

TITLE 5 POST-SECONDARY EDUCATION
CHAPTER 2 ESTABLISHMENT OF POST-SECONDARY EDUCATIONAL INSTITUTIONS
PART 3 ESTABLISHMENT OF NEW PROGRAMS AND SERVICE AREAS FOR FOUR-YEAR PUBLIC POST-SECONDARY INSTITUTIONS

5.2.3.1 ISSUING AGENCY: State of New Mexico Higher Education Department
[5.2.3.1 NMAC - N, 05/15/07]

5.2.3.2 SCOPE: All public four-year post-secondary institutions operating within and receiving financial support from the state of New Mexico.
[5.2.3.2 NMAC - N, 05/15/07]

5.2.3.3 STATUTORY AUTHORITY: Authority for 5.2.3 NMAC is found in NMSA 1978 Sections 21-1-26, 21-1-26.3, 21-2-5, and 21-2A-11 (1996 Repl. Pamph.).
[5.2.3.3 NMAC - N, 05/15/07]

5.2.3.4 DURATION: Permanent.
[5.2.3.4 NMAC - N, 05/15/07]

5.2.3.5 EFFECTIVE DATE: May 15, 2007, unless a later date is cited at the end of a section.
[5.2.3.5 NMAC - N, 05/15/07]

5.2.3.6 OBJECTIVE:

A. The objective of 5.2.3 NMAC is to establish the effective planning and delivery of four-year public post-secondary educational programs and services throughout New Mexico, with due regard for economy and efficiency of delivery and the avoidance of unnecessary program duplication.

B. This policy recommendation acknowledges that New Mexico is a diverse state and flexibility in serving different regions must be embedded and honored in the implementation of this policy. Since state resources are limited, the purpose of 5.2.3 NMAC is to create a more efficient structure for the delivery of programs and services, without limiting local community options for services to be provided by preferred educational providers.
[5.2.3.6 NMAC - N, 05/15/07]

5.2.3.7 DEFINITIONS:

A. **“Department”** means the New Mexico higher education department.
B. **“DFA”** means the state of New Mexico division of finance and administration.
C. **“LC”** means the state of New Mexico legislative council.
D. **“LESC”** means the state of New Mexico legislative education study committee.
E. **“LFC”** means the state of New Mexico legislative finance committee.
F. **“Advisory board”** means the New Mexico higher education advisory board.
[5.2.3.7 NMAC - N, 05/15/07]

5.2.3.8 ESTABLISHMENT OF NEW PROGRAMS AND SERVICES:

A. As four-year institution begins preparation, or wishes to expand, to offer instructional programs in a community wherein it has not previously offered programs or if it wishes to expand current offerings in a community other than the one in which the institution is located, it must notify the department. The department then notifies all public institutions, DFA, LFC, and the state board of finance. Objections must be filed with the department within thirty (30) days. Objections may be filed by any notified entity.

B. Following notification of an objection, the presidents and the chairs of the governing boards of the involved institutions are required to meet with the secretary of higher education to discuss the problem and develop a resolution. If the department is the objector, a representative of the DFA or state board of finance will preside over the meeting.

C. If a resolution cannot be developed, the secretary of higher education will convene a third party to review the context and details of the objection. The third party review will occur within sixty (60) days. The third party will be a nine (9) member committee authorized to make a final recommendation. The makeup of the committee as determined by the secretary and confirmed with the governor’s chief of staff will be the following:

(1) three (3) executive members (DFA, governor’s office, NMHED);

(2) three (3) legislative members (LC, LESC, LFC);

(3) three (3) higher education members (community college, regional university, research university);
these individuals are selected by the higher education advisory board.

D. Every effort must be made to partner for the delivery of new programs and the opportunity for partnerships will be part of the review process.

E. Committee determinations are final and apply for a set period of time up to five (5) years after the decision of the committee. The decision will be filed with the department as a matter of public record.

[5.2.3.8 NMAC - N, 05/15/07]

HISTORY OF 5.2.3 NMAC: [RESERVED]