

2024 Regular Session

HOUSE BILL NO. 174

BY REPRESENTATIVE MCKIN

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(E)(1), relative to disciplinary proceedings at public
3 postsecondary education institutions; to revise the conditions under which a student
4 or student organization may be deemed guilty of a violation; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3994(E)(1) is hereby amended and reenacted to read as follows:

8 §3394. Disciplinary proceedings

9 * * *

10 E. When a violation is punishable by suspension of ten or more days or
11 expulsion, or when a violation by a student organization is punishable by suspension
12 or removal of the organization from the institution, the disciplinary procedures
13 contained in the code of student conduct shall include but need not be limited to the
14 following:

15 (1) Afford the accused student or organization the express presumption of
16 innocence and set forth that he or the organization may not be deemed guilty of the
17 violation until he or the organization formally acknowledges responsibility or the
18 conclusion of a hearing where the institution has ~~established~~ proven every element
19 of the ~~alleged~~ violation necessary to constitute guilt by clear and convincing
20 evidence.

21 * * *

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 Engrossed

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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 that disciplinary procedures:

- (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 either of the following occurs:
 - (a) The student or organization formally acknowledges responsibility. Proposed law retains present law.
 - (b) A hearing concludes 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 by clear and convincing evidence.

(Amends R.S. 17:3394(E)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Remove proposed law broadening the application of disciplinary procedures to any violation regardless of the degree of potential punishment.
2. Change evidentiary requirement from "beyond a reasonable doubt" to "by clear and convincing evidence".