

### 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 10:00 a.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 **5.100.6 NMAC, REGISTRATION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.**

Join via Microsoft Teams:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTY1NTdkM2UtOGQ4YS00YTg1LTg5OGQtODJkYzM5YzhkNWJm%40thread.v2/0?content=%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_MTY1NTdkM2UtOGQ4YS00YTg1LTg5OGQtODJkYzM5YzhkNWJm%40thread.v2/0?content=%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: 110 638 154#

#### **Purpose:**

The proposed amendment updates language in Section 5.100.6.18 “Complaint to the Department” to mirror language found in the department’s rule 5.5.5 NMAC “Closure and Student Complaint Procedures for Public Institutions. The purpose of the proposed amendment is to ensure consistency in the processing of complaints by the Department.

#### **Summary of proposed rule:**

The proposed amendment updates the procedures for student complaints regarding registered institutions to mirror those found in the department’s rule pertaining to student complaints for public higher education institutions. The amendment would clarify that the department shall not review student complaints regarding grades or student conduct violations. The amendment would also clarify scope of complaint authority, lay out additional procedures relating to the processing of the complaint including conditions for extensions, possible referral of the complaint by the department to other entities and procedures relating to closing of a complaint. NMHED notes that an amendment to 5.5.5 NMAC is also proposed and relates to extending 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 length of time for submission of complaints in 5.100.6 NMAC is currently three years.

**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](mailto:HigherEd.Info@hed.nm.gov) or (505)476-8411.

A public hearing will be held on December 10, 2024 from 10:00 a.m. until 10:30 a.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](mailto: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 9-25-1 et seq. NMSA 1978, Section 21-1-26 NMSA 1978 and Section 21-23-1 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) 476-8411 or email [HigherEd.Info@hed.nm.gov](mailto:HigherEd.Info@hed.nm.gov) ten (10) business days prior to the hearing.