

Private University Act, B.E. 2546 (2003)

Translation

BHUMIBHOL ADULYADEJ REX

Given on the 13th day of October B.E. 2546 (2003)

Being the 58th year of the Present Reign

His majesty King Bhumibhol Adulyadej has been graciously pleased to proclaim that;

Whereas it is deemed expedient to amend the laws relating to Private Institutions of Higher Education;

This Act includes certain provisions having implications on restrictions of a person's rights and liberties in which Sections 29 in addition to Sections 31, Section 35, Section 48 and Section 50 of the Constitutions of the Royal Kingdom of Thailand authorize such restrictions by virtue of the provisions as specified by laws;

Be it, therefore, enacted by His majesty with the advice and consent of the National Assembly, as follows:

Section 1

This Act shall be called the "Private University Act, B.E. 2546 (2003)"

Section 2

This Act shall be in force on the day following the date of its publication in the Government Gazette.

Section 3

The following acts shall be repealed

- (1) Private University Act, B.E. 2522 (1979)
- (2) Private University Act (No. 2), B.E. 2535 (1992)

Section 4

A Private University established under the Private University Act, B.E. 2522 shall be a Private University under this Act and shall remain its status as a juristic person.

Section 5

In this Act:

"Private University" means private place of education that provides education at the university level to more than one person.

"Licensee" means a person who makes an investment for the establishment of Private University and who receives a license for the establishment of Private University as well as the transferee of the license for the establishment of Private University.

"License" means a license for the establishment of Private University.

"Board of Committee" means University Board of Committee as stipulated by National Education Act.

"University Council" means Private University Council.

"University Council Member" means Private University Council Member.

"Faculty" means professor, special professor, associate professor, special associate professor, assistant professor, special assistant professor, lecturer and special lecturer whose principal duty is to teach and conduct research in private university.

"Student" means a person who receives education in private university after passing the examination not lower than the basic higher school education according to the curriculum provided by the Ministry of Education or its equivalent or a person who is admitted into the university through the approval of the University Council in accordance with its prescribed regulations.

"Officials" mean persons appointed by the Minister to execute this Act.

"Ministry" means Ministry of Education.

"Minister" means the Minister in charge of the execution of this Act.

Section 6

This Act shall apply to private institutions that given education at university level except the institutions established through the Treaty or Agreement between the Thai Government and the Specialized Agency of the United Nations.

Section 7

The Minister of the Ministry of Education shall be in charge of the execution of this Act and shall have the power to appoint officials to issue Ministerial Regulations and Announcements for of execution of this Act.

The Ministerial Regulations and Announcements shall come into force upon their publication in the Government Gazette.

Chapter 1

Establishment and Official Opening

Section 8

A Private University shall be an institution for study and research, having its objectives in promoting academic and advanced professional studies that include teaching and conducting research, providing education to society and sustaining arts and national culture.

Section 9

A Private University consists of three kinds as follows;

- (1) University
- (2) Institute
- (3) College

The characteristics of a university, institute and college shall be in accordance with the provisions in the Ministerial Regulations.

Section 10

Establishment of a private university in accordance with Section 9 requires the license from the Minister through the advice of the Board of Committee.

Applications for a license to establish the Private University and the issue of such license shall be in accordance with the criteria, procedures or conditions as prescribed in the Ministerial Regulations.

Section 11

In applying for a license, the licensee shall submit a project proposal specifying its courses of instruction with the application.

Provisions of a Private University in Paragraph One shall have at least the following particulars:

- (1) Name and Type.
- (2) Objectives.
- (3) Location and plan showing the area and buildings.
- (4) Particulars of land as specified in Section 12.
- (5) Capital of the Licensee with the expenditure project.
- (6) The university seal, insignia, or symbol.
- (7) University gowns and pins.
- (8) Educational Management Project and principal equipment in educational management.
- (9) Recruitment and Development project for executives, faculties and staff.
- (10) Curriculum, teaching and educational evaluation.
- (11) Rate of tuition, maintenance and other fees.
- (12) The procedures for admission and dismissal of students.
- (13) Student uniform and dress.
- (14) Position descriptions, qualifications of executives, faculty and staff, scale of salary, remuneration, compensation, criteria for employment and termination and welfare of executives, faculties, tutors and staff.
- (15) Others as specified in the Ministerial Regulations.

Amendments of University regulations as prescribed in Paragraph Two shall be approved by the Board of Committee with the exception of (8) (9) (10) (11) (12) (13) (14) and (15) that require the approval of University Council and shall be notified to the Board of Committee within thirty days after such approval.

Section 12

The Licensee shall

- (1) Be the owner of the land used for the establishment of the Private University.
- (2) Have the evidence, after receiving the license, to show the right of being able to transfer the ownership of the land to the Private University within the time limit as stated in Section 16 or
- (3) Be the lessee of land of the government or its agencies with evidence, after receiving the license, to be able to transfer the lease of land to the Private University within the time limit as stated in Section 16.

The land in Paragraph One shall have the characteristic and area as prescribed in the Ministerial Regulations.

Section 13

After receiving the license, the Private University shall be a juristic person from the date of receipt of the license and the licensee shall be the representative of the Private University until the rector is appointed.

Section 14

Changing of the name or type of the Private University after receiving the license according to Section 13 must be approved in writing by the Minister through the advice of the Board of Committee.

Application for license and approval shall be in accordance with the criteria, regulations, procedures and conditions as prescribed in the Ministerial Regulations.

Section 15

Application for a license and its revocation, changing of name and type of Private University must be announced in the Royal Gazette.

Section 16

When the license has been granted in accordance with Section 13, the licensee must proceed as follows:

- (1) In case the licensee is the ownership of land as stated in Section 12 (1), the licensee shall transfer that ownership free from any obligation to the Private University within 60 days from date of license. This limit can be extended in case of necessity with the permission of the Minister but shall not exceed 30 days.
- (2) In case the licensee has the evidence as stated in Section 12 (2), the licensee shall transfer the ownership of land free from any obligation to the Private University within 90 days from date of license. This limit can be extended in case of necessity with the permission of the Minister but shall not exceed 60 days.
- (3) In case the licensee is the lessee of land according to Section 12 (3), the licensee shall transfer the ownership of land free from any obligation to the Private University within 60 days from date of license. This limit can be extended in case of necessity with the permission of the Minister but shall not exceed 30 days.
- (4) The Licensee must transfer money and assets that are capital other than land to the Private University within 60 days.

