

WAC 516-12-480 Appeals and appeals board. Any person who wishes to appeal a citation must, within seven days from the date of the citation, complete an appeal at the student business office or online through parking services' website. The person who appeals will be referred to as the appellant.

(1) Payment of a parking fine will not constitute a waiver of the right to an appeal with regard to the underlying violation. The right to an appeal is forfeited seven days from the date of the citation.

(2) The appeal must provide the complete explanation of the basis for the appeal. The only valid basis for an appeal is a contention that the cited regulations were not violated.

(3) The assistant director of the student business office and parking services or designee will review the appeal and issue a decision to the appellant within fourteen days of review. The assistant director of the student business office and parking services or designee may deny the appeal or grant the appeal in whole or in part by dismissing or reducing the citation.

(4) Any appellant who wishes to appeal the decision of the assistant director of the student business office and parking services or designee must pay the full amount of the fine and complete the appeals board review request at the student business office or online through parking services' website. Appeals must be received within fourteen calendar days of the date the decision was issued.

(5) The appeals board is composed of five members. Appointments will be made by professional staff organization (one member), faculty union (one member), staff unions (one member), and associated students (two members). Each member is appointed for a term of one year and may be reappointed for one additional term. The appeals board will choose its own chairperson from its members.

(6) The appeals board will meet throughout the academic year dependent upon the volume of appeals. If an appeals board member has been notified of a meeting at least three days in advance and does not appear, the other appeals board members may proceed with their duties in reviewing appeals. At least three appeals board members are required to conduct a review.

(7) The appeals board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's regulations, chapters 516-12, 516-13, 516-15 WAC.

(8) The appeals board will consider appeals as follows:

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

(b) If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant must notify parking services in writing at least one business day 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 reviewed on the basis of the written appeal only.

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

(d) Parking services has the right to be represented at hearings and to cross-examine witnesses.

(e) The appeals board may examine witnesses for either side.

(f) At the conclusion of a hearing, and in an open session, the appeals board will specify the charge(s) against the appellant, declare judgment for each charge, and include a reason for each judgment. The appeals board has the authority to deny the appeal, waive, void or refund charge(s) in part or in full, according to the judgment.

(g) The decision of the appeals board will be final. Formal notification will be sent to the appellant and parking services within three business days.

(h) A written record of the judgment, reason, and fine imposed, if any, shall be furnished to parking services by the appeals board chairperson. These records will then be maintained by parking services.

(i) The appellant may appeal the appeals board decision to parking services as delegated by the public safety director within ten days after the final decision has been issued. Parking services shall immediately forward documents to the district court which has jurisdiction to hear the appeal de novo. The appellant is responsible for all associated fees. No appeal may be taken unless the citation has been contested as provided in these rules.

(9) The appeals board chairperson may submit written recommendations about the parking system to the vice president for business and financial affairs by May 31st of each year.

[Statutory Authority: RCW 28B.35.120(12). WSR 18-06-001, § 516-12-480, filed 2/21/18, effective 3/24/18. Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. WSR 10-15-021, § 516-12-480, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). WSR 02-07-045, § 516-12-480, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. WSR 97-17-052, § 516-12-480, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 28B.35.120(11). WSR 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-480, filed 6/28/83, effective 9/19/83.]