

Chiang Mai University Act 2551 B.E.

Bhumibol Adulyadej, REX

Given on 26th February 2551 B.E.

the 63th year of the Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that it is expedient to improve the law concerning Chiang Mai University.

Whereas the present Act contains certain articles which limit the rights and freedom of a person. Following Articles 29, 31 and 32 of the Constitution of Thailand, the limitation of such rights and freedom can be done by making reference to the law.

His Majesty King Bhumibol Adulyadej has thus promulgated the present Act upon the recommendation and consent of the National Parliament as follows.

Article 1 This Act shall be called “Chiang Mai University Act 2551 B.E.

Article 2 This Act shall enter into force on the date following the date pronounced in the Government Gazette.

Article 3 The following Acts shall be repealed:

- (1) Chiang Mai University Act 2530 B.E.
- (2) Chiang Mai University Act (second edition) 2541 B.E.

Article 4 For the purposes of the present Act,

“University” means Chiang Mai University;

“Senate of the University” means the Senate of Chiang Mai University;

“Senate of Academic” means the Senate of Academic of Chiang Mai University;

“Senate of Employee” means the Senate of the Employee of Chiang Mai University;

“Employee of university” means the employee of Chiang Mai University;

“Operational staff of university” means the employees of the University, civil servants and employees of the civil division who carry out the task of university and university’s short-term employee;

“Minister” means the Minister responsible of the present Act.

Article 5 The Chiang Mai University of the Chiang Mai University Act 2530 B.E., shall be the Chiang Mai University of the present Act, and shall be conferred legal personality.

Chiang Mai University is autonomous. It is not a civil service sector in the light of the Law on Rules of the State Administration, the Law of Education Ministry Administration, and the Law of Reforming Ministry and Department. It is not a public enterprise in the light of a fiscal measure and other laws.

Article 6 The Minister of the Ministry of Education is in charge of this Act.

Section 1

Common Provisions

Article 7 The University, a venue of wholesome education and profession, aims to provide education, to support academic and higher profession, to pursue research for the benefit of educational excellence and society, to provide academic service for society, to preserve and promote culture, and to protect environment.

Article 8 The University shall contemplate and put an emphasis upon the following elements when carrying out the tasks designed to achieve the aims set out in Article 7.

- (1) Equal opportunity in education;
- (2) Freedom and excellence in academic coupled with ethics;
- (3) Standard and academic quality accepted in international level;
- (4) Transparency and accountability including responsibility to State and society;
- (5) Efficacy and efficiency in administration and management;
- (6) Administrations shall be conducted with the participation of the members of the University.



Article 9 The University may divide its body as follows.

- (1) Office of the University Senate
- (2) Office of the University
- (3) Academic
- (4) Other Divisions

The establishment, the merger and the dissolution of the bodies of university of (3) and (4) has to be done by a university declaration and which has to be published in the Government Gazette.

The procedure done owing to the second paragraph shall be pursued in the manner that take heed to the academic quality, sound budget management, the reduction of the overlapping works and the increase of efficiency of the administration.

Article 10 The division of the bodies of university and their competence shall be fixed by the University's declaration.

Article 11 The Office of University Senate shall carry out the administration and be responsible directly to the University Senate.

Article 12 Subject to the aims set out in Article 7, the University may bring in other higher educational entities and institutes, and thus be entitled to provide the University Degree, Diploma and Certificate, as the case may be, to the graduates from that higher educational entities and institutes.

The act of paragraph 1 above and the termination of such act shall be done by the University's declaration and published in the Government Gazette.

The monitor of the above-mentioned act shall be done by the University's regulation.

Article 13 Subject to the aims set out in Article 7, the University may establish an educational collaboration with higher education entities and other institutes situated in the country or abroad or of international organization. The University shall be entitled to confer University Degree, Diploma and Certificate, as the case may be, to the graduates.

The collaboration and the termination of such collaboration shall be fixed by the University's declaration and published in the Government Gazette.

The administration of the collaboration mentioned in paragraph 1 above shall be carried out in accordance with the University's regulation.

Article 14 The University's undertakings are not governed by the Labor Act and the Labor Affairs Act. The University's employee who already receives pension as ex-civil servant shall be exempt from being subject to the Social Welfare Act, but he shall not be prohibited from taking voluntarily the insurance under the Social Welfare Act.

Article 15 The University shall have its power and duties according to the aims prescribed in Article 7 to perform its functions including,

- (1) Purchase, sell, procure, lease, exchange, hire, hire-purchase, conclude contracts including hold ownership, have possessory right, have right in intellectual property or real right, dispose of chattel and real property both in and outside the country, receive donation in cash and in kind; The dispose or exchange of real property of the University can be done only to the real property mentioned in Article 18.
- (2) Collect fees, maintenance fee, legal consideration fee, fine, service fee for the service given within the power and duties of the University, including conclude agreement and set conditions concerning the consideration and service fee;
- (3) Co-operate with other sectors whether public or private, foreign institute or international organization to carry out the tasks designed to achieve the aims of the University;
- (4) Procure a loan and lend money by having personal or property security, and invest or have joint-venture investment notwithstanding for the benefit of the University's undertakings;
- (5) Issue the bond for investment on approval of the Cabinet;



- (6) Set up the consideration fee, the special consideration fee, including welfare and other benefits be given to those who work for the University according to the criteria, method and condition laid down by the University's regulation;
- (7) Arrange the funds for the undertakings being carried out according to the aims of the University, and the funds management shall be done in accordance with the University's regulation;
- (8) Have continuance development of academic and human resource;
- (9) Administer, care, maintain, use and seek benefit from the University's property and the common property according to the Act of Common Property;
- (10) Collaborate with other persons to establish an institute that has legal personality, including to invest or have joint-venture investment with natural person or legal person

Article 16 The University's income is generated from different sources, namely,

- (1) Annual supporting budget allocated by the Government;
- (2) Donation either in cash or in kind;
- (3) The funds set up by the Government or the University, and the benefit thereof;
- (4) Fees, maintenance fee, consideration fee, fine and other service charges of the University;
- (5) Income and benefit as a result of the appropriation in Article 15(4) and (10) above and of the University's property;
- (6) Income and benefit generated by the use of the common property of which the University has held, managed and used;
- (7) Income or other benefit.

