

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 (NMHED).
[3/16/51, 7/1/94; 5.5.2.1 NMAC - Rn & A, 5 NMAC 5.2.1, 02/28/07]

5.5.2.2 STATUTORY AUTHORITY: The NMHED has statutory responsibility to review new graduate programs proposed by state universities as part of its authority for statewide planning and oversight of post-secondary education. The Post-Secondary Educational Planning Act, specifically Section 21-2-5 NMSA 1978, authorizes the NMHED to conduct statewide planning, including analyses of state needs for post-secondary educational programs. Section 21-1-24 NMSA 1978 requires that any graduate program that is to benefit from state funding must first be approved by the NMHED and by the New Mexico state board of finance.
[4/5/71, 3/29/73; 5.5.2.2 NMAC - Rn & A, 5 NMAC 5.2.2, 02/28/07]

5.5.2.3 SCOPE: The provisions of 5.5.2 NMAC apply to any new graduate program proposed for implementation by any constitutional institution of higher education in New Mexico.
[2/26/85, 5/4/90, 9/30/97; 5.5.2.3 NMAC - Rn, 5 NMAC 5.2.3, 02/28/07]

5.5.2.4 DURATION: Permanent.
[9/30/97; 5.5.2.4 NMAC - Rn, 5 NMAC 5.2.4, 02/28/07]

5.5.2.5 EFFECTIVE DATE: September 30, 1997, unless a later date is cited at the end of a section.
[9/30/97; 5.5.2.5 NMAC - Rn & A, 5 NMAC 5.2.5, 02/28/07]

5.5.2.6 OBJECTIVE: The objective of 5.5.2 NMAC is to provide an orderly, objective basis for review and approval or disapproval of each new graduate program proposed for implementation. Although this regulation is intended primarily to guide decisions by the NMHED and its staff, it may also be used to guide review by the institutions and by statewide councils of graduate deans and chief academic officers. Decisions about new graduate program proposals shall be exercised so as to:

- A. fulfill societal requirements, employer needs and student demand;
- B. support high standards of academic quality;
- C. encourage cooperation among institutions, public and private;
- D. avoid unnecessary or inappropriate duplication; and
- E. maximize cost effectiveness for the state.

[2/26/85, 5/4/90, 9/30/97; 5.5.2.6 NMAC - Rn & A, 5 NMAC 5.2.6, 02/28/07]

5.5.2.7 DEFINITIONS:

A. "Graduate program" is defined as any sequence of courses, activities or experiences which leads to award of any degree beyond the baccalaureate degree. Graduate programs subject to 5.5.2 NMAC include those leading to a master's degree, a doctoral degree, or a professional degree in fields such as law, medicine or other professions.

B. "New" graduate program is defined as one that differs from currently approved programs at the proposing institution, in terms of level of degree or area of study.

[2/26/85, 5/4/90, 9/30/97; 5.5.2.7 NMAC - Rn & A, 5 NMAC 5.2.7, 02/28/07]

5.5.2.8 GENERAL REQUIREMENT OF NMHED APPROVAL:

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

B. In the case of a question of applicability of 5.5.2 NMAC to a particular change in graduate programming, the NMHED staff will consult with the NMHED review board, council of graduate deans, and the New Mexico academic council and will consider the advice of all groups in rendering a decision about applicability. Staff decisions may be appealed to the NMHED's cabinet secretary whose decision will be final.

C. Changes that require approval by the NMHED.

(1) Addition of a doctoral degree in an area in which a master's degree is already awarded, or the converse, is subject to the provisions of 5.5.2 NMAC.

(2) Any substantial change in an existing graduate degree program, which may or may not be reflected as a change in the title of the degree awarded, will be submitted to the NMHED for review and may be required to undergo the process for approval of new graduate programs (5.5.2.10). Among the tests of substantial change will be (i) change in a curriculum impacting at least one-third of the courses, (ii) change reflecting a new program title in the institution's catalog, (iii) change which adds a distinct and separate course of study at the institution and/or (iv) change that may later change the classification of the program in the institution's inventory of instructional programs.

(a) Addition of a program option, concentration or specialization that will result in a new degree title being awarded will be submitted to the NMHED for review and may be subject to the provisions of 5.5.2 NMAC, but addition of another option, concentration or specialization to an existing approved program that would not change the title of the degree awarded does not require approval of the NMHED.

