

# When Disciplinary Action is Necessary

for Student Employees  
(excluding Graduate Assistants)

NMSU HR Services   Office of People Relations

The logo for New Mexico State University, featuring the letters "NM" stacked above "STATE" in a white serif font, enclosed within a white square that is itself centered within a larger maroon square.

NM  
STATE

**BE BOLD.** Shape the Future.®  
**New Mexico State University**

# Defining Progressive Discipline

- **Progressive discipline** is a tool that uses graduated steps for dealing with problems related to an employee's conduct or performance that doesn't meet clearly **defined** standards and policies.



# Purpose for Progressive Discipline

- To provide employees with a reasonable opportunity to correct and improve problems related to their overall job performance, while at the same time providing fair notice of the consequences of not correcting the issue(s).



# Due Process

- Affording **due process** means recognizing the **employee's** right to be informed of unsatisfactory performance and provide them a chance to explain, defend, and improve before an adverse **employment** action (especially termination) is taken.



# Reasons for Performance or Behavioral Issues

- Lack of training
- Unclear Expectations
- Poorly defined roles
- Lack of feedback (positive and constructive)
- Change in work environment
- Lack of communication
- Lack of investment of time by supervisor
- External factors (personal issues)



# Managers

Managers contribute to employee problems by:

- Being disengaged
- Ignoring issues
- Acting too late
  - Recommend acting as soon as you become aware
- Failing to follow up on previous counseling/discipline
- Communicating poorly or being unclear



# Counseling

This is informal and is usually the first attempt to affect change. This involves addressing something that has happened in an effort to correct or improve.

## Tips:

- Conduct in a “low-key” manner. Friendly, yet firm.
- Should be done in private.
- Have documentation or specific examples to serve as a basis for the discussion.
- Seek input from the employee about the cause.
- When possible, jointly identify a solution.
- Clarify the employee’s understanding of your expectations.
- Inform the employee of consequences of failing to make progress.
- Document the counseling with a “Memo of Counseling” or notes in your departmental file.
- Follow-up!!!!

# Essential Elements of Discipline

1. **Inform** employee of the unacceptable behavior or performance.
2. **Explain** what the impact or consequences are or have been of not meeting expectations.
3. **Describe** what is acceptable or what the performance standards are and give a reasonable time to comply.
4. **State** what the consequences are of failing to comply.





# Discipline for Cause

- Should always be for just cause –
  - Repeated tardiness or poor attendance.
  - Misconduct which adversely affects the interest or reputation of the university or its employees.
  - Conduct that interferes with the efficient operation of the university.
  - Violation of policies & procedures.
  - Negligent, incompetent, inefficient or unacceptable performance of duties.

Reference: [ARP 10.10, Part 7](#)



# Discipline Steps

1. Verbal Warning
2. Written Reprimand
3. Termination

\*Some severe conduct such as stealing, violence, and fraud, do not require prior warning since employees are expected to understand such offenses will result in discipline.



# Discipline Steps

1. Verbal Warning – the first formal step documented in writing.
  - a. Contains 4 essential elements:
    - i. Description of infraction,
    - ii. Impact of Action/Behavior,
    - iii. Expectation/Plan of Improvement, and
    - iv. Consequences of Further Infraction.
  - b. Is *not* part of the official personnel file, just the departmental file.
  - c. OPR has a template for you to use.
  - d. Recommend review by OPR first to comply with policy and due process requirements.

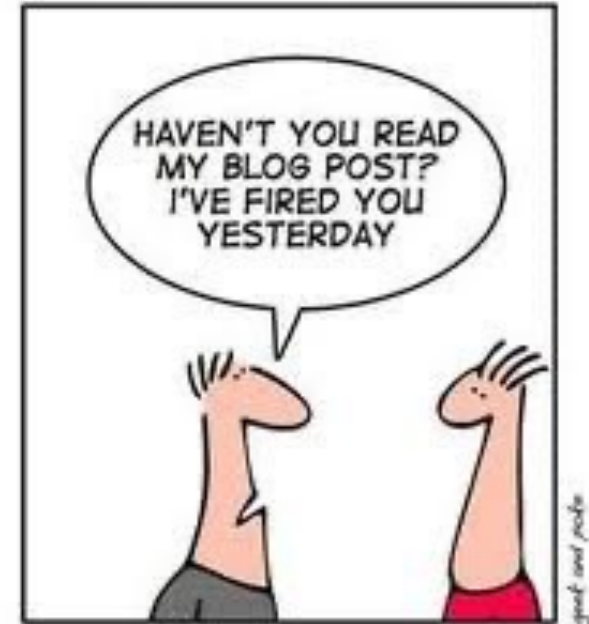


# Discipline steps

2. Written Reprimand – formal document issued to the employee.
  - a. Contains the 4 essential elements (OPR has a template).
  - b. OPR reviews prior to issuing to employee.
  - c. Employee signs to acknowledge receipt.
  - d. Employee receives a copy with signatures (yours and theirs).
  - e. Copy goes in the employee's official personnel file and to OPR.
  - f. Supervisor invites the employee to come to them with questions.

# Discipline steps

3. Termination – Occurs when all other efforts to help the employee improve or meet standards have failed.
  - a. Must be reviewed by OPR and approved by the Director of OPR, prior to implementation.
  - b. Employee is given at least 24 hours notice before effective.
  - c. The documentation becomes part of the personnel file.



# Disciplinary Action Meetings

- How and where: in private, in person or virtual
- Who: Employee and Supervisor
  - Next level supervisor or HR unit rep can attend
- What (process):
  - Review the document
  - Allow employee to respond/comment
  - Obtain signatures
    - If employee refuses to sign, make a notation on their signature line and supervisor can initial/date
    - Disciplinary action still goes into effect even though employee doesn't sign
  - Employee can add comments on document or separate sheet



# Investigations

- An **investigation** is a systematic, and thorough attempt to learn the facts about something complex or hidden.
- Can be accomplished at the department level, with OPR assistance.
- Goal is to collect information, not to build a case.
- May take more than 30 days to complete.



# Investigations

- An Investigative Summary Report is prepared, with an analysis and recommendation.
- Report is reviewed by supervisor/department head and OPR.
- Decision is made by OPR and the department on action to be taken, if any.





# Final Notes

- Keep supervisor informed of any problems with employees.
- Seek guidance and support from OPR before taking any action.
- Implement action within 30 days of problem or knowledge of the problem.
- Keep in mind that the process is designed as a tool to help an employee improve.



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