

## คำนำ

โดยที่เป็นการสมควรปรับปรุงการศึกษาระดับอุดมศึกษาให้สอดคล้องกับการเปลี่ยนแปลงทางเศรษฐกิจและสังคม โดยส่งเสริมให้มหาวิทยาลัยของรัฐพัฒนาไปสู่การเป็นมหาวิทยาลัยของรัฐที่ไม่เป็นสวนราชการ แต่อยู่ในกำกับของรัฐ เพื่อประโยชน์ในการบริหารจัดการที่เป็นอิสระและมีความคล่องตัว สามารถจัดการศึกษาในระดับอุดมศึกษาได้อย่างมีคุณภาพและประสิทธิภาพมากยิ่งขึ้น โดยการจัดการศึกษาระดับอุดมศึกษาจะต้องคำนึงถึงความเป็นอิสระและความเป็นเลิศทางวิชาการจึงจำเป็นต้องตราพระราชบัญญัตินี้

พระราชบัญญัติมหาวิทยาลัยบูรพา พ.ศ. ๒๕๕๐ ได้ประกาศในราชกิจจานุเบกษา เล่ม ๑๒๕ ตอนที่ ๕ ก เมื่อวันที่ ๙ มกราคม ๒๕๕๐ และให้มีผลใช้บังคับตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษาเป็นต้นไป

มหาวิทยาลัยบูรพา ได้ตระหนักถึงการเตรียมความพร้อมด้านบุคลากรของมหาวิทยาลัยในด้านความรู้ความเข้าใจเกี่ยวกับพระราชบัญญัติมหาวิทยาลัยบูรพา อันจะนำมาซึ่งคุณประโยชน์ต่อการปฏิบัติหน้าที่ของบุคลากรมหาวิทยาลัย และเพื่อให้บุคลากรชาวต่างประเทศที่เข้ามาปฏิบัติงานในมหาวิทยาลัยสามารถเข้าใจกฎเกณฑ์ในพระราชบัญญัติมหาวิทยาลัยบูรพาได้อย่างถ่องแท้ จึงได้ดำเนินการแปลพระราชบัญญัติมหาวิทยาลัยบูรพาเป็นภาษาอังกฤษ แล้วรวบรวมพระราชบัญญัติดังกล่าวเพื่อจัดพิมพ์และเผยแพร่ให้ส่วนงานต่างๆ ในมหาวิทยาลัยได้ทราบโดยทั่วกัน

หวังเป็นอย่างยิ่งว่าเอกสารอันเป็นประวัติศาสตร์งานด้านนิติบัญญัติฉบับนี้ จักเป็นประโยชน์ต่อการปฏิบัติหน้าที่ของผู้ปฏิบัติงานในมหาวิทยาลัยบูรพา รวมถึงผู้ที่สนใจโดยทั่วไป

พระราชบัญญัติมหาวิทยาลัยบูรพา พ.ศ. ๒๕๕๐  
BURAPHA UNIVERSITY ACT B.E. 2550 (2007)

จัดทำโดย

แปลโดย :	กองกฎหมาย สำนักงานอธิการบดี
ตรวจสอบและรับรองการแปลโดย :	สถาบันภาษา มหาวิทยาลัยบูรพา
เรียบเรียงและผลิตโดย :	กลุ่มงานประชาสัมพันธ์ กองกลาง สำนักงานอธิการบดี

(unofficial translation)



## **BURAPHA UNIVERSITY ACT B.E. 2550 (2007)**

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**BHUMIBOL ADULYADEJ, REX.**

**Given on the 29<sup>th</sup> Day of December 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 Burapha University;

This Act has some provisions relating to the restriction of the rights and liberty of individuals but by implication of Section 29 in conjunction with Section 31 and Section 32 of the Constitution of the Kingdom of Thailand, the restriction can be implemented by virtue of the law.

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 “Burapha 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) Burapha University Act B.E. 2533 (1990);
- (2) Burapha University Act (Issue No.2) B.E. 2541(1998)

**Section 4.** In this Act,

“University” means Burapha University;

“University Council” means Burapha University Council;

“Academic Council” means Burapha University Academic Council;

“Employee Council” means Burapha University Employee Council;

“University Employees” means Burapha University Employees;

“Work-Executors in university” means Burapha University employees, civil servants and employees of government agencies who work in the university, and the university workers;

“Minister” means the minister acting under this Act.

**Section 5.** Burapha University under the Burapha University Act B.E. 2533 (1990) shall be Burapha University pursuant to this Act and shall be a juristic person.

