

## Comments on 5.5.6

### Comment 1

I would like to express my highest level of concern about section 5.5.6. From my understanding, the changes would move from regionals having control over their own UG programs to having the approval authority concentrated in a single person –the state cabinet secretary. I have two major concerns. First, I do not think any important decision should be based on one person’s approval or disapproval; this goes against the very nature of democracy. Second, I think it is critical that any decision about curriculum and programs of higher education significantly involve stakeholders in that decision. Each region and each school has unique demands and challenges that legislators in Santa Fe may or may not understand.

Dr. Carol Erwin  
Chair of Languages & Literature  
Associate Professor of English

### Comment 2

To Whom It May Concern,

I strongly disagree with the proposed RULEMAKING TO REPEAL AND REPLACE 5.5.2 NMAC, 5.5.6 NMAC, 5.55.6 NMAC, GENERAL EDUCATION CURRICULUM, rule 5.5.6 NMAC APPROVAL OF NEW UNDERGRADUATE PROGRAMS AND 5.55.7 NMAC, META-MAJORS AND TRANSFER MODULES.

These changes take major decision making authority out of the hands of regional Board of Regents and puts the power into the hands of a political appointee, the Cabinet Secretary. This seems like a power grab to me. Our state constitution provides for a University Board of Regents system. The transfer of power to a political appointee is totally unacceptable. The region should be allowed to decide what educational programs they want at their regional universities. We send money to the state. The state is dependent on us. We should have a say in how our funds are spent. We do not want to have a cabinet secretary who has never lived in this region and has no ties to the University making decisions for us on what programs we can and cannot offer. We have a long history of fiscal responsibility. If some Universities do not, then they should suffer the consequences. Punishing all is an authoritarian strategy with historically poor results. I urge you to reconsider the path these changes take the state along before we all have to pay for the mistakes made by some. The results are never what you expect and the unintended consequences will not be to anyone’s benefit, except the few how hold state power.

Lynnette Roller

**Comment 3**

To whom it may concern,

I am opposed to the idea of giving the final say to a politically appointed cabinet member on changes to a university's education curriculum.

Yours truly,

Dr. Donald C. Elder III  
Professor of History  
Eastern New Mexico University

**Comment 4**

Good afternoon.

To the extent possible, I believe that educational decisions should be made at the local level.

Therefore, I am opposed to educational decisions (and many other decisions) being decided in Santa Fe. University professors and administrators are closest to current and prospective students and are most able to correctly project the needs of these constituencies.

I am hopeful that some sort of local/state compromise might be reached.

Most sincerely,

Dustin Seifert

**Comment 5**

I would like to give feedback on rule change 5.5.6, in particular. If approved it would require cabinet secretary approval for new undergraduate programs, bachelors, associates or even major changes in undergraduate programs, which currently only requires BOR approval.

This change would impact our current local control of undergraduate programs and centralize all of those decisions under a single person --the secretary. This is a major source of concern for us as professors at ENMU, because it would remove our ability to best serve our local communities needs as a regional comprehensive university by tailoring our program to the surrounding area. Many of our students are tied to the area and can not afford to go to school in ABQ or Santa Fe, so we must offer them programs locally, especially in that regard has been the ebb and flow of political pushes to "avoid duplication" --i.e. "if the state already has X program available at UNM, why do we need the same program at other regionals like Western or Eastern?", etc. The unintended consequences of these changes will be disastrous, especially when this political appointee is also the source of appeal in a dispute. Better to leave the decisions in the hands of educators at individual schools and departments.

Erik Stanley

Department of Anthropology  
Eastern New Mexico University

## Comment 6

In response to a request for public comment, I would like to communicate my candid misgivings regarding proposed changes to NMAC rules 5.5.2 and 5.5.6. To provide context, this feedback is based on decades of experience as an educator and administrator at a regional university in New Mexico, and a strong record of national and international leadership in higher education. Above all, it is informed by my genuine interest as a tax-paying citizen and parent, and my consistent civic engagement and dedication to this region and to the state of New Mexico. I have no doubt that the proposed changes are well-intentioned and that they have been drafted with a sincere desire to benefit our state and its residents, but I have deep concerns about the unintended consequences of these measures – repercussions which may not have been duly considered-- and their serious potential for negative impact in our state.

