

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.

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 4:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed adoption of new rule **5.55.7 NMAC, META-MAJORS AND TRANSFER MODULES**.

Purpose:

The purpose of the proposed new rule is to accommodate for changes to Section 21-1B-1 et seq. NMSA 1978 (Post-Secondary Education Articulation Act) that occurred during the 2017 regular New Mexico legislative session. Whereas by statute the New Mexico Higher Education Department has the authority to adopt rules and regulations for the development, oversight and approval of statewide meta-majors and transfer modules, the department proposes new rule **5.55.7 NMAC, META-MAJORS AND TRANSFER MODULES**.

Summary of proposed rule:

The department proposes a new part number and name for the regulation of statewide meta-majors and transfer modules. The proposed rule establishes the following related to statewide meta-majors and transfer modules: a process by which the meta-majors and transfer modules may be developed, approved, reviewed and revised; the New Mexico Curriculum and Articulation Committee; standards by which the department will maintain the meta-majors and transfer modules; how meta-majors and transfer modules will transfer between institutions; complaint procedures for transfer students; and reporting requirements for institutions. Every public higher education institution receiving funding from the state of New Mexico shall be subject to the proposed new rule.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 4:00 p.m. until 5:00 p.m. at NMHED on May 16, 2018. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us. Written comments must be received no later than 5:00 p.m. on May 11, 2018.** Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8 and Section 21-1B-1 et seq. NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

TITLES POST-SECONDARY EDUCATION
CHAPTER55 PUBLIC POST-SECONDARY EDUCATION GENERAL PROVISIONS
PART7 META-MAJORS AND TRANSFER MODULES

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

5.55.7.2 **STATUTORY AUTHORITY:** Section 9-25-8 NMSA1978 and Section 21-1B-1 et seq. NMSA 1978.
[5.55.7.2 NMAC - N, XX/XX/XXXXJ]

5.55.7.3 **SCOPE:** The provisions of 5.55.7 NMAC apply to all public higher education institutions operating within and receiving financial support from the state of New Mexico.
[5.55.7.3 NMAC - N, XX/XX/XXXXJ]

5.55.7.4 **DURATION:** Permanent.
[5.55.7.4 NMAC - N, XX/XX/XXXXJ]

5.55.7.5 **EFFECTIVE DATE:** June 12, 2019, unless a later date is cited at the end of a section.
[5.55.7.5 NMAC - N, XX/XX/XXXXJ]

5.55.7.6 **OBJECTIVE:**
A. Establish a process to develop and approve statewide meta-majors and transfer modules.
B. Establish a process by which statewide meta-majors and transfer modules are maintained.
[5.55.7.6 NMAC - N, XX/XX/XXXXJ]

5.55.7.7 **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. **"Degree map"** means the sequence of courses required to complete an undergraduate program of certificate program of study.
C. **"Department"** means the New Mexico higher education department.
D. **"Faculty"** means the current members of the faculty at the public post-secondary institutions operating within and receiving financial support from the state of New Mexico.
E. **"Institution"** is defined to be a public higher education institution operating within and receiving financial support from the state of New Mexico.
F. **"Meta-major"** means 15 credit hours of lower-division courses that include general education and prerequisite courses that can articulate to multiple degree programs.
G. **"Transfer module"** means a list of lower-division courses that fulfill graduation requirements for a specific degree program.
H. **"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.
[5.55.7.7 NMAC - N, XX/XX/XXXXJ]

5.55.7.8 **GENERAL REQUIREMENTS:**
A. The department shall develop and maintain a statewide system of meta-majors and transfer modules. The meta-majors and transfer modules will be based on the requirements of current, approved undergraduate programs and certificate programs offered at institutions in New Mexico. The department shall utilize degree maps submitted by each institution in formulating statewide meta-majors and transfer modules.
B. A degree map provides college students with a clear and direct path to on-time completion. Degree maps shall include specific required courses listed by term.
C. A meta-major consists of lower division courses that articulate to multiple undergraduate programs in related disciplines. A meta-major will fulfill the first term degree map requirements of multiple similar disciplines that share common lower-division course requirements and are transferable between institutions. A

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meta-major or transfer module may include course from the general education curriculum, as defined in 5.55.6 NMAC.

