

GREEN SHEET REDIGEST

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

DIGEST

Proposed law requires public postsecondary education management boards to establish policies relative to the procedure for students or student organizations being charged with nonacademic offenses to use an attorney or nonattorney advocate in their defense at disciplinary proceedings and appeal hearings.

Such a policy shall be included in the student handbook or student code 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 nonacademic 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 a court to award treble damages for a violation of proposed law.

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.

(Adds R.S. 17:3394)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Add provisions relative to serious offenses with specified punishment requirements.
- 2. Authorize institutions to take interim measures relative to a student that could be an immediate threat.

3. Remove role of attorney general in an action by a student or organization against an institution.
4. Remove provisions regarding an accuser who is not an alleged victim.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill

1. Requires policies to be in each institution's student handbook or code of conduct.
2. Includes a deferred suspension in list of discipline for which the right of representation is provided.
3. Decreases the days to request an appeal from 90 to 10.
4. Allows the institution to designate an appellate entity as final institutional authority on the matter.
5. Requires institutions to provide reimbursements to students whose decisions are reversed or reduced of penalties.
6. Provides relative to right of actions against the management boards.
7. Provides relative to damages.
8. Increases the time for written notice when action is deemed an immediate threat.
9. Increases the time between written notice to a required hearing from three days to seven days.