As for the annual supporting budget cited in (1) above, the Government shall allocate it directly to the University in the amount enough for the expenses necessary to carry out the tasks being done according to the aims of the University, and to develop higher education within the University's responsibility.

When the Government changes the rate of the monthly-paid salary, the position allowance and other privileges given to the civil servants, the Government shall, due to the changes hereupon, allocate more of the supporting budget to the University in order to meet the expenses paid for to the University's employees.

The income of the University shall not be delivered to the Finance Ministry according to the Act of Revenue and the Act of Budgetary Method.

Where the income according to paragraph 1 is not enough for the expenses of the University and the University cannot get income from other sources, the Government shall provide the supporting budget necessary to carry out the tasks of the University.

Article 17 The University shall facilitate and support those who were admitted into university to study and those who are genuinely lack of financial means to have a chance to complete their first degree.

The criteria as to the real lack of financial means have to be considered according to the rules laid down by the University Senate.

Article 18 All immovable property donated to University, purchased by the University's own income, or traded-off with university property shall not be considered public property, and that it shall belong to the university.

Article 19 The University's property that has been utilized for the direct benefit of education, research and academic service shall not be subject to all kind of legal enforcement including the administrative order enforcement. Time limitation and occupation of the property in question may not be raised against University's ownership of the property.

Article 20 The University's all income and assets shall be utilized in order to achieve the aims of the University.

Cash or property donated to the University shall be managed according to the terms laid down by the donor. If there is necessary to alter the terms, the University must obtain the permission to do so from the donor or his siblings. If the donor has no siblings or the siblings are not apparent, the permission to alter the terms must be given by the University Senate.

Section 2



Operation

Article 21 The University Senate shall be established, and shall comprise;

- (1) The President of the University Senate who is appointed by the Royal Prescription;
- (2) 15 highly recognized competent members of the University Senate who are non-university member and are appointed by the Royal Prescription;
- (3) The President of the University;
- (4) The President of the Board of University Facilitation, the President of the Employee Senate, the President of the University Alumni;
- (5) Three (3) members of the University Senate: one selected from the Vice-Presidents of the University and two selected from the Heads of the Divisions of Article 40 below;
- (6) Four members of the University Senate selected: three (3) from the permanent lecturers and one (1) from the employees who are not the university lecturer.

The qualification, the criteria and method as to the selection of the President of the University Senate and its members according to (2) above shall be fixed by the University's regulation. Certain members selected shall be taken from the list of the names proposed by the Board of Higher Education.

The qualification and the criteria and method as to the selection of the members of the University Senate following (5) and (6) above shall be done by the University's regulation.

The University Senate shall select one of its highly recognized competent members to be the Vice-President of the University Senate. The Vice-President shall act on behalf of the President when absent, or not being able to discharge the duties, or there is no person holding the presidential position.

When the Vice-President of the University Senate cannot carry out his duties and when there is no person holding the vice-presidential position, the University Senate shall select one of the highly recognized competent members of the University Senate to carry out the task on behalf of the President of the University Senate.

The University Senate shall appoint one of the Vice-Presidents to be a Secretariat of the University Senate, and it may appoint the Head of the Division to be an assistant secretariat.

Article 22 The President as well as the members of the University Senate shall not undertake practices that are in direct or indirect conflict with the University's interest. However, holding shares for the ordinary purpose of investment is allowed.

Article 23 The President of the University Senate and the members of the University Senate as of Article 21(2), (5), and (6) shall have the term of office for the period of five (5) years, but may be re-appointed.

Article 24 Besides the leaving office due to the completion of the term of office as set out in Article 23, those in Article 21(2), (5) and (6) shall end his term of office upon the following situations:

- (1) Death;
- (2) Resignation;
- (3) The University Senate by its resolution to withdraw;
- (4) The University Senate by its resolution as to the misconduct, the misbehavior and incompetence of the person;
- (5) Devoid of the qualification necessary for the type of the member;
- (6) Being imprisoned by the final judgment of the imprisonment;
- (7) Being adjudicated bankrupt;
- (8) Being declared incompetent or quasi-competent.

In the case of vacancy of the position of the President or the members of the University Senate regardless of the cause of the vacancy, and where there is not yet the procedure of finding the substitutes, the University Senate shall then be comprise of its remainder.

In the case where the President or the members of the University Senate as of Article 21(2), (5), and (6) leave their position prior to the completion of their term of office, there shall be a procedure to find the persons to fulfill those positions. There may be no new recruitment for the positions mentioned, when the term of office



of those is less than ninety (90) days. When there is Royal Prescription for new substitutes, their terms of office are only for the reminding period of the terms.

In the case where the President and the members of Article 21(2), (5) and (6) completed their terms of office, but where there is no Royal Prescription for new appointment as yet, the persons whose positions are mentioned early shall continue to perform their duties until at which time when there is Royal Prescription for new appointment.

