

# THE BYLAWS OF THE PARKING RE-APPEALS COURT OF THE ASSOCIATED STUDENT GOVERNMENT OF THE UNIVERSITY OF SAN DIEGO

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## **Article I: Name**

The name of this organization shall be the Parking Re-appeals Court of the Associated Student Government of the University of San Diego (Re-appeals Court).

## **Article II: Purpose**

The Parking Re-appeals Court of the Associated Student Government exists to promote and protect the interests of Undergraduate and Graduate Students and shall serve as the sole appellate body for Parking Re-appeals by any student incurred, undergraduate or graduate, on the campus of the University of San Diego.

## **Article III. Statement of Policy**

Section 1      The Parking Re-appeals Court shall act under the authority granted to it by Article VII Section 8 of the Associated Student Government Constitution.

Section 2      The Parking Re-appeals 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 Parking Re-appeals Court Bylaws shall be the preeminent clause of these bylaws and shall not be abridged by the Associated Student Government, being any of its policies, any of its officers, or by the University of San Diego.

## **Article IV. Rights and Responsibilities**

- Section 1 Those 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 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 Once a decision is reached by the Parking Re-appeals Court, 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 of San Diego Vice President of Student Affairs.

## **Article V. Membership**

- Section 1 The Judicial Branch shall serve as Jurors on the Parking Re-Appeals Court unless otherwise disqualified by Article V Section 3.
- Section 2 The Chief Justice shall select a Justice to serve as the Parking Re-Appeals coordinator.
- Section 3 Qualifications for membership
- A. No member, including the Parking Re-appeals Court Coordinator, of the Parking Re-appeals Court may have more than three (3) parking citations

per semester. Their membership on the Court is terminated immediately upon receipt of the fourth citation.

- B. No member of the Parking Re-Appeals Court may serve on the court and appeal on the same day.
- C. The Chief Justice in conjunction with Parking Services can waive these qualifications.

## **Article VI. Duties of the Parking Re-appeals Court Coordinator**

Section 1 The Parking Re-appeals Court Coordinator shall preside over all Parking Re-appeals Court Meetings, be the spokesperson of the Parking Re-appeals Court, and direct the Parking Re-appeals Court's business.

- A. The Parking Re-appeals Court Coordinator may designate another Justice to preside over the Court.

Section 2 He/She/They shall conduct the business of the Parking Re-appeals Court when not in session.

Section 3 He/She/They shall be charged with the preparation of the Court.

Section 4 He/She/They has the exclusive responsibility of adjudicating any citation appeal made by any member of the Associated Student Government. The ASG Chief Justice has the exclusive responsibility of adjudicating any citation appeal made by any member of the ASG Executive Board. The ASG Parliamentarian has the exclusive responsibility of adjudicating any citation appeal made by the Chief Justice.

Section 5 He/She/They has the ability to suspend any member of the Court who acts in violation of these Bylaws.

Section 6 He/She/They will work on an ongoing basis with the office of Parking Services to acquire any information pertinent to the operation of the Parking Re-appeals Court and to oversee the proper discharge of the court's actions.

## **Article VIII. Meetings**

Section 1 Meetings shall be held as determined by the Parking Re-appeals Court Coordinator, the Student Leadership and Involvement Center Parking Re-appeals Court Advisor, and Parking Services and University Scheduling.

Section 2 All Court members are required to attend the regular meetings unless otherwise excused by the Parking Re-appeals Court Coordinator and the Chief Justice.

Section 3 A quorum for any meeting of the Parking Re-appeals Court shall be at least three members.

Section 4 Meetings of the Parking Re-appeals Court are closed to anyone not on Court Business or invited by the Court.

Section 5 The Parking Re-appeals Court Coordinator and the Chief Justice shall set meeting times after being approved by the Parking Re-appeals Court Advisor.

Section 6 The Parking Re-Appeals Court shall meet a minimum number of one (1) time per month from September through December, and February through May. Additional Court meetings may be added if necessary.

## **Article IX. Operating Procedure**

Section 1 Meetings of the Parking Re-appeals Court shall be conducted in a formal procedure.

Section 2 Written appeals will be adjudicated by the Office of Parking Services.

Section 3 Re-appeals will be adjudicated by the Parking Re-appeals Court according to the following guidelines:

- A. Students may only re-appeal their Parking Re-appeals or parking citations if the appeal has already gone through the written appeal process.
- B. No member of the Court may adjudicate an appeal that could represent an unnecessary conflict of interest.
- C. The Court may not make any ruling on an appeal without a justifiable reason for making such a ruling.
- D. Jurors ruling on justly issued Fire Lane citations may not dismiss the violation or reduce the fine by more than 50%.
- E. Appeals made by the Parking Re-appeals Court Coordinator are to be considered exclusively by the Associated Student Government Chief Justice.
- F. Matters such as first-time offenders or repeat offenders may be taken into consideration when rendering a ruling.
- G. The Court should rule on similar appeals made with similar circumstances surrounding the appeals in the same similar fashion, using precedence.
- H. Whenever an explanation is necessary for a ruling, it should be given in the space provided.

Section 4 The consideration of 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 to assist with the 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. The Court members hearing the case after discussion make a decision and a vote is taken.
- H. The decision will be based on a majority vote and shall be in accordance with Section 3 and Section 4 of Article VI of these Parking Re-appeals Court Bylaws.
- I. The members may vote to postpone a decision if necessary.
- J. Parking Re-appeals Court Coordinator has the ultimate say on Court decisions when the initial vote from all jurors results in a tie.

## **Article X. Extenuating Circumstances**

Section 1. In the case of reasons imposed on by nature or the University itself, including but not limited to pandemics and sudden changes to the University's usual on-campus attendance, the Associated Student Government's Parking Re-appeals Court reserves the right to make temporary changes to these bylaws for the sake of better run parking re-appeals hearings. Any changes must pass the Parking Re-appeals Court with a two-thirds ( $\frac{2}{3}$ ) majority, as well as with the approval of an advisor and a two-thirds ( $\frac{2}{3}$ ) majority of all active ASG Executive Board members. All changes made due to extenuating circumstances will last for the

duration of the semester during which the changes were made, and shall revert back to the original format upon completion of said semester.

Section 2. In the case that the Parking Re-appeals Court and/or Judicial Branch cannot convene due to extraordinary circumstances caused by nature or the University itself, including but not limited to pandemics and sudden changes the University's usual on-campus attendance, the USD Office of Parking Services will act as the Parking Re-Appeals Court in the following manner:

- A. The Office of Parking Services shall refer to precedents set by previous decisions to decide the appeal.
- B. All urgent matters pertaining to parking re-appeals will be handled by the ASG Executive Board or their designee.

## **Article XI. Amendments**

Section 1. These Bylaws may be amended in the following way:

- C. Any Justice may submit a proposed amendment during any regular meeting of the ASG Judiciary.
  - a. A  $\frac{2}{3}$  majority would be required for the amendments to be taken up.
- D. Any Undergraduate Representative may submit a proposed amendment during any regular meeting of the Student Senate of Associated Student Government.
- E. The adopted amendment will have final approval after a two-thirds vote of the entire Student Senate.

## **Article XII. Ratification Procedures**

Section 1. Ratification of these Bylaws of the Parking Re-appeals Court of the Associated Students will be affected by a two-thirds majority vote of the Student Senate.