Since there is already a requirement in place for state-level approval of new programs at the graduate level, the proposed changes to graduate program approval are more limited than those related to undergraduate program approval. Nonetheless, the proposal (5.5.2) eliminates some critical areas of institutional authority and responsibility by expanding the scope of decisions which would be subject to external review and governed under the sole approval authority of a single individual –the cabinet secretary. The proposed revisions to NMAC 5.5.6, however, are significantly more far-reaching. They establish completely new external approval requirements for a broad range of curricular decisions heretofore determined at the institutional level, either through well-established review practices compliant with both internal governance policies and external accreditation requirements, or –for more significant changes—by a combination of rigorous institutional review and board approval. My observations regarding the sweeping changes that have been proposed fall under several categories of concern:

1. Obstruction of the ability of colleges and universities to respond with agility to the needs of New Mexico stakeholders in their respective regions:

- Regional institutions of higher education have a responsibility to their service region to respond effectively and promptly to economic, knowledge- and skills-based, social, cultural, and civic needs in their corresponding service areas.
- Rigorous internal review processes already impose inevitable constraints on the ability to act in a timely manner to meet needs as they arise in a rapidly-changing society and economy.
- The addition of extra layers of review and approval will significantly decrease effective response rates, unnecessarily extend timelines for implementation, and place our state’s stakeholders at a serious risk of constantly being at the trailing edge of change and innovation.
- This will also impact our ability to stay appropriately competitive in a regional, national, or global environment.
- The inclusion of new emphases or concentrations, program deletions, and vaguely-defined “substantial” changes (as well as potentially arbitrary interpretations of the notion of “duplication” within the context of regional need and demand) as actions subject to these extra levels of scrutiny would create substantial roadblocks to vital curricular refinements intended to remedy gaps or

shortcomings that an institution discovers through program review, data collection, stakeholder and employer feedback, and emerging shifts in the field.

2. Jeopardization of accreditation status:

- Many accrediting bodies, particularly those in some of our most seriously under-staffed professions (like health and human services disciplines), require evidence of program and institutional authority and autonomy over curricular issues.
- Taking final authority out of the institution's hands and concentrating it in the cabinet secretary would jeopardize our ability to meet external accreditation standards for some of the state's most critical programs.
- Extended timelines for approval could prevent accredited programs from timely implementation of changes that are required to maintain accreditation status.
- Without accreditation, we would lose these programs and our graduates would not be licensed or certified to practice in their respective fields. This would seriously impact our ability to keep abreast of the state's need for qualified practitioners.

3. Concentration of sole authority for approval in a single position:

- No matter how highly qualified or well-intentioned the cabinet secretary might be, it is extremely unlikely that any single individual would have sufficient expertise and qualifications to ensure familiarity with and first-hand experience in the wide range of institutional contexts that constitute New Mexico Higher Education. There is a substantive difference in the mission and practice of junior and community colleges, regional comprehensive, research-intensive, and technical/engineering institutions. Likewise, the geographical and demographic demands, as well as the service missions of rural and urban campuses, and other regionally-determined priorities of our institutions vary greatly. Concentration of such broad authority under a single person, particularly with the only avenue of appeal being to that same person, does not ensure the appropriate breadth of expertise or informed participation for effective decision-making, with serious detrimental consequences for our state, its citizens, and—most importantly—its students.
- There will inevitably be a perceived or even an actual conflict of interest when the sole authority for decision-making rests in a single person who has more experience or affiliation with a specific type of institution or a particular region within the state. This will be exacerbated if that person's first-hand expertise related to the given programs or disciplines under review is limited or null.
- The perceived or real micro-management of any enterprise—in this case, institutional curriculum in higher education—is counter-productive to administrative efficiency and agility. It also unnecessarily creates an atmosphere of distrust and demoralization. This is especially so when authority is shifted from a defined internal process that complies with principles of shared governance to the external authority of single individual who lacks extensive first-hand knowledge of the institutional context. Should a problem be identified with the rigor of the internal review process that has been approved and

implemented by a specific college or university's governance and administration, its governing board and its accrediting bodies, then an effort should be made to strengthen and improve that process rather than circumventing it by moving decision-making for approval to a sole external authority. There are more effective ways to ensure responsible oversight and stewardship of academic programs and the resources that we dedicate to them.

