

## Mahidol University Act, B.E. 2550 (2007)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 7<sup>th</sup> Day of October B.E. 2550 (2007);

Being the 62<sup>nd</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on the Mahidol University;

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

### Section 1

This Act is called the "Mahidol University Act, B.E. 2550 (2007)"

### Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

### Section 3

The following Acts shall be repealed:

- (1) Mahidol University Act, B.E. 2530 (1987)
- (2) Mahidol University Act (No. 2), B.E. 2541 (1998)

### Section 4

In this Act,

"University" means Mahidol University;

"University Council" means Mahidol University Council;

"Campus" means an educational zone situated in the location specified by the university council;

"Other designated departments" means divisions called by other names with status equivalent to faculty;

"University Faculty Senate" means Mahidol University Faculty Senate;

"University employee" means Mahidol University employees;

"Worker in university" means Mahidol University employees, civil servants and employees of government agencies attached to Mahidol University, employees hired by university revenue and employees hired by subsidies from organizations outside university;

"Minister" means minister acting under this Act;

### Section 5

Mahidol University under the Mahidol University Act, B.E. 2530 (1987) shall be Mahidol University pursuant to this Act and shall be juristic person.

Mahidol University is a governing body politic attached to the Government, which is not a government agency under the Civil Service Laws, the Ministry of Education Civil Service Laws, and laws related to improvement of Ministries, Departments, and not a state enterprise pursuant to the laws of Budgeting and other laws.

## **Section 6**

Minister of Education shall be acting under this Act.

## **Chapter 1**

### **General**

## **Section 7**

The University is a tertiary education institute which has been graciously given name by His Majesty the King after H.R.H. Prince Mahitala Dhibesra Adulyadej Vikrom, the Prince Father, as the name of the University, whose objectives are to build, develop, compile, and apply all knowledge and conduct to provide learning of such knowledge, as well as to publicize knowledge, to promote, prevent and maintain health and sanitation, to support religions, arts, cultures, environment, and sports, in order to benefit the society as a whole.

## **Section 8**

To achieve objectives as in Section 7, the University has the following duties and obligations:

- (1) To undertake research, as well as promote and support research studies to create or develop knowledge in sustainable undertaking and apply such knowledge to develop the country and society and to the benefit of the University;
- (2) To produce graduates to be aligned with the National Education Plan, National Economic and Social Development Plan, by focusing on equipping graduates with knowledge, capability to excel in professions, having morality, ethic, social conscience, and eagerness to learn and self learning;
- (3) Promote, apply, and develop technical knowledge and advanced profession;
- (4) Provide services in medical, nursing, public health, and technical service and profession to be acceptable in local and international levels;
- (5) Undertake research and develop to improve continually the learning process;
- (6) Support and promote personnel of other institutions to take part in building and developing knowledge and to receive broadcast knowledge;
- (7) Cooperate with other institutions, both local and overseas, to undertake as (1) to (6);
- (8) Promote and support religions, arts, cultures, as well as preserve and utilize to balance and sustain environment and natural resources;

## **Section 9**

To implement and achieve the objectives as in Section 7 and to accomplish duties as in Section 8, the University shall deem the followings:

- (1) Equality of opportunity in education;
- (2) Excellence in academic knowledge, freedom of academic research, standard and quality in academic resources, which are acceptable at an international standard;
- (3) Morality and ethic
- (4) Transparency and responsibility for state and society;
- (5) Efficiency and effectiveness in management;
- (6) Management based on personnel participation.

## **Section 10**

The University may be divided into following departments:

- (1) University Council Office
- (2) Office of the President
- (3) Campus Office
- (4) Faculty

The University may have other designated departments as parts of the University to implement the objectives as in Section 7.

Office of the President shall have duties in general management of the University or as assigned by the University Council.

Faculties have duties in management of education at a bachelor's degree level and post-graduate studies, conduct research, apply research results for uses and provide academic service.

University Council Office, Office of the President, campuses, faculties and other designated departments may be divided into internal divisions of each department.

## **Section 11**

To set up, combine or terminate a department as in Section 10 paragraph 1 and 2, a notification of the University shall be made and announced in the Government Gazette.

To divide and improve divisions in a department as in Section 10 paragraph 5, a notification of the University shall be made.

To comply with this Section, it shall deem of academic quality, budget saving, duplication reduction, and increase in management efficiency as important consideration.

## **Section 12**

Under objectives as in Section 7, the University may accept higher education colleges or other institutions to be affiliated to the University and shall be empowered to confer a degree or diploma, or certificate of any class on a graduate of the affiliated institutes.

To accept or terminate an affiliation of such higher education colleges or other institutions as in paragraph 1, a notification of the University shall be made and announced in the Government Gazette.

To control higher education colleges or other institutions affiliated to the University shall be subject to the University's provisions.

## **Section 13**

Under objectives as in Section 7, the University may manage education system jointly with higher education colleges or other institutions in local, or overseas, or of international organization, by which the education management shall empower the University to confer a degree, diploma, or certificate of any class jointly with such higher education colleges on a graduate.

To manage education or terminate the education management as in paragraph 1, a notification of the University shall be made and announced in the Government Gazette.

To undertake as in paragraph 1, it shall be complied with the University's provisions.

## **Section 14**

University's operation shall not be under the laws of labor protection and labor relations.

