
DIGEST

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HB 738 Engrossed

2026 Regular Session

McMakin

Abstract: Provides relative to procedures associated with disciplinary proceedings for students and organizations at public postsecondary education institutions.

Present law requires a notice of a charge being brought against a student or student organization at a public college or university.

Proposed law requires the notice be in writing and provided no later than 14 business days from receiving credible information.

Present law provides that neither a student nor an organization may be deemed guilty of a violation until the conclusion of a hearing where the institution establishes every element of the alleged violation by clear and convincing evidence.

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

Proposed law further requires an institution to establish responsibility by a preponderance of the evidence arising from physical conduct that results in serious bodily injury or death.

Proposed law provides that the preponderance standard applies only when there is evidence that the alleged conduct resulted in serious bodily injury or death.

Proposed law provides evidence may include, but is not limited to, the following:

- (1) Law enforcement reports.
- (2) Medical records.
- (3) Coroner reports.
- (4) Other comparable documents.

Present law provides for an appeal to be filed within 10 days. Proposed law changes this timeframe from 10 days to 14 business days.

Proposed law provides that sanctions cannot take effect or be enforced 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 an appeal decisions have been issued.

Proposed law requires the decisionmaker to issue a written determination including all of the following:

- (1) A statement of all the factual bases for the violation.
- (2) A summary of the evidence.
- (3) A description of the sanctions.
- (4) A statement of the procedures and timelines for an appeal.

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