Article 25 The University Senate shall have its power and duties to monitor the University's general undertakings especially upon the following matters;

- (1) Adopt the policies and approve the development plans of the University constructed for the achievement of the aims;
- (2) Issue regulations on the following areas, namely, human resource management, rights and well fare of the members of the university, and revenue and property management;
- (3) Issue regulations, rules and declarations relating the administration of university, and may authorize other bodies of the university to issue regulations or the rules for certain activities.
- (4) Approve the opening of the teachings and the curriculums made in accordance with the standard set out in the National Education Act, and also dissolve, combine and change the curriculums.
- (5) Approve and/or abolish the joint educational and research programs done in collaboration with other higher educational or research entities;
- (6) Confer the University Degree, the Certificate of the MA, the Certificate of the BA, Diploma and Certificate including the Honorary Degree;
- (7) Approve the establishment, the merger, and the dissolution of the University's Divisions including the allocation and improvement of the Division;
- (8) Adopt the establishment of a legal entity and draw its policy for the benefit of the University laid down in the aims;
- (9) Approve the income and expense budget of the University;
- (10) Take the procedure of consideration in order that the Royal Prescription appoint or withdraw the President and the highly recognized competent members of the University Senate, the President, Professor and Special Professor;
- (11) Appoint and revoke Honorary Professor, Associate Professor, Special Associate Professor, Assistant Professor, Special Assistant Professor, other academic titles, Vice-President and Head of the Division according to Article 40;
- (12) Appoint and revoke the President and the members of the Board of University Facilitation;
- (13) Approve the annual report of the University and submit it before the Minister;
- (14) Monitor the performance of the University;
- (15) Appoint the committee or the sub-committee or a person to carry out certain tasks that fall within the power of the University Senate, including entrust them with the authority to carry out the task on behalf of the University Senate and have them report back;
- (16) Carry out the duties, not specifically be given to any person, concerning the University's undertakings.

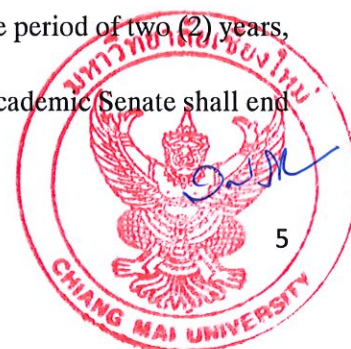
The University Senate shall inform the members of the University once a year as to the pass-year outcome of the operational performance and the policies to be conducted for the next term of office.

Article 26 The Academic Senate of the University shall comprise the President, as the Head of Academia Senate, and the members at least fifteen (15) but not exceeding twenty five (25).

The qualification, the rules of selecting procedure of the members of Academic Senate shall comply with the university's regulations.

Article 27 The members of Academic Senate shall have the term of office for the period of two (2) years, but may be re-elected.

Besides the completion of the term of office set out in paragraph 1, the members of Academic Senate shall end the term of office upon the following courses;



- (1) Death;
- (2) Resignation;
- (3) Lack of qualification necessary for being the member of Academia Senate.

In the case where the member of Academic Senate leave his position prior to the completion of his term of office, and where there is already a substitute selected, the substitute member shall hold office for the remainder of his predecessor's term.

In the case where the member of Academic Senate leaves his office due to the completion of his term, and where there is no new member in place as yet, the member whose term of office had just finished shall continue to discharge his duties until at which time when there is new selected member to replace him.

Article 28 The Academic Senate shall have its power and duties to;

- (1) Contemplate and propose before the University Senate for an approval of the teaching courses and the curriculums including the termination, combination, and alteration of the curriculums;
- (2) Give advice to the University Senate as to an engagement with other higher educational and research entities for joint academic and research programs, as well as an abolish or termination of the said engagement;
- (3) Propose the bestowal of Bachelor Degree, Certificate of the MA, Certificate of the BA, Diploma and Certificate;
- (4) Give opinion on academic matters to the University Senate;
- (5) Give opinion to the University Senate on a nomination and termination of the following academic titles, notably, professor, honorary professor, special professor, associate professor, special associate professor, assistant professor, special assistant professor, and other academic titles;
- (6) Provide suggestions to the University Senate as to the methods adopted to improve for a better educational management, research, educating the public, academic service to the society, and cultural preservation;
- (7) Appoint the committee or the sub-committee or a person to carry out certain tasks that fall within the power of the Academia Senate, including entrust them with the authority to carry out the task on behalf of the Academia Senate and have them report back;
- (8) Prepare the operational report and submit it before the University Senate at least twice a year;
- (9) Give suggestion and advice to the President of the University and perform other tasks prescribed by the University Senate.

Article 29 Meetings and operational methods of the University Senate and of the Academic Senate shall be done in accordance with the University's regulations.

Article 30 There shall be a Board of Human Resource Administration. The Board shall have its power and duties to give advice to the University Senate as of the rule and method concerning the administration of human resources, the criteria of salary, wage, privilege and welfare of the members of university, and the capacity evaluation of the University's employees. The Board shall also have the authority to establish a sub-committee or a person to perform the tasks that fall within the competence of the Board.

The compositions, the qualifications, the rules for recruitment, the term of office and relieving from it, including the meetings of the Board shall be conducted according to the University's regulations.

Article 31 There shall be a Board of Appeal and Complaints, and it shall have power and duties to;

- (1) Make rules and methods as of the appeals and the complaints, including procedural rules thereof;
- (2) Decide the appeals and/or the complaints, and order sanctions;
- (3) Decide the complaints of lay-off, unduly exercise authority, and ill and unfair treatment.

