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## DIGEST

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HB 738 Reengrossed

2026 Regular Session

McMakin

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

Present 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. Proposed law retains present law. Present law provides that such penalties are suspension of 10 or more days, deferred suspension, or expulsion. Proposed law refers to "suspension" instead of "deferred suspension" and otherwise retains present law.

Present law provides that a student or student organization subject to a charge or disciplinary proceeding by the institution is entitled, upon receiving notice of the charge, to notice of any and all violations of the rules or policies and the disciplinary proceedings or charges that will occur as a result. Proposed law removes present law relative to such entitlement and instead requires an institution to provide a student or student organization subject to a charge or disciplinary proceeding with a written notice of the charge not later than 14 days after receiving credible information, including but not limited to a police report or other documentation, sufficient to initiate formal disciplinary proceedings. Requires that such notice include information on all violations and the resulting disciplinary proceedings or charges.

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.