Burapha 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 it is not a state enterprise pursuant to the laws of budgeting and other laws.

**Section 6.** The Minister of Education shall be acting under this Act.

## Chapter 1

### General

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**Section 7.** The University is an education and research institute whose objectives are to provide education, conduct and promote research, in order to build and develop knowledge and technology, to provide academic services, to support religions, arts, cultures and sports, as well as to support government and local activities and to participate in local and environmental development.

**Section 8.** In the University’s operation, the University shall give precedence to the followings:

- (1) excellence and freedom of and in academic matter;

(2) the needs and demands complied with Thailand's economic, social, and cultural conditions;

(3) equality of people in education;

(4) morality and ethic in conjunction with academic knowledge;

(5) exerting effort persistently toward lifelong learning;

**Section 9.** The University may be divided into the following divisions:

(1) University Council Office;

(2) Office of the President;

(3) Academic Divisions;

(4) Other Divisions.

To set up, combine or terminate a division as in (3) and (4), a notification of the University shall be made and announced in the Government Gazette, by setting up a division as a faculty, a college or other designated divisions.

The divisions as mentioned in paragraph 1 may be divided into internal departments of each division, subject to the University's provisions.

The University's announcement as mentioned in paragraph 2, relevant to setting up and combination of divisions, shall clearly specify the duties and obligations of the divisions.

**Section 10.** Under the 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, a diploma, or a certificate of any class upon graduates 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.

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

**Section 11.** Under the objectives as in Section 7, the University may manage the education system and undertake research jointly with higher education colleges or other research institutions, whether they are local, overseas, or international organizations, by which the

education management shall empower the University to confer a degree, a diploma, or a 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 12.** University's operation shall not be under the laws of labor protection and labor relations. University employees who have gained benefits as Retired Government Official is exempt from being under the enforcement of the laws of social security, but shall not be disqualified to voluntary self-insurance.

**Section 13.** 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, 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 property 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 16.

(2) Borrow and lend money with collateral in person, or asset and joint venture or investment, in order to benefit the University's operation.

To borrow, lend, or do a joint venture or make an investment; however, if the amount exceeds the limit specified by the Minister, it shall be subject to the prior consent of the Cabinet.

(3) Determine rewards or special rewards as well as welfare and other benefits to the work-executors in the university, subject to criteria, procedures, and conditions specified by the University's provisions.

(4) Provide education loans, funds, education scholarships, research scholarships and other financial supports as per objectives referred to in Section 7.

(5) Govern, take care, maintain, manage, apply, and utilize assets of the University and the Ratchaphatsadu Land pursuant to the Ratchaphatsadu Land laws.

(6) To develop research results toward the commercial benefits.

(7) 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 or relevant to the University's operation, or to bring research results and research studies to publish or utilize to benefit as the University's revenue.

**Section 14.** The University's revenues are as follows:

- (1) General subsidies allocated annually by the government;
- (2) Funds and properties donated by supporters of the University;
- (3) Principal Protection Funds organized by government or the University, and incomes or benefits from such funds;
- (4) Fees, subscriptions, rewards, penalty fees, and service charges of the University;
- (5) Incomes or benefits gained from joint ventures or investment and from the University's assets;
- (6) Incomes or benefits gained from utilizing Ratchaphatsadu Land or making profits of Ratchaphatsadu Land under the University's governing, control, usage, or profit making;
- (7) Other revenues or benefits.

General subsidies as in (1) shall be allocated by the government for the University directly in a sufficient amount for necessary expenditures, for the University's development to assure the quality of education.

In case the government has adjusted salaries, position allowances, rewards or any other fringe benefits to civil servants, the government shall allocate an additional budget as a general subsidy to the University in the same proportion for such expenditures to the University employees.

The University's revenues are not the income subject to be rendered to the Ministry of Finance pursuant to the laws of treasury reserves and budgeting.

In case 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 needs.

**Section 15.** 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 an opportunity to study up to bachelor degree graduation.

The criteria and procedures to consider who is genuinely poor shall comply with regulations prescribed by the University Council.

**Section 16.** All real properties which the University gains from donations or purchased by the University's revenue or exchanged with the University's properties or gained by other means shall not be deemed as Ratchaphatsadu Land and shall belong to the University.

**Section 17.** The University's assets which are used to directly benefit education and research shall not be liable to all legal executions, including governing enforcement and no person shall refer any legal validity or the period to possession against the University with regard to the University's properties.