For all of these reasons, I believe that the proposed revisions outlined in 5.5.2 and 5.5.6 are both unwise and over-reaching. The concentration of absolute authority in a single individual is sometimes contemplated as a hypothetically convenient solution to perceived problems; however, it is rarely the ideal solution, except as an extraordinary measure (with compelling justification in the most extreme circumstances), not as common practice.

Comment 7

Eastern New Mexico University (ENMU) serves students in Portales and its environs; thus, local administrators are in a superior position to judge the educational needs of this community. Many of our students are at-risk as they are first-generation college students, and a number come from the disadvantaged socioeconomic strata. This is significant because ENMU offers degree programs that are affordable; in addition, students benefit from access to a very supportive faculty and enrollment in classes that are smaller than would be found at larger institutions.

I appreciate your time and consideration.

Sincerely,

Dr. Gillian F. Andersen

## MEMORANDUM

Date: May 4, 2018  
To: NM HED  
From: NMSU Community College Academic Vice Presidents' Council  
RE: NM Proposed Rules 5.5.2., 5.5.6, 5.55.5, 5.55.6 and 5.55.7

The NMSU Community College Academic Vice Presidents' Council recognizes the proposed rules identified above as a concerted effort by the NM Legislator and HED to be strategic and responsible in managing the financial resources of NM that are used to support New Mexico's institutions of higher education. We can see that there are benefits to NM citizens of having statewide coordination of higher education offerings. We offer the following comments, questions and suggestions with the intent of supporting this effort in a way that is manageable and realistic for the institutions, and hopefully for the state. Our overarching comments and concerns on the compiled rules are included below. Specific questions/suggested changes are provided on the attached documents, by rule. We apologize in advance for the formatting oddities that resulted from transitioning the documents into editable word documents.

A primary concern of the Council is the proposed implementation date of June 2018.

- This is an extremely aggressive timeline and will challenge most, if not all institutions to implement. It is not evident that consideration has been given to the institutional internal timelines for regular recurring institutional functions (e.g. academic catalog publication requirements and timelines), for developing the technical capabilities to comply with the Rules, or for diverting institutional resources to address the unforeseen complexities in implementing some of these processes.
- It also appears that the state is not well positioned for immediate implementation. For example, submission and review processes, forms, timelines, etc. at the state level are not yet established.

A second area of concern includes the submission and approval process and timeline.

- First, while processes and timelines are described for the institutions, no equivalent processes or timelines are described regarding how or when institutions will receive a response from the HED regarding the status/approval of the institutions' submissions. Institutions will need to know the expected timeframe so they can plan accordingly.
- Second, we believe a condensed timeline for submitting proposals to HED is more manageable to incorporate into existing institutional timelines, which are frequently dictated by the academic calendar and the timeliness and stability of information we must provide to students regarding curricular and program offerings and requirements. For example, the 3-month advance notification of the intent to propose a new program coupled with the 9-month advance window to propose the program/etc., essentially

adds one year to an already lengthy approval process within each institution, which in some cases includes HLC approval. Existing approval processes can easily take 1 year, and the proposed timetable for state approval process adds at least 1 additional year to that process.

- The additional time that may be required for new degree programs is of particular concern for 2-year institutions which must be able to respond quickly and proactively to the work force needs of in our community and for the future.

Another area of concern noted by the Council applies to the proposed approval/review committees.

- Cabinet Secretaries may not be best positioned to determine needed degree and certificate programs. This arrangement puts our highest state government officials managing a distantly removed level of application.
- The proposed NMCAC is offered as a means to provide multiple services (general education, meta majors, common course numbering), but is only called to meet 2 times each year. We are concerned that NMCAC will not be able to accomplish all that is intended in two meetings each year.