## **Section 15**

University has power and duties in doing things as per objectives referred to in Section 7. Such power and duties include:

- (1) Purchase, sell, build, provide, transfer, be transferred, rent, let, hire purchase, lease, exchange and distribute or enter into any legal binding for the benefit of the University operation, as well as to possess, have rights to hold possessions or property rights in the University's assets or have rights in or to gain benefit from intellectual properties and sell the properties both inside and outside the Kingdom, including receiving money or intangible donated by supporters or devotees.

Sale or exchange of the University's real property shall be made only for real property obtained as in Section 18 which has purpose to sell or exchange.

- (2) Receive fee, subscription, reward, penalty fee, and service charge in providing service within the power and duties of the University, including execution of agreement and provision of terms and conditions for such activities.
- (3) Cooperate with government or private agencies or with organizations or foreign or international agencies.
- (4) Borrow and lend money with collateral in person or asset, investment or joint venture to the benefit of the University's operation.

To borrow, lend, hold shares, take partnership, investment or joint venture, if an amount exceeds the limit specified by the Minister, it shall be subject to prior consent of the Cabinet.

- (5) Issue investment bonds by consent of the Cabinet.
- (6) Determine rewards or special rewards as well as welfare, fringe benefit, and other benefit to the University staff, subject to criteria, procedure, and conditions specified by the University's provisions.
- (7) Provide funds for various activities as per objectives of the University, and funds management shall comply with the University's provisions.
- (8) Provide development for academic knowledge and personnel continually.
- (9) Govern, take care, maintain, manage, apply, and utilize assets of the University and the Ratchaphatsadu Land pursuant to the Ratchaphatsadu Land laws.
- (10) Set up or join with other persons to set up organization which is juristic person as well as invest or joint venture with any person or juristic person in order to conduct operation related to or relevant to the University's operation, or to bring research results and research studies to publicize or utilize to the benefit of the University's revenue.

## **Section 16**

The University's revenue is as follows:

- (1) General subsidies allocated annually by the government;
- (2) Funds and properties donated by supporters to the University;
- (3) State funds organized by government and income or benefit from such funds;
- (4) Fee, subscription, rewards, penalty fee, and service charges of the University;
- (5) Income or benefit gained from operation as in Section 15 (4) and (10) and from the University's assets;
- (6) Income or benefit gained from utilizing Ratchaphatsadu Land or make profit of Ratchaphatsadu Land under the University's governing, taking care, using or making profit;
- (7) Other revenue or benefit;

General subsidies as in (1) shall be allocated by the government for the University directly in a sufficient amount for necessary expenditure in implementation of the University's objectives and development of tertiary education under the University's responsibility.

In case that the government has adjusted salary, position allowance, rewards or any other fringe benefit to civil servants, the government shall allocate additional budget as general subsidies to the University in the same proportion for such expenditure to the University staff as well.

The University's revenue is not income subject to be rendered to the Ministry of Finance pursuant to the laws of Treasury Reserves and Budgeting.

In case that the revenue amount as in paragraph 1 is insufficient for expenses in the University's operation and for appropriate burdens and the University cannot obtain money from other sources, the government shall allocate additional general subsidies to the University to meet the University's need.

### **Section 17**

The University shall promote and support those admitted by the University to study in the University and those students who are genuinely poor to have opportunity to study up to bachelor degree graduation.

Criteria and procedure to consider who is genuinely poor shall comply with the University's provisions.

### **Section 18**

All real properties which the University gains from donation or purchase by the University's revenue or exchange with the University's properties or gained by other means shall not be deemed as Ratchaphatsadu Land and shall belong to the University.

### **Section 19**

The University's assets which are used to the direct benefit of education, research, and academic service shall not be liable to all legal executions, including governing enforcement and no persons shall refer any legal validity against the University with regard to the University's properties.

### **Section 20**

All revenues and assets of the University shall be managed to achieve the objectives of the University as referred to in Section 7.

Funds and assets donated by devotees to the University shall be managed according to conditions prescribed by devotees, but if there is necessity to change such conditions, consent shall be given by devotees or their heirs, if there is no heir or heir being unknown, consent shall be approved by the University Council.

## **Chapter 2 Operation**

### **Section 21**

There shall be University Council to consist of:

- (1) the Chairman who will be graciously appointed by His Majesty the King;
- (2) 15 Honorary Members of University Council who will be graciously appointed by His Majesty the King from persons outside the University;
- (3) President

- (4) Chairman of the University Faculty Senate, President of the University Alumni Association;
- (5) One member of the University Council elected from workers in the University who is not a regular lecturer;
- (6) Ten members of the University Council, five are elected from members of regular lecturers and five from management at the Dean or equivalent level.

Qualifications and procedure of selection for Chairman of the University Council and Honorary Members of the University Council as in (2), qualifications, criteria and procedure of election for members of the University Council as in (5) and (6), shall comply with the University's provisions, subject to selection for one Honorary member of the University Council from a list of persons proposed by the Tertiary Education Board.

The University Council shall select one Honorary Member of the University Council to be Vice-Chairman of the University Council and Vice-Chairman shall perform duties for Chairman when Chairman cannot perform duties or when there is no Chairman holding office.

When Vice-Chairman cannot perform duties or when there is no Vice-Chairman holding office, the University Council shall select one of the Honorary Members of the University Council to perform duties for Vice-Chairman.

The University Council shall appoint one Vice President to be Secretary of the University Council and may also appoint head of the University Council Office to be Assistant Secretary.