When the Board of Appeal and Complaint makes a decision, the President of the University shall give an order in accordance with the decision made. The order is deemed final.

The compositions, the qualifications, the rules for recruitment, the term of office and relieving from it, including the meetings of the Board of Appeal and Complaint shall be conducted according to the University's regulations.



Article 32 There shall be a Board of University's Facilitation. The Board of University's Facilitation shall give advice and suggestion to the University. It shall also support and facilitate the University's undertakings. The compositions, the qualifications, the rules for recruitment, the term of office and relieving from it, including the meetings of the Board of Appeal and Complaint shall be conducted according to the University's regulations.

Article 33 There shall be an Employee Senate. The Employee Senate comprises the Head of the Employee Senate and the members who are elected from the employees of the University.

The compositions, the qualifications, the rules for recruitment, the term of office and relieving from it, including the meetings of the Employee Senate shall be conducted according to the University's regulations.

Article 34 The Employee Senate shall have its power and duties as follows.

- (1) To give advice and suggestion to the University Senate and the President of the University as regard the general administration of the university;
- (2) To promote a good working relationship between the University and its employees and among the employee themselves;
- (3) To perform other duties assigned by the University or the President of the University.

Article 35 The President of the University shall have supreme authority and take responsibility towards the administration of the University. There may be Vice-Presidents or Assistant Presidents, or both, in order to perform the tasks assigned by the President of the University. The University Senate shall specify the numbers of the vice president and the assistant president.

Article 36 The President of the University shall be appointed by a Royal Prescription, from those who are qualified according to Article 37 below, and upon the recommendation of the University Senate. The President shall have term of office for four (4) years, and may be re-appointed by a Royal Prescription. The term of office of the President shall not exceed two terms consecutively.

Besides the ending of the term of office of the President as set out in paragraph 1, the President shall end his term of office as follows.

- (1) Death;
- (2) Resignation;
- (3) Being disqualified according to Article 37;
- (4) Imprisoned by the final judgment of the court for imprisonment;
- (5) Being adjudicated bankrupt;
- (6) Being declared incompetent or quasi-incompetent;
- (7) The University Senate by its resolution to withdraw;
- (8) The University Senate by its resolution as to the misconduct, the misbehavior and incompetence of the person.

The University Senate shall appoint the Vice-Presidents, from those who are qualified according to Article 37, upon the recommendation of the President of the University.

The President of the University shall appoint the Assistant Presidents who are qualified according to Article 37. When the President of the University is no longer in his office, the Vice-Presidents and the Assistant Presidents shall also end their term of office. Paragraph 2 shall apply *mutatis mutandis* to the Vice-Presidents and the Assistant Presidents.

Article 37 The President, the Vice-Presidents, and the Assistant Presidents shall obtain an educational degree from a university or other educational institutes approved by the University Senate, and shall acquire teaching and administrative experience at least four (4) years in the university or other educational institutes approved by the University Senate, or have at least four (4) year in experience of other administrative management.

Article 38 The President of the University shall be acting in the name of the University in all activities. The President's power and duties are as follows.

- (1) To administer all the University's activity in accordance with the laws, rules, regulations, declarations including the policies and the aims of the University;



- (2) To monitor the operational staffs, finance, inventories, premises and other properties of the University in accordance with the laws, rules, regulations, declarations including the policies of the University;
- (3) To recruit, nominate, and dismiss the employees of the University including to administer the works of human resource in accordance with the University's regulations;
- (4) To make the University's development plans and propose them before the University Senate, and to act in pursuant to the policies and plans, including to follow and evaluate the performance of the works of the University;
- (5) To act in pursuant to the policies and plans, to have the evaluation of the performance of divisions and employees;
- (6) To seek income and resources from other sources with a view to supporting the University's activities designed to achieve the aims of the University;
- (7) To make income and expense budget and to propose them before the University Senate;
- (8) To appoint and withdraw the Assistant Presidents and Deputy Directors of the Divisions;
- (9) To present the annual report before the University Senate with respect to the University's activities;
- (10) To perform others duties assigned by the University Senate.

Article 39 In the case when the President of the University can no longer perform his duties, the Vice-President shall be an Acting President. Where there are many Vice-Presidents, the Vice-President whom the President entrusted with the duties shall be the Acting President. Where there is no assignment of responsibility from the President, the most senior Vice-President shall be the Acting President.

In the case of no person taking the presidential position, no Acting President according to paragraph 1 above, or the Acting President cannot perform his duties, the University Senate shall appoint the Acting President from those who are qualified under Article 37.

The Acting President shall acquire similar power and duties to that of the person of the position he is acting. In the case of the President of the University being, due to his presidential position, appointed a member of the committee, given the power and duties by other law to carry out certain acts, the Acting President shall be taking the position of the said member, or be having power and duties as that of the person for whom he is acting.

Article 40 The Divisions set out in Article 9(3) and (4) shall have a Head of the Division who is responsible for the works of the Division. There may be a Deputy Head of the Division who is responsible for the tasks assigned by the Head of Division.

A title of the positions, the qualifications necessary for certain position, the term of office, and the termination of the position of the Head and the Deputy-Head of the Division mentioned in paragraph 1 above shall be done according to the University's regulations.

Article 41 The Divisions of the University set out in Article 9(3) and (4) above may have an Administrative Board and an Executive Board.

The compositions, the qualifications, the criteria or method for recruitment, the power and duties, the term of office and the termination of it, the meetings of the Boards in paragraph 1 above, including the system of management of the Division shall be pursued in accordance with the University's regulations.