Office of the Provost

# NORTHERN New Mexico College



May 11, 2018

To Whom It May Concern:

The faculty and staff from Northern New Mexico College have provided me with a list of concerns for Rule 5.5.6 (Approval of New Undergraduate Programs), which are listed below:

1. 5.5.6.10, part (B) - "The advisory review committee shall convene at the request of the department at least two times per year". The concern is that it could potentially create bottlenecks and delays in the approval process. The suggestion is to change it "to at least four times per year".
2. 5.5.6.9, part (E.1) - "Any substantial change in an existing undergraduate program. A substantial change is a: Change to more than one-third of the program's curriculum". The definition of "substantial change" is not entirely clear. How does one determine a "change to more than one-third of the program's curriculum" and if those changes are minor, removing a prerequisite, for example, does that count? Many times, changes to programs are important to meet student needs and to support student completion. For existing programs, it seems like an unnecessary oversight that could potentially slow down the implementation of these important changes. Individual departments within institutions should be trusted with the process of changes to programs as they are the ones working closely with students and faculty and are most knowledgeable regarding the student and college needs. If this rule cannot be changed, the recommendation is to define what changes are considered minor and what changes are considered major.
3. 5.5.6.10, part (C) - "The advisory review committee shall consist of: (1) the cabinet secretary or designee of...." The concern is that it is comprised by only one person with experience in the educational setting. This could lead to programmatic issues if the committee members from the other areas come in with a particular interest or agenda. The suggestion is to add at least two active members with higher education background (perhaps two Provosts).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ivan Lopez Hurtado".

Ivan Lopez Hurtado, PhD  
Provost/VP for Academic Affairs





**NEW MEXICO ASSOCIATION OF COMMUNITY COLLEGES**

Ty Trujillo, Executive Director  
1233 Paseo de Peralta  
Santa Fe, NM 87501

Phone (505) 989-7385  
Fax (505) 983-8160

May 9, 2018

Dr. Barbara Damron, Cabinet Secretary  
New Mexico Higher Education Department  
2044 Galisteo Street, Suite 4  
Santa Fe, NM 87505-2100

Dear Secretary Damron:

On behalf of the New Mexico Association of Community Colleges (NMACC), I would like to commend the New Mexico Higher Education Department (NMHED) and the higher education community on the work throughout the last three years to finalize the statewide common course numbering system, the statewide general education curriculum, and the statewide meta-majors and transfer models. NMACC understands that these accomplishments will go a long way in helping students continue on the path of obtaining a higher education credential. We also appreciate the opportunity to provide feedback on the proposed changes and would like to express one concern.

The concern that NMACC has is within the proposed changes of the Approval of New Undergraduate Programs and the new timeframe set forth. It states under section 5.5.6.10(B), that *"the advisory review committee shall be convened at the request of the department at least two times per year."* The proposed rule further states under 5.5.6.11(A) & (C), that the institution must submit advance notice at least *"three months prior to submission of the application."* Finally, the application must be submitted *"at least nine months prior to the anticipated date of program implementation."* One of main advantages of community colleges is the ability to quickly respond and adapt to the ever changing needs of the communities each serve. NMACC feels these new time requirements for notifications to the NMHED for new programs are excessive and would greatly hinder our ability to meet these changing needs. Based on the proposed language, it would take 12 to 18 months for a college to launch a new program within their community.



**NEW MEXICO ASSOCIATION OF COMMUNITY COLLEGES**

Ty Trujillo, Executive Director  
1233 Paseo de Peralta  
Santa Fe, NM 87501

Phone (505) 989-7385  
Fax (505) 983-8160

It is also NMACC's understanding that the NMHED will not address the approval of certificates within these proposed changes. The timeframe set forth would **definitely** not work for certificates since the needs of the businesses and industry that community colleges partner with change at an even quicker rate than what is needed for associate degrees. Therefore, NMACC urges the NMHED to create a structure so that a more expedient approval process would take place for both associate degrees and certificates.

Separate from that concern within the Approval of New Undergraduate Programs, NMACC would like to express our support for the proposed rules on common course numbering, the state wide general education curriculum, and the statewide meta-majors and transfer models, since NMHED has encourage participation from all higher education throughout the entire process.

Thank you for allowing NMACC the opportunity to provide feedback on this issues and look forward to providing public comments at the May 16<sup>th</sup> hearing. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ty Trujillo', is written over a horizontal line.

Ty Trujillo  
Executive Director



11 May 2018

Dr. Barbara Damron, Cabinet Secretary  
New Mexico Higher Education Department  
2044 Galisteo Street, Suite 4  
Santa Fe, NM 87505-2100

Dear Secretary Damron:

I respectfully submit the following written comments regarding the proposed **NMAC 5.5.6 – Approval of New Undergraduate Programs**.

