



# LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

**Changing Lives,  
Creating Futures**

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**TO:** Dr. Monty Sullivan  
LCTCS President

**THROUGH:** Dr. Chandler LeBoeuf WCL  
Governmental and Public Affairs Officer

**FROM:** Dr. Amber Blair AAB  
Executive Director of Student Compliance, Equity, and Governance

**DATE:** September 12, 2023

**SUBJECT:** Review and Advise ment: Revisions to LCTCS Policy #2.004 - Student Conduct and Appeal Procedures

Received  
~~APPROVED~~  
per 10/4/23  
LCTCS BOARD OF SUPERVISORS

## FOR BOARD REVIEW AND ADVISEMENT

**Recommendation:** Staff recommends that the Board accept for Review and Advise ment the revisions to LCTCS Policy 2.004 Student Conduct and Appeal Procedures.

**Background:** Pursuant to Act 464, R.S. 17:3394 of the 2022 Regular Legislative Session of the Louisiana Legislature, each college must establish polices and regulations governing student conduct and due process that include additional due process measures, such as:

- The right to be represented by a fully participating attorney or non-attorney advocate for any violation that carries a suspension of ten or more days, deferred suspension, or expulsion;
- The right of any officially recognized student organization to be represented by a fully participating attorney or non-attorney advocate;
- Maintenance of an administrative file of disciplinary proceedings;
- Provide the accused and the alleged victim reasonable access to the administrative file and ability to make copies of documents in the file;
- No commingling of administrative or adjudicative roles;
- Right to appeal an institution's decision;
- Provide equivalent rights to the alleged victim;
- Reasonable interim measures to ensure physical safety of members of campus community, including an interim measure hearing.

**Fiscal Impact:** N/A

**History of Prior Actions:** PACC approved draft revisions on 9/12/2023.

**Benefits to the System:** These revisions will ensure compliance with Act 464 and expand due process rights for students.

**Approved for Recommendation to the Board**  
**Dr. Monty Sullivan**

October 4, 2023

**Date**

**LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM**  
**Policy # 2.004**

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**Title: STUDENT CONDUCT AND APPEAL PROCEDURES**

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Authority: Board Action

Original Adoption: 02/14/2002

Effective Date: 02/08/2017

Last Revision:

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This Policy on student due process and protection, relative to disciplinary proceedings, right to counsel for students and student organizations, and appeals, is promulgated pursuant to Act 464, R.S. 17:3394, of the 2022 Regular Legislative Session of the Louisiana Legislature. Each college shall establish policies and regulations governing student conduct and due process and publish such policies and regulations on the college’s website and in the appropriate college publications, including student handbooks and codes of conduct. These policies and regulations shall:

1. Acknowledge students’ rights as well as responsibilities, including the right to private legal action for violation of due process rights;
2. Provide for due process. Due process includes notice of any and all violations of the college’s non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result. This notice shall include but need not be limited to each and every section of the college's rules or policies that the student or student organization is alleged to have violated and any evidence the institution used and collected in making the charge. Due process also includes an opportunity to be heard in disciplinary matters, including the right to appeal; and
3. Provide for appeal of the college’s decision in disciplinary matters to the Louisiana Community and Technical College System (LCTCS) Office after all due process procedures at the college-level are exhausted, in accordance with the procedures stated below.

**Disciplinary Proceedings**

Any student enrolled at an LCTCS member college who is accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may “fully participate” (make opening and closing statements, examine and cross-examine witnesses, and provide the alleged victim or accused with support, guidance, and advice) during any disciplinary proceeding or during any other procedure adopted and used by that college to address an alleged violation of the college's non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling a disciplinary proceeding, the institution shall inform the students in writing of their rights. These

rights extend to any student organization officially recognized by an LCTCS member college and the alleged victim, if applicable.

Disciplinary proceedings shall ensure the following:

1. The express presumption of innocence of the accused student or student organization;
2. Access to the administrative case file, which shall include all documents and evidence in the college's possession or control relevant to the alleged violation and the college's investigation;
3. Reasonable continuing access to the administrative file, which will be redacted as required by law, and the ability to make copies of all evidence or documents in the file beginning at least seven business days prior to any disciplinary hearing (or sooner if required by law);
4. Freedom from conflicts of interest;
5. No person in the adjudicative process will assume more than one of the following roles:
  - a. Victim counselor and victim advocate,
  - b. Investigator,
  - c. Institutional prosecutor,
  - d. Adjudicator, or
  - e. Appellate adjudicator;
6. A designee will be assigned in the event any step in the disciplinary proceedings would by order of process lead to a duplicative role. The LCTCS Board Office reserves the right to, on its own initiative, remove a case from the college for adjudication resolution at the System office to avoid duplication of roles.
7. An opportunity for either party to submit an appeal within ten days after receiving final notice of the college's decision;
8. Appeals are limited to the basis of new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process.
9. The right for attorney and non-attorney advocacy mentioned above extends to the appeal process;
10. In the reversal of the decision or a lessening of the sanction, the college shall reimburse the student for any tuition and fees paid for the period of suspension, including a deferred suspension, or expulsion which had not been previously refunded, if applicable;
11. Equitable treatment of the accused alleged victims, including simultaneous notifications throughout the disciplinary process.

### **Interim Measures**

Colleges have the ability to take reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issue. Reasonable interim measures shall require the following:

1. Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the college's reasons for enacting the measures;
2. Within seven business days of the written notice unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk. At the hearing, both the accused student and the alleged victim shall have the right to be represented as described above. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights;
3. Colleges should develop a process for addressing coursework completed during an interim suspension or involuntary removal;
4. Colleges should provide notice that the completed coursework may be denied or revoked pending the outcome of the hearing.

### **Student Leaders**

All LCTCS institutions are committed to upholding and instilling in all students the highest standards of academic, personal, professional, and social integrity. However, student leaders, by virtue of their post, are considered to be role models within the college community and must therefore at all times exhibit behavior, on and off campus, that aligns with the college's mission and its student code of conduct. For purposes of this policy, student leaders include: student athletes, student government officials, student organization leaders, honor society leaders, and other official student leadership roles recognized by the college.

If a student leader is charged with a felony offense or serious misdemeanor, the student leader may be removed from his/her leadership position until final legal disposition of the matter. While charges do not constitute guilt, a student leader being charged could affect the college's reputation and/or the learning environment. Student leaders have a responsibility to self-report any felony or serious misdemeanor charges, within 48 hours, to their staff advisor, who will then inform college leadership. This policy will be enacted when a student self-reports or when college leadership becomes aware of the charges.

The decision to remove a student leader from his/her leadership position will be made by the college Chancellor, in consultation with the college's Chief Student and/or Academic Affairs Officer. The following factors will be considered when deciding whether or not to remove a student leader from his/her position following a felony offense or serious misdemeanor charge:

1. The impact having the student leader remain in his/her position may have on the college community as a whole;
2. Whether or not the felony or serious misdemeanor offense involved any other members of the LCTCS college community or property of an LCTCS college; and
3. The individual student leader's personal ability to fulfill in his/her leadership responsibilities while under investigation.

Once final legal disposition of the matter occurs, the college Chancellor, in consultation with the college's Chief Student and/or Academic Affairs Officer, may lift, modify, leave in place, extend, or make permanent the student's removal from the leadership position.

Student leaders must be made aware of and acknowledge this policy upon their ascension to a leadership position.

### **Procedures for an Appeal to the LCTCS Office**

A student, or the parent/legal guardian of a minor student, may appeal to the LCTCS Office on the grounds that the college's published procedures do not provide due process or that such procedures were carried out in an unfair or impartial manner. The appeal must be made, in writing, within 30 business days of the college's final disposition on the matter.

Formal requests for appeals should be emailed to the Louisiana Community and Technical College System Office at [students@lctcs.edu](mailto:students@lctcs.edu) or mailed to 265 S. Foster Road, Baton Rouge, LA. 70806, ATTN: Student Governance, and should contain the following information:

1. Name of individual submitting the appeal as it appears in the college's records;
2. Student ID number of the individual submitting the appeal;
3. Mailing address of the individual submitting the appeal;
4. Phone number of the individual submitting the appeal;
5. Email address of the individual submitting the appeal;
6. Dates of attendance at the college;
7. The individual's affiliation with the college (current student, former student, parent or legal guardian of current or former student, if complainant is an un-emancipated minor)
8. A description of the nature of and reason for the appeal; and
9. Any supporting documentation

Once a formal request for appeal is received, System Office staff will:

1. Review the submitted materials and contact the individual who submitted the appeal for any additional information or clarifications needed.
2. Send a copy of the request for appeal to the college and request that a formal response and any relevant supporting documentation from the college be submitted to System Office staff within 10 business days.

Once all documents are received, System Office staff will:

1. Review the documents submitted to ensure that the college's published procedures provide due process and were carried out in a fair and impartial manner.
2. In the event that System Office staff cannot determine whether the college's published procedures provide due process or whether or not they were carried out in a fair and impartial manner based on the documents submitted, System Office staff may engage in any fact-finding reasonably required by the circumstances. This may include a request for

either party to participate in a telephone conference meeting so that the facts can be clearly set forth.