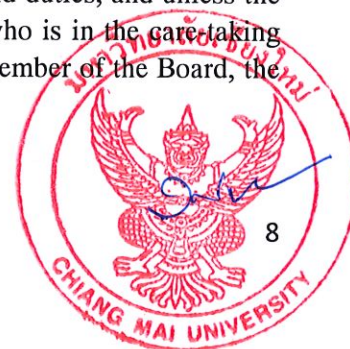
Article 42 There shall be a selection of persons listed for the purpose of being appointed the President of the University and the Heads of the Divisions of the University as it is set out in Article 40 above.

The criteria and method for the said selection shall follow the University's regulations.

Article 43 The care-taking position, the assignment for the care-taking position including the delegation of those assignments of any position in the University shall be done according to the University's regulation.

In the case where there are laws, rules, regulations, orders or the Ministerial regulations appoint persons in any position to be a member of the Board, a sub-committee, or be given certain power and duties, and unless the person for whom the care taker is working says otherwise in his order, the person who is in the care-taking position or those who are discharging the tasks for him shall hold a position of the member of the Board, the sub-committee or having the power and duties as that of those he is caring.

Section 3



Educational Quality Assurance and Evaluation

Article 44 The University shall have an educational quality assurance with a view to improving the standard of education of the University.

The system, rules and methods of the educational quality assurance shall be pursued in accordance with the University's regulation.

Article 45 The University shall have an evaluation of the Divisions of University. The criteria, methods and timing for the evaluation shall be done pursuant to the University's regulation.

Article 46 The Academic Senate of the University shall have the evaluation of the curriculums, the teachings and the studying assessment performed in accordance with the criteria, methods and timing as set forth in the University Senate's prescription. The Academic Senate shall then report the result of the evaluation to the University Senate for consideration as described in Article 25(4) above.

Article 47 The University shall have a fair and standard system of evaluation of the employee's performances. Those who fail to pass the evaluation shall be given an opportunity to reform their character, and to launch an appeal. There shall be a procedure of employee's capacity development with a view to make the employees of the University having proper quality and standard as regards the performances and the professional ethics, and which can be examined, monitored, and assessed.

The criteria and the method of evaluation, an appeal, and the procedure of employees' capacity development shall be done according to the University's regulation.

Article 48 There shall be a Board of Administration Evaluation appointed by the University Senate in order to assess the performances of the President of the University, and the Heads of the Divisions of the University following Article 40 above.

The composition, the qualification, the criteria and method of recruitment, the power and duties, the term of office, the termination of the term, and the administrative procedure of the Board of Administration Evaluation shall be in accordance with the University's regulation. The highly recognized competence members of the University Senate as of Article 21(2) shall form more than half of the total number of the members of the Board.

Section 4

Account and Audit

Article 49 The University shall impose and maintain a sound account system which shall be separated by major works. There shall be an account book that lists income and expenses, assets and debts, and which displays the actual and appropriate undertakings of each work including the explanation of the sources of each item. The internal audit shall be done regularly.

The record of the items listed in the account book shall be done according to the standard of account approved in general.

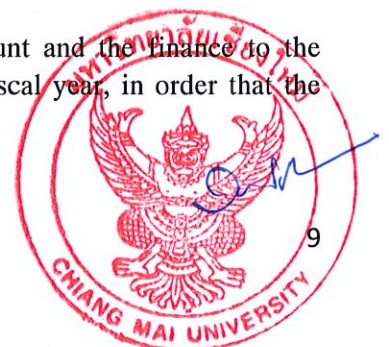
Article 50 The University shall submit the financial budget, the income and expense accounts before the University's Auditor within ninety (90) days since the end of a fiscal year.

The beginning and the end of the fiscal year shall be prescribed by the University's declaration.

Article 51 The University's Auditor shall be the Office of the Auditor General of Thailand or the non-university member who is appointed by the University Senate upon the recommendation of the Office of the Auditor General of Thailand. The University's Auditor shall audit and approve the account and all finance of the University every fiscal year.

Article 52 The University's Auditor shall have the power to audit the account books, the documents and other evidences concerning the University. With the view to consummating such power, the University's Auditor shall have the power to enquire the President and other operational staffs and ask them to submit, if necessary, additional materials of those already examined.

Article 53 The University's Auditor shall report the auditing of the account and the finance to the University Senate within a hundred and fifty (150) days since the end of the fiscal year, in order that the University Senate can submit it before the Minister.



Article 54 The University shall have a system of internal audit in order to monitor the undertakings of the University. The report of the internal audit shall be reported directly to the President of the University Senate for consideration to act accordingly.

Article 55 The President of University shall hold the high rank according to the supporting Act to the Constitution as to the protection and suppression of fraud.

Section 5 Monitor

Article 56 The Minister shall have the power and duties to monitoring in general the University's undertakings as set out in the aims of the University and in compliance with the policy of the Government or the Cabinet's resolutions specifically relating to university. In the case where there is conflict within the execution of the University's undertakings that may cause adverse effect to university as a whole, the Minister shall bring the conflict before the Cabinet for a decision. The persons concerned in the decision given by the Cabinet shall have the duty to comply with it.

Article 57 The Minister shall submit before the Cabinet matters which according to the present Act the University needs to submit before the Cabinet.

Section 6 Academic Title

Article 58 The lecturers of the University shall have the following academic titles.

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

Professorship shall be appointed by the Royal Prescription upon the recommendation of the University Senate. The University Senate may have academic titles in other names which can be done by the University's declaration and pronounced in the Government Gazette.

The qualification, the criteria and method of appointment and termination of the academic titles of the University shall be done by the University's declaration.