## **Section 22**

Chairman and Honorary Members of the University Council as in Section 21 (2) shall have a four-year term of office but may be graciously re-appointed by His Majesty the King.

The University Council members as in Section 21 (5) and (6) have a two-year term of office but may be re-elected.

## **Section 23**

Apart from expiration of term of office as in Section 22, Chairman and members of the University Council as in Section 21 (2), (5), and (6) cease to hold the office when

- (1) Dead;
- (2) Resigned;
- (3) be removed from the office by the University Council resolution;
- (4) ceases to hold any qualification required for being the University Council members in such category;
- (5) is imprisoned by final judgment to an imprisonment sentence;
- (6) Becomes bankrupt or insolvent;
- (7) Becomes a disable or quasi-disable person.

In case that the office of Chairman of the University Council or the offices of members of the University Council are vacant however occurred and not filled in yet, the University Council shall consist of existing members of the University Council remaining in office.

In case that the Chairman or members of the University Council are terminated from the office before the term expiration and His Majesty the King has graciously appointed or elected new replacement to fill in the vacancy, the appointed or elected replacement graciously granted by His Majesty the King shall be in office for the remaining period of the respective terms of office which they fill in. If the remaining period of the term of office is less than ninety days, filling in may not be necessary.

In case of Chairman or members of the University Council being terminated from the office because of term expiration but His Majesty the King has not graciously appointed new Chairman or Honorary Members of the University Council or other Council members have not been newly elected, the Chairman or Honorary Members of the University Council or members of the University Council whose offices are in vacancy shall conduct duties further until His Majesty the King graciously grants the appointment of new Chairman or Honorary Members of the University Council or the election of new other members of the University Council has been granted.

## **Section 24**

The University Council has power and duties to control, oversee, general activities of the University, such power and duties include:

- (1) Prescribe target, policy, and guidelines in development of the University;
- (2) Issue provisions and notifications of the University, for purposes of the University's operation, and may assign any departments of the University to issue provisions and notifications for such departments as case by case;
- (3) Issue provisions on personnel management of the University.  
In issuance of provisions as in (3), it shall be aimed at providing for justice, morale and spirit, by taking opinion of the University staff and employees into consideration as well.
- (4) Issue provisions on the University's finance, materials and assets management;
- (5) Approve the University's development and operation plans.
- (6) Approve setting up, combining, and closing down departments as referred to in Section 10, as well as dividing internally into divisions within such departments;
- (7) Approve the affiliation and cancellation of affiliation of higher education colleges or other institutions;
- (8) Approve the education management and cancellation of education management with higher education colleges or other institutions.
- (9) Approve course opening and course studies, including improvement, merging, canceling course studies;
- (10) Approve to confer a degree, diploma, certificate, both of the University and that the University jointly manages education with other higher education colleges, as well as approve to confer honorable degrees;
- (11) Consider to select and implement for His Majesty the King's approval to appoint and remove Chairman of the University Council, Honorary Members of the University Council and President.
- (12) Consider to implement for His Majesty the King's approval to appoint and remove Professors and Special Professors;
- (13) Appoint and remove Professor Emeritus, Associate Professors, Special Associate Professors, Assistant Professors, Special Assistant Professors, and other academic status called otherwise as in Section 56 paragraph three;
- (14) Appoint and remove Vice-President, Dean, Directors, and heads of other designated departments;
- (15) Set up policy and prescribe criteria and procedure on generating revenue, benefit, and investment;
- (16) Approve the University's revenue and expenditure budgets;
- (17) Follow up and assess the President's and department head's performance;

- (18) Endorse the University's Annual Report and submit such Report to the Minister for acknowledgement;
- (19) Appoint Committees, University's Appeal and Complaint Committee, University's Management Examination Committee, Sub-committees, or any persons to conduct any actions under the University Council's authority and duties, subject to criteria and procedure prescribed in the University's provisions;
- (20) Perform other duties related to the University's operation, which are not specified to be under any specific duties of any particular persons or departments.

#### **Section 25**

Meetings and operation procedures of the University shall comply with the University's provisions.

#### **Section 26**

There shall be University Faculty Senate consisting of members who are regular lecturers of the University.

Quantity, qualifications, criteria and acquiring procedure, term of office, and dismissal of members of the University Faculty Senate, as well as meetings and operation process of the University Faculty Senate, shall comply with the University's provisions.

#### **Section 27**

University Faculty Senate has the following power and duties:

- (1) Give consultation and advice to the University Council and the President in the University's operation;
- (2) Propose and recommend opinion, suggestion, and advice to the University Council and President with regard to standard and ethic of lecturer profession in the University, as well as to direct, oversee operation to comply with such standard and ethic, pursuant to the University's provisions;
- (3) Propose and recommend opinion, suggestion, and advice to the University Council and President with regard to skill development of the lecturers in lecturer's profession;
- (4) Follow up and assess result in the development of lecturers in the University in the lecturer profession skill;
- (5) Praise and value honor of lecturers in the University;
- (6) Perform other duties as assigned by the University Council or the President.

### **Chapter 3 Administration**

#### **Section 28**

There shall be President to be the chief commander and responsible for the University's administration, and there may be Vice President or Assistant to the President, or both Vice President and Assistant to the President in a number as prescribed by the University Council to perform duties and be responsible for what the President assigns to do.

