

**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 December 10, 2024. The hearing will begin at 12:00 p.m. and will be held via Microsoft Teams and in person at the New Mexico Higher Education Department. The purpose of the hearing is to take public comment regarding the proposed amendment of **5.5.5 NMAC, CLOSURE AND STUDENT COMPLAINT PROCEDURES FOR PUBLIC INSTITUTIONS.**

Join via Microsoft Teams:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MzliZTA4YzgtZjFhYS00NGRkLTgxZjUtZGNjNTEyOGQ2NzVh%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22c327f958-5970-4536-8f6b-03d48b60d29e%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzliZTA4YzgtZjFhYS00NGRkLTgxZjUtZGNjNTEyOGQ2NzVh%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22c327f958-5970-4536-8f6b-03d48b60d29e%22%7d)

Or call in (audio only)

+1 (505) 312-4308

Phone Conference ID: 794 719 997#

**Purpose:**

The proposed amendment to Section 5.5.5.13 “Student Complaints” extends the timeframe for student complaint submissions to the Department. The purpose of the proposed amendment is to ensure consistency in the processing of complaints by the Department and align timeframe provisions with those found in Department rules 5.100.6 NMAC “Registration Under the Post-Secondary Education Act” and 5.100.7 NMAC “Licensure Under the Post-Secondary Education Act”.

**Summary of proposed rule:**

The amendment to 5.5.5 NMAC extends the timeframe for complaint submission from within two years of the students last date of enrollment or the incident about which the complaint is made to within three years of the students last date of enrollment. The Department notes that amendments are also proposed to 5.100.6 NMAC and 5.100.7 NMAC. The proposed amendments would update complaint procedures to mirror complaint procedures within 5.5.5 NMAC. The length of time for submission of complaints in 5.100.6 NMAC and 5.100.7 NMAC is currently three years and would remain unchanged.

**Details for Obtaining a Copy, Public Hearing and Comments:** The proposed rule is posted on the NMHED website and may be accessed at <https://hed.nm.gov/> under the “Data, Reports and Rules” section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd.Info@hed.nm.gov or (505)476-8411.

A public hearing will be held on December 10, 2024 from 12:00 p.m. until 12:30 p.m. via Microsoft Teams and in person at the NMHED Office located at **2044 Galisteo Street, Suite 4, Santa Fe, NM 87505**. Any person who is or may be affected by this proposed rule may participate. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@hed.nm.gov. **Written comments must be received no later than 4:00 p.m. on December 6, 2024.** Please note that any written or verbal 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 NMSA 1978, Section 21-1-26 NMSA 1978, Section 21-2-5 NMSA 1978, and Section 21-1B-5.1 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) 476-8411 or email [HigherEd.Info@hed.nm.gov](mailto:HigherEd.Info@hed.nm.gov) ten (10) business days prior to the hearing.