

University Act

Navamindrathiraj University

B.E.2553 (2010)

Bhumibhol Adulyadej, Rex.

Given on November 4, B.E.2553 (2010)

Being the 65th Year of the Present Reign

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

Whereas it is expedient to issue the law on the Bangkok Metropolis 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 “Navamindrathiraj University Act, B.E. 2553 ”.

Section 2 The Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3 In this Act:

“University” means Navamindrathiraj University;

“University Council” means Navamindrathiraj University Council;

“Academic Council” means Navamindrathiraj University Academic Council;

“Faculty and Officer Senate” means The Faculty and Officer Senate of Navamindrathiraj University;

“University Officers” means Navamindrathiraj University officers;

“University Staff” means a Navamindrathiraj University officer, a government official and employee performing duties in the Bangkok Metropolis, University and a Navamindrathiraj University employee;

“Minister” means the Minister in charge of the execution of this Act.

Section 4 Navamindrathiraj University shall be established as a higher education institution which is a state organisation under the supervision of the Bangkok Metropolitan Administration and shall be a juristic person which is not a government agency under the law on State administration, the law on the Bangkok Metropolitan Administration, the law on Ministry, Sub-Ministry and Department Improvement and the law on Budgetary Procedures and is not a state enterprise under the law on Budgetary Procedures and other laws.

Section 5 The Minister of Interior Affairs and the Minister of Education shall be in charge of the execution of this Act in the parts of their relevance.

Chapter 1

General Provision

Section 6 The University is a higher education institution which is established by the Bangkok Metropolitan Administration with the aims to provide education, promote academic pursuit and research, build and develop knowledge and professions at high levels as well as disseminating knowledge and promoting medical profession, public health, city administration, local administration, and metropolitan development. The University also aims to preserve religion, art, culture, tradition, local wisdom, environment and sport drawing upon the various experiences and the characteristics of the Bangkok Metropolis in order to meet the demands of the citizens and for the benefits of the nation.

Section 7 To achieve the objectives under section 6, the University has the following duties:

- (1) to conduct research, promote and support research studies in order to build or develop knowledge and to apply such knowledge for the benefit of developing the Bangkok Metropolis, the society and the country;
- (2) to produce graduates in line with the National Education Plan and the Bangkok Metropolitan Administration Development Plan, the Bangkok Metropolitan Administration and the Local Administration Organization Cooperation Plan, aiming at enabling the graduates to have knowledge, professional capability, morality, ethics, social consciousness, eagerness to learn, and ability to learn by themselves;
- (3) to develop knowledge in the fields of medicine and public health, focussing on urban health medicine;
- (4) to develop knowledge in the fields of urban management; local administration and metropolitan development;
- (5) to provide opportunities for education which are in line with demands of urban communities with the principle of equality;
- (6) to provide academic services and cooperate with communities in training and occupational development;
- (7) to promote and maintain religions, arts, cultures, local wisdom as well as environment and sports;

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(8) to provide medical, nursing and public health services together with quality academic and professional services at the national and international levels.

Section 8 The university shall promote and support those admitted to study at the university and provide help to students who are in real need of financial assistance to finish their undergraduate studies;

Rules and methods to consider who are in real need of financial assistance shall be in accordance with the regulations prescribed by the University Council.

Section 9 The University may be divided into the following units:

- (1) Office of the University Council;
- (2) Office of the President;
- (3) Faculties;
- (4) Colleges;
- (5) Institutes;
- (6) Centers;

The University may set up other designated units whose status are equal to a faculty as units of the university to undertake the objectives under section 6.

The subdivision of units in paragraphs 1 and 2 shall be done by issuing the University's Regulations.

Section 10 The establishment, consolidation or termination of a unit under section 9 shall be carried out by issuing a University's Notification, which shall be published in the Government Gazette.

The University's Notification in paragraph 1 concerning the establishment and the consolidation of a unit shall clearly specify the duties of that unit.

Section 11 Subject to the objectives under section 6, the University may accept higher education institutions or other institutions to be affiliated with the University and also has the power to bestow a degree, an associate degree or a diploma of any class on a graduate of any of those affiliated institutions.

The acceptance and termination of affiliation of higher education institutions or other institutions under paragraph 1 shall be made by issuing a University's Notification, which shall be published in the Government Gazette.

Control of higher education institutions or other institutions affiliated with the University shall conform to the University's Regulations.

Section 12 Subject to the objectives under section 6, the University may jointly manage education and carry out research with other higher education institutions or other research institutions, inside or outside of the country or of an international

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organization. In doing so, the University has the power to jointly award a degree, an associate degree, or a diploma of any class to a graduate with such higher education institutions.

The education management or termination of the education management under paragraph 1 shall be made by issuing a University's Notification, which shall be published in the Government Gazette.

The operation under paragraph 1 shall conform to the University's Regulations.

Section 13 The University's activities are not subject to the labour protection law and the labour relation law. University officers who already have benefits of retirement pensions shall be exempted from Social Security Law; but shall not be cut off from the right to willingly self insure.