#### **Section 29**

The President will be graciously appointed by His Majesty the King, by the University Council advice, from qualified person as in Section 33.

Criteria and procedure in selection of the President shall comply with the University's provisions.



The University Council shall appoint the Vice President by the President's advice from qualified person as in Section 33 paragraph two.

The President shall appoint Assistant to the President from qualified person as in Section 33 paragraph two.

### **Section 30**

President has a term of office for four year each and will be graciously re-appointed by His Majesty the King for another term, but will not hold office consecutively more than two terms.

When the President is removed from the office, Vice President and Assistant to the President shall also be removed from the office.

### **Section 31**

Apart from being removed from the office as term expires as in Section 30, President is removed from the office when:

- (1) Dead;
- (2) Resigned;
- (3) Imprisoned by final judgment to an imprisonment sentence;
- (4) Becomes bankrupt;
- (5) Becomes disable person or quasi-disable person;
- (6) The University Council has a resolution to remove by not less than half of the existing members of the Council;
- (7) The University Council has a resolution to remove from the office as in Section 32 paragraph three
- (8) Lack of qualifications or have prohibited conditions as in Section 33.

### **Section 32**

The University Council shall hold a performance assessment of the President after two years as from the date of being graciously appointed by His Majesty the King.

Performance assessment of the President, as in paragraph one, shall comply with the University's provisions.

In case of the President not passing the performance assessment as in paragraph one, and the University Council has resolved by not less than half of the total number of the existing members of the University Council to remove the President from the office, the President shall be removed from the office.

### **Section 33**

The President shall be graduated not lower than a doctor of philosophy or the equivalent from university or other tertiary education institutions which the University Council approves, or holding a Professor, Special Professor, or Professor Emeritus, or used to be in such position, as well as holding qualifications and having no other prohibited conditions as prescribed by the University's provisions.

Vice President and Assistant to the President must be graduated with a degree or the equivalent from university or other tertiary education institutions which the University Council approves, as well as holding qualifications and having no other prohibited conditions as prescribed by the University's provisions.

### **Section 34**

The President is representative of the University in all activities, and shall have the following power and duties:

- (1) Manage the University's operation in compliance with the University's objectives and policy;
- (2) Manage the University's finance, materials and other assets, in a manner pursuant to laws, provisions, and University's notifications;
- (3) Appoint and remove Assistant to the President, Deputy Dean, Deputy Director, deputy chief of the other designated departments, head of the divisions within a department as in Section 10 paragraph five, deputy head of the divisions within a department as in Section 10 paragraph five, director of hospitals, deputy director of hospitals and special lecturers.
- (4) Fill in, appoint, take discipline action, and dismiss the University staff, as well as perform personnel management as prescribed by the University's provisions.
- (5) Prepare development and operation plans by complying with the University's policy and plans, as well as follow up and assess various aspects of the University's operation.
- (6) Manage to generate revenue and other resources from various sources to support the operation to implement and achieve the University's objectives, and prepare income and expense budgets to submit to the University Council.
- (7) Submit Annual Report on the University's various activities to the University Council.
- (8) Perform other duties pursuant to laws, provisions, and notifications of the University or as assigned by the University Council.

### **Section 35**

In the Office of University Council, Office of President, there shall be a director to be chief commander and responsible for administrative works, and shall have deputy director in a number as prescribed by the University Council to perform duties and be responsible for assignment as assigned by the director.

Appointment of the director as in paragraph one shall comply with the University's provisions of personnel management.

### **Section 36**

In one campus, there shall be one Vice President assigned by the President to be chief commander and responsible for the campus operation as assigned by the President.

### **Section 37**

Each faculty and other designated departments shall have a Dean or Director as its head commander and shall be responsible for the department's operation, and will have Deputy Dean or Deputy Director in a number as prescribed by the University Council, to perform duties and be responsible for work as assigned by Dean or Director.

Dean or Director as in paragraph one must be a graduate with a degree or the equivalent from university or other tertiary education institutes which the University Council approves, as well as holding qualifications and having no other forbidden conditions as prescribed by the University's provisions.

Dean or Director has a four-year term of office and may be re-appointed but will not hold more than two consecutive terms of office.

Administration in a faculty or other designated department as well as procedure in selection, power and duties of Dean or Director shall comply with the University's provisions.

Dismissal of Dean or Director from the office before term expiration, acting shall apply Section 31 and Section 41 to be enforced *mutatis mutandis*, as the case may be.

The President shall appoint and remove Deputy Dean or Deputy Director by Dean's or Director's advice, as the case may be; from persons who hold the same qualifications as Dean or Director, and when Dean or Director is removed from the office, Deputy Dean or Deputy Director shall be removed as well.

### **Section 38**

In divisions within departments as in Section 10 (3) and (4) there shall be head of division as commander and be responsible for operation in the division and there may be deputy chief of the division to perform duties and be responsible for work assigned by the division head as in Section 10 (3) and (4).

Appointment, qualifications, term of office and termination from the office of division head and deputy head as in paragraph one, shall comply with the University's provisions.

Acting for division head as in paragraph one shall apply Section 41 to be enforced *mutatis mutandis*.

When division head is removed from the office, deputy head of the division shall also be removed.

### **Section 39**

In case of a hospital being set up as in Section 10 paragraph two or Section 10 paragraph five, there shall be a Director of Hospital to be commander and be responsible for hospital management and there may be Deputy Director of the Hospital to perform duties and be responsible for work as the Director of Hospital assigns.

