

RÉSUMÉ DIGEST

ACT 441 (HB 738)

2026 Regular Session

McMakin

Existing law provides that a student enrolled at a public postsecondary education institution accused of a violation of disciplinary or conduct rules that carries certain potential penalties has the right to representation. Provides that such penalties are suspension of 10 or more days or expulsion. Prior law provided for "deferred suspension" in the list of penalties. New law instead provides for "suspension".

Existing law provides for written notice to a student or student organization subject to a charge or disciplinary proceeding by an institution. Requires that such notice include information on all violations and the resulting disciplinary proceedings or charges. Prior law provided that such a student or organization was entitled to such notice. New law instead requires an institution to provide a student or organization with a written notice of the charge not later than 14 business days after receiving credible information, including but not limited to a police report or other documentation, sufficient to initiate formal disciplinary proceedings.

Existing 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 include, at a minimum, the following:

- (1) 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 by clear and convincing evidence. Prior law provided that such proof constitute "guilt." New law instead provides that such proof constitute "responsibility".
- (2) In any disciplinary proceeding arising from physical conduct that resulted in serious bodily injury or death, the institution shall establish responsibility by a preponderance of the evidence. 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. 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.

Existing law provides a time frame within which appeals must be filed. Prior law set this at 10 days. New law extends this time frame from 10 days to 14 days.

New law provides that sanctions imposed under existing law and new law shall not take effect, be enforced, or be considered final until the later of:

- (1) The deadline for filing an appeal has expired without an appeal being filed.
- (2) All institutional appeals have been completed, and any appellate decisions have been issued.

New law provides that nothing in new 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 existing law and new law.

New law provides that the decisionmaker shall issue a written determination that includes:

- (1) A statement of the factual basis for the violations.
- (2) A summary of the evidence considered in making the determination.
- (3) A description of any sanctions imposed.

(4) A statement of the procedures and timelines for appeal.

Effective August 1, 2026.

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