(b) Proposed changes in the name of an existing program, option, concentration, emphasis, specialization, or number of credit hours, without other substantive change or questions of applicability of 5.5.2 NMAC should be referred to the NMHED for a staff determination of applicability and to assure that the NMHED's data base remains accurate.

D. Changes that do not require approval by the NMHED.

(1) Revisions of the curriculum of a program, option, concentration or specialization that do not alter how the program, enrollments and degrees awarded are reported to the NMHED are not subject to the provisions of 5.5.2 NMAC.

(2) Deletion of a program option, concentration or specialization within an existing graduate program is not subject to the provisions of 5.5.2 NMAC.

(3) Reconfiguration of an existing program in a manner that will retain the title of an existing program and that will not result in a net gain in the number of programs offered by an institution, such as consolidation of two or more programs into a single program, is not subject to the provisions of 5.5.2 NMAC.

(4) Change in the department responsible for a graduate program, without a substantial change in the curriculum of the program and without a corresponding change in the title of the degree awarded, is not subject to the provisions of 5.5.2 NMAC.

(5) 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 the provisions of 5.5.2 NMAC. 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.

(6) Dormant programs. Dormant programs are graduate degree programs that have not admitted new graduate students for a period of three consecutive years. The institution of higher education must inform the NMHED about dormant programs each year and indicate whether or not the program of study will be deleted by the institution or revised to attract new graduate students. Programs can be dormant for a period of six years. Plans to revise degree programs that require changes in the type of degree awarded require approval by the NMHED.

(7) Post-baccalaureate certificate of specialization.

E. Post-baccalaureate certificate programs do not require the same level of review and approval as post-baccalaureate degree programs. The NMHED will need to approve programs that demonstrate financial need and require additional resources in the form of new funding, additional faculty or additional facilities. Certificate programs that do not require new resources and can be implemented with existing faculty, existing courses, and existing facilities can be approved internally as indicated below. A certificate of specialization is a program of study that is designed to develop or enhance a focused area of expertise. The primary purpose of certificate programs is to provide specific skill training and to enhance employability and quickly meet manpower needs within the state of New Mexico. Certificate programs can be offered to currently enrolled degree seeking students and students that meet the admissions criteria but that enroll solely to obtain a certificate in a given area of expertise.

F. Concentrations or specializations differ from certificate programs in that they are designed to meet the needs of enrolled degree seeking students within the given institution of higher education.

G. Certificate programs offered by institutions of higher education within the state of New Mexico must include at least 12 credit hours of course work that is interrelated and designed to develop a focused skill or area of expertise. Certificate programs cannot exceed 18 credit hours. Courses that comprise the certificate must be regular approved courses that are already offered by the institution.

H. Certificate programs that do not require new resources and can be implemented with existing faculty, existing courses, and existing facilities can be approved internally by the appropriate mechanisms within the institution of higher education and the chief academic officer of that institution. Approved certificate programs must be registered with the NMHED within three months of approval. The registration process includes submitting a copy of the proposal, a CIP code request, and a copy of the signature sheet documenting the approval process for the new certificate program.

I. The NMHED will serve as a clearinghouse for information regarding degree and certificate programs offered in the state of New Mexico. A web-based listing of certificate programs posted on the NMHED website will allow potential students to obtain a comprehensive picture of educational opportunities within New Mexico.

J. Internal proposals for new certificate programs should include information on the rationale for the certificate, evidence of need, statements on the ability to meet manpower needs within the state, enrollment projections, and an evaluation plan that indicates whether or not the needs of the state are being met.

K. Certificate proposals that require new resources must develop a proposal for external approval by the New Mexico council of graduate deans, the academic council, the NMHED, and the New Mexico state board of finance, following the process for new degree proposals.

L. Students enrolled in post-baccalaureate certificate programs must meet the same minimum admissions criteria as students admitted into graduate degree programs at the institution of higher education.

M. Institutions of higher education must notify the NMHED immediately if a certificate program is discontinued.

[2/26/85, 5/4/90, 9/30/97; 5.5.2.8 NMAC - Rn & A, 5 NMAC 5.2.7 & 8, 02/28/07]

5.5.2.9 REQUIREMENTS FOR APPROVED GRADUATE PROGRAMS: The requirements and questions listed below will be used in reviewing proposals to establish new graduate programs. The NMHED reserves the right to weigh these factors differentially and to consider additional factors in reaching decisions that best meet the interests of the state of New Mexico. These requirements are constructed to reflect state-level interests in post-secondary education; reviews of new graduate programs within the proposing institution are expected to reflect a somewhat different balance of concerns, for example, devoting greater consideration to details of program quality.