In principle, I agree with and support a strategy to codify and bring a governance process to decisions about new programs. I think this is a step forward. But the “devil is in the details.” My concerns for the rule in its current form relate to the following items:

**Subject to Approval (5.5.6.9):**

I interpret the overall language to exclude certificates. For Item D, I am concerned with inclusion of “program option, concentration or specialization.” These are not typically approved by our local board so why would they be part of an HED process? Finally, Item E – can we define the calculation for one third?

**Pace and Timeline (5.5.6.11):**

The timeframe for submissions and decisions is un-workable for a community college that seeks to be responsive to community needs. We need to be able to submit with shorter timeframes for the notice of intent, and the actual date of implementation, and we need to have more meetings during the year in order to help expedite the process. Can we modify this process to be quicker and more responsive, and then re-address this after a year or two of experience with the process?

**Factors for Decision (5.5.6.12),  
State and Regional Needs (Item B):**

Curriculum is normally a domain of faculty. Is the rule attempting to empower the advisory review committee and/or cabinet secretary to design or determine curriculum? Or does the language of this item need to be clarified further? Was the purpose of Item B to address the number (or over-abundance) of required credit hours, etc.?

**Factors for Decision (5.5.6.12),  
State and Regional Needs (Item C):**

I applaud the inclusion of state or regional needs as a decision factor. It would be helpful for institutions to know in advance what those needs and goals are as we develop our proposals. How will the needs and goals be determined? Can we include in the rule a description of how they are identified? For example, will HED institutions participate in assembling that information? Will the state office representatives on the proposed advisory review committee determine and publish a combined list of needs and goals? Will they be assembled with involvement from local community and/or regional governing bodies?

**Factors for Decision (5.5.6.12),  
State and Regional Needs (Item D):**

I greatly support the concept of collaboration and cooperative agreements among institutions. However, at this time we lack a framework that would encourage these agreements within the current FTE and budgeting formulas. I believe we have community college leaders who are willing to help their colleges work together, but collaboration adds a layer of complexity, effort, and cost, and so we need a framework to support collaboration outside our legally defined service areas. As only one example of a possible strategy, I share the following idea:

***“Home/Host”***

HED could work with institutions to develop a Home/Host framework that incentivizes a “home” institution to deliver its specific program to students at a second institution that “hosts” the program (rather than fully duplicating that program at a second college in the state).

- The student would complete all general education courses (if required) at the host institution.
- The student would enroll in and complete program-specific classes via the home institution.
- The student receives the final degree from the home institution.

A framework and formula would need to be developed to allow both home and host institutions to receive performance funding credits for students completing credentials delivered via a home/host model. Also, to incentivize the extra effort associated with collaborative academic initiatives, a framework would be needed to allow both institutions to receive additional FTE credits for the students who participate in a home/host collaborative program. For example:


- An additional 0.4 FTE (thus, 1.4 FTE total) is credited to the “home” college that originates the program and courses (and enrolls the student from a host institution for those courses).
- While 0.4 FTE is credited to the institution that agrees to “host” the program at its location (and provides local student services, technology, etc.).

The above example provides the incentive of increased annual FTE counts for both institutions when calculating the state budget allocations, but otherwise involves no additional funding costs. The home and host institutions collaborate via MOU regarding shared tuition, support costs, technology, etc.

I would also ask if the effective date for this rule could be delayed 60 days to allow HED and institutional leaders to quickly work on these items, and details highlighted by others who submit written comments. We could work together to help this rule better serve its intent: to provide an efficient and effective process for implementing new undergraduate programs, to address state or regional needs and goals, and to encourage efficiencies and collaboration among colleges to meet those needs and goals.

Thank you for inviting the opportunity to provide feedback on this proposed rule.

Best Regards,



Dr. D. Ryan Carstens, President  
Eastern New Mexico University – Ruidoso

From: Laurenz, Jamie  
Sent: Friday, May 11, 2018 4:17 PM  
To: Competencies, Core, NMHED  
Cc: Elwell, Jeffery; Starr, Chelsea  
Subject: 5.5.6 NMAC Sections 5.5.6.9 and 5.5.6.

