

TITLE 5 POST-SECONDARY EDUCATION
CHAPTER 5 POST-SECONDARY EDUCATIONAL PROGRAMS
PART 6 APPROVAL OF NEW UNDERGRADUATE PROGRAMS

5.5.6.1 ISSUING AGENCY: New Mexico Higher Education Department, 2044 Galisteo Street, Suite 4, Santa Fe, New Mexico 87505, (505) 476-8400.
[5.5.6.1 NMAC - N, XX/XX/XXXX]

5.5.6.2 STATUTORY AUTHORITY: Section 9-25-8 NMSA 1978, Section 21-2-5 NMSA 1978, Section 21-13-12 NMSA 1978, and Section 21-1-26 NMSA 1978.
[5.5.6.2 NMAC - N, XX/XX/XXXX]

5.5.6.3 SCOPE: All undergraduate programs offered by any public higher education institution operating within and receiving financial support from the state of New Mexico.
[5.5.6.3 NMAC - N, XX/XX/XXXX]

5.5.6.4 DURATION: Permanent.
[5.5.6.4 NMAC - N, XX/XX/XXXX]

5.5.6.5 EFFECTIVE DATE: June 12, 2018, unless a later date is cited at the end of a section.
[5.5.6.5 NMAC - N, XX/XX/XXXX]

5.5.6.6 OBJECTIVE: To provide a process for objective review of proposed undergraduate 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 undergraduate program.
[5.5.6.6 NMAC - N, XX/XX/XXXX]

5.5.6.7 DEFINITIONS:

- A. "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.
 - B. "Department"** means the New Mexico higher education department.
 - C. "Dormant programs"** means programs that have not admitted new students for a period of three consecutive years
 - D. "Institution"** means a public higher education institution operating within and receiving financial support from the state of New Mexico.
 - E. "New undergraduate program"** means a sequence of courses, activities or experiences which leads to the award of an associate's or bachelor's degree in a new area of study or creates a new level of degree in a previously created area of study that differs from currently approved programs at the proposing institution.
 - F. "Undergraduate program" or "program"** means any sequence of courses, activities or experiences which leads to the award of an associate's or bachelor's degree.
- [5.5.6.7 NMAC - N, XX/XX/XXXX]

5.5.6.8 GENERAL REQUIREMENTS:

- A.** No undergraduate program established after the effective date of 5.5.6 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.
- B.** The department will maintain an inventory of undergraduate programs that are offered at each institution. The department's staff 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. 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 5.5.6 NMAC and the program becomes unrestricted.

5.5.6.9 SUBJECT TO APPROVAL: The following actions require the approval of the department cabinet secretary.

- A. Addition of a new undergraduate program.
- B. Addition of a bachelor's degree in an area of study in which an associate's degree is already awarded.
- C. Addition of an associate's degree in an area of study in which a bachelor's 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 undergraduate 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.

[5.5.6.9 NMAC - N, XX/XX/XXXX]

5.5.6.10 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 undergraduate program or a significant change to an existing undergraduate program. The advisory committee shall make a recommendation to the department cabinet secretary. The authority to determine whether a program is approved 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.

[5.5.6.10 NMAC - N, XX/XX/XXXX]

5.5.6.11 APPROVAL BY THE DEPARTMENT:

- A. Advance notice of the intent to submit an application for a new undergraduate 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 undergraduate program, an institution must have completed all internal reviews required by the institution, including approval of the governing board of the institution. It is the sole responsibility of the institution to comply with all requirements of the institution and seek approval within a timeframe that allows the institution to comply with all necessary deadlines set by the department.
- 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. The department shall conduct an initial review of a submitted 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.
- 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 committee, the department cabinet secretary shall make the final determination as to whether the new undergraduate program or change shall be approved.

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

K. If the department cabinet secretary denies the application for a new undergraduate program or a change to an existing undergraduate program the department shall issue a statement in writing to the institution detailing the reasons for denial. If the institution receives a denial, the institution may file an appeal to the department within 10 days of issuance by the department cabinet secretary. The appeal must contain the institution's arguments for reversal of the decision, clearly labeled. 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 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.

L. If the department cabinet secretary denies the request for a new program or a change to an existing program, the department will not reconsider the same application. The institution must initiate a new application process addressing the concerns of the advisory committee or department cabinet secretary.

M. No new undergraduate program or change to an existing undergraduate program shall be effective unless approved by the department cabinet secretary. If the department cabinet secretary does not approve a new program or change to existing program, the program and any student enrolled in that program, shall not be eligible for inclusion in any of the department's funding recommendations.

N. New undergraduate programs or changes to existing undergraduate programs shall not be included in institutional catalogs until the institution receives the approval of the department cabinet secretary.
[5.5.6.11 NMAC - N, XX/XX/XXXX]

5.5.6.12 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 undergraduate program or substantial change to an existing undergraduate 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 5.5.6.12 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.

[5.5.6.12 NMAC - N, XX/XX/XXXX]

5.5.6.13 REQUESTING A CLASSIFICATION OF INSTRUCTIONAL PROGRAMS CODE:

A. When a new undergraduate program is approved, the institution must submit a classification of instructional programs (CIP) code request form and documentation of approval by the department cabinet secretary 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.

[5.5.6.13 NMAC - N, XX/XX/XXXX]

5.5.6.14 REPORTING:

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

- (1) new undergraduate programs;
- (2) new sub-baccalaureate certificate programs;
- (3) discontinued undergraduate 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 5.5.6.14 NMAC shall include CIP code, curriculum, location, and program requirements.

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

[5.5.6.14 NMAC - N, XX/XX/XXXX]

HISTORY OF 5.5.6 NMAC: [RESERVED]