Once the review process and any reasonably required fact-finding has concluded, System Office staff will notify, in writing, both the college and the individual who filed the appeal of the System Office staff's determination. This determination will represent the final disposition on the appeal. Every effort will be made to resolve all appeals within 30 business days of the formal request for appeal.

**LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM**  
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4. Freedom from conflicts of interest;
5. No person in the adjudicative process will assume more than one administrative role in the disciplinary proceedings of the following roles:
  - a. Victim counselor and victim advocate,
  - b. Investigator,
  - c. Institutional prosecutor,
  - d. Adjudicator, or
  - e. Appellate adjudicator;
6. A designee will be assigned in the event any step in the disciplinary proceedings would by order of process lead to a duplicative role. The LCTCS Board Office reserves the right to, on its own initiative, remove a case from the college for adjudication resolution at the System office to avoid duplication of roles.
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**Commented [RW1]:** Although not mentioned in the statute, should the interim measures section instruct our colleges to develop a process for addressing coursework completed during an interim suspension or involuntary removal? Should we provide notice that the completed coursework may be denied or revoked pending the outcome of the hearing?



1. Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the college's reasons for enacting the measures;
2. Within seven business days of the written notice unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk. At the hearing, both the accused student and the alleged victim shall have the right to be represented as described above. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights;
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2. In the event that System Office staff cannot determine whether the college's published procedures provide due process or whether or not they were carried out in a fair and impartial manner based on the documents submitted, System Office staff may engage in any fact-finding reasonably required by the circumstances. This may include a request for

either party to participate in a telephone conference meeting so that the facts can be clearly set forth.

Once the review process and any reasonably required fact-finding has concluded, System Office staff will notify, in writing, both the college and the individual who filed the appeal of the System Office staff's determination. This determination will represent the final disposition on the appeal. Every effort will be made to resolve all appeals within 30 business days of the formal request for appeal.

# ACT No. 464

2022 Regular Session

HOUSE BILL NO. 364

BY REPRESENTATIVES MCKNIGHT, AMEDEE, BISHOP, COUSSAN, DAVIS, IVEY,  
LACOMBE, CHARLES OWEN, AND PRESSLY

1 AN ACT

2 To enact R.S. 17:3394, relative to the powers and duties of public postsecondary education  
3 management boards; to require a disciplinary hearing process for students and  
4 student organizations accused of committing non-academic offenses; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. This Act shall be known and may be cited as the "Student Due Process  
8 and Protection Act".

9 Section 2. R.S. 17:3394 is hereby enacted to read as follows:

10 §3394. Disciplinary proceedings

11 A. Each public postsecondary education management board shall adopt a  
12 policy relative to disciplinary proceedings, right to counsel for students and student  
13 organizations, and appeals. Each postsecondary institution governed by such a board  
14 shall also adopt a policy and incorporate it into its student handbook or code of  
15 conduct.

16 B. Any student enrolled at an institution under the jurisdiction of the  
17 management board and accused of a violation of the disciplinary or conduct rules  
18 that carries a potential penalty of ~~suspension of ten or more days, deferred~~  
19 suspension, or expulsion has the right to be represented, at the student's expense, by  
20 an attorney or a non-attorney advocate who may fully participate during any  
21 disciplinary proceeding or during any other procedure adopted and used by that

1 institution to address an alleged violation of the institution's non-academic rules or  
2 policies. This right applies to both the student who has been accused of the violation  
3 and to the student who is the alleged victim, if applicable. Prior to scheduling a  
4 disciplinary proceeding, the institution shall ~~inform the students in writing of their~~  
5 rights as provided by this Section.

6 C. ~~Any student organization officially recognized by an institution under the~~  
7 jurisdiction of the management board has the right to be represented, at the  
8 organization's expense, by an attorney or a non-attorney advocate who may fully  
9 participate during any disciplinary proceeding or during any other procedure adopted  
10 and used by the institution to address an alleged violation of the institution's non-  
11 academic rules or policies. This right applies to both the student organization that  
12 has been accused of the alleged violation and the alleged victim, if applicable.

13 D. A student or student organization subject to a charge or disciplinary  
14 proceeding by the institution is entitled, upon receiving ~~notice~~ of the charge, to  
15 notice of any and all violations of the institution's non-academic rules or policies and  
16 the disciplinary proceedings or charges that will occur as a result. This notice shall  
17 include but need not be limited to each and every section of the institution's rules or  
18 policies that the student or student organization is alleged to have violated and any  
19 evidence the institution used and collected in making the charge.