EXHIBIT A  
5.5.6 rule-hearing

### Written Comments regarding proposed adoption of new rule 5.5.6 NMAC, Approval of New Undergraduate Programs

We appreciate the opportunity to provide feedback regarding the proposed new rule on the approval of undergraduate programs (5.5.6 NMAC.) We do recognize and support the New Mexico Higher Education Department's efforts to provide a more strategic process for the approval of new programs. The proposed rule includes a number of concepts that would prove to be very beneficial for meeting the needs of the state, including more collaborative engagement between institutions of higher education and state departments (e.g., workforce solutions, economic development, etc.) and a more strategic assessment of the educational needs and priorities for New Mexico. We do, however, have a few concerns. It is the consensus of the administration and faculty at Eastern New Mexico University that, as proposed, the new rule will make it increasingly difficult to serve our students, communities and accrediting bodies. Following up on the resolution passed by our Faculty Senate and sent previously, I would like to focus on two of our overarching concerns with the new rule.

First, as proposed the new rule would require institutions to seek and gain approval for new undergraduate programs, associate degrees (in an area of study in which a bachelor's degree is already awarded), addition or deletion of a program option, concentration or specialization that will result in a new degree level or area of study, or a substantial change in an existing undergraduate program with "definitions" as to what would constitute a substantial change. [5.5.6.9]. While we appreciate the effort to define when approval would be required, the terminology used (e.g., area of study, program option, "change to more than one-third of the program's curriculum", etc.) does not clearly demarcate when approval would be needed. Furthermore, section 5.5.6.10 (M and N) indicate that that "no new undergraduate program or change to an existing undergraduate program" shall be in effect or be included in institutional catalogs until approved by the cabinet secretary. These latter items do not seem to include any reference to the extent of changes that require approval. Higher education institutions have defined processes by which changes to the undergraduate curriculum are proposed and approved. Consistent with institutional governance and accrediting body requirements, proposed changes to the undergraduate curriculum (including new programs) are initiated by program faculty. The proposals are usually vetted through department and university curriculum committees, the administration (department chairs, deans, VPAA/provosts) with final approval for new programs determined by the Board of Regents. We believe that this process is effective and efficient. At the same time, we also are very supportive of improvements to these processes that better serve our students and the citizens of New Mexico. Although we do not feel that it is NMHED's intent, the proposed new rule could be interpreted to require a much "higher" level of review/approval for the great majority (all) of changes to a program's curriculum. Furthermore, it would appear that the new rule cedes the institutional responsibility for the curriculum and/or the Board of Regents authority for approving undergraduate curricular changes to the cabinet secretary.

Second, regional institutions have a responsibility to respond effectively to the needs of the stakeholders in their respective region. As previously stated, institutions have established processes for proposing and approving changes to the undergraduate curriculum. In most instances (at least at Eastern), the timeline for development of curricular proposals, institutional review, Board of Regents approval and implementation is approximately a year. We have

significant concerns that the “timeline” proposed for approval by the department [5.5.6.11] and the volume of curricular proposals requiring approval (as the proposed rule currently exists) will significantly lengthen the time frame for implementation of curricular changes. Substantial delays in enhancing/improving the curriculum serve neither our students nor the citizens of New Mexico. Furthermore, for our accredited programs which require evidence of institutional authority over curricular issues, extended timelines for approval may make it more difficult for these programs to meet accreditation standards. I would assume that the ability to rapidly respond to stakeholder needs would be an even greater issue for many of our community colleges.

Again, thank you for this opportunity to provide feedback. ENMU strongly supports, as we always have, our mission to students and citizens of the state of New Mexico and our region. ENMU remains committed to working with New Mexico institutions and with NMHED collaboratively to further our ability to support that mission. We believe that some potential effects of this rule will unintentionally impede our ability to meet our mission effectively. Therefore, we suggest that NMHED might consider a longer period of study and review of those effects, to include review of the parameters under which curricular changes would require HED review with input from the institutions that would be affected; development of responsive and faculty-driven processes of review that would honor the spirit of our accreditors’ expectations of us, and would also allow us to consider at the state level the potential economic and other impacts that these changes might entail.

