ISSUING AGENCY:**

State of New Mexico Commission on Higher Education, 1068 Cerrillos Road, Santa Fe, New Mexico 87501-4295, (505) 827-7383

[12/31/98; Recompiled 10/31/01]

**5.5.3.2 SCOPE:**

All public post-secondary educational institutions operating within and receiving financial support from the state of New Mexico.