20 E. When a violation is ~~punishable by suspension of ten or more days or~~  
21 expulsion, or when a violation by a student organization is punishable by suspension  
22 or removal of the organization from the institution, the disciplinary procedures  
23 contained in the code of student conduct shall include but need not be limited to the  
24 following:

25 (1) Afford the accused student or organization the ~~express presumption of~~  
26 innocence and set forth that he or the organization may not be deemed guilty of the  
27 violation until he or the organization formally acknowledges responsibility or the  
28 conclusion of a hearing where the institution has established every element of the  
29 alleged violation.

1           (2) Require the institution to ~~maintain an administrative file of the~~  
2 ~~disciplinary proceedings.~~ The file shall include all documents and evidence in the  
3 institution's possession or control relevant to the alleged violation and the  
4 institution's investigation including but not limited to exculpatory evidence,  
5 documents submitted by any participant, and the institution's choice of a video  
6 recording, audio recording, or transcript of any disciplinary hearing ultimately held  
7 in the matter. The file shall not include privileged documents or internal  
8 memorandums that the institution does not intend to introduce as evidence at any  
9 hearing on the matter.

10           (3) Provide both the accused student or organization and the alleged victim  
11 ~~reasonable continuing access to the administrative file and the ability to make copies~~  
12 of all evidence or documents in the file beginning at least seven business days prior  
13 to any disciplinary hearing, or sooner if otherwise specified under federal law, except  
14 that individual portions of the administrative file shall be redacted if disclosure of the  
15 evidence is required by law.

16           (4) Ensure that all ~~disciplinary proceedings are carried out free from~~  
17 ~~conflicts of interest~~ by ensuring that there is ~~no commingling of administrative or~~  
18 ~~adjudicative roles.~~ For purposes of this Paragraph, an institution shall be considered  
19 to commingle such roles if any individual carries out more than one of the following  
20 roles with respect to any disciplinary proceeding:

21           (a) Victim counselor and victim advocate.

22           (b) Investigator.

23           (c) Institutional prosecutor.

24           (d) Adjudicator.

25           (e) Appellate adjudicator.

26           F.(1) Any student or student organization that is found to be in violation of  
27 the institution's non-academic rules or policies shall be ~~afforded an opportunity to~~  
28 ~~appeal the institution's initial decision~~ to an appellate entity that is an institutional  
29 administrator or body that did not make the initial decision. Such an appeal shall be  
30 ~~filed within ten days after receiving final notice of the institution's decision.~~ The

1 right to appeal the result of the institution's disciplinary proceeding also applies to  
2 the student who is the alleged victim, if applicable. The institution may designate the  
3 appellate entity as the final institutional authority on the matter; however nothing in  
4 this Section shall preclude a court from granting a prevailing plaintiff equitable  
5 relief.

6 (2) The right of the student or student organization as provided in  
7 Subsections A and B of this Section to be represented, at the student's or the  
8 organization's expense, by the student's or the organization's attorney or non-attorney  
9 advocate also applies to the appeal.

10 (3) The issues that may be raised on appeal include new evidence,  
11 contradictory evidence, and evidence that the student or student organization was not  
12 afforded due process. The institutional body considering the appeal may consider  
13 police reports, transcripts, and the outcome of any civil or criminal proceeding  
14 directly related to the appeal.

15 G. Upon consideration of the evidence, the institutional body considering the  
16 appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or  
17 modify the punishment. If the appeal results in the reversal of the decision or a  
18 lessening of the sanction, the institution shall reimburse the student for any tuition  
19 and fees paid for the period of suspension, including a deferred suspension, or  
20 expulsion which had not been previously refunded, if applicable.

21 H. For purposes of this Section, "fully participate" includes the opportunity  
22 to make opening and closing statements, to examine and cross-examine witnesses,  
23 and to provide the alleged victim or accused with support, guidance, and advice. This  
24 Section does not require an institution to use formal rules of evidence in institutional  
25 disciplinary proceedings. The institution, however, shall make good faith efforts to  
26 include relevant evidence and exclude evidence which is neither relevant nor  
27 probative.

28 I. This Section does not affect the obligation of an institution to provide  
29 equivalent rights to a student who is the alleged victim in the disciplinary

1 proceeding, including equivalent opportunities to have others present during an  
2 institutional disciplinary proceeding, to an unrestricted choice of attorney or non-  
3 attorney advocate in any meeting or institutional disciplinary proceeding, and to be  
4 provided simultaneous notification of the institution's procedures for the accused and  
5 the alleged victim to appeal the result of the institutional disciplinary proceeding, if  
6 applicable.