Section 14 The University has the powers and duties to do things in accordance with the objectives stipulated in section 6. Such powers and duties include:

(1) to purchase, sell, employ, be employed, build, provide, transfer, accept the transfer, hire, lease, hire purchase, exchange and dispose of or engage in any juristic act for the benefit of the University's affairs, to hold ownership, have possession right or real right in the University's property or have rights in or to utilise intellectual property; to dispose of property, both inside and outside of the Kingdom, and to receive money or property donated by supporters or donors;

Only immovable property that the University has obtained under section 18 paragraph 2 can be disposed of or exchanged;

(2) to receive fees, dues, remuneration, penalty fees, and service charges for providing service within the power and duties of the University, as well as making agreements and determining conditions in respect to the matters connected therewith;

(3) to cooperate with government agencies, private agencies, foreign or international organisations, and foreign or international agencies;

(4) to borrow and lend money with collateral in person or property and to invest or co-invest for the benefit of the University's affairs;

In taking out a loan, lending money, holding shares, becoming a partner in a partnership, investing, co-investing, if the amount involved exceeds the amount prescribed by the Bangkok Governor, prior approval from the Council of Ministers must be obtained;

(5) to determine remuneration or extra remuneration, including welfare, fringe benefits and other benefits for the University staff in accordance with the rules, procedures and conditions prescribed in the University's Regulations;

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(6) to supervise, maintain, manage, utilise and benefit from the University's property and the *Ratchaphatsadu* land under the law on *Ratchaphatsadu* land;
(7) to establish or join with another person to establish a juristic person, to invest or co-invest with any natural person or juristic person to carry out operations in relation to or being in continuation of the University's affairs, or to disseminate research results, or to utilise them in order to generate revenue for the University.

Section 15 The incomes of the University include:

- (1) general subsidies allocated by the Bangkok Metropolitan Administration annually;
- (2) fees, dues, remuneration, penalty fees, and service charges belonging to the University;
- (3) money and property donated to the University;
- (4) income or benefits obtained from operations under section 14 (4) and (7) and from the University's property;
- (5) income or benefits obtained from using *Ratchaphatsadu* land or making profit of the *Ratchaphatsadu* land under the University's administration, supervision and utilisation;
- (6) general subsidies allocated based on the necessity and appropriateness by the government through the Bangkok Metropolitan Administration;
- (7) other incomes or benefits.

The Bangkok Metropolitan Administration should allocate general subsidies under (1) directly to the University in an amount not less than 70% of the expenses stipulated in the University's annual budget to fulfill the University's objectives and for the development of higher education to assure quality education.

The general subsidies under (6) shall be specified in the annual Expense Budget Act as one item in the Expense Budget allocated to the Bangkok Metropolitan Administration to carry out duties given or approved by the government.

The incomes of the University are not to be remitted to the Ministry of Finance pursuant to the law on treasury reserves and the law on budget procedures; and are not to be remitted as revenue to the Bangkok Metropolitan Administration pursuant to the law on budget procedures.

In cases where the amount of the income under paragraph 1 does not cover the costs of the University's operations and other appropriate burdens and the University is not able to obtain money from other sources, the

government shall allocate additional general subsidies to the University as necessary.

Section 16 All immovable property the University obtained from donation, purchased by the University's income, exchanged with the property of the University, or by other means is not considered the *Ratchaphatsadu* land but shall belong to the University.

Section 17 The University's property used directly for the purpose of education, research, and academic service is not subject to all executions, including administrative enforcement; and no prescription shall be set up against the University with regard to such property.

Section 18 All the University's income and property shall be managed to achieve the objectives of the University under section 6.

Money and property donated to the University shall be managed in accordance with the conditions specified by donors. If it is necessary to change such conditions, prior written consent shall be given by the donors or their heirs. If there is no heir, or an heir is unknown, such change shall be approved by the University Council.

Chapter II Operation

Section 19 There shall be a University Council, consisting of

- (1) the Chairperson appointed by the King;
- (2) nine qualified members of University Council appointed by the King, from third parties;
- (3) members of University Council by positions such as University President, Secretary-General of Higher Education Commission, Bangkok Deputy Governor assigned by Bangkok Governor, Chairperson of University Affairs Promotion Committee, Chairperson of Faculty and Officer Senate and Permanent Secretary of the Bangkok Metropolitan Administration
- (4) two members of the University Council, one elected from Deans of the University and another elected from Directors of College/Institute/Center or Heads of Unit in other names whose status is equivalent to a faculty;
- (5) four members of the University Council, three of them elected from academic faculties and one from non-academic staff.

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The qualifications, rules and procedures for selecting qualified members of the University Council under (2) shall be in accordance with the University's Regulations. Among these members, there shall be qualified persons in medicine, nursing, local administration and urban communities.

Members of the University Council under (2) (3) (4) (5) shall select Chairperson of the University Council from outsiders. The qualifications of and procedures for selecting Chairperson of the University Council shall be in accordance with the University's Regulations.

The selection of members of the University Council under (4) (5) shall be in accordance with the University's Regulations.

The University Council shall select one of the qualified members of the University Council to be its Vice Chairperson. The Vice Chairperson shall act on behalf of the Chairperson, when the Chairperson is unable to perform his or her duties or there is no Chairperson.