**Section 18.** 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 it is necessary 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

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**Section 19.** There shall be a University Council which consists of;

- (1) the Chairman who will be graciously appointed by His Majesty the King;
- (2) thirteen Honorary Members of University Council, who will be graciously appointed by His Majesty the King, from persons outside the University;
- (3) the President;
- (4) Chairman of the University Promotion Committee, Chairman of the Employee Council and Chairman of Burapha University Alumni Association;

(5) three Members of the University Council, one is elected from a group of lecturers, another is elected from a group of University employees but not lecturers, and the other is elected from among the heads (deans/directors) of divisions, as in Section 9(3) or (4).

Selection of the Chairman and Honorary Members of the University Council shall be performed by Members of the University Council as in (3), (4) and (5), shall comply with the University's provisions, and is subject to selection of one Honorary Member of the University Council from a list of persons proposed by the Tertiary Education Board.

Qualifications, criteria and procedures of selection of Chairman of the University Council and Honorary Members of the University Council shall comply with the University's provisions.

Selection of Members of the University Council as in (5) shall comply with the University's provisions.

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

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 20.** The Chairman and Honorary Members of the University Council as in Section 19 (2) and (5) shall have a three-year term of office but may be graciously re-appointed by His Majesty the King or may be re-elected.

Apart from expiration of term of office as in Paragraph 1 above, Chairman and Members of the University Council as in Section 19 (2) and (5) cease to hold the office when

- (1) die;
- (2) resign;
- (3) are removed from the office by the University Council resolution;
- (4) cease to hold any qualification required for being the University Council Members in such category;
- (5) are imprisoned by final judgment to an imprisonment sentence;
- (6) become bankrupt or insolvent;
- (7) become disabled or quasi-disabled persons.



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

In the case that the Chairman or Members of the University Council as in Section 19 (2) and (5) are terminated from the office before the term expiration and His Majesty the King has graciously appointed or elected a 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 the case of the 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 21.** The University Council has power and duties to control, oversee, general activities of the University, such power and duties include:

(1) prescribes policies and development plans for the University to achieve its objectives;

(2) issues provisions and notifications of the University, for purposes of the University's operation, and may assign any divisions of the University to issue provisions, regulations, and notifications for such divisions as case by case;

(3) approves setting up, combining, and closing down of the University divisions as referred to in Section 9, as well as dividing internally into departments within such divisions;

(4) approves to confer a degree, higher graduate diploma, graduate diploma, diploma/associate degree and certificate as well as approve to confer honorable degrees;

(5) considers to implement for His Majesty the King's approval to appoint and remove the Chairman of the University Council, members of the University Council as referred to in Section 19 (2), president, professors and special professors;

(6) appoints and removes professor emeritus, associate professors, special associate professors, assistant professors, special assistant professors, and other academic status called otherwise;

(7) appoints and removes vice-president, dean, directors, and heads of other designated divisions as in Section 9(3) and (4)

(8) appoints and remove Chairman and Members of the University Promotion Committee, including to Members of the Academic Council;

(9) issues provisions on the education quality assurance, provisions on research, and provisions on the performance assessments of the President, University employee and Work-executors in the University;

(10) approves course openings and course studies, including the improvement, merging, and canceling of course studies;

(11) approves the affiliation and joint education or cancellation of affiliation, joint education of higher education colleges or other research institutions;

(12) issues provisions on personnel management of the University;

(13) prescribe policies and the procedures of generating revenues, sources of investment funds and other resources;

(14) issues provisions and regulations on the University's finance, materials and assets management;

(15) approves the University's revenue and expenditure budgets;

(16) issues regulations on distributions of revenues gained from making profits of the University's intellectual properties and work-executors' in the University;

(17) appoints committees, sub-committees, or any persons to conduct any actions under the University Council's authority and duties, including to authorize the committees, sub-committees or such persons to conduct any actions and report to the University Council for acknowledgement;

(18) follows up and assesses the President's and heads of divisions' performances as in Section 9(3) and (4);

(19) Endorses the University's annual report and submit such report to the minister for acknowledgement;

(20) Performs any duties related to University operations, which are not specified to be under any specific duties of any particular persons.

**Section 22.** Meetings and operation procedures of the University Council shall comply with the University's provisions.

**Section 23.** There shall be the University Promotion Committee, consisting of the Chairman and some Members appointed from persons outside the University.

The University Promotion Committee has duties to give consultation and support, including managing to generate revenues for the University.

Quantities, qualifications, criteria and acquiring procedures, terms of office, and dismissal of the Chairman and Members of the University Promotion Committee, as well as meetings of the University Promotion Committee, shall comply with the University's provisions.

