

2024 Regular Session

HOUSE BILL NO. 174

BY REPRESENTATIVE MCMAKIN

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

10 §3394. Disciplinary proceedings

11 \* \* \*

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



- (1) Afford the student or organization the express presumption of innocence. Proposed 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. Proposed law retains present law.
  - (b) The conclusion of a hearing where the institution has established every element of the alleged violation. Proposed law 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))