Appointment, qualifications, term of office, termination from the office, of Director of Hospital and Deputy Director of Hospital as in paragraph one, shall comply with the University's provisions.

Acting for Director of Hospital shall apply Section 41 to be enforced *mutatis mutandis*.

When Director of Hospital is removed from office, the Deputy Director of Hospital shall also be removed.

### **Section 40**

The President, Vice President, Assistant to the President, Dean, Deputy Dean, Director, Deputy Director, Director of Hospital, and Deputy Director of Hospital, shall not hold more than one office of such positions at the same time.

Holder of office as in paragraph one will act only for another office of such positions, but for not more than one hundred eighty days.

### **Section 41**

In case the President being unable to perform duties, the Vice President shall act for him, and if there are several Vice Presidents, the Vice President who the President has authorized shall act for him, and if the President does not assign any persons, the Vice President who has most seniority shall act for him.

In case there is no President in office or no persons acting for him as in paragraph one or there is one but unable to act, the University Council shall appoint one who holds qualifications as in Section 33 paragraph one to act for the President.

The person authorized to act shall have the same power and duties as the holder of such office.

In case there are laws appointing the President to be director or have any power and duties, the authorized person acting for him shall also have power and duties as such director or have same power and duties as the holder of such office during the acting period.

### **Section 42**

For purpose of administration of campuses, faculties, or other designated departments, the President will authorize the Dean, Director, or Head of other designated departments to act for the President in such particular departments.

Deans, Directors, or Heads of departments, who are authorized by the President, may authorize Deputy Deans, Deputy Directors, or Deputy Heads of other designated departments, to perform duties which are authorized to act upon the President's approval and the authorized persons or the re-authorized persons shall have power and duties as prescribed by the President.

## **Chapter 4**

### **Quality Guarantee and Assessment**

#### **Section 43**

The University shall guarantee quality of education and research to develop education quality and standard of the University.

System, criteria and procedure of quality guarantee of education and research as in paragraph one shall comply with the University's provisions.

#### **Section 44**

After four years as of the date of setting up the University's department as in Section 10, the University shall hold an assessment of such department by assessors appointed by the University from persons who do not work in the University and report to the University Council and announce to the public and shall hold such assessment in every four years.

Assessment of a department as referred to in paragraph one shall apply at least the principles as in Section 9 and policy as prescribed by the University Council as in Section 24 (1) to be criteria in assessment, by finding information from workers in the University, students, graduates from the University, employers or such graduate's superiors, and other persons related to the University.

Report as in paragraph one shall specify what performance such department should improve or whether or not it should continue to have such departments or divisions within the departments as well.

#### **Section 45**

There shall be an overall performance assessment of the University by also applying the criteria and procedure as prescribed in Section 44, *mutatis mutandis*, and subject to the period prescribed by the University's provisions.

#### **Section 46**

After one year when the terms of any course studies are completed, the University shall hold an assessment of such course teaching and learning and of examination for such course studies, by assessors the University Council appoint from persons who do not work in the University and there shall be such assessment in every five years or earlier as determined by the University Council and report to the University Council and announce to the public.

Provisions in paragraph two and three of Section 44 shall be enforced to the course assessment as in paragraph one, *mutatis mutandis*.

## **Chapter 5**

### **Accounting and Auditing**

#### **Section 47**

The University shall prepare and maintain the proper accounting system, separate by departments of the University, with bookkeeping separating items as different categories

of assets, liabilities, capitals, income, and expenditure as actually incurred, together with statements as sources of such items and there shall be internal auditing regularly.

Recording items in bookkeeping as in paragraph one shall comply with generally acceptable accounting standard.

#### **Section 48**

The University shall prepare financial budgets and receivables and payables accounts to submit to the University's Auditor within ninety days as of the date at end of an accounting year.

First and last dates of the University's accounting year shall be subject to the University's notification.

#### **Section 49**

Office of the Auditor General of Thailand or outsiders appointed by the University Council by consent of Office of the Auditor General of Thailand shall be the University's Auditor and shall audit and verify all accounts and financial budgets of the University for every accounting year.

#### **Section 50**

The Auditor shall have power to examine all the University's relevant accounting books and document evidence. For this purpose, the Auditor shall have power to inquire the President and workers in the University and call for submitting all the University's relevant accounting books and document evidence as additional requirement if necessary.

#### **Section 51**

The Auditor shall report results of the accounting and finance auditing to be submitted to the University Council within one hundred fifty days as of the date at the accounting year end for the University Council to submit to the Minister.

#### **Section 52**

There shall be a committee for examination of the administration of the University which is appointed by the University Council to examine performance of the President, Dean, Director and Head of other designated departments.

Components, quantities, qualifications, criteria, and acquiring procedures, term of office and termination from office of committee members, as well as meetings, power and duties, and process of the committee for examination of the administration of the University, shall be subject to the University's provisions, provided that there shall be at least three Honorary Members of the University Council as in Section 21 (2) to be members of the committee for examination of the administration of the University.

There shall be an office of the committee for examination of the University's administration to perform duty as administrative unit of the committee for examination of the University's administration and to have other duties as the committee assigns, and there shall be a secretary to the committee for examination of the University's administration to be the commander and to be responsible for the unit which will be under the Office of the University Council and to report directly to the Chairman of the University Council.