A. Purpose of the program and mission of the proposing institution. The proposed program must have a clear purpose that is consistent with the mission of the proposing institution.

(1) What is the primary purpose of the proposed program? What are its secondary purposes, if any?

(2) Is the proposed program consistent with the role and scope of the institution as set forth in its mission statement and interpreted by its governing board?

(3) What is the institution's priority for the proposed program, as indicated in its most recent plans, funding requests or other institutional documents?

(4) What is the curriculum for the proposed program? What types of courses and other degree requirements are needed for degree completion? What types of skills or competencies will students develop as a result of completing the degree program?

B. Justification for the program. The proposed program must meet one or more specified needs within the state or region; must not duplicate existing programs unnecessarily or inappropriately; and, to the extent feasible and appropriate, should benefit from cooperative arrangements with other institutions.

(1) Need. The proposed program must meet one or more specified needs within the state or region. Clear and convincing evidence must be provided of the reality and extent of such need.

(a) Why is the program needed? Will graduates of the program help meet some specified state or regional workforce need? Have specific potential employers requested or expressed interest in, the program? What, if any, internal institutional needs will also be met by the program?

(b) Evidence of need might include results of employer surveys, current labor market analyses and projections, or long-term need projections prepared by a relevant professional organization. Summaries of student interest also are appropriate but will not by themselves be considered sufficient evidence of need.

(c) Although academic and research interests of institutional faculty may be met through implementation of the proposed program, such interests by themselves are unlikely to persuade the NMHED of need for the program. However, institutions of higher education may build programs around their areas of excellence. A clear demonstration of such excellence is expected in the proposal.

(2) Duplication. The proposed program must not duplicate existing programs unnecessarily or inappropriately. A proposal for a program similar to one (or more) that already exists within the state must present clear and convincing evidence that need for the program cannot be met by the existing program(s).

(a) Is this program, or are similar programs, offered at any other public or private institutions within New Mexico?

(b) If so, what is the remaining capacity of the program(s)? How many students could the existing program(s) accommodate without additional resources for faculty, equipment, facilities and other needs?

(c) In light of the above information, why should the proposed program also be approved? What programmatic, geographic or other factors warrant approval of the program as an addition to the existing educational resources in the state?

(d) Do New Mexico students have access to a comparable program in another state through either the WICHE professional student exchange or the WICHE regional graduate program?

(e) As evidence, the proposing institution must assemble and display data listing each similar program offered by regionally accredited public and private universities in New Mexico; the numbers of students admitted to each of those programs during each of three recent, consecutive years; the numbers of degrees/certificates awarded during each of those years; and each university's estimated remaining capacity of its program(s).

(f) To the extent feasible and appropriate, statements from representatives of the existing programs should be attached to the proposal, articulating their positions with regard to the proposed program.

(g) The purpose of this requirement is twofold: (i) to assure that communication has taken place with existing programs, as an element in planning the proposed program, and (ii) to aid reviewers in assuring that there is need for the program that cannot be met through existing programs.

(3) Inter-institutional collaboration and cooperation. The NMHED strongly encourages collaborative relationships with other programs within New Mexico, so that state investments can be shared and students can benefit from expanded opportunities across institutional boundaries.

(a) Are there programs at other institutions, and particularly programs already supported by the state, through which shared instruction, collaboration with faculty or other means of broadening student options and experiences can be arranged as part of the proposed program?

(b) If the proposed program is related to other programs operating at public institutions in the state, the proposal should document how collaboration will be achieved with those programs. For example, if it is feasible and productive to share faculty, instruction or other assets with an existing program at another institution, the proposal should outline how that collaboration will take place. If other arrangements for expanding students' experiences can be made with other institutions, those arrangements should be summarized.

C. Clientele and projected enrollment. The proposal must clearly describe the population of students who will be recruited for the proposed program and must include a detailed projection of enrollment and credit hours anticipated during the first five years.

(1) Clientele.

(a) Who are the students to be served by the proposed program? Will the program concentrate its recruitment upon students representing some particular geographic area, students from some special employment sector or some other identified group?

(b) What academic or experiential qualifications will be set for admission?

(c) Will the proposed program be consistent with state goals for equitable representation of all students? How will the program assure equal access and success of students from groups historically underrepresented in graduate education or in the fields of employment for which the program is intended to prepare its graduates?