The University Council shall appoint a vice president with the advice of the University President to be Secretary of the University Council and also appoint the head of the Office of the University Council to be Assistant Secretary.

Section 20 The Chairperson and members of the University Council under section 19 (2) (4) and (5) hold office for a term of three years and may be reappointed by the King.

In addition to vacating office at the end of the term in paragraph 1, the Chairperson and members of the University Council under section 19 (2), (4) and (5) vacate office upon:

- (1) death;
- (2) resignation;
- (3) the University Council passing a resolution to remove from office;
- (4) being disqualified as specified in each kind of member of the University Council;
- (5) being imprisoned by a final judgment to a term of imprisonment;
- (6) being bankrupt;
- (7) being an incompetent person or a quasi-incompetent person.

In cases where the office of the Chairperson of the University Council or a member of the University Council becomes vacant for any reason whatever and an appointment of the Chairperson or a member of the University Council has not been held, the University Council shall consist of its remaining members.

If the Chairperson or a member of the University Council under section 19 (2), (4) or (5) vacates office before the end of his or her term, and if a

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replacement has been appointed by the King or elected, the replacement shall remain in office for the remaining term of the Chairperson or member he or she replaces. If the remaining term is less than ninety days, it may be decided not to carry out an appointment.

In cases where the Chairperson or members of the University Council vacate office at the end of the term, and the King has not appointed a new Chairperson or qualified members, or other members have not been elected, the Chairperson and members vacating office shall perform their duties until the new Chairperson or qualified members of the University Council have been appointed by the King or other members of the University Council have been elected.

Section 21 The University Council have the powers and duties to supervise general affairs of the University. Such powers and duties include:

- (1) to establish policies and approve the University's Development Plans in order to achieve the objectives under section 6.
- (2) to issue Rules, Regulations and Notifications of the University, for the purposes of the University's operation, and may entrust any unit of the University to issue Regulations and Notifications for such unit on a case by case basis;
- (3) to approve the awarding of a degree, an advanced diploma, a diploma, an associate degree, and a certificate as well as an honorary degree;
- (4) to approve the establishment, consolidation, and termination of a unit under section 9, as well as the internal division of a unit;
- (5) to approve the acceptance, or cancellation, of affiliations of higher education institutions or other research institutions;
- (6) to approve instructions and curricula, including revision, consolidation, and termination of the curricula;
- (7) to consider and undertake an action to propose to the King to appoint a person as the Chairperson or qualified member of the University Council and as President of the University, professor and honorary professor;
- (8) to appoint and remove associate professors, honorary associate professors, assistant professors, honorary assistant professors, and any persons holding an academic position called otherwise under section 55 paragraph 3;
- (9) to issue Regulations on Education Quality Assurance
- (10) to issue Rules and Regulations on Human Resource Administration and on Financial, Materials and Property Management
- (11) to establish policies and prescribe rules and procedures in relation to income generation, sources of funds and other resources;

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- (12) to approve the preparation of the University's income and expenditure budgets;
- (13) to appoint and remove members of the Academic Council and members of the University Affairs Promotion Committee;
- (14) to appoint committees, sub-committees, or a person to perform any act within the power and duties of the University Council as well as giving authority to such committees, sub-committees or a person to act in the name of the Council and report the action to the University Council;
- (15) to follow up and evaluate the performance of the President, Vice Presidents and Heads of the units under section 9;
- (16) to appoint and remove vice presidents, deans, directors and heads of other designated unit;
- (17) to approve annual reports of the University and submit them to the Minister for acknowledgement;
- (18) to perform other duties in relation to the University's affairs which are not specifically assigned to any person or unit.

Section 22 The meeting and operation procedures of the University Council shall be in accordance with the University's Regulations.

Section 23 There shall be a University Academic Council consisting of the University President as chairperson and members who are qualified persons from inside and outside the University.

The number, qualifications, rules and procedures for acquisition, the term of office, and vacation of office of members of the University Academic Council, as well as meeting and operation procedures of the University Academic Council shall be in accordance with the University's Regulations.

Section 24 The University Academic Council has the following powers and duties:

- (1) to provide advice in establishing academic policies and development plans to the University Council;
- (2) to establish academic quality and standards and propose them to the University Council;
- (3) to establish standards and ethics for faculties and university staff and propose them to the University Council as well as supervising the compliance with such standards and ethics;
- (4) to follow up and evaluate the academic progress and propose recommendations on academic development to the University Council annually;

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- (5) to advise the University Council in approving curricula and instructions as well as improvement, consolidation and termination of curricula;
- (6) to propose conferment of degrees, advanced diploma, diploma, associate degrees and certificates to the University Council;
- (7) to give opinions on the establishment, consolidation and termination of University units which carry out instruction, research or academic services as well as proposing internal division of such units to the University Council;
- (8) to consider and give opinions to the University Council on accepting or rejecting affiliation of higher institutions or other institutions under section 11 as well as provision of joint education with higher institutions or other research institutions under section 12;
- (9) to consider and give opinions to the University Council on appointing and removing professors, honorary professors, associate professors, honorary professors, assistant professors, honorary assistant professors and other academic titles under section 55 paragraph 3.
- (10) to appoint committees, sub-committees or a person to carry out actions under the authority and duties of the University Academic Council;
- (11) to give advice and recommendations to the University President and to perform other duties entrusted by the University Council or the President.