Article 59 The University Senate may re-appoint the professor, who is erudite and having special expertise, but has to leave his professorial title without fault, to be an Honorary Professor in his field of expertise with the view to acknowledging his honor.

The qualification, the criteria and method of appointment and termination of the honorary professor shall be done by the University's regulation.

Article 60 The Honorary Professor shall be appointed by the Royal Prescription upon the recommendation of the University Senate.

The qualification, the criteria and method of appointment and termination of the honorary professor shall be done by the University's regulation.

Article 61 The University Senate may appoint a person who has proper qualification but is not the member of the University's lecturers a Special Associate Professor or a Special Assistant Professor as the case may be. The President of the University may appoint a person, who has proper qualification but is not the member of the University's lecturers, a Special Lecturer upon the recommendation of the Head of the Division.

The qualification, the criteria and method of appointment and termination of the Special Associate Professor, the Special Assistant Professor and the Special Lecturer shall be done according to the University's regulation.

Article 62 The person who is appointed by the Royal Prescription to hold the academic titles, namely, professor, special professor, honorary professor, associate professor, special associate professor, assistant professor, special assistant professor, special lecturer, and other academic titles set out in Article 53(8) shall be entitled to use the academic title preceding the name to permanently display the status as such.



The abbreviations of the academic titles given in paragraph 1 above are as follows.

- (1) Professor as Prof.;
- (2) Honorary Professor as Prof. (Hon);
- (3) Special Professor as Prof. (Special);
- (4) Associate Professor as Assoc. Prof.;
- (5) Special Associate Professor as Assoc. Prof. (Special);
- (6) Assistant Professor as Asst. Prof.;
- (7) Special Assistant Professor as Asst. Prof. (Special);

As for other academic titles, the use of the titles and abbreviations shall be done by the University's regulation.

Section 7

University Degree and Status Emblem

Article 63 The University shall have three (3) levels of degree, namely,

- (1) Doctorate Degree
- (2) Master Degree
- (3) Bachelor Degree.

Article 64 The University shall have the power to provide Degrees, Diplomas and Certificates in the fields of studies taught in the University. The University shall also have the power to provide Degrees, Diplomas and Certificates jointly with other higher education entities in the country or abroad or with international organizations in the fields of subjects that have been academically administered together.

The criteria as for the fields of studies be given the degrees, the diplomas, and the certificates including the use of abbreviation for the said fields shall be established by the University's regulation which is pronounced in the Government Gazette.

Article 65 The University Senate may issue the regulation bestowing the graduates the First Honor Degree or the Second Honor Degree.

Article 66 The University Senate may issue the regulation establishing the Certificate for the Master Degree, the Certificate for the Bachelor Degree, the Diploma, and the Certificate in any academic fields as follows.

- (1) The Certificate for the Master Degree is issued to the graduate who has completed the Master Degree or its equivalence.
- (2) The Certificate for the Bachelor Degree is issued to the graduate who has completed the Bachelor Degree.
- (3) The Diploma is issued to the graduate prior to the completion of the bachelor degree.
- (4) Other Certificate is issued to the graduate or researcher in specific field.

Article 67 The University shall be entitled to provide an Honorary Degree to a person whose academic integrity and ethics are suitable for the degree in the University Senate's opinion. The University shall not provide an Honorary Degree to the persons holding the following university positions: the operational staffs of the University, the persons holding positions in the University, the President of the University Senate and its members.

The level, the fields of studies in which the degrees are given, the criteria as to the giving an Honorary Degree shall be done by the University's regulation.

Article 68 The University may have the academic status gown and broach with a view to identifying the academic titles and degrees, namely, the University degrees, the Certificate for the Master Degree, the Certificate for the Bachelor Degree, the Diploma and the Certificate. The University may have the status gown



for the persons holding the University positions as follows: the President of the University Senate and its members, the Executives, and the Lecturers.

The criteria as regards the type, the composition of the academic status gown and broach and of the gown for those holding the University's positions shall be by the University's declaration pronounced in the Government Gazette.

The occasions and conditions for the use of the academic status gown and broach and the gowns for those holding the University's positions shall be done by the University's declaration.

Article 69 The University may have the emblem, the mark and the code of arm of the University or of its Divisions, and that shall be done by the University's declaration pronounced in the Government Gazette.

The use of the emblem, the mark and the code of arm of the University or of its Divisions as set out in the preceding paragraph for commercial purposes and for other purposes, not for the benefit of the University and its undertakings, shall receive permission in written form from the University.

Article 70 The University may have a uniform, a mark, and a student and operational staff uniform, and that shall be done by the University's declaration pronounced in the Government Gazette.

Section 8

Legal Sanction

Article 71 Any person, without the legal right, uses the academic status gown, the academic status broach, the mark, the uniform of the University students and operational staffs or anything that imitates them, or acts in the manner that show that he obtains the University degree, the Certificate of MA, the Certificate of BA, the Diploma, the Certificate, or holds University's position, and that is done without the legal right, if that person carries out such uses or acts with the intention of making other person believe that he has the legal right of using or having academic status as such, he shall be liable for imprisonment no more than six (6) months, or fine for fifty thousands (50,000) Baht, or both.

Article 72 Any person,

- (1) Counterfeits or imitates the emblem, the mark and the code of arm of the University or of its Divisions regardless of the colors or the methods;
- (2) Uses the counterfeits of the emblem, the mark and the code of arm of the University or of its Divisions, or makes the imitation, or;
- (3) Uses or makes available as of the emblem, the mark and the code of arm of the University or of its Divisions without the University's permission set forth in Article 69,

Shall be liable for the imprisonment no more than one (1) year, or the fine not exceeds a hundred thousand (100,000) Baht, or both.