**Section 24.** There shall be the University Academic Council, consisting of the President as the University Academic Council's Chairman and Honorary Members of the University Academic Council from inside and outside the University.

**Section 25.** The University Academic Council has power and duties as follows:

(1) proposes prescription of policy and development plan of the University to the University Council;

(2) prescribes and oversees the quality and academic standards of the University;

(3) prepares regular lecturers and researcher code of conduct to be submitted to the University Council, and oversees operations to comply with such codes of conduct;

(4) compiles and assesses academic progress and prepare annual suggestions to the University Council with regard to academic development;

(5) proposes to the University Council with regard to approval of course openings and course studies, including the improvement, merging and canceling of course studies;

(6) proposes to the University Council with regard to the conferring of a degree, a higher graduate diploma, a graduate diploma, a diploma/an associate degree and a certificate;

(7) considers to recommend opinions to the University Council with regard to the appointment and removal of professors, special professors, professor emeritus, associate professors, special associate professors, assistant professors, special assistant professors;

(8) considers to recommend opinions to the University Council with regard to approval of the affiliation or cancellation of affiliations of higher education colleges or other institutions as in Section 10 and manages joint education with other higher education colleges as in Section 11;

(9) recommends opinions to the University Council with regard to approval of setting up, combining, and closing down the University divisions which have duties to provide teaching, research or academic services, as well as dividing internally into departments within such divisions;

(10) appoints committees, sub-committees, or any persons to conduct any actions under the University Academic Council's power and duties;

(11) gives consultations to the President and performs other duties as assigned by the University Council or the President.

**Section 26.** The President shall be the chief commander who is responsible for the University's administration, and there may be a 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 to be responsible for what the President assigns.

**Section 27.** The President will be graciously appointed by His Majesty the King, by the University Council's advice, from qualified persons as in Section 30.

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

Vice-Presidents, the University Council shall be appointed by the President's advice, from qualified persons as in Section 31.

The President shall appoint Assistants to the President from qualified persons as in Section 31.

**Section 28.** The President has a term of office for four years 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-Presidents and Assistants to the President shall also be removed from the office.

**Section 29.** Apart from being removed from the office as the term expires as in Section 28, the President is removed from the office when:

- (1) dies;
- (2) resigns;
- (3) lacks of qualifications as in Section 30;

(4) the University Council has a resolution to remove him/her from the office due to a failure to meet the performance assessment criteria as prescribed by the University Council;

(5) the University Council has a resolution to remove by not less than half of the existing Members of the Council;

(6) is imprisoned by final judgment to an imprisonment sentence;

(7) becomes bankrupt;

(8) becomes a disabled person or quasi-disable person;

**Section 30.** The President shall hold one of the qualifications as follows:

(1) graduates not lower than doctoral degree or the equivalent from a university or other tertiary education institutions which the University Council approves, as well as has taught or has experiences related to administration, not less than five years in a university or other tertiary education institutions which the University Council approves;

(2) graduates with degree or the equivalent from a university or other tertiary education institutions which the University Council approves, as well as has taught or having experiences related to administration, not less than ten years in a university or other tertiary education institutions which the University Council approves;

(3) holds position or used to hold the position of the University Council Member, adding up to not less than four years;

Apart from the qualifications as in paragraph 1, the President shall hold qualifications and have no other prohibited conditions as prescribed by the University's provisions.

**Section 31.** Vice-Presidents and Assistants to the President must graduate with a degree or the equivalent from a university or other tertiary education institutions which the University Council approves, as well as holds qualifications and have no other prohibited conditions as prescribed by the University's provisions.

**Section 32.** The President is the representative of the University in all activities, and especially has power, duties and responsibilities as follows:

- (1) recommends opinions to the University Council with regard to prescribing policies;
- (2) prepares University development plans to submit to the University Council;
- (3) manages the University's operations in compliant with the University's objectives and policies;
- (4) manages the University's finances, materials and other assets, in a manner pursuant to laws, provisions, and the University's notifications;
- (5) performs personnel management as prescribed by the University's provisions;
- (6) appoints and removes an Assistant to the President;
- (7) complies with policies and plans, as well as hold an performance assessment of departments and workers in the University;
- (8) manages to generate revenues and other resources from various sources to support the University's operations;
- (9) prepares the income and expense budgets to submit to the University Council;
- (10) submits an Annual Report on the University's various activities to the University Council;
- (11) performs other duties pursuant to laws, provisions, regulations and notifications of the University or as assigned by the University Council.

