

APPELLATE PROCEDURES

Parking Appeals Committee The University of North Carolina at Chapel Hill

A. Jurisdiction

The jurisdiction of the Parking Appeals Committee to hear and resolve cases is based on the following provision from “An Ordinance Regulating Traffic and Parking on the Campus of The University of North Carolina at Chapel Hill” adopted annually by the Board of Trustees of the University of North Carolina at Chapel Hill :

“Any person cited for violation of any portion of this Ordinance for which a civil penalty is imposed or a Vehicle is impounded or immobilized for violations may appeal in person, or in writing, or by email within ten calendar days of issuance to the Chancellor’s designated Hearing Officer.”

B. Procedure

1. Any person cited for an offense under the Ordinance may give written notice of appeal to the hearing officer at the Department of Transportation and Parking (the “Hearing Officer”) within 10 calendar days of the issuance of the citation or tow slip. Failure to meet the ten day appeal period requirement shall result in a forfeiture of all appeal privileges. Appeals to the Hearing Officer may be by personal appearance before the Hearing Officer, or may be on the record in writing or by email. The record shall consist, at a minimum, of a copy of the citation or tow slip under appeal and a written statement by the appellant of his or her ground for appeal. The Hearing Officer shall notify the appellant in writing of the disposition he/she makes of the appealed case.

2. A party who has appealed to the Hearing Officer and who has received an unfavorable disposition may appeal to the Parking Appeals Committee by filing with the Hearing Officer for transmission to the Chair of the Parking Appeals Committee a copy of the unfavorable ruling of the Hearing Officer, and a written notice of appeal, stating the grounds for the appeal, which may be no broader than those grounds specified on appeal to the Hearing Officer. Such filing shall be within 10 calendar days following the date of the unfavorable disposition by the Hearing Officer.

3. The Chair shall, within a reasonable time of receipt of notice of appeal, study the appeal so filed to determine whether or not it involves a disputed question of material fact or compelling mitigating circumstances.

4. If the appeal involves either or both a disputed question of material fact or compelling mitigating circumstances, the appellant shall be granted the opportunity to appear personally before a panel of the Parking Appeals Committee for a hearing conducted according to the procedures specified in Section B.6., below.

5. If, in the Chair's judgment, the appeal involves neither a disputed question of material fact nor compelling mitigating circumstances, the Chair shall, within a reasonable time after receipt of notice of appeal, poll the Committee to determine, based upon the filings described in Section B.2., above whether the appellant should be granted a hearing before a panel of the Committee or whether the Hearing Officer's ruling appealed from should be affirmed on the record. In the event less than 50% of the voting Committee members vote to grant the appellant a hearing, the ruling shall be affirmed on the record, and the Chair shall promptly notify the appellant in writing of the Committee's decision.

6. In the event 50% or more of the voting Committee members vote to grant the appellant a hearing before a panel of the Committee, or in the case of an appeal involving a disputed question of material fact or compelling mitigating circumstances, the Chair shall set the date for the hearing and shall select the panel members. The Chair shall notify the appellant of the date and place set for the hearing and of the appellant's opportunity to appear personally and to present his or her case. The burden of proof is on the appellant to establish by clear and convincing evidence his or her contentions. If the appellant elects to appear, he or she has the right to present the testimony of witnesses and other evidence, the right to confront and cross examine the officer issuing the citation (or the officer's representative), and the right to examine all documents and other demonstrative evidence adverse to the appellant. The Chair shall promptly notify the appellant in writing of the decision of the panel.

7. The Parking Appeals Committee is authorized to sit in panels of at least three (3) members and action by a panel constitutes Committee action. The Chair of the Committee has the authority to constitute the panels. Panel decisions shall be by majority vote of the panel members. The Chair of the Committee shall not vote except in the case of a tie.

8. Disposition of an appeal by a vote of the Committee to affirm without a panel hearing or by a vote of the majority of a panel in the case of an appeal's having been referred to a panel for hearing shall be deemed to exhaust the appellate procedures available within the University; no further institutional appeal is available. Final disposition by the Committee shall be understood to mean a ruling in which the Committee or its panel affirms, modifies, or reverses a decision of the Hearing Officer.

Revised: May 18, 2016