In case the Licensee fails to comply with (1) (2) (3) or (4), as the case may be, the Minister through the advice of the Board of Committee shall have the power to revoke the license.

Section 17

The transfer of the ownership of land to the Private University in accordance with Section 16 (1) and (2) and the donation of non-movable assets to the Private University will be tax exempted. The transfer of non-movable assets to be published in the Government Gazette in accordance with The Revenue Code shall also be tax exempted from registration and legal fees for non-movable assets.

Section 18

Opening additional field of study other than those that have been approved in Section 11 shall be undertaken by the Private University through the approval of the University Council with notification to the Board of Committee within 30 days from date of approval.

Official opening and granting of approval for any field of study shall be in accordance with the criteria, procedures and conditions as prescribed by the Board of Committee.

Section 19

Internal systems of organization and administration shall be in accordance with rules and regulations of the University Council.

Section 20

The Private University may organize courses in any field of study outside its campus. The pattern, procedure, application for permission and approval shall comply with the criteria, procedures and stipulations as prescribed in the Ministerial Regulations.

Section 21

The name of the Private University shall be in Thai alphabets and must begin with the word "University", "Institute" or "College" as the case may be.

In case the name of the Private University may be in foreign alphabets, it must be approved by the Minister with the advice of the Board of Committee.

Section 22

Any person not being a Private University under this Act shall not use the word "University", "Institute", or "College" or other foreign words having similar meaning with its name, seal, name plate, rules, regulations, letters, documents or other media relating

to the undertaking of its business to make others believe it as a Private University under this Act.

Section 23

Activities of the Private University are not under the protection of Labor Law and Related Labor Law. However, employees of Private University must receive benefits and compensation not less than what is prescribed by the Labor Law coverage.

Employment protection and compensation coverage of employees of the Private University shall be in accordance with the Ministerial Regulations.

Chapter 2 Board of Committee

Section 24

The Board of Committee shall have the power and duties as follows:

- (1) To consider the approval of the various matters which must be approved by the Board of Committee under this Act.
- (2) To give comments and advice to the Minister on issuing the Ministerial Regulations and Announcements under this Act, and for other matters relating to the Private University.
- (3) To certify academic curriculum in accordance with the standard prescribed by the Ministry.
- (4) To give approval for the certification of academic standard and accreditation of the Private University in accordance with the academic standard prescribed by the University.
- (5) To issue rules and regulations for the enforcement of this Act.
- (6) To undertake other duties as prescribed in this Act or any other law to be the power and duty of the Board of Committee.

Section 25

The Office of Higher Education Commission shall have the duties relating to the function of the Board of Committee in accordance with this Act.

Section 26

The Board of Committee shall have the power to appoint other committees or sub-committees to consider or carry out any other function as assigned by the Board of Committee and shall report to the Board of Committee after completion of the assignment.

The meetings of other committees or sub-committees shall be in accordance with the regulations as prescribed by the Board of Committee.

Section 27

The Board of Committee, the other committees and sub-committees shall have the power to summon any person for questioning or submitting documents or evidences necessary to carry out its power and duties.

Chapter 3 Administration

Section 28

The Private University Council shall consist of

- (1) President of the University Council as proposed by the Licensee.

- (2) Rector as member of the University Council by position.
- (3) Qualified members of not less than seven but not more than fourteen persons as proposed by the Licensee having at least one representative of the Faculties.
- (4) Qualified members of the University Council of not less than three persons selected by the Minister from the list of qualified members approved by the Board of Committee.

The Minister shall appoint the President of the University Council in accordance with (1) and qualified members of the University Council in accordance with (3) and (4).

The University Council shall select a qualified member as Vice-President for acting as President when the President is unable to perform his duties or when there is no President of the University Council.

The University Council shall appoint one administrator of the Private University with the advice of the Rector to be its secretary.

Section 29

After the appointment of members of the University Council by the Minister under Section 28 (1) and qualified members under Section 28 (3) and (4), the President of the University Council shall convene a meeting of the University Council Members to appoint a Rector.

The first meeting of the University Council Members shall be convened within thirty days from date of notification of the appointment order of the President of the University Council, its Members, and qualified Members under Section 28.

Section 30

At least one half of the University Council Members must be of Thai nationality.

Members of the University Council must graduate with at least bachelor degree without misconduct or degrading moral good conduct.

The Licensee who is an ordinary person may be appointed member of the University Council under Section 28 (3) or (4) if being without prohibited characteristics as stated in Paragraph Two.

Section 31

The President and Members of the University Council under Section 28 (3) and (4) shall hold office for a term of four years and may be re-appointed.

Section 32

Aside from retirement upon expiration of the term of office under Section 31, the President and Members of the University Council under Section 28 (3) or (4) shall have their term of office expire upon:

- (1) Death
- (2) Resignation
- (3) Bankruptcy, incapability or alike
- (4) Imprisonment by final judgment except light punishment due to carelessness or minor offense.
- (5) Dismissed by the Minister for lack of qualifications under Section 30
- (6) The Minister appoints a Controlling Committee of the Private University to control the Private University under Section 86.

In case the President and Members of the University Council under Section 28 (3) or (4) retire from office before the expiration of their term, the Minister may appoint persons with qualifications under Section 30 to replace them in accordance with the regulations under Section 28 and they shall hold position for the remaining period of the term of the persons whom they replace.

In case the Minister shall appoint additional members of the University Council while those already appointed still hold their position, they shall hold office equal to the remaining term of those who have already been appointed.

In case the University Council Members expire from their term of office and are not re-appointed by the University Council, the Members appointed by the Minister who expired shall continue to perform their duties until new Members of the University Council are appointed.

Section 33

The President of the University Council shall convene the meeting of the Members of the University Council.

In the meeting of University Council Members there shall be at least half of the total Members of the university Council.

The President of the university Council shall be Chairperson of the meeting. In case the President cannot perform his duty, the vice President shall chair the meeting. In case both of them cannot be present, the members who attend the meeting shall select one of the members present to be Chairperson of the meeting.

Decision of the meeting shall be finalized by the majority of votes.

A Council Members shall have only one vote. For equal votes, the Chairperson of the meeting can cast his vote as final decision.