**Section 33.** In case the President is unable to perform duties, the Vice-President shall act for him/her, and if there are several Vice-Presidents, the Vice-President whom the President has authorized shall act for him, and if the President does not assign any persons, the Vice-President who is the most senior shall act for him.

In case there is no President in the office or no persons acting for him as in paragraph 1 or there is one, but unable to act, the University Council shall appoint one who holds qualifications as in Section 31 to act for the President.

**Section 34.** The University may designate the University's Education Area which has divisions as in Section 9(3) and (4), to have the duty to manage the courses of studies with more than two divisions in the locations of such education area, and shall be defined as a Campus as prescribed by the University Council.

In one campus, there shall be one Vice-President or one Head of division as in Section 9(3) and (4) in the location of such campus to be chief commander and responsible for the campus's operation as assigned by the President.

**Section 35.** In the division as in Section 9(3) and (4), there shall be one Head of division as the commander who is responsible for operation in the division.

The head of division as in paragraph 1 has a term of office for four years each, but will not hold office consecutively for more than two terms.

Appointment of positions, qualifications, procedure of selection, power and duties, and termination from the office before the term of expiration, Head of division's administrations as in paragraph 1, shall comply with the University's provisions.

**Section 36.** The President shall appoint a deputy head of the division as in Section 9(3) and (4) by such head of division's advice, from a person who holds the same qualifications as such head of division, and the President shall also have power to remove the deputy head of the division by the head of department's advice.

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

**Section 37.** In the division as in Section 9(3) and (4), there shall be a committee of the department, which has power and duties related to the division's administration.

Components, quantities, qualifications, criteria, and acquiring procedures, power and duties, terms of office and termination from office, as well as meetings of the division's committee, and administrative system of such divisions shall be subject to the University's provisions.

**Section 38.** There shall be an Employee Council, consisting of the Chairman of Employee Council and Members from the University's employees.

Quantities, qualifications, criteria, and acquiring procedures, terms of office and termination from office of Employee Council Chairman and Members, administration, as well as meetings of the Employee Council shall be subject to the University's provisions.

**Section 39.** Employee Council shall have duties as follows:

(1) gives consultations and advice to the University Council and the President with regard to all of the University's operations;

(2) promotes the University employee's ethics;

(3) praises and upholds the honor of University employees;

(4) creates and promotes the unity of all University employees;

(5) performs other duties as assigned by the University Council or the President.

**Section 40.** The President, Vice-Presidents, Assistants to the President, Heads of divisions, deputy-heads of the division shall not hold more than one office of such positions at the same time.

Holders of office as in paragraph 1 will act for only another office of such positions, but for not more than one hundred eighty days.

**Section 41.** Acting for, authorizing to act, as well as authorizing another person to act, for any position in the University, shall be subject to the University's provisions.

In case there are laws, provisions, regulations, orders or ministry resolutions appointing or designate which position holder shall be a member, sub-members or has which power and duties, the authorized person acting for such member, sub-members has the same power and duties as the holder of such office during the acting period, unless otherwise prescribed by authorizing order.

### Chapter 3

#### Quality Assurance and Assessment

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**Section 42.** The University shall assure the quality of education to develop the education quality and standard of the University.

The system criteria and procedures of the quality assurance of education shall comply with the University's provisions.



**Section 43.** The University shall hold an assessment of divisions of the University, pursuant to criteria, procedures and durations as prescribed by the University's provisions.

**Section 44.** The Academic Council shall hold an assessment of course studies, teaching, learning and examination of such course studies pursuant to the criteria, procedures, and durations of the University Council, and then, shall implement the provision of Section 25(5).

**Section 45.** The President shall hold performance assessments of heads of divisions and work-executors in the University, pursuant to criteria, procedures and durations as prescribed by the University's provisions.

## Chapter 4

### Accounting and Auditing

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**Section 46.** The University shall prepare and maintain the proper accounting system, separated by divisions of the University, with bookkeeping separating items as different categories of assets, liabilities, capitals, income, and expenditures as actually incurred, together with statements as sources of such items.

Recording items in bookkeeping as in paragraph 1 shall comply with generally acceptable accounting standard.

**Section 47.** The University shall prepare financial budgets and receivable and payable accounts to submit to the University's Auditor within ninety days as of the date at the end of an accounting year.

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

**Section 48.** The 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 49.** The Auditor shall have power to examine all of the University's relevant accounting books and document evidences. For this purpose, the Auditor shall have power to inquire the President and work-executors in the University and call for submitting all the University's relevant accounting books and document evidences as additionally required if necessary.