Section 25 There shall be a committee of university affairs promotion consisting of a chairperson, members and some members appointed from outsiders by the University Council.

The University Affairs Promotion Committee has duties to give advice and support the operation as well as procuring funds for the University.

The number, qualifications, rules and procedures, terms of appointment and termination of appointment of the chairperson and members as well as meeting and operation procedures of the University Affairs Promotion Committee shall be in accordance with the University's Regulations.

Section 26 There shall be a President as the highest commander responsible for the University's administration. There can be vice presidents or assistants to the president, or both, in the number specified by the University Council to perform and be responsible for the duties assigned by the President.

Section 27 With the University Council's humble advice, the King may appoint a President from eligible persons under section 30 paragraph 1.

The rules and procedures for selecting the President shall be in accordance with the University's Regulations.

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Regarding vice presidents, with the President's advice, the University Council shall appoint them from eligible persons under section 30 paragraph 1.

With regard to assistants to the president, the President shall appoint them from eligible persons under section 30 paragraph 2.

Section 28 The President shall hold office for a term of four years each and may be reappointed by the King for another term. He or she can be in office for no more than two consecutive terms.

When the President vacates office, his or her vice presidents and assistants to the president shall vacate office as well.

Section 29 In addition to vacating office at the end of the term under section 28, the President vacates office upon:

- (1) death;
- (2) resignation;
- (3) being ineligible under section 30 paragraph 1;
- (4) being discharged from office by the University Council's resolution due to failure to meet the standards of the performance evaluation;
- (5) being removed by the University Council's resolution by votes of more than half of the existing members due to inappropriate behaviour, negligence of duties or lack of ability;
- (6) being imprisoned by a final judgment to a term of imprisonment;
- (7) being bankrupt;
- (8) being an incompetent person or a quasi-incompetent person.

Section 30 The President and vice presidents shall have graduated with a degree of a level or its equivalence from a higher education institution which the University Council accredits and have taught for or had at least five years of administrative experience in a higher institution or other organizations which the University Council accredits.

An assistant to the president shall have graduated with a degree of a level or its equivalence from a university or other higher education institution which the University Council accredits and have taught for or had at least three years of administrative experience in a higher institution or other organizations which the University Council accredits.

Section 31 The President is the representative of the University in all activities and shall have the following powers and duties:

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- (1) to administer the affairs of the University in accordance with the laws, rules, regulations and notifications of the University including the policies and the objectives of the University;
- (2) to administer finance, procurement, premises and other property of the University in accordance with laws, rules, regulations and notifications of the University;
- (3) to recruit, appoint and remove university officers and employees as well as carrying out human resource administration in accordance with the University's Rules and Regulations;
- (4) to prepare development and action plans in compliance with the University's policies and plans, as well as following up and evaluating the operations of the University in all aspects;
- (5) to generate incomes and other resources from various sources to support the University's operations;
- (6) to appoint and remove heads and deputy heads of units equivalent to a faculty, but having no mission to teach or do research and also appoint and remove assistants to the President;
- (7) to submit an annual report in relation to all activities of the University to the University Council, the Bangkok Governor and the Bangkok Metropolis Council;
- (8) to perform other duties in accordance with the University's Rules and Regulations or as entrusted by the University Council.

Section 32 In cases where the President is unable to perform duties, his or her vice president shall act in place of the President. If there are several vice presidents, the vice president entrusted by the President shall act in place of the President. If the President does not entrust any person, the vice president who is the most senior shall be the acting President.

In cases where there is no President or no person acting in place of the President under paragraph 1 or such person is unable to perform his or her duties, the University Council shall appoint a qualified person under section 30 paragraph 1 to be Acting President.

Section 33 In the Office of the University Council and Office of the President, there shall be a unit head commanding and being responsible for the work of the unit and there may be deputy head in the number specified by the Office of the University Council to perform duties and be responsible for work assigned by the unit head.

The appointment of a unit head and a deputy unit head in paragraph 1 shall be in accordance with the University's Regulations on human resource administration.

Section 34 In units under section 9(3) and (4) or units in other names equivalent to a faculty bearing instruction and research, the Dean or Director shall be appointed by the University Council as unit head and commander responsible for the work of the faculty or of that unit and there may be deputy unit head in the number specified by the University Council to perform duties and be responsible for the work assigned by the unit head.

The unit head in paragraph 1 shall hold office for four years each and may be reappointed, but cannot be in office for two consecutive terms.

The qualifications, rules and procedures to select, remove and administer for the positions of unit heads and deputy unit heads in paragraph 1 shall be in accordance with the University's Regulations.

When the unit head vacates office, the deputy unit heads shall also vacate office.

Section 35 In units under section 9(5) and (6) or units in other names whose status is equivalent to that of a faculty, but with no mission to teach or to research, there shall be a Director appointed as unit head and as commander responsible for the work of that unit; and there may be deputy unit head in the number specified by the University Council to perform and be responsible for what is assigned by the unit head.