There shall be at least four meetings of the University Council per year.

Section 34

The University Council shall have the duties to formulate policies and monitor general activities of the Private University that include:

- (1) To approve development plans of the Private University.
- (2) To issue rules and regulations for the administration of the Private University.
- (3) To allocate funds into various types and issue regulations for the expenditure of those funds.
- (4) To approve financial plans, balance sheets, and annual budgets of various types of funds.
- (5) To approve the transfer of one type of fund to other type.
- (6) To approve the amendments of curriculum and open additional curriculum in accordance with the criteria as prescribed by the Board of Committee.
- (7) To approve the admission of students, to confer certificates, junior degrees, degrees, or higher certificates for graduates.
- (8) To confer honorary degrees to those who are qualified.
- (9) To approve the establishment, dissolution, merger, and discontinuation of internal organizations.
- (10) To approve academic cooperation or joint cooperation with other academic institutions or other persons in accordance with the regulations as prescribed by the Board of Committee.
- (11) To support the Private University to participate in educational management in recruiting domestic and overseas human resources to share their experience, knowledge, skills and intelligence to enhance the quality of graduates.
- (12) To approve the acceptance or joint association with domestic or overseas academic institutions in accordance with the regulations as prescribed by the Board of Committee.
- (13) To consider the proposal of their opinions to the Board of Committee for the amendments of the Provisions under Section 11 Paragraph 3.

- (14) To consider the proposal of their opinions to be presented to His Majesty to appoint or remove professors or special professors.
- (15) To appoint and remove rector, honorary professors, and full time faculty members in accordance with Section 97.
- (16) To approve the appointment and removal of vice rector or those in equivalent position.
- (17) To approve the appointment and removal of Associate Professors, Special Associate Professors, Assistant Professors, and Special Assistant Professors.
- (18) To promote and support education or give scholarship to the handicapped and persons with special skills.
- (19) To formulate regulations on personnel administration of the Private University with regards to job description, salary scale, wages, compensation, welfare, other fringe benefits, discipline, employment criteria, and termination of employment of executives, faculties, assistant lecturers and staff.
- (20) To develop the potential of faculties, personnel, and quality of graduates to respond to the needs of the country.
- (21) To promote education, research, training of faculties and personnel to respond to the needs of the community to enhance its economic development.
- (22) To promote and support the production of graduates to respond to the needs of entrepreneurs and give academic cooperation between companies and private universities.
- (23) To provide quality assurance system in the Private University through the participation of students in their evaluation of university quality in accordance with the regulations of the Private university.
- (24) To consider for ways of progress in education, research and training of the Private University to enhance academic quality.
- (25) To perform other duties relating to the Private University not specified to be the responsibility of anyone.

Section 35

To comply with this Act, the University Council shall appoint committees or sub-committees of the Private University to carry out any assigned task and report its progress to the University Council and to be enforced mutatis mutandis by Section 33.

Section 36

There shall be an Academic Title Committee of the Private University consisting of:

- (1) Chairperson appointed by University Council from University Council members
- (2) At least six qualified members from outside the Private universities but not exceeding twelve members.

The Rector shall appoint one faculty member to be secretary of the Committee.

Qualifications, regulations and procedures for the appointment of Academic Title Committee of the Private University as stated in Paragraph One shall be in accordance with the regulations prescribed by the Board of Committee.

Section 37

Members of Academic Title Committee of the Private University in accordance with Section 36 shall hold position for three years but may be reappointed.

Consideration for appointment of members of Academic Title Committee of the Private University who resign before their term expires and also for those whose term expires shall be enforced mutatis mutandis by Section 32 Paragraph Two and Paragraph Four.

Section 38

The Academic Title Committee of the Private University shall have the following powers and duties.

- (1) To consider for academic title of faculties in the Private University.
- (2) To consider and give decision on the appeals relating to academic title of faculties in the Private University.
- (3) To consider for equivalence of academic titles of other Private University into its own system.

The meetings and administration of Academic Title Committee of the Private University as stated in Paragraph One shall be in accordance with the regulations of the Private University.

Section 39

The Private University shall have a rector as its supervisor responsible for the administration of the Private University. There shall be one or more than one Vice Rector responsible for the work assigned by the Rector.

The Vice Rector shall have the qualifications and free from the prohibited characteristics of the Rector and shall be appointed or removed by the Rector with the approval of the University Council.

When the Rector retires from his office, the Vice Rectors shall also retire from their office too.

Section 40

The University Council shall appoint the rector from those who are qualified and who are free from prohibited characteristics as stated in Section 41 and shall notify the Office of Higher Education Commission within fifteen days from date of appointment.

Section 41

The Rector shall have the following qualifications and shall not have the following prohibited characteristics:

- (1) Having a bachelor degree or its equivalence and having teaching or administrative experience in educational institution granting bachelor degree or higher for at least five years, or having a Master's Degree or its equivalence and having teaching or administrative experience in educational institution granting bachelor degree or higher for at least three years or having a Doctoral Degree or its equivalence and having teaching or administrative experience in educational institution granting bachelor degree or higher for at least one year.
- (2) Not having the disease as announced by the Minister in the Government Gazette.
- (3) Not having bad conduct or contrary to good morals.
- (4) Not being insane or mentally sick.
- (5) Never having been dismissed from work or government service due to an offence unless the Minister decides that such offence is not against being rector.
- (6) Not having been sentenced to imprisonment by final judgment unless committed through negligence or minor offence.
- (7) Not being bankrupt.

Section 42

In case the Rector shall not be able to perform his duties, the Vice Rector shall act in his stead. If there are several Vice-Rectors, the one who is assigned by the Rector to act in his place shall be the acting Rector. If no Vice Rector is assigned, the most senior vice Rector shall be the Acting Rector.

In case of absence of the Rector or there shall be no acting Rector as stated in Paragraph One or if there were one who could not perform his duties, the University Council shall appoint a qualified person free from prohibited characteristics as stated in Section 41 to be the acting Rector.

The Acting Rector shall have the power and responsibilities in all respects as the Rectors.