(i) At a minimum, the proposal should include data illustrating the representation of diversity in ethnic and sex/gender groups of (a) undergraduate students and (b) graduate students at the proposing institution and should articulate the methods that will be used to assure equity in access and success in the proposed program.

(ii) To the extent possible, the proposal also should include information about representation in the fields of employment for which the program is intended to prepare students and other information relevant to assessing the capacity of the program to help redress underrepresentation.

(2) Projected enrollment.

(a) The proposal must display, in clear tabular form, the projected enrollment in the proposed program during its first five years. This presentation must distinguish the number of new students (headcount)

expected to enroll each year, the number of returning students expected to re-enroll in each year, and the methodology used to arrive at those projects.

(b) The proposal should indicate the number of students expected to enroll full-time and the number expected to enroll on a part-time basis and must display the total number of student credit hours expected to be generated in each of the first five years.

D. Institutional readiness for the program. The institution should have nearly all of the resources needed to initiate the program. The proposal should include a clear statement of 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 E of 5.5.2.9 NMAC.

(1) Is the teaching faculty adequate in number and qualifications to initiate the program? If not, what additional faculty are needed? To what extent will the program rely upon graduate assistants to free faculty time for graduate instruction in the proposed program?

(2) Are the library and other academic support resources sufficient to initiate the program? If not, what additional resources are needed?

(3) Are the physical facilities of the institution adequate for the first five years of the program? Will additional space or modifications of existing space be required within the first five years of program operation?

(4) Are the institution's equipment and technological resources adequate for the first five years of the program? What, if any, additional equipment will be needed?

(5) Are other operating resources adequate to initiate the program? For example, will additional clerical or specialized personnel be needed?

(6) Are there existing external facilities that will be used? Have agreements been established to ensure use of those facilities? For example, if you are offering a nursing or allied health program have you established a partnership with local hospital(s) and other clinical settings?

E. Projected cost of the program. The proposal must include a clear analysis of the projected cost of the proposed program and the sources of funding that will support it.

(1) New costs for program start-up. The proposal should provide a clear indication of new costs that must be met in order to begin the program and to sustain it during its first five years. The analysis must address at least the following cost categories:

(a) Additional faculty needed for the program, full-time and part-time.

(b) Additional library resources needed for the program. The proposal should include a statement from the university librarian, indicating the cost of these new resources and the schedule on which the resources will be provided.

(c) Additional facilities, equipment and technological resources needed for the program.

(d) New graduate assistantships needed to support the program, including the dollar value of the assistantships during each of the first five years of the program.

(2) State support. An analysis must be presented showing the approximate amount of state operational formula funding that will flow to the program for each of the first five years, based upon the projected student credit hours and current formula funding factors, and recognizing the delay and averaging characteristic of the formula.

(3) Other support. If the proposed program will benefit from other sources of operational support, the proposal should describe those. For example, if particular cost categories such as new equipment or additional graduate assistantships are expected to be supported by research grants, contracts or other sources, the proposal should clearly describe those sources and levels of support and should indicate the advantage to the state of receiving such support.

F. Quality of the program. The proposed program must be designed to meet high standards of academic quality, considering its instructional curriculum, faculty, student admission standards, opportunities for experiential learning and academic support, and provisions for continual review and improvement of the program.

(1) All programs supported by state funds are expected to comply with principles of academic quality delineated as part of the NMHED's regulation on instructional funding: 5.3.12 NMAC.

(2) Among the questions that will be considered in evaluating proposals for new graduate programs are the following:

(a) Is the curriculum adequately structured to meet the stated purposes of the program?

(b) Is the faculty adequate in number, experience and availability to offer a high quality program?

- (c) How do the proposed academic admission standards for students entering the program compare with standards for other programs at the institution and with admission standards for comparable programs at other institutions in New Mexico or other states?
- (d) How will the proposed program utilize current technologies to support program quality and delivery?
- (e) What opportunities will be available for assisting students to gain experiences relevant to work settings for which the program will prepare them?
- (f) What academic support services are available to students, to assist them in succeeding in the program?
- (g) What final integrating experiences or other features will be used to assure that graduates have acquired the knowledge and skills expected for the degree or certificate awarded?
- (h) Has the proposed program been evaluated by any external reviewers or is there other external evidence or opinion regarding the quality of the program?
- (i) When will the new program be proposed for accreditation by the higher learning commission of the north central association?
- (j) Will specialized accreditation be sought for the program? If so, when?

