

ACT No. 441

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

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
18 policies. This right applies to both the student who has been accused of the violation
19 and the student who is the alleged victim, if applicable. Prior to scheduling a

1 disciplinary proceeding, the institution shall inform the students in writing of their
2 rights as provided by this Section.

3 * * *

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

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

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

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

23 (1)(a) Afford the accused student or organization the express presumption
24 of innocence and set forth that the student or the organization may not be deemed
25 guilty of the violation until the student or the organization formally acknowledges
26 responsibility or the conclusion of a hearing where the institution has proven every
27 element of the violation necessary to constitute ~~guilt~~ responsibility by clear and
28 convincing evidence. The standard of establishing ~~guilt~~ responsibility through clear
29 and convincing evidence shall not alter the burden of proof in hearings held pursuant
30 to Title IX of the Education Amendments of 1972 or R.S. 17:3399.11 et seq.