Section 43

The Rector shall have the powers and duties as follows:

- (1) To control and supervise the administration of the Private University consistent with the laws, provisions, rules, regulations of the Private University as well as policies and resolutions of the University Council.
- (2) To establish the administrative system in accordance with the regulations of the Private University.
- (3) To appoint and remove Associate Professors, Special Associate Professors, Assistant Professors, Special Assistant Professors with the approval of the University Council.
- (4) To appoint and remove lecturers, special lecturers, assistant lecturers and staff of the Private University.
- (5) To monitor and supervise the performance of faculties, assistant lecturers and staff of the Private University.
- (6) To make registration records of full time faculties, assistant lecturers, staff and students according to the format prescribed by the Board of Committee.
- (7) To control finances, inventories, places, and other properties of the Private University consistent with the laws, provisions, rules, and regulations of the Private University and the resolutions of the University Council.
- (8) To be representative for the Private University in general activities.
- (9) To make the annual report, the annual balance sheet and other reports in accordance with the regulations prescribed by the Board of Committee.
- (10) To maintain discipline of the students.
- (11) To prevent any activity that seriously endangers national security or safety of the country, national cultures, peace, order or good morals of people in the Private University Campus.
- (12) To perform other duties in accordance with the provisions, rules, and regulations of the Private University, the duties assigned by the University Council and the duties prescribed in this Act.
- (13) To undertake other activities and routine that the Private University should perform.

Section 44

When the Rector retires from his position, the University Council shall notify the Office of Higher Education Commission within fifteen days from date of retirement.

Section 45

The faculties of the Private University shall have the following academic titles:

- (1) Professors, Special Professors.
- (2) Associate Professors or Special Associate Professors.
- (3) Assistant Professors or Special Assistant Professors.
- (4) Lecturers or Special Lecturers.

Section 46

Faculties of the Private University shall have the qualifications and shall not possess the characteristics prohibited as follows:

- (1) Having at least a Bachelor Degree or its equivalence or having the knowledge and skill of specialization in a particular subject.
- (2) Not having a disease as announced by the Minister in the Government Gazette.
- (3) Not having bad conduct or behavior contrary to good morals.
- (4) Not being insane or mentally sick.
- (5) Not having been sentenced to imprisonment by final judgment unless committed through carelessness or minor offence.

Section 47

Professors and Special Professors shall be appointed by His Majesty through the advice of the Board of Committee.

Associate Professors, Special Associate Professors, Assistant Professors, and Special Assistant Professors, shall be appointed by the Rector through the approval of the University Council.

Lecturers and Special Lecturers shall be appointed by the Rector.

Special Professors, Special Associate Professors, Special Assistant Professors and Special Lecturers shall be appointed from those who are not full time faculties of the Private University.

Section 48

Apart from the qualifications and prohibited characteristics as stated in Section 46, the criteria for the appointment of faculties shall be in accordance with the regulations of the Private University which shall not be below the standard set by the Board of Committee.

Retirement from faculty position shall be in accordance with the criteria and procedures prescribed in the regulations of the Private University.

Section 49

A professor with special knowledge, capability and skill who retires without any offence may be appointed Honorary Professor in his specialized field by the University Council.

The qualifications of persons to be appointed Honorary Professor shall be in accordance with the regulations of the Private University.

Section 50

In case of appointment by His Majesty to be Professor, Special Professor, Honorary Professor, Associate Professor, Special Associate Professor, Assistant Professor, and Special Assistant Professor, the appointed persons shall have the right to put the corresponding title before their name to show their academic standing.

Abbreviations for the title before the name according to Paragraph One shall be as follows:

- Professor to be abbreviated to Prof.
- Special Professor to be abbreviated to Prof. (Special)
- Honorary Professor to be abbreviated Prof. (Honorary)
- Associate Professor to be abbreviated to Assoc. Prof.
- Special Associate Professor to be abbreviated to Assoc. Prof. (Special)
- Assistant Professor to be abbreviated to Asst. Prof.
- Special Assistant Professor to be abbreviated to Asst. Prof. (Special)

Section 51

When the Rector has appointed any person to the academic title in the Private University in accordance with Sections 45 (2), (3), and (4), he shall notify such appointment to the office of Higher Education Commission within thirty days from date of appointment.

Section 52

No person shall be permanent member of the faculties in more than one Private University.

Section 53

In case of necessity, the Private University shall have Assistant Lecturers.

The appointed Assistant Lecturers shall have the qualifications with no prohibited characteristics in accordance with the provisions of the Private University.

Chapter 4

Degrees and Academic Insignia

Section 54

Degrees shall be of three levels as follows:

- First Level called Doctoral Degree abbreviated "D"
- Second Level called Master's Degree abbreviated "M"
- Third Level called Bachelor's Degree abbreviated "B"

The Private University shall teach for the conferment of any level of degrees and for any field of study only after the Minister with the advice of the Board of Committee grants accreditation to that Private University.

Application for certification and accreditation of the Private University shall be in accordance with the criteria, procedures and conditions prescribed by the Ministerial Regulations.

Section 55

The Private University shall grant diplomas, junior degrees, degrees or high diplomas in the field of study after the Minister with the advice of the Board of Committee grants accreditation to the academic standard in the field of study taught at that Private University.

Application for recognition and accreditation of the academic standard shall be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

Provisions for any level of degrees in any field of study with their abbreviations shall be in accordance with the regulations prescribed by the Board of Committee.

Section 56

The University Council with the approval of the Board of Committee may issue regulations for granting a Bachelor Degree with first class or second class honors to its graduates.

Section 57

The University Council shall issue regulations for the Private University to grant certificates, junior degrees or higher diplomas for its graduates as follows:

- (1) Certificates for completion of studies in a particular field.
- (2) Junior Degrees for completion in any field of study before receiving a bachelor degree or for completion of all courses of study for a bachelor degree but with a cumulative grade point average lower than the standard required by the Bachelor Degree level but not lower than the standard specified by the Ministerial Regulations.
- (3) High Diplomas for graduates in any field of study after having been granted a degree.

Section 58

The Private University shall have the powers to confer honorary degrees on persons whom the Private University deems qualified to receive such degrees; however, it shall not confer such degrees to its own Members of the University Council, faculties or staff.

The level of degrees in any field of study and criteria for conferment for honorary degrees shall be in accordance with the provisions in the Ministerial Regulations.

Section 59

The Private University may provide an academic gown and pin as insignia indicating the academic standing of a person who has received a diploma, junior degree, degree and higher diploma and also the title gown for Members of the University Council, executives and faculties of the Private University.