A person who commits the act of (1) and (2), he shall be liable according to the act of (2).

The act committed according to (3) above can be settled amicably between the parties concerned.

Provisional Provisions

Article 73 The undertakings, assets, rights, debts, budget and income of the University as set out in the Chiang Mai University Act 2530 B.E. shall be transferred to the University of this Act.

Article 74 The civil servants, the employees of the Civil Divisions and the staff members, who are working for the University according to the Chiang Mai University Act 2530 B.E., and remaining so until the date of entry into force of the present Act, shall continue to be the civil servants, the employees of the Civil Divisions and staff members of the University, and shall perform the duties as described in the present Act. And the performances of those duties shall be deemed the performances of the civil servants, the employees of the Divisions or of the University as the case may be.



With regard to the benefit of the human resource administration of the civil servants, the employees of the Civil Divisions and the employees of the University set out in paragraph 1 above, the University shall be deemed the Civil Divisions. The civil servants, the employees of the Civil Divisions and the employees of the University set out in paragraph 1 above shall get a monthly-paid salary, wages and other income taken from the University's government budget. The Law on the Civil Servant of Higher Education Institute, the Revenue Ministry's rules on Employees of the Civil Divisions or the Regulations thereof, shall be applicable to the payments as the case may be.

The right of being promoted as professor, associate professor, assistant professor, or other positions of the Civil Servants or the employees of the University as to paragraph 1 above, shall be considered according to the Law on the Civil Servant of Higher Education Institute, or the relevant rules, orders and declarations.

The right of being promoted of the employees of the Civil Divisions and the employees as to paragraph 1 above shall be considered according to the Revenue Ministry's rules on Employees of the Civil Divisions and the relevant rules and declaration.

In the case where there is a vacancy in any of the position, notably, the civil servant, the employee of the Civil Division and the staff member as mentioned in paragraph 1, whether the vacancy is prior to or after the entry into of the this Act, the position in question shall be abolished. However, the position in question as well as its budget attached to it shall be transferred to the University. The transferred budget attached to the position in question shall be deemed the transferring of the expense budget according to the Act of Budgetary Method.

The person holding the position of the President, the Dean, the Director of the Office, the Director of the Institute, the Head of the Academic Division, or the Head of the Division that is called by other name and that is having equal status as that of the faculty or the division, shall hold a commanding authority over the civil servants, the employees of the division and the staff members as to paragraph 1 above. The commanding authority of those persons in those positions shall be established by the Law on the Civil Servant of Higher Education Institute and other law, or the regulations, the rules and the relevant Cabinet Resolution.

In the matter where there requires the application of the Law on the Civil Servant of Higher Education Institute and other law or the Revenue Ministry's rules on Employees of the Civil Divisions, but the laws mentioned are not complying with this Act or they are not applicable by any reason, the matter in question shall be dealt with by the University Senate's rule.

Article 75 The person holding the position of the President, the Vice-President, the Dean, the Director of the Office, the Director of the Institute, the Head of the Academic Division, or the Head of the Division that is called by other name and that is having equal status as that of the faculty according to the Chiang Mai University Act 2530 B.E., and remaining so until the present Act is in force, shall continue to hold the position until the end of the term of office. Where the person in any of those positions is the civil servant, he shall express his intention to change the civil servant status to become the employee of the University according to the present Act, and shall do so within a hundred and twenty (120) days after the present Act is in force. Should he not express his intention to become the employee of the University within a hundred and twenty (120) days, he shall be made to leave his position.

The person holding the position of the Vice-President, the Vice-Dean, the Deputy Director of the Division, the Deputy Director of the Institute, and the Deputy Head of the Division that is called by other name and that is having equal status as that of the faculty, shall continue to hold such position until the time when the person holding the position of the President, the Dean, the Director of the Office, the Director of the Institute and the Head of the Division that is called by other name and that is having equal status as that of the faculty, leaves his position.

The Head of the Academic Division shall continue to hold his position until the end of the term of office.

The Deputy Head of the Academic Division shall continue in his position until the Head of the Academic Division leaves his office.

Article 76 The civil servant or the employee of the Civil Division as to Article 74 paragraph 1 who with his own motion intends to become the employee of the University and expresses his intention in written form and submits it before the President after the entry into force of the present Act shall not be allowed to withdraw his decision.



Where the intention to become the employee of the University is not made as to the preceding paragraph, the person shall be deemed the civil servant of the University and the employee of the Civil Division according to the Chiang Mai University Act 2530 B.E.

The person in paragraph 1 above who expresses his intention to become the employee of the University within one (1) year since the present Act is in force, shall be made the employee of the University without going through the capacity evaluation.

The person in paragraph 1 above who expresses his intention to become the employee of the University after the time in paragraph 3 elapses, but not exceeding three (3) years since the present Act is in force, his capacity shall be evaluated according to the criteria and method made by the Committee of Human Resource Management of the University. After three (3) years elapses since the entry into force of the present Act and the person has shown his intention to become the employee of the University, if that person is proved to be valuable to the University and there is a seat available, the procedure that follows shall be done according to the University's regulation.

The criteria and method as to the expression of the intention to change the status to become the employee of the University as set out in Article 75 and this article shall be done according to the University's rule.

As for the staff member of the University of the Chiang Mai University Act 2530 B.E. who holds the status as such on the day the present Act is in force, he shall change his status to become the employee of the University, and that shall be done according to the criteria and method of the University's rule.