**Section 50.** 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.

The University shall announce an annual report of the ended accounting year, manifest balance sheets, an operating account and receivable and payable accounts which were verified by the Auditor, together with manifestation of the University's portfolio of the previous year, and work plan of next year within one hundred eighty days as of the date at the end of an accounting year.

**Section 51.** The University shall prepare an internal audit system to audit any actions of the University and report auditing results directly to Chairman of the University Council for consideration for the next implementation.

**Section 52.** The President shall be the holder of a high level of office pursuant to the laws supplementary to the constitution on corruption prevention and suppression.

## Chapter 5

### Direction and Supervision

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**Section 53.** 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 54.** In all matters that the University shall have to propose to the Cabinet pursuant to this Act, the Minister shall be the proposer.

## Chapter 6

### Academic Position

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**Section 55.** Full-time lecturers of the University have the following academic positions:

- (1) professor
- (2) associate professor
- (3) assistant professor
- (4) lecturer

Professors 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 procedures of appointment and removal of academic position holders shall comply with the University's provisions.

**Section 56.** Honorary Professors will be graciously appointed by His Majesty the King by advice of the University Council, from those who are not work-executors in the University.

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

**Section 57.** A 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 an 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 58.** The University Council may appoint those who are not work-executors in the University to be honorary associate professors or honorary assistant professors.

The President may appoint those who are not work-executors in the University to be honorary lecturers by advice of a head of division.

Qualifications, criteria, and procedures of appointment and removal of honorary associate professor, honorary assistant professor and honorary lecturers shall comply with the University's provisions.

**Section 59.** Any persons graciously appointed by His Majesty the King to be professors, honorary professors, or appointed as emeritus professors, associate professors, honorary associate professor, assistant professor, and honorary assistant professor pursuant to this Act shall be eligible to use such academic positions as permanent titles to exhibit academic status.

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Titles to be used before names as referred to in paragraph 1 shall have the following abbreviations:

(1) Professor	in abbreviation	Prof.
(2) Honorary Professor	in abbreviation	Hon. Prof.
(3) Professor Emeritus	in abbreviation	Prof. Emeritus
(4) Associate Professor	in abbreviation	Assoc. Prof.
(5) Honorary Associate Professor	in abbreviation	Hon. Assoc. Prof.
(6) Assistant Professor	in abbreviation	Asst. Prof.
(7) 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 7** **Degrees and Academic Status Marks**

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**Section 60.** Degrees have three classes, i.e.

Doctoral 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 61.** The University has the power to confer degrees, diplomas, or certificates in courses of studies in the University, and jointly confer degrees in courses of studies which are jointly provided for studying with other higher education colleges in local or overseas or international organizations.

To determine which courses have degrees, diplomas, or certificates in which classes, and how the abbreviations for such courses shall be written, it shall comply with the University's provisions and will be announced in the Government Gazette.

**Section 62.** The University Council may issue regulations of the University specifying the graduates of bachelor's degrees to receive first honor bachelor's degrees or second honor bachelor's degrees.

**Section 63.** The University Council may issue regulations specifying classes of certificates or diplomas, as follows:

(1) higher-graduate diplomas are conferred to graduates of any one field of study, after having received a master's degree or the equivalent.

(2) graduate diplomas are conferred to graduates of any one field of study, after having received a bachelor's degree or the equivalent

(3) diplomas/associate degrees are conferred to graduates of any one field of study, before they have received their bachelor's degree.

(4) other certificates are conferred to graduates of specific course.

**Section 64.** The University has the power to confer an honorary degree on those whom the University deems highly qualified and moral, who have empirical success and are beneficial to society, to deserve such degree, but shall not confer such degree on a full-time lecturers of those who hold offices in the University, Chairman of the University Council or Members of University Council as in Section 19 while they are holding such offices.

Classes, fields of degrees, and criteria to confer an honorary degree shall comply with the University's provisions.

**Section 65.** The University may prescribe academic-status gowns or academic-status pin as marks of academic status of the receivers of degree, higher graduate diplomas, graduate diplomas and certificates and may prescribe official gowns for the Chairman of the University Council, Members of the University Council, academic official gowns for the Administration or academic official gowns for lecturers of the University.

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

Academic gowns, academic pin, and official academic gowns 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 a seal, an emblem, or a logo of the University or the University's departments, by issuing an announcement of the University and to be announced in the Government Gazette.

Using a seal, an emblem, or a logo as in paragraph 1, for commercial purposes, or using such materials for purposes other than to the benefit of the University or the University's divisions must receive written permission from the University.

**Section 67.** The University Council may determine to have uniforms, marks, or clothes of students and the University employees by having a provision of the University to be enacted and announced in the Government Gazette.