The description, type, category and accouterments of the academic gown and pin shall be in accordance with the provisions in the Ministerial Regulations of the Private University.

The occasions and conditions for use of the academic gown and pin as well as the title gown shall be in accordance with the regulations of the Private University.

Chapter 5 **Assets and Accounting**

Section 60

The Capital of the Private University shall consist of funds and assets as stated in the provision when it was established together with the funds and assets to be obtained later.

Sources of Capital of the Private University in accordance with Paragraph One include

- (1) Capital of the License consisting of funds and assets as stated in the Provisions when it was first established as well as additional funds and assets obtained later.
- (2) Capital from donations consisting of funds and assets donated or contributed to the Private University stipulating specifically for the use of the interests.
- (3) Cumulative Capital consisting of funds and other assets obtained from past performance of the Private University activities.

Section 61

The Private University shall allocate its Funds into different categories having the following characteristics and objectives:

- (1) General Funds comprising funds and assets allocated for general administration of the Private University.
- (2) Permanent Assets Funds comprising all types of permanent assets used in common for general administration of the Private University that include additional funds allocated for construction and innovations of the permanent assets but not including other specific permanent assets.
- (3) Research Funds comprising other funds and assets allocated for research and development for new knowledge and for supporting research work as well as new inventions.
- (4) Technology and Library Funds comprising other funds and assets allocated for the purchase of books, journals, teaching media, equipment, instrument, technology and other assets used in the library.
- (5) Human Resource Development Funds comprising other funds and assets allocated for scholarship and training of faculties and staff of the Private University in accordance with the Provisions of the Private University.

- (6) Aiding Funds comprising other funds and assets allocated for scholarship of students or other assistance for the students that include welfare for full-time faculties and staff of the Private University and other assistance in accordance with the provisions of the Private University.
- (7) Fixed Capital or other Funds that comprise other funds or assets allocated for use according to other objectives as deemed necessary and appropriate by the University Council.

Allocation for each type of funds shall be in accordance with the regulations of the Private University.

Section 62

Revenues of the Private University comprise

- (1) Benefit Funds, Tuition Fees, Maintenance fees, charges, fines, and other service fees of the Private University.
- (2) Other funds and assets contributed or donated to the Private University without any specific condition for use of its interests.
- (3) Subsidiary Funds from the State.
- (4) Revenues or benefits from investment and assets of the Private University.
- (5) Other revenues and benefits.

Revenues of the Private University shall be considered to be revenues of the General Funds except revenues from other specific funds shall be considered as revenues of those funds.

Revenues from donation that exceed the amount prescribed by the Board of Committee require an annual expenditure plan and accounting with its balance sheet to bring forward the balance for expenditure in the next period.

Section 63

The Private University must allocate all its revenues and assets in accordance with the objectives as stated in Section 8 and in accordance with the objectives specified by the donors.

Section 64

At the beginning of every academic year, the Private University must provide enough money in all types of funds for its administration. If any fund has not enough money, sufficient amount shall be transferred from the General Funds.

In case there is not enough General Fund to be allocated in accordance with Paragraph One, The Licensee must provide enough additional fund for its administration.

Section 65

The Private University shall prepare accounts in accordance with international standard and criteria as prescribed by the Board of Committee.

Section 66

When it appears that the revenues of the Funds exceed the annual expenditure, the Rector shall propose to the University Council to proceed as follows:

- (1) To transfer the excess revenue over the annual expenditure of the General Fund to any other Funds that are in deficit.
- (2) To allocate the balance of the transfer in (1) in the amount not less than sixty percent to other types of funds and not more than thirty percent to the Licensee, keeping at least ten percent of the balance for the administration of the General Funds.

Section 67

The Rector shall be responsible for the preparation of the Annual Balance Sheet to be audited by the Auditor before presenting to the University Council.

After the Annual Balance Sheet has been approved by the University Council, the Rector shall send the balance sheet with the auditing reports to the Office of Higher Education Commission within one hundred and twenty days from the expiry of the accounting period.

Section 68

The University Council shall annually appoint a licensed Auditor to be the Auditor of the Private University.

Section 69

The Private University Auditor shall have the power to examine the accounts, documents and various evidences of the Private University that include questioning for clarifications from the University Council Members, the Rector and staff officers of the Private University to submit additional accounts, documents and evidences of the Private University when deemed necessary.

Chapter 6

Subsidies and Supports

Section 70

The Government shall subsidize and support the Private University as follows:

- (1) To allow government officials and employees to work in the Private University with salary and compensation in accordance with the regulations and procedures as prescribed by the Cabinet.
- (2) To establish Development Funds for the Private University in various aspects.
- (3) To exempt import tax for durable goods and equipment used in education and research through the certification of the Board of Committee as stated in the Revenue Code.
- (4) To promote and support the common use of resources among state universities and private universities.

Chapter 7

Supervision and Control

Section 71

The authorized officers shall have the power to enter the Private University or places showing evidence in providing education at degree level without permission for inspection during office hours in accordance with this Act.

In undertaking their duty under Paragraph One, those involved shall facilitate and give explanations to the authorized officers as deemed appropriate.

Section 72

In carrying out their duties in accordance with this Act, the employees involved are the authorized officers in accordance with the Criminal Code.

Section 73

In carrying out their duties in accordance with this Act, the authorized officers shall show their Identity Card to the persons concerned.

The Identity Card shall be in accordance with the form as prescribed and announced by the Minister.

Section 74

The Private University shall obtain approval from the Board of Committee for the following matters:

- (1) To receive financial aids, educational equipment or other benefits from any person in the amount or value exceeding the amount specified by the Board of Committee.
- (2) To borrow money once or several times accumulatively exceeding twenty five percent of the present value of the assets of the Private University. However, the accumulated debts shall not exceed the values of the assets.
- (3) To lease assets having the lease fees exceeding the amount specified by the Board of Committee.
- (4) To purchase, hire purchase or dispose of the assets having the value exceeding the amount specified by the Board of Committee.
- (5) To create binding obligations on land and buildings as prescribed by the Board of Committee.

Section 75

The Private University shall not receive any money, assets or other benefits from any person if such receipt shall endanger the security or safety of the country or being contrary to national cultures or good morals.

Section 76

In case when the Private University shall stop teaching for more than three consecutive days with the exception of normal holidays, the Rector shall notify in writing to the office of Higher Education Commission within three days from date cessation.