The appointment of a unit head and a deputy unit head in paragraph 1 shall be in accordance with the University's Regulations on human resource administration.

Section 36 There shall be a Faculty and Officer Senate consisting of a chairperson of the Faculty and Officer Senate and members selected from the university officers.

The number, qualifications, rules and procedures to acquire, term of office and vacation of office of the chairperson and the members of the Faculty and Officer Senate including meeting and operation procedures of the Faculty and Officer Senate shall be in accordance with the University's Regulations.

Section 37 The Faculty and Officer Senate shall have the following duties:

- (1) To give advice and recommendations to the University Council and the President in administrating all affairs of the university;
- (2) To promote ethics of faculties and university staff;
- (3) To uphold the honour of the university officers;

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- (4) To build and promote unity among the university officers;
- (5) To perform other duties entrusted by the University Council or the President.

Section 38 There shall be a committee of a unit under section 9(3) and (4) or units in other names whose status is equivalent to a faculty with mission to teach or research.

The combination, number, qualifications, rules and procedures to acquire, term of office and vacation of office including meeting and operation procedures of the committee of the unit shall be in accordance with the University's Regulations.

Section 39 The person who holds a position of President, Vice President, Assistant to the President, Unit Head or Deputy Unit Head is not permitted to concurrently hold another position.

A holder of office under paragraph 1 is entitled to act in place of the holder of another one position only, but shall not for more than one hundred eighty days.

Section 40 The acting in place of the holder of another position, the delegating powers to perform as acting person as well as the sub delegating powers to perform shall be in accordance with the University's Regulations.

In cases where there are laws, rules, regulations, notifications, orders or resolutions of the cabinet appointing or designating the holder of the office as a member, a sub-member or to have powers and duties, the acting person shall perform as such a member, a sub-member or shall have powers and duties of such office while acting in place of such office except if the person delegating powers specifies otherwise in the order of power delegation.

Chapter III

Quality Assurance and Assessment

Section 41 The University shall make available quality assurance in education to improve the quality and standard of the University's education.

Systems, rules and procedures for assuring education quality shall be in accordance with the University's Regulations.

Section 42 The President shall have performances of unit heads and university staff assessed according to rules, procedures and in period of time indicated in the University's Regulations.

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Section 43 The University shall have the units of the university assessed according to rules, procedures and in period of time indicated in the University's Regulations.

Section 44 The University Academic Council shall have the curricula, the teaching and learning, and the testing and evaluation assessed according to the rules, procedures and in period of time specified by the University Council following section 24(5).

Chapter IV **Accounting and Auditing**

Section 45 The President shall prepare the revenue and expenditure budget to seek financial support from the Bangkok Metropolitan Administration by submitting the prepared budget to the University Council for approval. After the approval, the President shall submit the budget to the Bangkok Governor to consider and further submit it to the Bangkok Metropolitan Council for consideration and approval as the annual budget of the University.

In cases where it is necessary to seek the general financial support from the government, the President shall submit the financial request to the University Council for approval. After the approval, the President shall further submit it to the Bangkok Governor for further processing.

Section 46 The University shall establish and maintain proper accounting systems for each of its units. There shall be an account book listing items classified by types of assets, debts, capital, revenue and actual expenditure, together with statements describing sources of such items. There shall be regular internal auditing as well.

Listing items in an account book under paragraph 1 shall conform to the generally recognised accounting standard.

Section 47 The University shall prepare a financial statement and revenue and expenditure ledger for submission to the auditor of the University within ninety days from the ending date of an accounting year.

The starting and the ending dates of the University's accounting year shall be in accordance with the University's Notification

Section 48 The Office of the Auditor-General or a third party appointed by the University Council with approval of the Office of the Auditor-General shall be an

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auditor of the University, and shall verify and approve all accounts and finance of the University every accounting year.

Section 49 The auditor shall have the power to verify all relevant account books, documents of and evidence related to the University. For this purpose, the auditor shall have the power to inquire the President and the university staff as well as demanding additional submissions of all relevant accounting books, documents of, and evidence related to the University, as necessary.

Section 50 The auditor shall prepare a report on the results of accounting and finance auditing for submission to the University Council within one hundred fifty days from the ending date of the accounting year. The University Council shall further submit the report to the Bangkok Governor.

The University shall publicize the annual report of the past year showing the balance sheet, operation account and revenue and expenditure ledger which the auditor has approved as well as the performance of the university in the past year and plans to implement in the next year within one hundred eighty days from the ending date of the accounting year.

Section 51 The University shall have an internal audit system to audit all operations of the University as well as a follow up and assessment system to evaluate the performance of the President, Vice Presidents and Heads of the Units under section 9 and report the results of the evaluation to the University Council for further consideration at least once a year.

Section 52 The President shall be the holder of a high level office in accordance with the organic law on prevention and suppression of corruption.

Chapter V

Supervision and Oversight

Section 53 The Bangkok Governor has powers and duties to supervise and oversee general affairs of the University to ensure that they comply with the objectives under section 6 and consistent with the policies of the Bangkok Metropolitan Administration pertaining to the University.