7 J. Any student or student organization that has its rights under this Section  
8 violated may bring a private right of action against the institution and its agents  
9 acting in their official capacities, with the management board named as a party, to  
10 recover actual damages. If the court finds this Section or the student or student  
11 organization's rights to due process have been violated, the court shall award any  
12 mental or emotional distress, loss of wages or earning capacity, and costs.

13 K. Nothing in this Section shall be construed to impair an institution's ability  
14 to take reasonable interim measures necessary to ensure the physical safety of  
15 members of the campus community during a timely investigation and adjudication  
16 of a student disciplinary issue including but not limited to the ability to make  
17 adjustments in student housing arrangements, impose conditions of mutual no-  
18 contact between the accused student and the alleged victim, temporarily suspend a  
19 student, or ban a student from campus. Such reasonable interim measures shall  
20 require the following:

21 (1) Within seventy-two hours of the alleged violation being deemed an  
22 immediate threat, written notice of the interim measure that explains the institution's  
23 reasons for enacting the measures.

24 (2) Within seven business days of the written notice pursuant to Paragraph  
25 (1) of this Subsection, unless otherwise waived by the accused student, an interim  
26 measure hearing to determine whether there is substantial evidence that the student  
27 poses a risk to the physical safety of a member of the campus community and that  
28 the interim measure is appropriate to mitigate that risk. At the hearing, both the  
29 accused student and the alleged victim shall have the right to be represented as



1           provided in Subsection B of this Section. An accused student's waiver of the right  
 2           to an interim measure hearing shall not constitute an admission of guilt or a waiver  
 3           of any additional rights provided for in this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

**Signature:** W. Chandler LeBoeuf  
W. Chandler LeBoeuf (Sep 28, 2023 14:07 CDT)  
**Email:** chandlerleboeuf@lctcs.edu

**Signature:** Amber Blair  
Amber A. Blair (Sep 28, 2023 14:08 CDT)  
**Email:** amberblair1@lctcs.edu











# LCTCS Policy 2.004 Student Conduct and Appeal Procedures


Final Audit Report

2023-09-28

Created:	2023-09-28
By:	Ericka Poole (erickapoole@lctcs.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAtixSggJv-7-_p2IZxa3AB8HLLly0Z83n

## "LCTCS Policy 2.004 Student Conduct and Appeal Procedures" History

-  Document created by Ericka Poole (erickapoole@lctcs.edu)  
2023-09-28 - 5:27:49 PM GMT
-  Document emailed to chandlerleboeuf@lctcs.edu for signature  
2023-09-28 - 5:28:27 PM GMT
-  Email viewed by chandlerleboeuf@lctcs.edu  
2023-09-28 - 5:51:07 PM GMT
-  Signer chandlerleboeuf@lctcs.edu entered name at signing as W. chandler LeBoeuf  
2023-09-28 - 7:07:45 PM GMT
-  Document e-signed by W. chandler LeBoeuf (chandlerleboeuf@lctcs.edu)  
Signature Date: 2023-09-28 - 7:07:47 PM GMT - Time Source: server
-  Document emailed to amberblair1@lctcs.edu for signature  
2023-09-28 - 7:07:48 PM GMT
-  Email viewed by amberblair1@lctcs.edu  
2023-09-28 - 7:08:01 PM GMT
-  Signer amberblair1@lctcs.edu entered name at signing as Amber A. Blair  
2023-09-28 - 7:08:46 PM GMT
-  Document e-signed by Amber A. Blair (amberblair1@lctcs.edu)  
Signature Date: 2023-09-28 - 7:08:48 PM GMT - Time Source: server
-  Document emailed to Katie Waldrop (katiewaldrop@lctcs.edu) for signature  
2023-09-28 - 7:08:49 PM GMT

 Email viewed by Katie Waldrop (katiewaldrop@lctcs.edu)

2023-09-28 - 7:28:28 PM GMT

 Signer Katie Waldrop (katiewaldrop@lctcs.edu) entered name at signing as Monty Sullivan

2023-09-28 - 7:29:21 PM GMT

 Document e-signed by Monty Sullivan (katiewaldrop@lctcs.edu)

Signature Date: 2023-09-28 - 7:29:23 PM GMT - Time Source: server

 Agreement completed.

2023-09-28 - 7:29:23 PM GMT