- D. A transfer module consists of lower division courses that articulate to a specific bachelor's degree program. A transfer module will fulfill the first four terms of degree map requirements of a bachelor's degree and be transferable between institutions. A transfer module may be an associate's degree or a certificate.
- E. The department shall maintain and make available a listing of the statewide meta-majors, transfer modules, and certificate and degree programs offered by all institutions.
- F. Each institution shall maintain and make available to students a listing of the meta-majors, transfer modules, and certificate and degree programs offered at the institution.
- G. Any tribal college or tribal university may participate in the statewide meta-majors and transfer modules, upon execution of a memorandum of understanding with the department expressing its intent to implement statewide meta-majors and transfer modules. If a tribal college or university has executed a memorandum of understanding with the department, the tribal college or tribal university shall be considered an institution for purposes of the Subsection E of 5.55.7.7 NMAC.
- H. The department may assess a fee for the actual cost of maintaining the degree mapping platform. [5.55.7.8 NMAC - N, XX/XX/XXXX]

5.55.7.9 NEW MEXICO CURRICULUM AND ARTICULATION COMMITTEE: The department will convene and chair, as a non-voting member, a statewide committee of faculty to advise the department on issues related to articulation and curriculum, such as common course numbering, general education curriculum, meta-majors, transfer modules, degree programs, or any other matters related to curriculum.

- A. The New Mexico curriculum and articulation committee (NMCAC) shall consist of at least one representative from each institution. The representative should also be a member of the institution's curriculum committee.
 - (1) Each institution will have one vote on matters brought before the committee. In case of a tie vote, the committee chair shall cast the tie-breaking vote.
 - (2) The NMCAC may form subcommittees upon the request of any committee member. Subcommittees may seek subject matter experts to review or study a specific matter. Subcommittees shall report findings and make recommendations to the NMCAC membership.
- B. The NMCAC will meet at least twice during the academic year. [5.55.7.9 NMAC - N, XX/XX/XXXX]

5.55.7.10 DEVELOPMENT AND APPROVAL OF META-MAJORS AND TRANSFER MODULES:

- A. Each institution shall report the following information to the department, in the format requested by the department:
 - (1) every course offered by the institution;
 - (2) institution structure; and
 - (3) degree or certificate requirements.
- B. The department shall analyze the information collected from the institutions to determine proposed degree maps. The department shall submit the proposed degree map to the institution's chief academic officer for review, comment, and revisions. The department shall collaborate with each institution to develop degree maps for all programs offered.
- C. The department shall analyze the completed degree maps to develop proposed statewide meta-majors and transfer modules. A meta-major or transfer module shall not be presented to the NMCAC until the department has completed its analysis and holds a period for institution comment.
- D. Proposed statewide meta-majors and transfer modules shall be sent to the NMCAC and the chief academic officers with a request for review and comment from the appropriate faculty prior to its next meeting and placed on the agenda.
- E. Comments collected by NMCAC and the chief academic officers shall be submitted by the deadline set by the department. If the comments are not received by the deadline, the comments will not be considered by the NMCAC when voting to approve the statewide meta-major or transfer modules. Comments will be forwarded to the NMCAC prior to its meeting for consideration.
- F. After the comments have been considered, statewide meta-majors and transfer modules will be presented to the NMCAC for approval. The department shall have a representative present during the NMCAC meeting to present the statewide meta-major or transfer module.

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Comment [1]: How much would this be; is there a limit? This could be costly to institutions. Are fees assessed to institutions, or to systems (e.g. the NMSU system consists of 5 campuses; will each campus be charged, or will the system pay one fee)?

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Comment [2]: If the institution's catalog system is capable of publishing degree maps publicly, will we still have to pay the maintenance fee, or can we provide a link to the NMSU publication of degree maps?

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Comment [3]: See comment below on "B"

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Comment [4]: We have serious concerns about the numerous tasks assigned to this committee, and the reasonableness of being able to accomplish all of those tasks in two meetings per year. Also, the timing of the meeting is important to institutions because of internal deadlines and catalog publication dates.

