

**TITLE 5 POST-SECONDARY EDUCATION**  
**CHAPTER 7 TUITION AND FINANCIAL AID**  
**PART 12 MINORITY DOCTORAL LOAN REPAYMENT ASSISTANCE**

**5.7.12.1 ISSUING AGENCY:** State of New Mexico higher education department  
[5.7.12.1 NMAC – Rp, 5.7.12.1 NMAC, 10/31/2017]

**5.7.12.2 SCOPE:** Provisions of 5.7.12 NMAC apply to higher education department and four-year public post-secondary institutions in New Mexico.  
[5.7.12.2 NMAC – Rp, 5.7.12.2 NMAC, 10/31/2017]

**5.7.12.3 STATUTORY AUTHORITY:** Sections 21-21I-1 through 21-21I-8, NMSA 1978.  
[5.7.12.3 NMAC – Rp, 5.7.12.3 NMAC, 10/31/2017]

**5.7.12.4 DURATION:** Permanent.  
[5.7.12.4 NMAC – Rp, 5.7.12.4 NMAC, 10/31/2017]

**5.7.12.5 EFFECTIVE DATE:** October 31, 2017 [unless a later date is cited at the end of a section].  
[5.7.12.5 NMAC – Rp, 5.7.12.5 NMAC, 10/31/2017]

**5.7.12.6 OBJECTIVE:** The objective and purpose of 5.7.12 NMAC is to increase the number of ethnic minorities and women available to teach engineering, physical or life sciences, mathematics and other academic disciplines in which ethnic minorities and women are demonstrably underrepresented in New Mexico colleges and universities.  
[5.7.12.6 NMAC – Rp, 5.7.12.6 NMAC, 10/31/2017]

**5.7.12.7 DEFINITIONS:**

**A. “Award”** is a payment of funds on behalf of the recipient to defray the cost of educational loans accumulated in the course of study. The total amount of the award shall be an amount up to a maximum of twenty-five thousand dollars (\$25,000) for the first year of doctoral study and renewed annually for up to four years;

**B. “Department”** means the New Mexico higher education department;

**C. “Eligible doctoral field of study”** means the fields of engineering, physical or life sciences, mathematics and other academic disciplines in which certain ethnic or gender groups are demonstrably underrepresented in the teaching faculty at the sponsoring institution;

**D. “Eligible institution”** means an accredited institution of higher education that offers a doctoral degree-granting program in the fields of engineering, physical or life sciences, mathematics or other academic disciplines in which ethnic minorities or women are demonstrably underrepresented;

**E. “Loan”** means a grant of funds pursuant to a contract between a recipient and a lender requiring repayment of principal with interest. A lender may include the federal government, a bank or the state;

**F. “Public postsecondary educational institution”** means a research or comprehensive institution, as defined in Article 12, Section 11 of the Constitution of New Mexico, and branch community colleges or community college or technical and vocational institute as defined by Section 21-13, 14 and 16 NMSA 1978.

**F. “Recipient”** means an individual who is a member of an ethnic minority or is a woman and who has successfully completed a doctoral degree-granting program at an eligible institution in the field of engineering, physical or life sciences or mathematics or another academic discipline in which ethnic minorities or women are underrepresented; and

**G. “Tenure track faculty position”** means a full-time faculty appointment at a public postsecondary educational institution that has passed any probationary period and can be terminated only for cause or under extraordinary circumstances, as determined by the institution.

[5.7.12.7 NMAC – Rp, 5.7.12.7 NMAC, 10/31/2017]

**5.7.12.8 CONDITIONS FOR ELIGIBILITY:**

**A.** The department may award a minority doctoral loan repayment assistance grant to a recipient who:  
(1) has completed a doctoral degree in an eligible doctoral field of study;  
(2) has been hired by a public post-secondary educational institution in New Mexico for a full time, tenure-track faculty position;

(3) has complied with all of the rules adopted by the department pursuant to the Minority Doctoral Loan Repayment Assistance Act; and

(4) is a citizen of the United States

**B.** The department shall give preference to a recipient who has completed a post-secondary degree at an institution designated in Article 12, Section 11 of the constitution of New Mexico.