#### **Section 53**

The President shall be the holder of high level office pursuant to the laws supplementary to the Constitution on Corruption Prevention and Suppression.

## **Chapter 6**

### **Direction and Supervision**

## **Section 54**

The Minister has power and duties to direct and oversee in general the University's activities to comply with the objectives as in Section 7 and in alignment with the government policy or the Cabinet's resolutions specifically with regard to the University. In case there is conflict in the University's operation which may cause damage to the public, the Minister shall propose it for the Cabinet's consideration. When the Cabinet decision is finalized with whatever outcome, those involved shall have duties to comply with the Cabinet's resolution.

## **Section 55**

All matters that the University shall have to propose to the Cabinet pursuant to this Act, the Minister shall be the proposer.

## **Chapter 7** **Academic Position**

### **Section 56**

Regular lecturers of the University have the following academic position:

- (1) Professor
- (2) Associate Professor
- (3) Assistant Professor
- (4) Lecturer

The Professor will be graciously appointed by His Majesty the King, by advice of the University Council.

The University Council may stipulate to have other designated academic positions by notification of the University and to be announced in the Government Gazette.

Qualifications, criteria, and procedure of appointment and removal of academic position holders shall comply with the University's provisions.

### **Section 57**

Honorary Professor will be graciously appointed by His Majesty the King by advice of the University Council.

Qualifications, criteria, and procedure of appointment and removal of Honorary Professor shall comply with the University's provisions.

### **Section 58**

Professor who has special knowledge, capability and expertise and is removed from the office without any guilt may be appointed by the University Council to be the Emeritus Professor in the field such Professor has the expertise as an honorable position.

Qualifications, criteria, and procedure of appointment and removal of Emeritus Professor shall comply with the University's provisions.

### **Section 59**

The University Council may appoint those who possess appropriate qualifications and are not regular lecturers of the University to be Honorary Associate Professor or Honorary Assistant Professor.

The President may appoint those who possess appropriate qualifications and are not regular lecturers of the University to be Honorary Lecturers by advice of Dean.

Qualifications, criteria, and procedure of appointment and removal of Honorary Associate Professor, Honorary Assistant Professor and Honorary Lecturers shall comply with the University's provisions.

### **Section 60**

Any persons graciously appointed by His Majesty the King to be Professor, Honorary Professor, or appointed as Emeritus Professor, Associate Professor, Honorary Associate Professor, Assistant Professor, Honorary Assistant Professor, or other designated academic positions as in Section 56 paragraph three shall be eligible to use such academic positions as permanent title to exhibit academic status.

Titles to be used before names as referred to in paragraph one shall have the following abbreviations:

Professor	in abbreviation	Prof.
Honorary Professor	in abbreviation	Hon. Prof.
Professor Emeritus	in abbreviation	Prof. Emeritus
Associate Professor	in abbreviation	Assoc. Prof.
Honorary Associate Professor	in abbreviation	Hon. Assoc. Prof.
Assistant Professor	in abbreviation	Asst. Prof.
Honorary Assistant Professor	in abbreviation	Hon. Asst. Prof.

Titles and abbreviations before names for other designated academic positions shall be subject to the University's provisions.

## **Chapter 8**

### **Degrees and Academic Status Marks**

#### **Section 61**

Degrees have three classes, i.e.

Doctor's Degree is called Doctor of Philosophy, in abbreviation, Ph.D.

Master's Degree is called Master's Degree, in abbreviation, M.

Bachelor's Degree is called Bachelor's Degree, in abbreviation, B.

#### **Section 62**

The University has power to confer degree, diploma, or certificate in course of study in the University, and jointly confer degree, diploma, or certificate in course of study which is jointly provided for study with other higher education colleges in local or overseas or international organization.

To determine which courses have degree, diploma, or certificate in which class, including how the abbreviations for such courses should be written, it shall comply with the University's provisions and to be announced in the Government Gazette.

#### **Section 63**

The University Council may issue regulations of the University specifying graduate of bachelor's degree to receive first honor bachelor's degree or second honor bachelor's degree.

#### **Section 64**

The University has power to confer Honorary Degree on those who the University deems highly qualified to deserve such degree, but shall not confer such degree on lecturers,

holders of offices in the University, Chairman of the University Council or Members of University Council as in Section 21 while they are holding such offices.

Classes, fields of degrees, and criteria to confer Honorary Degree shall comply with the University's provisions.

### **Section 65**

The University may prescribe academic status dress or gown or academic status pin as marks or symbols of academic status of the receivers of degree, diploma, or certificate, and may prescribe official dress for the Chairman of the University Council, academic official dress for Members of the University Council, academic official dress for the Administration or academic official dress for lecturers of the University.

Specifications of designs, types, categories, and components of the academic dress, academic pin, and academic official dress shall be regulated as provisions of the University and be announced in the Government Gazette.

Academic dress, academic pin, and academic official dress will be used in what occasions under what conditions shall be subject to the University's provisions.

### **Section 66**

The University Council may determine to have seal, emblem, or logo of the University or the University's departments, by issuing a notification of the University and to be announced in the Government Gazette.

Using seal, emblem, or logo as in paragraph one for commercial purposes or using such materials for purposes other than to the benefit of the University or the University's departments shall receive written permission from the University or the University's departments, as the case may be.

