
DIGEST

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HB 174 Original

2024 Regular Session

McMakin

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

Present law 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.

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

Present law, relative to these procedures, requires that they:

- (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))