

ASSOCIATED STUDENTS
UNIVERSITY OF SAN DIEGO
TRAFFIC COURT
BY-LAWS

PURPOSE: The A.S. Traffic Court shall serve as the sole appellate body for traffic and parking violations incurred by any undergraduate or graduate student upon the campus of the University of San Diego. The Court exists to promote and protect the interests of the students of the University of San Diego.

ARTICLE I. STATEMENT OF POLICY

Section 1. The AS Traffic Court shall act under the authority granted to it by Article V, Section 1 of the AS Constitution.

Section 2. The AS Traffic Court shall serve in an administrative capacity, weighing the subjective and objective considerations in the judgment of each case.

Section 3. The statement of purpose for these Traffic Court By-Laws shall be the preeminent clause of these By-Laws and shall not be abridged by the Associated Students, any of its policies, any of its officers, or by the University of San Diego.

ARTICLE II. RIGHTS AND RESPONSIBILITIES

Section 1. Those who are granted authority by the University of San Diego shall have the right and duty to cite any vehicle and/or driver or owner of that vehicle found in violation of the University of San Diego Traffic and Parking Regulations.

Section 2. All violators have the right to appeal to the Court, and are bound under the terms of those procedures.

Section 3. The Court reserves the right to reverse any previous decisions in subsequent cases, adapting itself to changing conditions.

Section 4. The Court has the right through due process to order the revocation of a student's parking privileges for a given period of time.

Section 5. Once a final decision is reached by the Court, then that decision is final and may not be changed by any person or body of people, student or otherwise, with the exception of the Court itself or the University Vice President for Student Affairs.

ARTICLE III. MEMBERSHIP

Section 1. The AS Director of Parking shall be the Traffic Court Judge.

Section 2. Eight Traffic Court Jurors

- A. One graduate student representative.
- B. Four undergraduate representatives, one from each class.
- C. Three additional undergraduate representatives who each represent an aspect of the USD Community.

Section 3. Qualifications for membership

- A. No person shall be a member of the AS Traffic Court who is not a student of the University of San Diego.
- B. No person shall be a member of the AS Traffic Court who does not own **or has not owned** a USD student parking permit.
- C. No person shall be a member of the AS Traffic Court who has not been appointed by the AS President and approved by the AS Senate.

ARTICLE IV. DUTIES OF THE TRAFFIC COURT JUDGE

Section 1. The AS Traffic Court Judge shall preside over all Traffic Court Meetings and direct the Court's business.

Section 2. He/She shall conduct the business of the Court when the Court is not in session.

Section 3. He/She shall be the spokesperson of the Court.

Section 4. He/She shall be charged with the preparation of the Court.

Section 5. He/She may make recommendations to the AS President on potential Court appointees.

Section 6. He/She has the exclusive ability to assign community service hours to students in lieu of whole or partial payment of incurred traffic or parking citation fines. (THIS WILL BE TAKEN OUT)

Section 7. He/She has the exclusive responsibility of adjudicating any citation appeal made by any member of the Court, the AS President, or any appeal that cannot be

handled by any of the Traffic Court Jurors.

Section 8. He/She has the ability to suspend any member of the Court who acts in violation to these By-Laws.

Section 9. He/She will work on an ongoing basis with the office of Parking Services to acquire any information pertinent to the operation of the Court and to oversee the proper discharge of the Court's actions.

Section 10. He/She shall have the ability to call the Court into special session as the need arises.

Section 11. He/She is ultimately responsible for the welfare of the AS Traffic Court and upholding the provisions of the Traffic Court By-Laws.

ARTICLE V. MEETINGS

Section 1. Meetings shall be held [as needed during the course of the semester](#).

Section 2. All Court members are required to attend the regular meetings unless otherwise excused by the Traffic Court Judge.

Section 3. A quorum for any meeting of the Traffic Court shall be at least three members.

Section 4. Meetings of the AS Traffic Court are closed to anyone not on Court business or invited by the Court.

Section 5. Meeting times shall be set by the AS Traffic Court Judge.

ARTICLE VI. OPERATING PROCEDURE

Section 1. Meetings of the Traffic Court shall be conducted in a formal procedure.