In cases where there is any dispute in the operation of the University which may cause damage to the public, the Bangkok Governor and the Bangkok Metropolis Council shall consider to find solutions. If there are no solutions within sixty days, the Bangkok Governor shall submit the case to the Minister

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and the Minister shall further submit it to the Cabinet for consideration. The rulings rendered by the Cabinet shall be final.

Section 54 All matters that the University must submit to the Cabinet shall be submitted to the Minister by the Bangkok Governor for further submission to the Cabinet.

Chapter VI

Academic Positions

Section 55 Academic positions held by full-time academic staff are as follows:

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

A professor is appointed by the King with the advice of the University Council.

The University Council may designate academic positions called otherwise which shall be made in the form of the University's Notifications and published in the Government Gazette.

Qualifications, rules and procedures for the appointment and removal of persons holding academic positions shall be in accordance with the University's Regulations.

Section 56 An honorary professor shall be appointed by the King from people holding positions of honorary lecturers, honorary assistant professors or honorary associate professors, who have special knowledge and expertise and who is not a full-time university staff, with the advice of the University Council.

Qualifications, rules, and procedures for the appointment and removal of honorary professors shall be in accordance with the University's Regulations.

Section 57 An honorary associate professor and an honorary assistant professor shall be appointed by the University Council from people holding positions of honorary lecturers or people used to hold positions of honorary lecturers, who have knowledge and expertise and who are not full-time university staff, with the advice of the University Council.

The President may appoint qualified people who are not full-time university staff as honorary lecturers with the advice of Unit Heads under section 9(3) and (4).

Qualifications, rules, and procedures for the appointment and removal of honorary associate professors, honorary assistant professors and honorary lecturers shall be in accordance with the University's Regulations.

Section 58 Any person appointed by the King to be a professor or honorary professor, or appointed to be an associate professor, honorary associate professor, assistant professor or honorary assistant professor under this Act shall have the right to forever use such position as a title to convey his or her academic standing.

The following are the abbreviations of the titles under paragraph 1:

Professor is abbreviated to Prof.,

Honorary Professor is abbreviated to Prof. (Honorary),

Associate Professor is abbreviated to Assoc. Prof.,

Honorary Associate Professor is abbreviated to Assoc. Prof. (Honorary),

Assistant Professor is abbreviated to Asst. Prof.,

Honorary Assistant Professor is abbreviated to Asst. Prof. (Honorary).

The use of an academic position called otherwise and its abbreviation shall be in accordance with the University's Regulations.

Chapter VII

Degrees and Academic Standing Emblems

Section 59 There are three levels of degrees:

Doctoral Degree to be called Dusadi Bahndit, which is abbreviated to "Dor.";

Master's Degree to be called Maha Bahndit, which is abbreviated to "Mor.";

Bachelor's Degree to be called Bahndit, which is abbreviated to "Bor.".

Section 60 The University has the power to award a degree, an associate degree, or a diploma in any academic division in the University. The University also has the power to jointly award a degree in any academic division providing education with another higher education institution in or outside the country, or with an international organization.

The awarding of a degree, an associate degree, or a diploma in any academic division as well as the use of an abbreviation of such academic division shall be in accordance with the University's Regulations, which are published in the Government Gazette.

Section 61 The University Council may issue Regulations on awarding to undergraduates first-class honours or second-class honours.

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Section 62 The University Council may issue Regulations on awarding certificates of various levels and associate degrees as follows:

- (1) Advanced Diploma—awarded to graduates of any field after having received a Master’s degree or its equivalence;
- (2) Diploma—awarded to graduates of any field after having received a Bachelor’s degree or its equivalence;
- (3) Associate degree—awarded to graduates of any field before receiving a Bachelor’s degree
- (4) Other certificates—awarded to graduates of a specific field.

Section 63 The University has the power to award an honorary degree to a person whom its Council determines that such a person who is qualified, virtuous, and having tangible work beneficial to society is eligible for such degree. However, such degree shall not be awarded to a full-time faculty member, a person holding any position in the University, a person holding any political position of the Bangkok Metropolitan Administration, Chairperson of the University Council or a member of the University Council under section 19 while he or she is holding such office.

The level, branch of a degree, and the rules for awarding an honorary degree shall be in accordance with the University’s Regulations.

Section 64 The University may designate an academic gown or academic pin to exhibit the academic standing of a person receiving a degree, an advanced diploma, a diploma, an associate degree or a certificate and may designate official gowns of the University Council President and members of the Council, of persons holding administrative or academic positions of the University.

The determination of characteristics, types, categories and components of academic gowns and pins and official gowns shall be made in the form of University’s Regulations and published in the Government Gazette.

The occasions and conditions on the use of an academic gown, academic pin and official gown shall be in accordance with the University’s Regulations.

Section 65 The University Council may designate a seal, symbol, or emblem of the University or unit of the University which shall be made in the form of the University’s Notification and published in the Government Gazette.

The use of a seal, symbol, or emblem under paragraph 1 for commercial purposes or for purposes other than those for the benefit of the University or its units must be permitted in writing from the University.