Confidentiality Notice:

This e-mail, including all attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information as defined under FERPA. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message

May 11, 2018

Dear Secretary Damron,

I write to provide comments on the New Mexico Higher Education Department's (HED's) recently proposed rule revisions. These comments reflect CNM Academic Affairs' perspective based on comments and input from faculty, deans, and program administrators. Everyone involved in the review appreciates this opportunity to help the HED achieve its goals and serve our students.

Proposed rule 5.5.6 NMAC states that an HED-led Advisory Review Committee will review undergraduate programs with a review period encompassing up to nine months' time. CNM's current internal annual curriculum review and development process already takes nearly nine months to complete (June through February). This extensive faculty-led process ensures that all areas of the College, including staff from Advisement, Enrollment Services, Financial Aid, and Academic Affairs, are able to review and evaluate new and revised curriculum to identify and respond to any concerns. With our own internal nine-month process, it is already a challenge for CNM to nimbly address the time-sensitive needs of our students, transfer partner institutions, and area businesses. With the possibility of an additional nine months added to the process, as interpreted under NMAC 5.5.6.10.B and 5.5.6.11.A of the proposed rule, the extended timeline may impact the relevancy of programs being developed and may impact our ability to meet accrediting bodies' curricular requirements.

More specifically, section 11.A of the proposed rule 5.5.6 NMAC describes a three-month prior notification period for all new associate degree programs. Upon a close review of our curriculum schedule, this period could be introduced into our current processes without much disruption. However, if the College is required to wait up to nine months after our internal processes have been completed before receiving a decision by the HED, we anticipate substantial issues.

To address these concerns, CNM recommends adopting language similar to institutional service level agreements that colleges hold with the Higher Learning Commission (HLC). Under these agreements, the HLC agrees that, if an application is submitted by a certain date(s), it will be considered within a guaranteed period of time. This process supports publishing new degrees in the catalog within a timeframe that meets student transfer or career education needs. A similar process codified within 5.5.6 NMAC would allow institutions more assurance that the time-consuming work of designing and implementing curricular changes would not be hampered by increased HED oversight.

In addition to the inclusion of a service level agreement approach, CNM recommends the removal of language in section 5.5.6.11.N, which limits the institution's ability to publish future program information to students prior to approval. As an example, CNM publishes its fall catalog at the end of April, which allows students to review program changes before the summer break and prior to fall enrollment. In place of the proposed language in 5.5.6.11.N, CNM suggests that HED allow institutions to publish new programs awaiting state approval with a disclaimer of "pending state approval." This change would align with current institutional





processes while also allowing students to have access to the potential curriculum changes in order to meet transfer and industry needs.

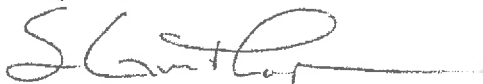
The recently proposed rule changes surrounding curriculum approval at institutions, including 5.5.2 NMAC, 5.5.6 NMAC, 5.55.5 NMAC, 5.55.6 NMAC, and 5.55.7 NMAC reflect effective dates of June 12, 2018. The College recommends that any changes take effect for the Fall 2020 catalog. With this extension, institutions will have an opportunity to revise catalogs to meet new general education, meta-major, and common course numbering requirements. CNM would need to amend the recently published Fall 2018 catalog -- with its new programs scheduled for the Fall 2018 term -- because of the June 12, 2018 effective date. This would effectively erase months of curricular work that the College's dedicated faculty and staff have already completed. The College kindly asks that the HED respect the ongoing academic planning and curricular work that was recently completed by our faculty and that is underway for the Fall 2019 catalog by amending the effective date to June 2020.

Also, sections 5.5.6.11.B NMAC and 5.5.6.11.D NMAC address institutional and HED approval prior to the college's consideration for approval. As you know, the curriculum development and program creation processes include many factors. Some program-specific accrediting bodies require much work upfront before considering and approving a program. For example, the Physical Therapy Assistant program required CNM to hire the faculty almost two years before the program was approved for accreditation. The intervening time was used to develop the Physical Therapy Assistant curriculum and apply for accreditation. We would prefer language changes to 5.5.6.11 NMAC that allow for preliminary planning and HED approval so that institutions can move forward with these types of programs as the program accrediting body and the state simultaneously consider the new program.

