
DIGEST

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HB 174 Reengrossed

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 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 and provides that this standard does not alter the burden of proof for hearings held pursuant to Title IX or present law relative to power-based violence on college campuses.

(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".

The House Floor Amendments to the engrossed bill:

1. Add that requirement relative to establishing guilt through clear and convincing evidence shall not alter the burden of proof in hearings held pursuant to Title IX or present law relative to power-based violence on college campuses.