### **Section 67**

The University Council may determine to have uniforms, marks, or dressing code of students and workers in the University by having a provision of the University to be enacted and announced in the Government Gazette.

## **Chapter 9**

### **Penalties**

### **Section 68**

A person using academic dress, academic pin, academic official dress, uniforms, marks, or student's and worker's University uniforms, or anything that imitate such materials without a right to use or exhibit in any respect that one has a degree, diploma, or certificate, or holds any office in the University with no rights to do so, and if one has committed this to make other persons believe that one has a right to use or have such academic position or office shall be penalized by imprisonment for not more than six months or be liable to a penalty fine of not more than fifty thousand Baht or both imprisonment and fine.

### **Section 69**

A person who

- (1) makes fake or imitation copies of seal, emblem, or logo of the University or the University's departments, whether it is made in whatever colors or by whatever methods;
- (2) uses fake or imitated copies of seal, emblem, or logo of the University or the University's department;



- (3) uses or makes appearance of seal, emblem, or logo of the University or the University's departments at materials or any products by infringement of Section 66 paragraph two.

is liable to be penalized by imprisonment for not more than one year or liable to a fine of not more than one hundred thousand Baht or both imprisonment and fine.

If an offender who is guilty of violation as in (1) is also guilty of infringement as in (2) as well, punishment shall be imposed as only one offense.

Offense as in (3) may be settled out of court.

## **Transitory Provision**

### **Section 70**

All operations, assets, rights, liabilities, budgets, and revenue of the Mahidol University pursuant to the Mahidol University Act, B.E. 2530 (1987) and the Mahidol University Act (No. 2), B.E. 2541 (1998) shall be transferred to the University pursuant to this Act.

### **Section 71**

Civil servants, government employees under the Mahidol University and staff employed from the University's revenue pursuant to the Mahidol University Act, B.E. 2530 (1987) being such position on the date when this Act is effective still continue to be civil servants in the tertiary education institution or government employees or staff employed from the Mahidol University's revenue, and shall perform duties in the University pursuant to this Act, and it shall be deemed that such duty performance is civil service duties or performing duties as government employees or University staff, as the case may be.

During the duty performance as in paragraph one, a right to become an academic position as Professor, Associate Professor, Assistant Professor, or any other positions of civil servants as in paragraph one and a right to a promotion of civil servants shall be subject to the laws on Civil Servants Regulations in Tertiary Education Institution.

For purpose of personnel administration of civil servants and government employees as in paragraph one, the University shall be deemed as a government agency and such civil servants and government employees shall receive salary, wages, and other monies through the University by payment from government budget, personnel budget that is paid in the form of salary and regular wages and other relevant monies and the laws on Civil Servants Regulations in Tertiary Education Institutions or Ministry of Finance's Regulations on Government Employees shall be enforceable, as the case may be.

Rights to receive a promotion of government employees as in paragraph one shall be subject to Ministry of Finance's Regulations on the Government Employees.

In case of applying the laws on Civil Servants Regulations in Tertiary Education Institutions or Ministry of Finance's Regulations on Government Employees to be enforced but not applicable to this Act, or there are cases which are not enforceable for some reasons, to proceed with those inapplicable to this Act or those not enforceable shall be subject to the provisions prescribed by the University Council.

### **Section 72**

The Mahidol University's staff being employed by subsidies on the date this Act is effective shall be the University's staff pursuant to this Act.

### **Section 73**

Under enforcement of Section 77 and Section 78, civil servants or government employees as in Section 71 who wish to become the University's staff pursuant to this Act shall declare the intention to change status to be the University's staff to the President within one year as from the date this Act is effective and the University shall accept them as

employees of the University, subject to criteria and procedure as prescribed by the University Council by issuing a notification of the University.

For civil servants or government employees as in Section 71 who declare the intention to change status to be the University's employees pursuant to this Act after the specified period as in paragraph one, the University shall hold an assessment of such persons according to criteria and procedure specified by the University's provisions and when they have passed such assessment, the University shall accept them as employees of the University, subject to criteria and procedure as prescribed by the University Council by issuing a notification of the University.

The University employees who have been employed as in paragraph one or paragraph two shall receive salary, wages, welfare, and other benefits not less than the salary, wages, welfare and other benefits which they used to receive before becoming the University's employees pursuant to this Act, and shall proceed with provision as in Section 74 for such rates and positions.

Civil Servants or government employees as in Section 71 who are not employed as the University's employees pursuant to this Act shall remain status as being civil servants or government employees.

#### **Section 74**

For all offices of civil servants and government employees in the University which have been vacant or are vacant after the date this Act is effective, such offices shall be terminated and shall transfer the position and government budget for the position as well as personnel budget which processes payment in the form of salary and regular wages which are planned for such position to belong to the University and shall deem the transfer of such budget to be transfer of expenditure budget pursuant to the law of Budgeting Procedure.

#### **Section 75**

Government sections in the Mahidol University pursuant to the Mahidol University Act, B.E. 2530 (1987) which remain being on the date this Act is effective shall remain existing until there will be notification of the University to set up departments as in Section 11 of this Act.

#### **Section 76**

The office holders of Chairman of the University Council, Deputy Chairman of the University Council and Members of the University Council pursuant to the Mahidol University Act, B.E. 2530 (1987) are being on the date this Act is effective shall continue to perform duties as Chairman of University Council, Deputy Chairman of University Council and Members of University Council pursuant to this Act, until there is University Council pursuant to this Act which shall not exceed one hundred eighty days as of the date this Act is effective.

