

2026 Regular Session

HOUSE BILL NO. 738

BY REPRESENTATIVES MCMAKIN, BAYHAM, BOYD, CHASSION, DESHOTEL, DEWITT, FREIBERG, MIKE JOHNSON, LARVADAIN, LYONS, MARTINEZ, PHELPS, SAWYER, STAGNI, AND WALTERS

COLLEGES/UNIVERSITIES: Provides relative to student disciplinary proceedings

1 AN ACT

2 To amend and reenact R.S. 17:3394(B), (D), (E)(1), and (F)(1) and to enact R.S.
3 17:3394(F)(4) and (5), relative to disciplinary proceedings at public postsecondary
4 education institutions; to provide relative to an appeals process; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3394(B), (D), (E)(1), and (F)(1) are hereby amended and
8 reenacted and R.S. 17:3394(F)(4) and (5) are hereby enacted to read as follows:

9 §3394. Disciplinary proceedings

10 * * *

11 B. Any student enrolled at an institution under the jurisdiction of the
12 management board and accused of a violation of the disciplinary or conduct rules
13 that carries a potential penalty of suspension of ten or more days, ~~deferred~~
14 suspension, or expulsion has the right to be represented, at the student's expense, by
15 an attorney or a non-attorney advocate who may fully participate during any
16 disciplinary proceeding or during any other procedure adopted and used by that
17 institution to address an alleged violation of the institution's nonacademic rules or

1 policies. This right applies to both the student who has been accused of the violation
2 and the student who is the alleged victim, if applicable. Prior to scheduling a
3 disciplinary proceeding, the institution shall inform the students in writing of their
4 rights as provided by this Section.

5 * * *

6 D.(1) An institution shall provide a student or student organization subject
7 to a charge or disciplinary proceeding with a written notice of the charge not later
8 than fourteen business days after receiving credible information, including but not
9 limited to a police report or other documentation, sufficient to initiate formal
10 disciplinary proceedings.

11 ~~(2) A student or student organization subject to a charge or disciplinary~~
12 ~~proceeding by the institution is entitled, upon receiving notice of the charge, to~~ The
13 written notice shall include information of on any and all violations of the
14 institution's nonacademic rules or policies and the disciplinary proceedings or
15 charges that will occur as a result.

16 (3) This notice shall include but need not be limited to each and every
17 section of the institution's rules or policies that the student or student organization
18 is alleged to have violated and any evidence the institution used and collected in
19 making the charge.

20 E. When a violation is punishable by suspension of ten or more days or
21 expulsion, or when a violation by a student organization is punishable by suspension
22 or removal of the organization from the institution, the disciplinary procedures
23 contained in the code of student conduct shall include but need not be limited to the
24 following:

25 (1)(a) Afford the accused student or organization the express presumption
26 of innocence and set forth that the student or the organization may not be deemed
27 guilty of the violation until the student or the organization formally acknowledges
28 responsibility or the conclusion of a hearing where the institution has proven every
29 element of the violation necessary to constitute ~~guilt~~ responsibility by clear and

1 convincing evidence. The standard of establishing ~~guilt~~ responsibility through clear
2 and convincing evidence shall not alter the burden of proof in hearings held pursuant
3 to Title IX of the Education Amendments of 1972 or R.S. 17:3399.11 et seq.

4 (b)(i) Notwithstanding Subparagraph (a) of this Paragraph, in any disciplinary
5 proceeding arising from physical conduct that resulted in serious bodily injury as
6 defined in R.S. 14:2(C) or death, the institution shall establish responsibility by a
7 preponderance of the evidence.

8 (ii) The preponderance standard shall apply only when the institution
9 possesses objective and verifiable evidence that serious bodily injury or death
10 occurred and that the alleged conduct is directly connected thereto.

11 (iii) Such evidence may include but is not limited to law enforcement
12 reports, medical records, coroner reports, or other comparable documentation. The
13 institution shall issue written findings identifying the objective evidence relied upon.

14 * * *

15 F.(1) Any student or student organization that is found to be in violation of
16 the institution's nonacademic rules or policies shall be afforded an opportunity to
17 appeal the institution's initial decision to an appellate entity that is an institutional
18 administrator or body that did not make the initial decision. Such an appeal shall be
19 filed within ~~ten~~ fourteen business days after receiving final notice of the institution's
20 decision. The right to appeal the result of the institution's disciplinary proceeding
21 also applies to the student who is the alleged victim, if applicable. The institution
22 may designate the appellate entity as the final institutional authority on the matter;
23 however, nothing in this Section shall preclude a court from granting a prevailing
24 plaintiff equitable relief.

25 * * *

26 (4)(a) Notwithstanding any other provisions of law, sanctions imposed under
27 this Section shall not take effect, be enforced, or be considered final until the later
28 of:

Present law provides that when a violation is punishable by a suspension of 10 or more days or expulsion or when a violation by a student organization is punishable by suspension or removal from the institution, the disciplinary procedures shall afford the accused student or organization the express presumption of innocence and set forth that the student or organization may not be deemed guilty until he or it formally acknowledges responsibility or the conclusion of a hearing where the institution has proven every element of the violation necessary to constitute guilt by clear and convincing evidence. Provides that the standard of establishing guilt through clear and convincing evidence shall not alter the burden of proof in hearing held pursuant to federal law (Title IX) or present law.

Proposed law provides for responsibility instead of guilt and otherwise retains present law. Proposed law further provides:

- (1) Notwithstanding present law and proposed law, in any disciplinary proceeding arising from physical conduct that resulted in serious bodily injury as defined in present law or death, the institution shall establish responsibility by a preponderance of the evidence.
- (2) The preponderance standard shall apply only when the institution possesses objective and verifiable evidence that serious bodily injury or death occurred and that the alleged conduct is directly connected thereto.
- (3) Such evidence may include but is not limited to law enforcement reports, medical records, coroner reports, or other comparable documentation and the institution shall issue written findings identifying the objective evidence relied upon.

Present law requires appeals to be filed within 10 business days. Proposed law extends this time frame from 10 to 14 days.

Proposed law further provides:

- (1) Sanctions imposed under present law and proposed law shall not take effect, be enforced, or be considered final until the later of:
 - (a) The deadline for filing an appeal has expired without an appeal being filed.
 - (b) All institutional appeals have been completed, and any appellate decisions have been issued.
- (2) Nothing in proposed law shall prohibit an institution from taking reasonable interim safety measures, including but not limited to housing adjustments, academic changes, or mutual no-contact directives, as long as such measures are not punitive sanctions within the meaning of present law and proposed law.
- (3) The decisionmaker shall issue a written determination that includes:
 - (a) A statement of the factual basis for the violations.
 - (b) A summary of the evidence considered in making the determination.
 - (c) A description of any sanctions imposed.
 - (d) A statement of the procedures and timelines for appeal.

(Amends R.S. 17:3394(B), (D), (E)(1), and (F)(1); Adds R.S. 17:3394(F)(4) and (5))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.