HLS 24RS-203 ORIGINAL

2024 Regular Session

HOUSE BILL NO. 174

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BY REPRESENTATIVE MCMAKIN

HIGHER EDUCATION: Provides relative to disciplinary proceedings for students and student organizations at public postsecondary education institutions

1 AN ACT

To amend and reenact R.S. 17:3394(B) and (E)(introductory paragraph) and (1), relative to disciplinary proceedings at public postsecondary education institutions; to apply certain disciplinary procedures regardless of the degree of potential punishment associated with a violation; to revise the conditions under which a student or student organization may be deemed guilty of a violation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3394(B) and (E)(introductory paragraph) and (1) are hereby amended and reenacted to read as follows:

§3394. Disciplinary proceedings

\* \* \*

B. Any student enrolled at an institution under the jurisdiction of the management board and accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by that institution to address an alleged violation of the institution's nonacademic rules or policies. This right applies to both the student who has been accused of the violation and the student who is the alleged victim, if applicable. Prior to scheduling a

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1 disciplinary proceeding, the institution shall inform the students in writing of their 2 rights as provided by this Section. 3 4 E. When a violation is punishable by suspension of ten or more days or 5 expulsion, or when a violation by a student organization is punishable by suspension 6 or removal of the organization from the institution, the The disciplinary procedures 7 contained in the code of student conduct shall include but need not be limited to the 8 following: 9 (1) Afford the accused student or organization the express presumption of 10 innocence and set forth that he or the organization may not be deemed guilty of the 11 violation until he or the organization formally acknowledges responsibility or the 12 conclusion of a hearing where the institution has established proven every element 13 of the <del>alleged</del> violation <u>necessary to constitute guilt beyond a reasonable doubt</u>. 14

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 174 Original

2024 Regular Session

McMakin

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

<u>Present law</u> requires each postsecondary education management board to adopt a policy relative to disciplinary proceedings, right to counsel for students and student organizations, and appeals. Requires each institution to adopt a policy and incorporate it into its student handbook or code of conduct and that disciplinary procedures include specific measures under the following circumstances:

- (1) When a student's violation is punishable by either a suspension of 10 or more days or by expulsion.
- (2) When an organization's violation is punishable by suspension or removal from the institution.

<u>Proposed law</u> broadens the application of these procedures to any violation regardless of the degree of potential punishment.

<u>Present law</u>, relative to these procedures, requires that they:

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- (1) Afford the student or organization the express presumption of innocence. <u>Proposed</u> law retains present law.
- (2) Provide that neither a student nor organization may be deemed guilty of a violation until one of the following conditions is met:
  - (a) The student or organization formally acknowledges responsibility. <u>Proposed</u> law retains present law.
  - (b) The conclusion of a hearing where the institution has established every element of the alleged violation. <u>Proposed law</u> revises this condition to provide for the conclusion of a hearing where the institution has proven every element of the violation necessary to constitute guilt beyond a reasonable doubt.

(Amends R.S. 17:3394(B) and (E)(intro. para.) and (1))