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## APPEALING A PARKING VIOLATION/TOW

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**Scope:** All campuses served by the Louisiana State University (LSU) Office of Parking, Traffic & Transportation (PT&T)

**Effective:** August 15, 2011

**Purpose:** Provide procedures for students, visitors, and employees to appeal fines assessed or actions taken for violations of LSU Traffic & Parking Regulations. If an individual is issued a parking violation, he/she has the right to appeal if they believe that the violation was not warranted. The appeal process is established to allow students, visitors, and employees to contest the validity of a violation and/or to present extenuating circumstances. The appeal process also serves as an educational opportunity for the individual to learn the reason for enforcement and methods to avoid future violations. Finally, the process provides a means by which PT&T can learn of areas that may be unclear, unmarked, or in disrepair, so corrective actions can be taken to improve services and prevent illegal parking.

### **Peer Appeal Boards:**

- A. *Peer Appeal Boards:* Two separate peer appeal boards (i.e., one for students and one for faculty/staff) will be established to hear respective peer's appeals. The faculty/staff board will also hear visitor appeal requests. Each board will adopt their own operating procedures to hear and decide appeals within the framework of this policy. The administrative responsibility and support will be provided by PT&T.
  
- B. *Board Composition:*
  - a. Students will apply during a defined application process period and the Student Body President and Speaker of the Student Senate will each appoint eight (8) members of the peer appeal board. The chairmen of the peer appeal board will be the University Court Chief Justice or in their absence, a designated University Justice. Four (4) members and the chair will be required to conduct hearings and take action on an appeal. Students appointed to the board and the chairman shall serve a one (1) year term. If vacancies arise or members are unable to fulfill their duties, they may be replaced by their appointing authority to fill the remainder of the term. Students employed or previously employed by PT&T will be ineligible to serve on peer appeal boards.
  - b. Employee (Faculty/Staff) Appeal Board: Faculty and Staff will be recommended and appointed by the Faculty Senate and Staff Senate respectively. Three (3) members will be required to conduct hearings and take action on an appeal.

**Procedures:**

- A. Parking violations and tow appeals must be submitted in writing to PT&T within seven (7) calendar days of the issuance of the violation or tow, or from the date the charges appear on the billing statement if it can be shown that the original parking violation was not received.
- B. The following process will be implemented in preparation for a peer appeal board hearing:
1. Before a student or employee may enter the appeals process, all outstanding and/or delinquent violation(s) and tow fees must be paid with the exception of the violation and/or tow being appealed.
  2. In accordance with the LSU Traffic and Parking Regulations, the following are not valid reasons for an appeal:
    - Initial appeal was submitted beyond seven (7) calendar days of issuance/charge
    - Lack of knowledge of the LSU Traffic and Parking Regulations
    - Stated inability to find a permitted parking space
    - Operation of the vehicle by another individual
    - Stated failure of the traffic control officer to ticket previously for similar offenses
    - Inability to pay a fine
    - Disagreement with the LSU Traffic and Parking Regulations
    - Inclement weather
    - Tardiness to class or an appointment
    - Someone other than a PT&T employee gave permission to park
  3. If the criteria for an appeal are not met, the appeal will be sustained (denied) and the appellant notified in writing.
  4. If the appeal is deemed valid for review, the following information is compiled:
    - Driver history
    - Student/employment status
    - Permit status
    - Previous appeals
    - Violation detail
    - License plate record
    - Picture/Video
    - Any other relevant attachments or documents that may be submitted by the appellant
- C. The following process will be implemented for the appeal:
1. All appeals will be heard during the Fall, Spring, and Summer semesters. A schedule will be determined at the beginning of each semester by the peer appeal boards and posted on-line.
  2. If there are follow-up questions or additional information is required, the appellant will be notified in writing and asked to provide the information immediately.

3. A hearing date will be set for each appeal by PT&T staff and the appellant will be notified of the date and time in writing by e-mail no less than five (5) business days prior to the appeal hearing.
  - If the appellant is a student, their schedule will be reviewed and a hearing date will be assigned as to not conflict with the individual's current class schedule.
4. If the appellant fails to attend the scheduling hearing, the board shall take action on the appeal based solely on information submitted by the appellant and PT&T staff. The decision of the peer appeal board is final and will be recorded and noted in the board's records.
5. A written decision will be provided by PT&T staff to the appellant regarding the status of the appeal within two (2) business days of the respective hearing.
6. PT&T staff will update the status of each appealed item within two (2) business days of the respective hearing.
  - For each appealed violation that is denied by the peer appeal board, an additional five dollar (\$5) charge will be applied.
  - For each appealed tow that is denied by the peer appeal board, an additional fifteen dollar (\$15) charge will be applied.

D. Decisions by the peer appeal board will be final and cannot be appealed further.