

**TITLE 5 POST-SECONDARY EDUCATION**  
**CHAPTER 5 POST-SECONDARY EDUCATIONAL PROGRAMS**  
**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, XX/XX/XXXX]

**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, XX/XX/XXXX]

**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, XX/XX/XXXX]

**5.5.2.4 DURATION:** Permanent.  
[5.5.2.4 NMAC - Rp, 5.5.2.4 NMAC, XX/XX/XXXX]

**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, XX/XX/XXXX]

**5.5.2.6 OBJECTIVE:** To provide a process for objective review of proposed graduate programs. Any public higher education institution operating within and receiving financial support from the state of New Mexico shall follow the procedures set out by the department before making any substantial change or creating a new graduate degree program.  
[5.5.2.6 NMAC - Rp, 5.5.2.6 NMAC, XX/XX/XXXX]

**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 which leads to award of any degree 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. “New graduate program”** means one that differs from currently approved programs at the proposing institution, in terms of level of degree or area of study.
  - F. “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, XX/XX/XXXX]

**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 and list of degree requirements 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.

[5.5.2.8 NMAC - Rp, 5.5.2.8 NMAC, XX/XX/XXXX]

**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 area of study in which a master's degree is already awarded.
- C. Addition of a master's degree in an area of study 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 area of study.
- E. Any substantial change in an existing graduate degree program. A substantial change is a:
  - (1) change to more than one-third of the program's curriculum;
  - (2) change that adds a new area of study at the institution; or
  - (3) new level of degree in a previously created area of study.
- 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, XX/XX/XXXX]

**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 or a significant change to an existing 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 two times per year.

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

[5.5.2.10 NMAC - Rp, 5.5.2.10 NMAC, XX/XX/XXXX]

**5.5.2.11 APPROVAL BY THE DEPARTMENT:**

A. Advance notice of the intent to submit an application for a new graduate program shall be submitted to the department, on the form provided by the department, at least three months prior to submission of the application.

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

C. An institution must submit a completed application to the department, on a form provided by the department, at least nine months prior to the anticipated date of program implementation.

D. 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.

E. 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 initial review and determines that the application is correctly and fully completed.

F. 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.

**G.** 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.

**H.** 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.

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

**J.** After receiving a recommendation from the advisory committee, the department cabinet secretary shall make the final determination as to whether the new program or change shall be presented to the New Mexico state board of finance.

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

**L.** If the department cabinet secretary determines the application for a new graduate program or a change to an existing 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 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 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, XX/XX/XXXX]

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

**A.** If the department cabinet secretary determines the program or change 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 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 or a change to an existing 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 or change to an existing graduate program shall be effective unless approved by the New Mexico state board of finance.

**E.** New graduate programs or changes to existing 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, XX/XX/XXXX]

**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 or substantial change to an existing 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, XX/XX/XXXX]

**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 and documentation of approval by the New Mexico state board of finance to the planning and research division of the department.

**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, XX/XX/XXXX]

**5.5.2.15 REPORTING:**

**A.** Institutions shall report to the department the following at least 90 days prior to the implementation:

- (1) new graduate programs;
- (2) new post-baccalaureate certificate programs;
- (3) discontinued graduate programs; and
- (4) any change that does not reach the level of significant change.

**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, XX/XX/XXXX]

**HISTORY OF 5.5.2 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

BEF Rule 210, Graduate Programs - Approval of New, 2/26/1985.

CHE Rule 210, Graduate Programs - Approval of New, 5/4/1990.

**History of Repealed Material:**

5.5.2 NMAC - Approval of New Graduate Programs, filed 2/28/2007 was Repealed and Replaced by 5.5.2 NMAC - Approval of New Graduate Programs, effective XX/XX/XXXX.