Section 66 The University Council may designate a uniform, symbol or dress of the University students and staff. This shall be made in the form of the University's Regulations and published in the Government Gazette.

Chapter VIII

Penalties

Section 67 Whoever uses an academic gown, academic pin, official gown, uniform, symbol or dress of the University students and staff or an imitation thereof without the right to use or presents in any manner that he or she is entitled to hold a degree, an advanced diploma, a diploma, an associate degree or a certificate or an academic position of the University without the right to do so, and if such act is done to mislead another person to believe that he or she is entitled to such use or has such academic title or position, shall be liable to imprisonment not exceeding six months or a fine not exceeding fifty thousand baht, or both.

Section 68 Whoever commits the following shall be liable to imprisonment not exceeding one year or a fine not exceeding one hundred thousand baht, or both.

- (1) counterfeits or imitates a seal, symbol or emblem of the University or a unit of the University, irrespective of colours or methods;
- (2) uses a counterfeited or an imitated seal, symbol or emblem of the University or a unit of the University;
- (3) uses or causes to appear, a seal, symbol or emblem of the University or a unit of the University on any material or goods in violation of section 65 paragraph 2

If a person who commits an offence under (1) also commits an offence under (2), he or she shall be punished under (2) for one offence only.

The offence under (3) is a compoundable offence.

Transitory Provisions

Section 69 All affairs, property, rights, liabilities budget and revenue of the Bangkok Metropolis Medical College and Vajira Hospital and Kuakarun Nursing College attached to the Home Medical Service Department, the Bangkok Metropolitan Administration under the Bangkok Metropolitan Administration's Notification on the Division of the Internal Units and the Specifications of

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Powers and Duties of the Official Units of the Bangkok Metropolitan Administration (issue no. 71) dated July 3, B.E. 2552 shall be transferred to be those of the University under this Act according to the items specified by the Bangkok Governor; and the process of transferring shall be carried out completely within one hundred and twenty days from the date this Act is in force.

Section 70 All the Bangkok Metropolis officials attached to the Bangkok Metropolis Medical College and Vajira Hospital and Kuakarun Nursing College attached to the Home Medical Service Department of the Bangkok Metropolitan Administration under the Rules for the Bangkok Metropolis Officials Act B.E. 2528 and the government employees attached to the Bangkok Metropolis Medical College and Vajira Hospital and to the Kuakarun Nursing College attached to the Home Medical Service Department of the Bangkok Metropolitan Administration under the Bangkok Metropolis Legislation on Employees B.E. 2535 present on the date this Act is in force shall continue being the Bangkok Metropolis officials under the Rules for Bangkok Metropolis Officials Act B.E. 2528 or continue being government employees under the Bangkok Metropolis Legislation on Employees B.E. 2535 and shall perform duties in the University under this Act. The performance is considered to be official duties or the performance of government employees as the case may be.

During the performance of duties under paragraph 1, the rights of a government official under paragraph 1 to acquire an academic position of professor, associate professor, assistant professor, or any other positions and to be promoted shall conform to the law on Rules for the Bangkok Metropolis Officials or on the Bangkok Metropolis Legislation on Employees as the case may be.

For the purpose of personnel administration of the Bangkok Metropolis officials and employees under paragraph 1, the University shall be deemed a government agency; and the Bangkok Metropolis officials and employees shall be under the command of the President and Head Units under this Act and are entitled to receive salaries, wages, and other money through the University. The salaries, wages and other money are disbursed from the Financial Support allocated to the University by the Bangkok Metropolitan Administration. The laws on Rules for the Bangkok Metropolis Officials and the Bangkok Metropolis Legislation on Employees shall apply, as the case may be.

In cases where the laws on Rules for the Bangkok Metropolis Officials and the Bangkok Metropolis Legislation on Employees are applied, but such laws are inconsistent with this Act or cannot be applied in some cases for any reasons.

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The Regulations issued by the University Council shall apply to the inconsistent or inapplicable parts or cases.

Section 71 A Bangkok Metropolis official or employee under section 70 who

- (1) declares his or her intention of status change to be a University officer under this Act within one hundred and eighty days from the date this Act is in force shall immediately be filled with the position of a University officer;
- (2) declares his or her intention of status change to be a University officer under this Act after the period specified in (1), but not longer than two years from the date this Act is in force, and when has been assessed by the University as a knowledgeable person of ability desired by the University shall be filled with the position of a University officer without having to be on probation;
- (3) declares his or her intention of status change to be a University officer under this Act after the period specified in (2), but not longer than five years from the date this Act is in force, and when has been assessed by the University as a knowledgeable person of ability desired by the University shall work on a one-year probation, after which and if he or she is considered qualified, shall be filled with the position of a University officer.
- (4) declares his or her intention of status change to be a University officer under this Act after the period specified in (3) and if the University sees that this person would be beneficial to the University and if there is a vacancy, he or she shall go through the recruitment process under the the University's Regulations.

The declaration of status change intention under paragraph 1 shall be processed under the University's Regulations and once the declaration is made, it shall not be withdrawn.