## **Chapter 8 Penalties**

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**Section 68.** A person using an academic gown, an academic pin, an official academic gown, uniforms, marks, or student's and work-executors' University clothes, or anything that imitates such materials without a right to use or exhibit in any respect of one who has a degree, higher graduate diploma, graduate diploma and certificate, or holds any offices 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 has 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 the seal, emblem, or logo of the University or the University's divisions, whether it is made in whatever colors or by whatever methods;

(2) uses fake or imitation copies of the seal, emblem, or logo of the University or the University's divisions;

(3) uses or makes a duplication of the seal, emblem, or logo of the University or the University's divisions by materials or any products is an infringement of Section 66 paragraph 2.

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 this violation as in (1) is also guilty of infringement as in (2) as well, punishment shall be imposed for the offense of (2), only.

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

## **Transitory Provision**

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**Section 70.** All operations, assets, rights, liabilities, budgets, and revenue of the Burapha University pursuant to the Burapha University Act B.E. 2533 (1990) shall be transferred to the University pursuant to this Act.

**Section 71.** The Chairman of the University Council, Vice-Chairman of the University Council and Members of the University Council pursuant to the Burapha University Act B.E.2533 (1990) being in such position on the date when this Act is effective still continue to be Chairman of the University Council, Vice-chairman of the University Council and Members of the University Council pursuant to this Act, and shall conduct duties further until His Majesty the King graciously grants the appointment of Chairman of the University Council and Honorary Members of the University Council and there is a Members-of-the-University-Council election pursuant to this Act, but not for more than one year from the date this Act is effective.

Committees or sub-committees that have been appointed by the University Council on the date when this Act is effective, shall conduct assigned duties further until the duties are completed or the University Council resolves others.

**Section 72.** Chairman and Members of the University Promotion Committee pursuant to the Burapha University Act B.E. 2533 (1990) being in such position on the date when this Act is effective still continue to be Chairman and Members of the University Promotion Committee pursuant to this Act until granted the University Promotion Committee pursuant to this Act, but not for more than one hundred eighty days from the date this Act is effective.

**Section 73.** Chairman and Members of the University Faculty Senate pursuant to the Burapha University Act B.E. 2533 (1990) being such position on the date when this Act is effective, shall conduct duties as Chairman and Members of the Employee Council until granted the Employee Council pursuant to this Act, but not for more than one hundred eighty days from the date this Act is effective.

**Section 74.** The holder of the office of the President pursuant to the Burapha University Act B.E. 2533 (1990) being in position on the date this Act is effective shall continue to hold the office until the term expires. For civil servants of the University shall declare the intention to change status to be the University's employees pursuant to this Act, within fifteen days as of the date this Act is effective.

When the term expires as prescribed in the paragraph above, if the office holder of such position does not declare the intention to change status to be the University's employee, he/she shall be removed from the office.

The statements of paragraph 1 and paragraph 2 shall be enforceable for office holders of Vice-Presidents and Assistants to the President, *mutatis mutandis*.

**Section 75.** Subject to Section 28 and Section 35 paragraph 2, to count term of office of the president and heads of divisions as in Section 9(3) and (4) shall be included the term of office pursuant to the Burapha University Act B.E. 2533 (1990).

**Section 76.** The government body in the Burapha University pursuant to the Burapha University Act B.E. 2533 (1990), being in position on the date this Act is effective, shall continue to be, until there will be a declaration of the University pursuant to Section 9 of this Act.

**Section 77.** The holders of the office of the Deans, Directors of Colleges, Directors of Institutes, Directors of Schools, Directors of Centers, Heads of Divisions, Heads of Departments or Heads of other designated units which have status equivalent to faculties or departments on the date this Act is effective, shall continue to hold the office until the term expires. Civil servants of the University shall declare the intention to change status to be the University's employees pursuant to this Act, within sixty days as of the date this Act is effective, and the statements of Section 74 paragraph 2 and Section 79 paragraph 2 shall be enforceable, *mutatis mutandis*.

The statement of paragraph 1 shall be enforceable for holders of the office of Vice-Deans, Deputy Directors of Colleges, Deputy Directors of Institutes, Deputy Directors of Schools, Deputy Directors of Centers, Deputy Heads of Departments and Deputy Heads of other designated units which have status equivalent to faculties or departments, *mutatis mutandis*.

**Section 78.** All civil servants, government employees and the Burapha University employees under the Burapha University Act B.E. 2533 (1990) shall be transferred to be civil servants, government employees and the Burapha University employees under this Act.