Section 77

In case when a full-time faculty member of the Private University retires, the Rector shall notify the office of Higher Education Commission within thirty days from date of retirement.

Section 78

In case when the Building and the Campus of the Private University do not conform to health and sanitation, or unsecured or having any other reasons which may cause danger to students, the Minister shall have the power to make a written notice to the Rector for rectifying and improving such conditions within a reasonable time or he may, if necessary, order the Private University to stop teaching during the period of corrections and improvements or until the three is no more reason for cessation.

Section 79

The Licensee, the University Council Members, the Rector, faculties or staff of the Private University shall not use or allow other persons to use:

- (1) The name, seal, symbol or insignia of the Private University except what is specified in the regulations of the Private University
- (2) The place for conducting illegal activities or against public peace, orders or good morals or any other activities not proper to be conducted by the Private University.

Section 80

When it appears that the Private University fails to do what is necessary for educational administration in accordance with the project under License within one year from date of License or fails to seek approval from the Board of Committee to open any field of study in accordance with the project under License within three years from date of License, the Minister with the advice of the Board of Committee shall withdraw that License.

Section 81

When it appears that the Private University that has obtained approval to open any field of study in accordance with Section 18, fails to do so within one year from date of approval, that approval shall be considered to be expired.

Section 82

Statements in the advertisement made by the Private University shall not be false or contrary to facts as prescribed in the License or having statements detrimental to the society as a whole.

Statements as stated in Paragraph One shall include any action that causes that appearance of letter, pictures, movies, lights, sound or other symbols or activities that make the general public understand their meaning.

Section 83

In case the Board of Committee discovered any violation against the advertisement under Section 82, the Board of Committee shall have the power to give an order or several orders as follows:

- (1) To rectify the statements or methods of advertisement.
- (2) To forbid the use of some statements that appears in the advertisement.
- (3) To forbid the advertisement or that method of advertisement.
- (4) To advertise to rectify public misunderstanding that may occur in accordance with the criteria, and methods prescribed by the Board of Committee.

In case the Private University fails to comply with the orders of the Board of Committee or violates the regulations and methods prescribed by the Board of Committee in Paragraph One, the Minister through the advice of the Board of Committee after considering the seriousness of the offense shall have the power to withdraw that License.

Section 84

When it appears that the Private University that obtained approval to open functioning in any field of study and fails to comply with the regulations, procedures and conditions as prescribed by the Board of Committee, or fails to use the word University, Institute or College in Thai letters before the Private University or uses the name of the Private University in foreign letters without permission from the Minister or provide educational administration of the Private University below the accredited standard, the Board of Committee shall give a warning in writing to improve what have been notified within the specified period.

If the Private University fails to comply with the notice in Paragraph One, the Minister through the advice of the Board of Committee shall have the power to take one of the following actions as deemed appropriate:

- (1) To order to cease enrollment of students in one field or all fields of study.
- (2) To revoke accreditation of educational standard.
- (3) To withdraw approval for functioning in one field or all fields of study.
- (4) To withdraw their accreditation.
- (5) To withdraw their License.

The action taken under Paragraph One and Paragraph Two shall not affect legal proceedings against the offender of the law with its provisions and penalty.

Section 85

Any Private University that fails to comply with the provisions and amendments of the Private University Act in accordance with Section 11 (1), (2), (3), (4), (5), (6), and (7) without the approval of the Board of Committee or open instruction in any other field of

study without complying to the criteria, procedures and conditions as prescribed by the Board of Committee, the Minister through the advice of the Board of Committee shall have the power to take the following actions as deemed appropriate in accordance with Section 84 Paragraph Two.

The action taken in accordance with Paragraph One shall not affect legal proceedings against the offender of the law with its provision and penalty.

Section 86

When the Private University shall have one of the following reasons:

- (1) Do not have sufficient capital to continue its activities or having a debt that exceeds its assets or having unstable finance that may cause damage to the Private University.
- (2) Violates the provisions of this Act, the ministerial regulations, conditions prescribed by the Minister or announced or issued under this Act or fails to comply with the provisions of the Private University or orders of the authorized officials in enforcing this act that may cause damage to the Private University or fails to comply with the orders of the Minister as stated in Section 100 Paragraph Three.
- (3) Ceases instruction for more than two consecutive months except cessation of instruction under the Provisions of the Private University.
- (4) The University Council, the Members of the University Council, the Rector, the faculties or students of the Private University shall conduct activities that seriously endanger security and safety of the Country, national cultures, peace, order or good morals of its people.

The Minister through the advice of the Board of Committee shall have the power to order the Private University to be under the control of the Office of Higher Education Commission and the Minister shall appoint a Controlling Board of Committee to monitor the Private University comprising at least five members but not exceeding fifteen members to act as representatives of the University Council and to announce the contrive order of the Private University in the Thai daily newspaper for the minimum of these consecutive days.

Section 87

When the Minister has issued the control order of the Private University, the Rector, the full-time faculties and staff of the Private University shall cease performing their duties in that Private University unless assigned by the Controlling Board of Committee to continue their activities.

In case the Rector, the full-time faculties and staff of the Private University were assigned as stated in Paragraph One, they shall properly undertake to maintain peace and order in the Private University and take care of its property, and deliver its assets and accounts, documents and others concerning the activities and assets of the Private University to the Controlling Board of Committee without delay.

Section 88

The Minister shall have the power to order government officials under the Ministry of Education to work in the Private University during the period under control of the Office of Higher Education Commission when deemed necessary and considered them to be on normal official duty.

Section 89

The Private University may appeal against the control order to the Minister within thirty days from date of notice of the order. The Minister shall have the power to appoint an Appeal Deliberating Committee comprising three representatives from the Private University, three representatives from the office of the Higher Education Commission and three qualified persons involved to consider and present their opinions to the Minister for final decision in accordance with the resolutions of the Appeal Deliberating Committee.

Section 90

When the Controlling Board of Committee of the Private University found that the Private University under control deserves to continue its own activities or when the Licensee made a request to continue operation to the Controlling Board of Committee of the Private University, the Controlling Board of the Private University shall report to the Minister who, if deemed appropriate, shall withdraw the control order and announced the withdrawal of the control order in the Thai daily newspaper for a minimum of three consecutive days and shall ask the Controlling Board of Committee of the Private University to deliver the assets, accounts, documents and others relating to the activities and properties of the Private University to the University Council without delay.

