

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 364****2022 Regular Session****McKnight**

HIGHER EDUCATION: Provides relative to disciplinary proceedings for students enrolled in public postsecondary education institutions and student-led organizations

Synopsis of Senate Amendments

1. Requires public postsecondary education institutions, in addition to public postsecondary education management boards, to adopt policies.
2. Decreases the number of days a student or student organization has to appeal a decision of an institution from 90 to 10.
3. Authorizes an institution to designate an appellate entity that is an institutional administrator to be the final institutional authority on a matter.
4. Adds deferred suspension to form of discipline for which right of representation is required.
5. Provides relative to right of actions against management boards with jurisdiction over public postsecondary education institutions.
6. Modifies damages a court may award for a violation of proposed law.

Digest of Bill as Finally Passed by Senate

Proposed law requires public postsecondary education management boards and institutions to establish policies relative to the procedure for students or student organizations being charged with non-academic offenses to use an attorney or non-attorney advocate in their defense at disciplinary proceedings and appeal hearings. Requires policies to be incorporated into student handbooks or codes of conduct.

Such a policy shall apply to a student or student organization being accused of violating a non-academic rule or policy and shall include:

- (1) Requirements for notice of a charge being brought against a student or student organization.
- (2) The opportunity for a student or student organization to appeal a decision that it was in violation of a non-academic policy or rule within 10 days of the decision.
- (3) The alleged victim having an opportunity to be represented by an attorney or non-attorney advocate.

Relative to student violations punishable by suspension of 10 or more days, deferred suspension, or expulsion and organization violations punishable by suspension or removal of the organization from the institution, disciplinary procedures contained in the code of student conduct shall:

- (1) Afford the accused a presumption of innocence.
- (2) Require the institution to maintain a file of disciplinary proceedings.
- (3) Provide for access to the file by the accused and the victim.

- (4) Ensure that proceedings are free from conflicts of interest by preventing commingling of administrative or adjudicative roles.

Authorizes institutions to take reasonable interim measures to maintain the safety of members of the campus community during the investigation and adjudication if the student poses a risk.

Provides that a court shall award mental or emotional distress, loss of wages or earning capacity, and costs if it finds an institution has violated proposed law.

(Adds R.S. 17:3394)