POLICY

Effective Date: April 21, 2004

POL-U5620.07 APPEALS FROM PARKING VIOLATIONS (WAC)

WAC 516-14-200 Policy and Procedure

A parking appeals board has been established composed of one administrator, one faculty member, and one staff member, to be appointed by the administrators, faculty, and staff respectively, and four students to be appointed by the associated students. Each will be appointed for a one-year term. The board will choose its own chairperson from its members.

1. The board will meet throughout the academic year dependent upon the volume of appeals.

2. The parking appeals board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's parking regulations, chapters 516-12 and 516-13 WAC.

3. Moving violations, violations of the motor vehicle and other traffic laws of the state of Washington, and traffic code of the city of Bellingham are referred to the Bellingham police department and district justice court.

4. The parking appeals board may adopt its own bylaws. However, these bylaws may not conflict with the WAC or the policies and procedures of related offices except by recommendation in writing, and subsequent approval of the office involved, through established university channels. The board shall be considered autonomous to the university governance system as to its judgment of appeals only. The board chairperson shall prepare an annual report for informational purposes to be submitted to the vice-president of business and financial affairs by May 31 each year.

- Payment of a parking fine shall not constitute a waiver of the right to a hearing with regard to the underlying violation.

- Those receiving a university parking citation may appeal the citation by completing an official appeal form available at the parking services office or appeal on-line at www.park.wwu.edu. The form must be completed within seven days of the issuance of the citation or the citation will be considered valid. (WAC 516-12-480)

- The appeal form must include a full explanation of the basis for the appeal. The only proper basis for an appeal is a contention that the cited regulations were not violated.

- The public safety director (or designee) will review the appeal and may recommend dismissal or a reduction of the citation. If dismissal is not recommended, appellant may request the appeal be sent to the board
for adjudication upon payment of the fine and the completion of a request form. The public safety director has the authority to waive completion of the appeal form.

- Should a personal appearance before the board be desired, it should be indicated on the form, otherwise the citation will be adjudicated on the basis of the written submission only.

- If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant must notify the transportation and parking department in writing at least 24 hours before the scheduled time and request a new date. Only one such rescheduling is permitted. If the appellant does not appear at a scheduled hearing without notification, the appeal will be adjudicated on the basis of the written appeal only.

- The parking appeals board operates according to the rights of due process of law. If desired, the appellant has the right to be represented by counsel, the right to cross-examine witnesses, and the right to an open and impartial hearing.

- The transportation and parking department has the right to be represented at hearings and to cross-examine witnesses.

- The appeals board may examine witnesses for either side.

- At the conclusion of a hearing, and in an open meeting, the board will specify the charge(s) against the alleged violator, pronounce a judgment of guilty or not guilty as to each charge, and include a rationale for each judgment. The board has the authority to deny the appeal, waive, void or refund the citation fine(s) in part or in full, and/or refund the towing charge(s) in part or in full, according to the pronounced judgment of guilty or not guilty.

- The decision of the appeals board will be in writing and will be final.

- Failure to comply with a decision of the parking appeals board constitutes a ground for revocation of campus parking privileges. Any unpaid fine will be deducted from any refund due as a result of revocation of parking privileges or a judgment of the board.

- A written record of the judgment, rationale, and fine imposed, if any, shall be furnished to the transportation and parking department by the parking appeals board chairperson. These records will then be maintained by the transportation and parking department.

- Within the Revised Code of Washington, the alleged violator may appeal the decision of the appeals board to the state district court within ten days after written notice of the final decision has been given.