Section 2. The Traffic Court Judge will assign members of the jury.

Section 3. Written appeals will be adjudicated by [the Office of Parking Services](#).

Section 4. Re-appeals will be adjudicated by three or more members of the Traffic Court according to the following guidelines:

1. Students may only re-appeal their traffic or parking citations if the appeal has already gone through the written appeal process.
2. Parking Services representative will be at each meeting to act as an informational resource, but has no input into the decision making process of the appeals.
3. No member of the Court may adjudicate an appeal which could represent an unnecessary conflict of interest.

4. No member of the Court may make any ruling on an appeal without a justifiable reason for making such a ruling.
5. Jurors ruling on justly issued Fire Lane citations may not dismiss the violation or reduce the fine by more than 75%.
6. Appeals made for a citation justly issued for parking in a designated Handicapped parking space must be denied.
7. Appeals made by the Traffic Court Judge are to be considered exclusively by Vice President of A.S. Relations.
8. Matters such as first time offenders or repeat offenders may be taken into consideration when rendering a ruling.
9. Similar appeals made with similar circumstances surrounding the appeals should be ruled on, by a given member of the Court, similarly.
10. Whenever an explanation is necessary for a ruling, it should be given in the space provided.

Section 5. The consideration of a re-appeal will take place in the following manner:

- A. Information on the re-appeal and the appellant's citation history is distributed to the appropriate members of the Court.
- B. The appellant comes before the Court to present a valid justification for the appeal.
- C. A third party may be called by the Court deliberation of a decision.
- D. Those hearing the re-appeal may ask questions of the appellant and of the third party.
- E. The appellant may make a final statement before leaving the room.
- F. The appellant leaves the room to wait while the Court members hearing the case come to a decision.
- G. A decision is made by the Court members hearing the case after discussion and a vote is taken.
- H. The decision will be based on a majority vote and shall be in accordance with Section 4 and Section 5 of Article VI of these Traffic Court By-Laws.
 1. The members may vote to postpone a decision if necessary.
 2. Traffic Court Judge has the ultimate say on Traffic Court Decision.

ARTICLE VII. COMMUNITY SERVICE AGREEMENTS

Section 1. Parking Services Manager has the exclusive ability to assign community service hours to students in lieu of whole or partial payment of incurred traffic or parking citation fines.

Section 2. Students may upon the consent of the Traffic Court Judge and Parking Services Manager complete community service hours in lieu of whole or partial payment of fines incurred by traffic or parking citations.

Section 3. No student may complete community service hours in lieu of payment for traffic and parking fines without entering into a signed Community Service Agreement with the AS Traffic Court Judge [after approval from Parking Service Manager](#).

Section 4. No student's traffic or parking fines shall be reduced or waived through community service work unless the terms of the Community Service Agreement and any other pre-arranged requirements have been met by the student entering into the agreement to the satisfaction of the USD Assistant Director of Community Service-Learning, Parking Service Manager, and the AS Traffic Court Judge.

Section 5. For every hour of community service work done in a completed Community Service Agreement, a corresponding per hour dollar amount shall be reduced from the total amount owed. That corresponding per hour dollar amount shall be set by the AS Traffic Court Judge at the beginning of her/his term of office and shall apply to all Community Service Agreements entered into during that term. Once initially set, the corresponding per hour dollar amount cannot be changed during the Traffic Court Judge's term.

Section 6. The fixed per hour dollar amount set for community service work hours shall never be less than [\\$7.50 per hour](#).

ARTICLE VIII. AMENDMENTS

Section 1. These By-Laws may be amended in the following way:

- A. Any student may submit a proposed amendment during any regular meeting of the AS Senate.
- B. The AS Director of Transportation must post the amendment publicly five class days before it is voted on by the AS Senate.
- C. A two-thirds majority vote of the entire AS Traffic Court is necessary for an adoption of an amendment to these By-Laws.
- D. The adopted amendment will have final approval after a two thirds vote of the entire AS Senate.

ARTICLE IX. RATIFICATION PROCEDURES

Section 1. Ratification of these Associated Student Traffic Court By-Laws will be effected by a two thirds majority vote of the AS Student Senate.

REVISED OCTOBER 2007