Finally, proposed rules 5.55.5.10.N NMAC and 5.55.7.10.H NMAC reference a six-month adoption period for changes to meta-majors and new student learning outcomes (SLO). However, as mentioned above, the College's catalogs are produced on an annual or two-year cycle. Adding a new meta-major or SLO in a six-month timeframe would be difficult and require the convening of an off-cycle faculty curriculum committee to review and implement these changes. CNM believes that the changes to meta-majors or SLOs should be timed in conjunction with the institution's next applicable catalog cycle.

Please do not hesitate to contact me if you have any questions or need further clarification on any of these comments. Thank you for your consideration.

With regards,



Dr. Sydney Gunthorpe  
Vice President, Central New Mexico Community College





Central New Mexico Community College • Clovis Community College • Luna Community College  
Mesalands Community College • New Mexico Junior College • New Mexico Military Institute  
Northern New Mexico College • San Juan College • Santa Fe Community College • Western New Mexico University

May 4, 2018  
Dr. Barbara Damron  
Cabinet Secretary  
New Mexico Higher Education Department  
2044 Galisteo Street, Suite 4  
Santa Fe, NM 87505-2100

Dear Secretary Damron:

Recently, you requested feedback concerning the possibility of including an authorization process for certificates in the New Mexico Higher Education Department's (NMHED's) proposed undergraduate program approval rule. NMICC understands that the current draft rule does not propose to include an authorization process for certificates. We appreciate that approach because it is imperative that community colleges remain flexible, nimble, and agile in responding to the needs of the communities we serve.

However, we do understand that you are receiving feedback from others who believe NMHED should authorize certificates similar to associates or baccalaureate degrees. We believe the underlying issue is the fact that both degrees and some certificates are recognized in the funding formula, and that some may view it as unfair that funding would be distributed based in small part on certificates, which would not require formal approval by the NMHED, while other types of awards would require approval.

As you contemplate revisions to the draft undergraduate program approval rule, we ask that you move forward in a way that supports that role of community colleges in rapidly responding to community needs so that we continue to build the type of workforce that will support our state in diversifying and growing our economy. We also ask that you carefully consider the staffing capacity of NMHED to review proposed new undergraduate programs and to act in a timely manner so that we can respond promptly to the needs of our communities.

If NMHED determines that it does want to include some level of certificate review, we recommend you consider the following:

- Any approval process for certificates should only approve certificates for inclusion in the funding formula and should NOT authorize community colleges to offer those certificates. Governing boards of community colleges have the authority to offer certificates, while NMHED has authority to maintain and run the funding formula.
- Clear objective criteria for approving certificates for inclusion in the funding formula should be developed and included in the rule. Key considerations should include workforce needs, industry standards, and community demand. For example, if a community demonstrates the need for certificates to meet projected job demands, that certificate should be approved for funding. Or, if an

industry requires a certification (e.g. Cisco certification) and the community college can offer that certification in accordance with industry requirements, that certificate should be approved for funding. With clear criteria, community colleges would be able to adequately assess the risk of whether a particular new certificate might be funded or not.

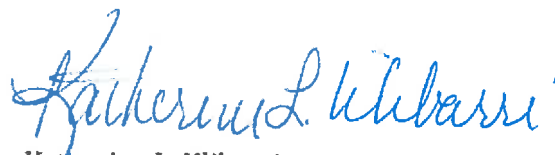
- The approval process for certificates could be an annual process timed to feed into the process of running the funding formula. The approval process should be applied to any new certificates created and requested for inclusion in the funding formula by the institution since the last formula calculation.
- With the implementation of a process for approving certificates for funding, there should be *no limitation* on including short-term certificates of less than a year. Well-written objective criteria for approval that considers workforce and industry needs should mean that *ANY* certificate meeting those criteria should be included for funding regardless of the length of time required to obtain that certificate. This approach aligns with the direction of the New Mexico Department of Workforce Solutions, which is encouraging the development of stackable credentials as the most effective way to help individuals improve skills and advance in the workforce.

On behalf of the NMICC, we appreciate your request for feedback and your willingness to be open to conversation on this matter. Please let us know if you would like to discuss this further.

Sincerely,



Dr. Becky Rowley  
President  
NMICC Board of Directors



Katherine L. Ulibarri  
Interim Executive Director  
NMICC