

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

### Article I: Name

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

### Article II: Purpose

The Parking Re-appeals Court of the Associated Students 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 VIII Section 3 of the Associated Students 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 Students, 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. One member of the Student Senate of the Associated Students shall be appointed by the Associated Students Speaker of the Senate as Chair of the Parking Re-appeals Court and hold the position of the Parking Re-appeals Court Coordinator.

Section 2. The Speaker of the Senate shall appoint five Undergraduate Representatives as Parking Re-appeals Court Jurors.

Section 3. Qualifications for membership

1. No person shall be a member of the AS Parking Re-appeals Court who has not been appointed by the Associated Students Speaker of the Senate.
2. 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.
3. No member of the Parking Re-Appeals Court may serve on the court and appeal on the same day.
4. The Speaker of the Senate 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.

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

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

Section 4. He/She may make recommendations to the Associated Students Speaker on potential Court appointees.

Section 5. He/She has the exclusive responsibility of adjudicating any citation appeal made by any member of the Student Senate of the Associated Students. The AS Speaker of the Senate has the exclusive responsibility of adjudicating any citation appeal made by any member of the AS Executive Board. The AS President has the exclusive responsibility of adjudicating any citation appeal made by the Speaker of the Senate.

Section 6. He/She has the ability to suspend any member of the Court who acts in violation to these Bylaws.

Section 7. He/She 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.

Section 8. He/She shall have the ability to call the Court into special session as the need arises.

Section 9. He/She is ultimately responsible for the welfare of the Parking Re-appeals Court and upholding the provisions of the Parking Re-appeals Court Bylaws.

### Article VIII. Meetings

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

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

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 Speaker of the Senate shall set meeting times after being approved by the Parking Re-appeals Court Advisor.

### 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:

1. Students may only re-appeal their Parking Re-appeals or parking citations if the appeal has already gone through the written appeal process.
2. No member of the Court may adjudicate an appeal that could represent an unnecessary conflict of interest.
3. The Court may not make any ruling on an appeal without a justifiable reason for making such a ruling.
4. Jurors ruling on justly issued Fire Lane citations may not dismiss the violation or reduce the fine by more than 50%.
5. Appeals made for a citation justly issued for parking in a designated Handicapped parking space must be denied.
6. Appeals made by the Parking Re-appeals Court Coordinator are to be considered exclusively by the Associated Students Speaker of the Senate.

7. Matters such as first time offenders or repeat offenders may be taken into consideration when rendering a ruling.
8. The Court should rule on similar appeals made with similar circumstances surrounding the appeals in the same similar fashion, using precedence.
9. 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:

1. Information on the re-appeal and the appellant's citation history is distributed to the appropriate members of the Court.
2. The appellant comes before the Court to present a valid justification for the appeal.
3. A third party may be called by the Court to assist with the deliberation of a decision.
4. Those hearing the re-appeal may ask questions of the appellant and of the third party.
5. The appellant may make a final statement before leaving the room.
6. The appellant leaves the room to wait while the Court members hearing the case come to a decision.
7. The Court members hearing the case after discussion make a decision and a vote is taken.
8. 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.
9. The members may vote to postpone a decision if necessary.
10. 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. Amendments

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

1. Any Undergraduate Representative may submit a proposed amendment during any regular meeting of the Student Senate of Associated Students.
2. The Associated Students Speaker of the Senate must post the amendment publicly five class days before voted on by the Student Senate.
3. The adopted amendment will have final approval after a two-thirds vote of the entire Student Senate.

## Article XI. Ratification Procedures

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