G. NMCAC shall consider the proposed statewide meta-majors and transfer modules and comments during its meeting. The chair shall conduct a roll call or written vote. Each institution shall cast a single vote. Based on the majority vote, NMCAC may approve, deny, table, or send the request to a subcommittee for further review. The vote shall be certified by the committee chair and the department shall issue official notice of the NMCAC decisions to all institutions.

H. Approved statewide meta-majors and transfer modules shall be adopted by institutions within six months of approval by NMCAC.

I. The department shall update the inventory of statewide meta-majors and transfer modules to reflect all changes.

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

5.55.7.11 MAINTENANCE OF META-MAJORS AND TRANSFER MODULES:

A. Curricular changes shall be reported to the department within 30 days. The department will analyze the curricular change to determine if it affects one or more meta-majors or transfer modules.

B. If the change affects one or more meta-majors or transfer modules, the department shall notify the institution and any other institution that offers the meta-majors or transfer modules. Upon notification, the department will meet with representatives of the affected institutions to determine how to preserve the articulation of the affected meta-majors or transfer modules.

C. Proposed changes to the affected statewide meta-majors, and statewide transfer modules shall be approved through the process in Subsection D through Subsection Hof 5.55.7.10 NMAC.

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

5.55.7.12 TRANSFER OF META-MAJORS AND TRANSFER MODULES: If an institution offers a degree program to which a meta-major or transfer module articulates, that institution shall accept transfer courses taken as part of the meta-major or transfer module as fulfilling the degree requirements for that program.

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

5.55.7.13 COMPLAINTS RELATED TO THE TRANSFER OF META-MAJORS AND TRANSFER MODULES:

A. Institutions shall establish appropriate policies and practices for receiving and resolving complaints from students or other complainants regarding the transfer of meta-majors and transfer modules. Such policies shall include at least the following components :

(1) Complainants shall be required to first seek resolution of their complaint directly within the institution.

(2) A time frame within which the institution will investigate the complaint and respond to the complainant shall be specified.

(3) The institution shall assure that an impartial party will be involved in consideration of the complaint.

(4) The institution shall assure that no adverse action will be taken against the student or complainant as a result of registering the complaint.

(5) The institution shall identify the department as the agency to be contacted in cases where the complaint remains unresolved.

B. When a student or other complainant contacts the department with a complaint, the department will require that the complaint be submitted in writing. The complaint must include a summary of the process followed by the complainant in an attempt to resolve the complaint through the institution's internal procedures.

C. Following receipt of a written complaint, the department will contact the relevant institution to ascertain whether or not the complaint is bona fide, that is, whether or not the institution's internal complaint process has been followed sufficiently to warrant filing of the complaint with the department.

D. Upon determination that the complainant has not followed the institution's internal process to a sufficient extent, the department shall refer the complainant to the institution to follow the institution's complaint procedure.

E. Upon determination that the complaint is bona fide, the department will request a response to the complaint from the institution, summarizing its position and justification for its course of action. Such response shall be provided in writing to the department within 10 days of receipt by the institution.

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Comment [5]: Please define this – this is a very broad term, and can include a number of things.

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F. The department will conduct an analysis of the complaint, considering all information submitted by both parties, and may at its discretion solicit additional information relevant to the complaint. The analysis will be consistent with the general principles and other specifications of 5.55.7 NMAC.

G. The department will render its decision as to the appropriateness of the actions of the parties to each complaint. If a student's articulation complaint includes commonly numbered courses or courses contained in a meta-major or transfer module and is upheld, the receiving institution shall reimburse the student the complete cost, including tuition, books and fees, of each course the student was required to repeat at the receiving institution. [5.55.7.13 NMAC -N. XX/XX/XXXX]

5.55.7.14 REPORTING:

- A. An institution shall report annually to the department by August 31.
- B. An institution shall report on a form provided by the department.
- C. The department shall use the information and data provided by the institutions to prepare its annual report to the legislative finance committee and the governor regarding the status of articulation and transfer, which includes common course numbering, general education, meta-major, and transfer modules. [5.55.7.14 NMAC -N. XX/XX/XXXX]

HISTORY OF 5.55.7 NMAC: (RESERVED)