G. Assessment of operations and impact. The proposal must include a plan by which the proposed program will be assessed for its operation and impact over at least a five-year period.

(1) At a minimum, the plan must indicate methods that will be used to monitor program operations, progress of students and program completion rates.

(2) The plan also must include methods for obtaining evaluations from students, graduates or other appropriate sources and feeding that information into future operation of the program.

H. Administrative responsibility for the program and institutional commitment. There must be clear indication in the proposal that the institution is committed to the success of the proposed program.

(1) The proposal should indicate where in the structure of the institution the program will be administered. For example, which department will have primary responsibility and which additional departments, if any, will contribute to operation of the program?

(2) The proposal should include a clear statement of administrative support for the program, sufficient to assure that resources will be provided during the first five years of the program. The proposal should also verify that all within-institution approvals needed for the program have been granted, including approval by the institution's governing board.

[2/26/85, 5/4/90, 9/30/97; 5.5.2.9 NMAC - Rn & A, 5 NMAC 5.2.9, 02/28/07]

5.5.2.10 PROCESS FOR APPROVAL OF NEW GRADUATE PROGRAMS:

A. Before submitting a proposal for review by the NMHED, an institution must have completed all internal institutional reviews required for new graduate programs. The proposal must be in a form that is fully supported by the institution.

B. Advance notice to the NMHED staff of the intent to submit a proposal for a new graduate program is required, as it will assist in planning and will create a more efficient review process. A proposal should be submitted to the NMHED and the council of graduate deans at least nine months prior to the anticipated date of implementation of the program, in order to allow sufficient time for review by the council of graduate deans, the academic council, the NMHED review board and the New Mexico state board of finance prior to implementation. Programs cannot be included in institutional catalogs until they have been approved.

C. The proposal may be submitted simultaneously to the NMHED and to the council of graduate deans. The NMHED staff will begin an independent review of the proposal and will follow the proposal through the review process with the council of graduate deans and the academic council. Members of the council may solicit input on the proposal from cognizant members of their faculty, for inclusion in the council's consideration. As it deems appropriate, the council may suggest modifications of the proposal or the proposed program.

D. If the council of graduate deans finds that the proposed program warrants further consideration, it will forward its written recommendation and comments to the academic council on higher education (the chief academic officers of the state universities) and to the NMHED. A proposal considered but not recommended by the council of graduate deans may be forwarded by the sponsoring institution directly to the academic council.

E. The academic council will conduct its review of the proposal and may suggest modifications of the proposal or the proposed program. The NMHED staff will participate in the review by the academic council.

F. When the academic council has completed its review of the proposed program, it will notify the NMHED that the proposal is ready for consideration by the NMHED. The council will forward to the NMHED its written comments regarding the proposed program.

G. Following notification by the academic council, the proposal will be subjected to independent review by the NMHED staff. The NMHED staff may request additional information from the institution for use in its review. Based upon the outcome of its review, staff will submit a written recommendation to the NMHED review board indicating either (1) that the proposal satisfies the requirements set forth in this regulation and that the NMHED recommends approval of the program; or (2) that staff recommend denial of the proposal. Information supporting the decision to deny the proposal will be included.

H. Following completion of the staff review, the proposal and staff recommendation will be considered by the NMHED review board. The proposal and staff recommendation will be presented as an approval item at the next NMHED review board meeting. The NMHED may elect to return a proposal to the sponsoring institution, for modification, or to the council of graduate deans, the academic council, or both, for reconsideration. At any point during the review process, the sponsoring institution may withdraw its proposal.

I. If the NMHED review board approves the proposed program, the NMHED staff will submit the proposal or an appropriate summary of the proposal, along with the council of graduate deans, the academic council's, the NMHED review board's, and the NMHED's recommendations, to the New Mexico state board of finance. The NMHED staff will notify the institution of the date when the New Mexico state board of finance has scheduled its consideration of the proposal.

J. The NMHED staff will present a summary of the proposed program along with the recommendation of the NMHED to the New Mexico state board of finance. Institution personnel will be expected to be present to answer questions, present additional information or provide justification of the proposal to the New Mexico state board of finance. The role of the NMHED staff will be to present the recommendation of the NMHED to the board.

[9/30/97; 5.5.2.10 NMAC - Rn & A, 5 NMAC 5.2.10, 02/28/07]

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, 2/26/85.

CHE Rule 210, Graduate Programs - Approval of New, 5/4/90.

History of Repealed Material: [RESERVED]