Section 91

When the Controlling Board of Committee of the Private University found that the Private University under control could not continue operation or should not be allowed to continue operation with sufficient reasons to withdraw the License, it shall report to the Minister for deliberation. The Minister through the advice of the Board of Committee shall have the power to withdraw the License.

Section 92

When the Controlling Board of Committee of the Private University made a report on sufficient reasons to the Minister to withdraw the License, the Board of Committee shall order the Private University to deliver all the documents pertaining to the academic performance of all the students of that Private University to the Office of Higher Education Commission within the period specified by the Board of Committee.

The Secretary General of the Higher Education Commission shall issue transcripts of the students of Private University in accordance with the evidences obtained in Paragraph One.

Section 93

When the Minister ordered to withdraw the License, it shall be considered that the Private University ceased the status of being a juristic person in accordance with Section 13. The Controlling Board of Committee of the Private University shall appoint a liquidator of limited company enforced by the Civil and Commercial Code to settle mutatis mutandis the accounts of the Private University.

Any property left after the liquidation shall be returned to the Licensee with the exception of the property obtained through donation by others in accordance with Section 17 to be transferred to charity organizations having the objective in the promotion of education as specified in the Provisions of the Private University and not specified to be the property of the State.

Section 94

The expenses on conducting activities during the control or settlement of the liquidation of the Private University shall be spent from the properties of such Private University.

The Controlling Committee of the Private University may receive compensation in their undertakings as prescribed by the Minister through payment from the properties of that Private University.

Section 95

The members of the Controlling Committee of the Private University shall authorized officers under the Criminal Code.

Section 96

When it appears that the Rector

- (1) Lacks the qualifications or having the characteristics prohibited by Section 41.
- (2) Violates or fails to comply with Section 43 (6) or (9) Section 51 Section 67 Section 79 or Section 87 or the regulations or provisions of the Private University.

- (3) Conducts activities of the Private University in a manner that seriously endanger the security or safety of the country against national culture, peace and order or good moral of the public.
- (4) Conducts activities of the Private University or allows others to conduct education in the Private University with poor academic quality or standard against the criteria of the Board of Committee that may damage the image of the Private University.

The Board of Committee shall appoint an Investigation Committee when it is found that the Rector is lacking the qualifications or possessing the prohibiting characteristics in (1) violation or failing to comply with (2) or conducting activities in accordance with (3) or (4). The University Council shall remove the Rector from his position within thirty days from date of knowing the result of investigation. If the University Council fails to do so, the Minister through the advice of the Board of Committee shall take action to remove the Rector from his position.

Section 97

When it appears that any member of faculties in the Private University

- (1) Lacks the qualifications or possesses the prohibiting characteristics as stated in Section 46 or has been appointed not in accordance with the regulations as stated in Section 48.
- (2) Violates or fails to comply with Section 52 or Section 87 or regulations or provisions of the Private University.
- (3) Conduct activities in a manner that may seriously endanger security or safety of the country or against national culture, peace and order or good morals of the public.

The Rector shall conduct an investigation and if it is found that the faculty member of the Private University under investigation lacks the qualifications or possesses the prohibiting characteristics or is appointed not in accordance with the regulations in (1) violation or failing to comply with (2) or conducting activities in (3). The Rector shall proceed to remove that faculty member from his position within thirty days from date of knowing the investigation result. However, the faculty member shall have the right to appeal to the Board of Committee within thirty days and the decision of the Board of Committee shall be considered to be final.

If the Rector fails to comply with Paragraph Two, the University Council shall act in his place and continue to proceed against the Rector as deemed appropriate.

After the removal of the faculty member of the Private University or after taking action against the Rector in accordance with Paragraph Two or Paragraph Three, the University Council shall report the matter to the Office of Higher Education Commission.

Section 98

Investigations in accordance with Section 96 and Section 97 shall be in accordance with the criteria and procedures as prescribed in the regulations of the University Council with the approval of the Board of Committee.

Section 99

The removal of the persons in accordance with Section 96 or Section 97 as the case may be, may be re-appointed rector or faculty members of the Private University with the permission of the Minister through the advice of the Board of Committee. However, this can be done only after one year has elapsed from date of removal from their position.

Chapter 8

Dissolution and Transfer of Business

Section 100

The Licensee who wishes to dissolve the business of Private University through the consent of the University Council shall notify the Board of Committee in writing with justifications of the dissolution and educational plan of the remaining students at least three months before the end of the academic year.

In case the Licensee is a juristic person, dissolution of the Private University in accordance with Paragraph One requires the legal consent of that juristic person.

The Minister through the advice of the Board of Committee may issue an order to dissolve the business of the Private University and shall stipulate necessary procedures for the Licensee to comply with Section 92, Section 93, and Section 94 and to enforce *mutatis mutandis* the dissolution of the Private University.

Section 101

The Licensee who wishes to transfer the License through the consent of the University Council shall notify the Board of Committee in writing with justifications and details of the transfer of the License and particulars of the transferee of the License.

In case the Licensee is a juristic person, the transfer of License in accordance with Paragraph One shall require legal consent from that juristic person.

The Minister through the advice of the Board of Committee may give the order to transfer the License and stipulate both the Licensee and the Transferee of the License to comply with any necessary conditions.

Section 102

In case when a Licensee dies, the heir or his guardian shall petition for the transfer of the License to the Board of Committee and shall notify the University Council for the transfer of the License within sixty days. If petition for the transfer could not be submitted within the time limit, the Rector through the consent of the University Council shall notify the name of the transferee to the Board of Committee with details and necessary justifications.

In case the Licensee ceases its legal status of a juristic person, the Rector through the consent of the University Council shall notify the name of the transferee to the Board of Committee with details and necessary justifications.

The Minister through the advice of the Board of Committee shall have the power to issue orders as deemed appropriate.

Section 103

In case when there is no transferee of the License in accordance with Section 102, the Minister through the advice of the Board of Committee shall have the power to order the Private University to be under the control of the Office of Higher Education Commission and shall apply *mutatis mutandis* Section 92, Section 93, and Section 94.

The dissolution of business in accordance with Section 101, the transfer of License in Section 101 and the transfer of Licensee in Section 102 shall be announced in the Government Gazette.

