

RÉSUMÉ DIGEST

ACT 416 (HB 174)

2024 Regular Session

McMakin

Existing 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.
- (2) Provide that neither a student nor an organization may be deemed guilty of a violation until either one of two conditions is met:
 - (a) The student or organization formally acknowledges responsibility.
 - (b) The conclusion of a hearing. Prior law required that the institution establish every element of the alleged violation at such hearing. New law requires that the institution prove every element of the violation necessary to constitute guilt by clear and convincing evidence at such hearing. Further provides that this standard does not alter the burden of proof for hearings held pursuant to Title IX or existing law relative to power-based violence on college campuses.

Effective August 1, 2024.

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