[5.7.12.8 NMAC – N, 10/31/2017]

**5.7.12.9 LOAN REPAYMENT AWARD CRITERIA; CONTRACT TERMS; PAYMENT:**

**A.** Loan repayment award criteria shall provide that:

(1) award amounts shall be dependent upon a specific need for the recipient as determined by the department, the recipient's total education indebtedness, and available balances in the minority doctoral loan repayment fund;

(2) awards shall be made to eligible tenure track faculty teaching in the fields of engineering, physical or life sciences, mathematics or other academic disciplines in which ethnic minorities or women are demonstrably underrepresented;

(3) award amounts may be modified based upon funding availability or other special circumstances;

(4) awards may be distributed on a pro-rata basis for each year of service completed; and

(5) the recipient shall teach in a full-time faculty position at a public post-secondary educational institution in New Mexico for a minimum of one year for each year a minority doctoral loan repayment assistance grant is awarded.

**B.** The following education debts are not eligible for repayment pursuant to the Minority Doctoral Loan Repayment Assistance Act:

(1) amounts incurred as a result of participation in state loan-for-service programs or other state programs whose purpose states that service be provided in exchange for financial assistance;

(2) scholarships that have a service component or obligation;

(3) personal loans from friends or relatives;

(4) loans that exceed individual standard school expense levels; and

(5) loans that are eligible for another federal or state loan repayment program.

**C.** Every loan repayment award shall be evidenced by a contract between the recipient and the department acting on behalf of the state. The contract shall provide for the payment by the state of a stated sum to the recipient's approved lender and shall state the obligations of the recipient under the program, including a minimum period of service in a designated critical need recipient position, quarterly reporting requirements, and other obligations established by the department.

**D.** Recipients who have completed their probationary period and serve an additional year in a tenure track faculty position shall receive credit for one year for the purpose of calculating any loan repayment award amounts.

**E.** The contract between a recipient and the department shall provide that, if the recipient does not comply with the terms of the contract, the recipient shall reimburse the department for all loan payments made on the recipient's behalf, plus reasonable interest at a rate to be determined by the department, unless the department finds acceptable extenuating circumstances for why the recipient cannot comply with the terms of the contract.

**F.** Loan repayment awards shall be in the form of payments from the minority doctoral loan repayment fund directly to the federal government or commercial lender of a recipient who has received the award and shall be considered a payment on behalf of the recipient pursuant to the contract between the department and the recipient. A loan repayment award shall not obligate the state or the department to the recipient's federal government lender for any other payment and shall not be considered to create any contract between the state or the department and the lender.

**G.** The department shall develop policies and procedures to implement the Minority Doctoral Loan Repayment Assistance Act. The policies and procedures:

(1) shall provide a procedure for determining the amount of a loan that will be repaid for each year of service in a designated recipient position; the maximum annual award amount shall be based on program demand and available appropriations;

(2) shall incorporate scoring criteria including but not limited to public postsecondary institution served, eligible doctoral field of study, total loan indebtedness of the worker, years of service in a tenure track faculty position, and prior loan repayment or other financial support provided to the worker; and

(3) may provide for the disbursement of loan repayment awards to lender on behalf of the recipient in annual or other periodic installments.  
[5.7.12.9 NMAC – N, 10/31/2017]

**5.7.12.10 REPORTS:** The higher education department shall submit a report to the governor and the legislature prior to each regular legislative session.  
[5.7.12.10 NMAC – Rp, 5.7.12.12 NMAC, 10/31/2017]

**5.7.12.11 [RESERVED]**  
[5.7.12.11 NMAC - Repealed, 10/31/2017]

**5.7.12.12 [RESERVED]**  
[5.7.12.12 NMAC - Repealed, 10/31/2017]

**HISTORY OF 5.7.12 NMAC:**

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

CHE Rule 865, Minority Doctoral Assistance Loan for Service Program - Administrative Regulations, 8/15/1991.

CHE Rule 865, Minority Doctoral Assistance Loan for Service Program - Administrative Regulations, 6/6/1994.

**History of Repealed Material:** 5.3.12 NMAC, Minority Doctoral Assistance, filed 10/31/2001 - Repealed, effective 10/31/2017.

**Other History:** 5.3.12 NMAC, “Minority Doctoral Assistance”, filed 10/31/2001 was replaced by 5.3.12 NMAC, “Minority Doctoral Loan Repayment Assistance”, effective 10/31/2017.