Chapter 9

Provisions for Punishment

Section 104

Whoever fails to comply with Section 10 Paragraph One shall be punished with imprisonment not exceeding one year or fined not exceeding Five Hundred Thousand Baht or both.

Section 105

Any Private University that fails to comply with Section 14 Paragraph One shall be punished with imprisonment not exceeding six months or fined not exceeding Three Hundred Thousand Baht or both.

Section 106

Any Private University that violates Section 11 and Section 18 Paragraph One shall be punished with a fine not exceeding One Hundred Thousand Baht.

Section 107

Any Private University that violates or fails to comply with the Ministerial Regulations issued in accordance with Section 20 shall be punished with imprisonment not exceeding six months or fined not exceeding Three Hundred Thousand Baht or both.

Section 108

Any Private University that fails to comply with Section 21, Section 23, or Section 62 Paragraph Three shall be punished with a fine not exceeding One Hundred Thousand Baht.

Section 109

Whoever violates Section 22 shall be punished with a fine not exceeding One Hundred Thousand Baht with an additional fine of Five Thousand Baht per day during the period of violation.

Section 110

Whoever does not comply with the order of Board of Committee, other committees or sub-committees in accordance with Section 27 shall be punished with a fine not exceeding Ten Thousand Baht.

Section 111

Whoever accepts the position of Rector, Vice Rector or full-time faculty or assistant faculty being aware of the lack of qualifications or possessing the characteristics prohibited by Section 39 Paragraph Two or Section 41 or Section 46 or Section 53 Paragraph Two as the case may be shall be fined not exceeding Fifty Thousand Baht.

Section 112

Any Rector who does not comply with Section 43 (6) or (9), Section 51, Section 67, Section 76, Section 77, or Section 78 shall be punished with a fine not exceeding One Hundred Thousand Baht.

Section 113

Whoever violates Section 52 shall be punished with a fine not exceeding Fifty Thousand Baht.

Section 114

Whoever does not properly facilitate authorized offices in accordance with Section 71 Paragraph Two shall be punished with a fine not exceeding Ten Thousand Baht.

Section 115

Any Private University that fails to comply with Section 74 or Section 75 shall be punished with a fine not exceeding One Million Baht.

In case a Private University violates Section 74 or Section 75, the member of the University Council or the Rector or the person responsible for the administration of that Private University shall be punished for such offense unless it can be proved that there was no involvement with the offense undertaken by the Private University.

Section 116

The Licensee, the University Council Member, the Rector, faculty or staff of any Private University who violates Section 79 shall be punished with imprisonment not exceeding six months or fined not exceeding Three Hundred Thousand Baht or both.

Section 117

The Rector, faculty or staff of any Private University who violates Section 87 shall be punished with imprisonment not exceeding six months or fined not exceeding Three Hundred Thousand Baht or both.

Section 118

Any Private University that fails to comply with the order of the Board of Committee in accordance with Section 92 Paragraph One shall be punished with a fine not exceeding One Hundred Thousand Baht and an additional fine of Five Thousand Baht per day during the period of violation.

Section 119

Whoever uses the academic gown, academic standing, title gown, uniform, insignia or student's dress of the Private University without being entitled thereto or falsely shows by any means that he has a diploma, junior degree, degree or higher diploma or title of a Private University without the right to do so to make other people believe that he is entitled to such use or having such academic standing or title, shall be punished with imprisonment not exceeding six months or fined not exceeding Three Hundred Thousand Baht or both.

Section 120

Whoever uses, forges, initiates the seal, insignia or symbol of the Private University in whichever color or by any means or to make them appear at any object or goods without permission from the Private University shall be punished with imprisonment not exceeding six months or fined not exceeding Three Hundred Thousand Baht or both.

Section 121

Whoever administers education at degree level without permission or act by any means to make other people believe that he has the power and the duty to do so shall be punished with imprisonment not exceeding one year or fined not exceeding Five Hundred Thousand Baht or both.

Section 122

Any Private University that shows or acts by any means to make other people falsely believe that it has been accredited or approved to administer any field of study or accredited with the academic standard of any field of study, the Rector shall be punished with imprisonment not exceeding one year or fined not exceeding Five Hundred Thousand Baht or both.

Section 123

For any offense against this Act having the punishment being fined only, the Secretary General of the Higher Education Commission through the consent of the Board of Committee shall have the power to impose a fine and when the offender has made the payment of the fine within thirty days, the case shall be considered abrogated. If the offender refused to pay the fine or after agreeing to do so but did not pay the fine within the time limit, then the proceedings of the case shall have to be continued.

Transitory Provisions**Section 124**

The Board of Committee of the Private University in accordance with the Private University Act, B.E. 2522 (1979) shall perform their duties in accordance with this Act pending the duration until there shall be lawful Higher Education Commission for the official administration of the Ministry of Education.

Section 125

The Controlling Committee of the Private University, The University Council, and other Committees appointed in accordance with the Private University Act, B.E. 2522 (1979) shall be the Controlling Committee of the Private University, the University Council, and other Committees in accordance with this Act until there shall be a lawful Higher Education Commission for the official administration of the Ministry of Education.

Section 126

The Licenses in accordance with the Private University Act, B.E. 2522 (1979) issued before the enforcement of this Act and have been valid on the date of the announcement of this Act in the Government Gazette shall be considered Licenses in accordance with this Act.

Section 127

The applicants of License for the Establishment Project of the Private University submitted before the enforcement of this Act shall be preceded until completion and considered to be undertaken in accordance with this Act. However, such applications should be undertaken till completion within ninety days from date of the enforcement of this Act.

Section 128

Academic Title holders of the Private University on the date of Announcement of this Act in the Government Gazette shall remain their standing of Academic Title holders of the Private University in accordance with this Act.

Section 129

The working officers of the Private University appointed in accordance with the Private University Act, B.E. 2522 (1979) shall become the working officers of the Private University in accordance with this Act.

Section 130

During the absence of ministerial regulations, announcements, orders, provisions, rules and regulations to be enforced in accordance with this Act, the ministerial regulations, announcements, orders, provisions, rules and regulations issued in accordance with the Private University Act, B.E. 2522 (1979) shall be applied mutatis mutandis hereto.

Countersigned by

Police Lieutenant Colonel Thaksin Shinawattana

Prime Minister

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