Article 77 The person who becomes the employee of the University according to Articles 75 and 76 above shall receive a monthly-paid salary, wage and other benefits that are no less than what he used to obtain.

Article 78 The changing status from the civil servant to the employee of the University in the light of Articles 75 and 76 above shall be deemed the leaving from the civil service due to the abolition or termination of that position according to the Law of Remuneration and Pension of Civil Servant or the Law on Remuneration and Pension Fund of Civil Servant, as the case may be.

The civil servant who is a member of the Civil Servant Pension Fund is entitled to remain its member in spite of having resigned from being the civil servant. He shall be deemed a civil-servant pensioner and shall have the right to receive the welfare from the government as that of the pensioner according to the Law of the Civil Servant Pension Fund.

The staff member of the Civil Division who expresses his intention to become the employee of the University according to the present Act shall be deemed having resigned from the work because his position was abolished or he was no longer hired, but without his fault, he shall receive the pension according to the Revenue Ministry's rules on pension of the staff member, and shall then be the employee of the University.

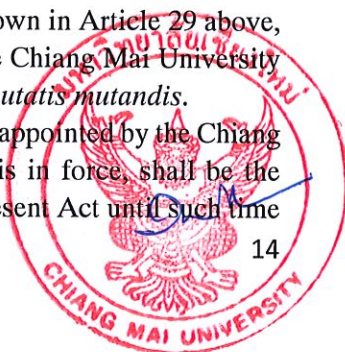
Article 79 The President of the University Senate, the Vice-President of the University Senate, and the members of the University according to the Chiang Mai University Act 2530 B.E., who remains in the position on the day the present Act is in force, shall be the President of the University Senate, the Vice-President of the University Senate, and the members of the University of the present Act, and shall continue to carry out his tasks until such time when there is the University Senate according to the present Act, but shall not exceed one (1) year after the present Act is in force.

When a year and six (6) months have passed since the Royal Prescription appointing, for the first round, the members of the University Senate as set out in Article 21(2), half of them shall leave the office by way of casting lots. A fraction, if any, shall be accounted for as one person. There shall be a procedure of selection substitutes in order to fulfill the total number of the members of the University Senate.

Article 80 Where there is no the Academic Senate according to Article 26 just yet, those in Article 79 above or the Committee assigned by the University Senate shall carry out the task of the Academic Senate until the time when there is the Academic Senate appointed according to the present Act, but that shall not exceed a hundred (100) and eighty (80) days after the present Act is in force.

While there is no regulation concerning the meeting of the Academic Senate as laid down in Article 29 above, the regulation concerning the meeting of the Academic Senate issued according to the Chiang Mai University Act 2530 B.E., and applicable on the day the present Act is in force shall be applied *mutatis mutandis*.

Article 81 The President and the members of the Board of University Facilitation appointed by the Chiang Mai University Act 2530 B.E., who holds the position on the day the present Act is in force, shall be the President and the members of the Board of University Facilitation according to the present Act until such time



when there is a new Board of University Facilitation appointed by the present Act, but that shall not exceed 180 days since the present Act is entry into force.

Article 82 The President and the members of the Teacher Senate of the Chiang Mai University Act 2530 B.E., the President of the Civil Servant and Staff Member Senate and the members who hold the positions until the day the present Act is in force, shall remain in their positions until such time when there is the Board of the Employee Senate formed by the present Act, but that shall not exceed 180 days since the present Act is in force.

Article 83 The term of office of the President and the Head of the Division laid down in the Act of 2530 B.E., shall be brought into account when considering the term of office of the President and the Head of the Division set out in Articles 36 and 40 respectively.

Article 84 Subject to Article 41, the Board of the Faculty, the Board of the Graduate School, the Board of the Institute, Office, or Division which has equal status as that of the faculty, and other Boards who are selected or appointed by the Act of 2530 B.E., shall continue to discharge the duties until the procedure set out in Article 41 is done.

Article 85 The academic titles of the University, namely, professor, honorary professor, special professor, associate professor, special associate professor, special lecturer, and lecturer that are given according to the Act of 2530 B.E., shall be considered the academic titles according to the present Act, and those holding the academic titles cited above shall continue to hold such title according to the present Act.

The person who holds other academic titles shall continue to hold such title according to the present Act.

Article 86 The civil servants and the staff members of the Civil Division as cited in Article 74 above who are carrying out the task of the University according to the present Act, shall participate in the activities of the Employee Senate in equal manner as that of the employees of the University which shall be done in accordance with the University's regulation.

Article 87 The Offices and Divisions established according to Chiang Mai University Act 2530 B.E., that exist on the date of the entry into force of the present Act, shall remain as such until there is the internal division of the university, and this shall be done within three years since the present Act is in force.

Article 88 The issuance of regulation, declaration, rule, procedure and method to carry out the tasks set out in the present Act must be completed within three (3) years since the entry into force of the present Act. The decrees, rules and regulations issued according to Chiang Mai University Act 2530 B.E. are applied *mutatis mutandis*, but must not be conflicting with the present Act, when there is no issuance mentioned in the first paragraph.

Signature

General Surayuth Jullanon

Prime Minister

Note: The reason of the promulgation of the present Act.

It is appropriate to improve the education in the higher education university with the view to meeting the economic and social changes. This can be achieved by encouraging public university to become the university under the monitor of the State, i.e., the university is autonomous, and thus not considered civil service sector. This is for the benefit of having sound and independent administration that will yield a better quality and efficiency of the higher education. With the independent and excellent academic in view, it is expedient to streamline the administration of the University to accommodate that direction, and thus it is necessary to promulgate the present Act.