Section 72 In cases where any position of the Bangkok Metropolis official and employee under section 70 becomes vacant when this Act is in force, that position shall be dissolved.

Section 73 While there remain the Bangkok Metropolis officials under section 70 performing duties in the University under this Act, such officials shall have the rights to be members or to participate in the operation of the Faculty and Officer Senate in accordance with the University's Regulations.

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Section 74 A University officer recruited under section 71 shall be entitled to salaries, wages, welfares and other benefits in the amount not lower than the salaries, wages, welfares and other benefits which he or she has received before becoming a University officer under this Act.

Section 75 A Bangkok Metropolis official having status change to be a University officer under section 71 shall be deemed to have been discharged from government service due to the termination or dissolution of his or her position under the law on gratuities and pensions for the Bangkok Metropolis officials starting from the date the status change takes place.

A government employee having status change to be a University officer under section 71 shall be deemed to have been discharged from work due to the dissolution of his or her position. He or she is entitled to receive gratuities under the Bangkok Metropolis Regulations on employee gratuities and funeral support payment.

Section 76 While the University Council under this Act is not yet established, the University Council shall consist of the Bangkok Governor as Chairperson, the Secretary General of the Bangkok Metropolitan Administration as Vice Chairperson, representative of the Higher Education Commission, Director of the Home Medical Service Department and six qualified persons appointed by the Bangkok Governor as members of the University Council with the Director of the Bangkok Metropolis Medical College and Vajira Hospital as member and secretary and the Director of the Kuakarun Nursing College as member and assistant secretary until the University Council under this Act is established, which must be done in no more than one year since this Act is in force.

Section 77 The University Council under section 76 shall appoint a qualified person with qualifications under section 30 paragraph 1 to perform duties as President under this Act until the King appoints a President, which shall be no more than one hundred eighty days since this Act is in force.

In cases where the President has been appointed by the King, he or she shall also be a member of the University Council under section 76.

Section 78 For the benefits of the continuous operation of the University's affairs in the initial phase, the Bangkok Metropolis Medical College and Vajira Hospital and the Kuakarun Nursing College attached to the Home Medical Service Department of the Bangkok Metropolitan Administration under the Bangkok Metropolitan Administration's Notification on the Division of the Internal Units and the Prescription of Powers and Duties of Units of the Bangkok

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Metropolitan Administration B.E.2528 shall be units of the University named “the Faculty of Medicine Vajira Hospital” and “the Kuakarun Faculty of Nursing” as the case may be until the issuance of the University’s Notification on the Units Establishment under section 9 of this Act.

The Director of the Bangkok Metropolis Medical College and Vajira Hospital and the Director of the Kuakarun Nursing College shall hold positions of Dean under this Act.

In cases where the Director of the Bangkok Metropolis Medical College and Vajira Hospital and the Director of the Kuakarun Nursing College do not declare intention of status change from being the Bangkok Metropolis officials to university officers under this Act within one hundred and eighty days from the date this Act is in force, he or she shall be discharged from his or her position.

Section 79 While the Academic Council under section 23 is not yet established, persons who perform duties of the University Council under section 76 or a committee appointed by the University Council shall perform duties of the Academic Council under section 24 until there is an Academic Council under this Act, but not more than one year from the date this Act is in force.

Section 80 The person holding a position of professor, associate professor, assistant professor or lecturer of the Kuakarun Nursing College attached to the Home Medical Service Department of the Bangkok Metropolitan Administration according to the law on Regulations for the Bangkok Metropolis Officials present on the date this Act is in force shall maintain his or her status as a professor, associate professor, assistant professor or lecturer under this Act.

The person who performs duties of a lecturer in the Bangkok Metropolis Medical College and Vajira Hospital and in the Kuakarun Nursing College on the date this Act is in force shall be considered performing such duties for continuous time, enabling him or her to apply for an academic title under this Act.

Section 81 While there is not yet issuance of rules, regulations or notifications for operations under this Act, the Royal Decrees, Sub-Ministry Rules, Rules, Regulations, or Notificaitons issued under the Bangkok Metropolitan Administration Regulations Act B.E.2528, the Bangkok Metropolis Official Regulations Act B.E.2528 and the Bangkok Metropolis Official Gratuities and Pesions Act B.E. 2516 shall apply *mutatis mutandis*.

Countersigned by:
Apisit Vejajiva
Prime Minister

Note: The reason for enforcing this Act is that the Bangkok Metropolis is a huge capital and is an organization of a special local administration which is an important center of economic, social, artistic, cultural, administrative and industrial prosperity as well as of logistics and transportation. Therefore, it is deemed appropriate to establish a university under the supervision of the Bangkok Metropolitan Administration as a state higher education institution to provide education, promote academic pursuit and research and advanced profession, develop medical and public health knowledge focussing on urban medicine and other fields related to urban management in order to meet the demands of the people in the Bangkok Metropolis, develop knowledge of local

and metropolitan administration as well as providing education opportunities in line with the needs of urban communities, and academic services and cooperating with communities and other local administration organizations in training and developing professional skills and in preserving art, culture, tradition and local wisdom. Thus, it is necessary to issue this Act.

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