
DIGEST

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HB 174 Engrossed

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.

(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".