For purpose of personnel administration of civil servants and government employees as in paragraph 1, 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 the 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.



During the duty performance as in paragraph 1, a right to hold an academic position such as professor, associate professor, assistant professor, or any other positions of civil servants as in paragraph 1 and a right to a promotion of civil servants shall be subject to the laws on civil servants regulations in tertiary education institution.

Rights to receive a promotion of government employees as in paragraph 1 shall be subject to the Ministry of Finance's regulations on government employees.

In the 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 the inapplicability to this Act or those not enforceable, shall be subject to the provisions prescribed by the University Council.

**Section 79.** Civil servants or government employees as in Section 78 who;

(1) declare the intention to change status to be the University's employees or University's workers pursuant to this Act, within ninety days as from the date this Act is effective, the University shall accept them as University's employees or University's workers, immediately, as the case may be.

(2) declare the intention to change status to be the University's employees or University's workers pursuant to this Act, after the specified period as in paragraph 1, but within two years as from the date this Act is effective, after the University has held an assessment of such person, and such person has knowledge and ability in accordance to criteria specified by the University's provisions, the University shall accept them as employees or workers of the University without having probation.

(3) declare the intention to change status to be the University's employees or University's workers pursuant to this Act, after the specified period as in paragraph 2, but within five years as from the date this Act is effective, after the University has held an assessment of such person, and such person has knowledge and ability in accordance to criteria specified by the University's provisions, the University shall accept them to have one year probation. After such period, if such person has suitable qualification, the University has discretion to accept them as employees or workers of the University.

(4) declare the intention to change status to be the University's employees or University's workers pursuant to this Act, after the specified period as in paragraph 3. If the University deems that accepting the person to work will be an advantage to the University, and has vacant position to do so, it shall proceed in accordance with the University's provisions.

Declaring intention as in paragraph 1 shall be in accordance with the University's provisions and such expression shall not be reversed.

**Section 80.** A Person who changes status to be the University's employees pursuant to Section 74, Section 77 and Section 79 shall receive salary, wages, welfare, and other benefits not less than which they used to receive before becoming the University's employees.

**Section 81.** A Civil servant who changes status to be the University's employee pursuant to Section 74, Section 77 and Section 79 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, as of the date of being employed as University employees.

Government employees whom the University accepts as University employees 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 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 1 shall be subject to the law of Civil Servant Pension Fund.

**Section 82.** Committee in faculties, committee in colleges, committee in institutes, committee in schools, committee in centers which have been appointed or elected pursuant to the Burapha University Act B.E. 2533(1990) or the University Council resolution, are being on the date of this Act is effective still continue to be such committee and shall perform duties as the committee in divisions pursuant to this Act or perform duties which have been appointed or elected until having new appointment or election pursuant to this Act, but not for more than one hundred eighty days from the date this Act is effective.

**Section 83.** The positions of professor, honorary professor, emeritus professor, associate professor, honorary associate professor, assistant professor, honorary assistant professor and lecturers of the Burapha University pursuant to the Burapha University Act B.E. 2533 (1990) shall be positions of professor, honorary professor, emeritus professor, associate professor, honorary associate professor, assistant professor, honorary assistant professor and lecturers of this Act, and persons who are in such positions shall maintain the positions pursuant to this Act.

**Section 84.** During the period that civil servants of government agencies as in Section 78 are being work-executors in the University pursuant to this Act, such civil servants of the government agency shall take part in the Employee Council's affair equally to the University employees and shall be in accordance with the University's provisions.

**Section 85.** In the case of there is a vacant position of whether civil servant or government agency employee in the University which may have been vacant or is vacant after the date this Act is effective, such position shall be terminated and position shall be transferred along with government budget for the position as well as personnel budget which processes payment in the form of salary and regular wages and other relevant monies which are planned for such positions to belong to the University and shall deem the transfer of such budgets to be a transfer of the expenditure budget pursuant to the law on budgeting procedure.

**Section 86.** Provisions, regulations or notifications shall be issued for implementations to comply with this Act to be completed within two years as of the date this Act is effective.

During the period of no provisions, regulations or notifications being issued for implementation as to comply with this Act, Royal Decrees, Ministry's Regulations, Bureau's Regulations, Ministry of Education's Notifications, Notifications of the University Office, Any Regulations, Provisions and Notifications which are issued pursuant to the Burapha University Act B.E. 2533 (1990) and are applicable on the date this Act is effective shall be applicable, mutatis mutandis, as far as they do not contradict or conflict to this Act.

Countersigned the Royal Command 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 the 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 expediency, 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.