#### **Section 77**

The office holder of the President pursuant to the Mahidol University Act, B.E. 2530 (1987) is being on the date this Act is effective shall continue to hold the office until the term expires.

In case the holder of the President office as in paragraph one is a civil servant of the University, the status shall be changed from civil servant to University's employee pursuant to this Act.

The statements of paragraph one and paragraph two shall be enforceable for office holders of Vice President and Assistant to the President, *mutatis mutandis*.

Status change from civil servant to University employee as in paragraph two and paragraph three shall be deemed as leaving the civil service because the government has stopped or closed down the position pursuant to the law of Civil Servant Pensions or law of Civil Servant Provident Fund, as the case may be.

## **Section 78**

Holders of offices of Dean, Head of Department, Heads of other designated departments which have status equivalent to faculties or departments pursuant to the Mahidol University Act, B.E. 2530 (1987) are being on the date this Act is effective shall continue to hold such offices for sixty days as of the date this Act is effective.

In case the holders of offices as in paragraph one declare intention to change status to be University employees within sixty days as of the date this Act is effective, such persons shall continue to hold such offices until the term ends.

Holders of Deputy Office of the holders of offices as in paragraph one shall continue to hold office until the holders of office as in paragraph one will leave the position.

Status change from civil servant to University employee as in paragraph two shall be deemed as leaving the civil service because the government has stopped or closed down the position pursuant to the law of Civil Servant Pensions or law of Civil Servant Provident Fund, as the case may be.

## **Section 79**

Civil Servants in the Tertiary Education Institutions who are employed as University employees as in Section 73 shall be deemed as leaving the civil service because the government has stopped or closed down the position pursuant to the law of Civil Servant Pensions or law of Civil Servant Provident Fund, as of the date of being employed as University employees.

Government employees who the University accept as University employees as in Section 73 shall be deemed as leaving the government employment because the government has closed down the position and shall have rights to receive compensation pursuant to regulations of Ministry of Finance on the Employee Compensation.

Membership of members of Civil Servant Pension Fund pursuant to the law of Civil Servant Pension Fund of University employees as in paragraph one shall be subject to the law of Civil Servant Pension Fund.

## **Section 80**

Office holding of office holder of the President, Deans, Departments, or Heads of other designated departments which have status equivalent to faculties or departments pursuant to the Mahidol University Act, B.E. 2530 (1987) shall be counted as term of office of such holders pursuant to this Act.

## **Section 81**

Members of Committees in Faculties, Committees in Graduate College, Committees in Colleges, Committee in Institutes, Center, or Bureau, and other committees, which have been appointed or elected pursuant to the Mahidol University Act, B.E. 2530 (1987) are being on the date this Act is effective shall continue to hold the office until there will be appointment or election of such new committees pursuant to this Act which shall not exceed one hundred eighty days as of the date this Act is effective.

## **Section 82**

Holder of office of Chairman of the University Faculties Senate and Members of the University Faculties Senate pursuant to the Mahidol University Act, B.E. 2530 (1987) are being on the date this Act is effective shall continue to be the Chairman of the University Faculties Senate and Members of the University Faculties Senate until the Chairman of the University Faculties Senate and Members of the University Faculties Senate pursuant to this Act are acquired, which shall not exceed one hundred eighty days as of the date this Act is effective.

## **Section 83**

Professor, Honorary Professor, Emeritus Professor, Associate Professor, Honorary Associate Professor, Assistant Professor, Honorary Assistant Professor and Lecturers of the Mahidol

University pursuant to the Mahidol University Act, B.E. 2530 are being on the date this Act is effective shall maintain the position as Professor, Honorary Professor, Emeritus Professor, Associate Professor, Honorary Associate Professor, Assistant Professor, Honorary Assistant Professor and Lecturers pursuant to this Act.

Special Lecturers of the Mahidol University pursuant to the Mahidol University Act, B.E. 2530 (1987) are being on the date this Act is effective shall be the Special Lecturers of the University pursuant to this Act until the appointment term expires.

#### **Section 84**

Provisions or Notifications shall be issued for implementation to comply with this Act to be completed within three years as of the date this Act is effective.

During the period of no Provisions or Notifications being issued for implementation as to comply with this Act, Royal Decrees, Ministry's Regulations, Notifications of the University Office, Rules and Provisions which are issued pursuant to the Mahidol University Act, B.E. 2530 (1987) and are being applicable on the date this Act is effective shall be applicable, mutatis mutandis, as far as they are not to contradict or conflict to this Act.

Countersigned by

General Surayud Chulanont

Prime Minister

**Remarks:** Reason for promulgation of this Act is that as it is expedient to improve the Tertiary Education to be in alignment with economic and social changes by promoting the State's universities to be developed towards becoming universities of state which are not government agencies but under direction of the State for purposes of administration and management which will be more independent and have more liquidity, to be able to manage and provide education in the Tertiary Education level to have more quality and efficiency, as the Tertiary Education management and service shall deem academic independence and excellence as most important, it is expedient to improve administration of the Mahidol University to be aligned with such direction, it is therefore necessary to enforce this Act.

Government Gazette 16 October 2007, Volume 124 Part 68 Kor.

#### **Disclaimer**

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. [www.ThaiLaws.com](http://www.ThaiLaws.com), therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.