



KING MONGKUT'S INSTITUTE OF TECHNOLOGY LADKRABANG ACT
B.E. 2551 (2008)

BHUMIBOL ADULYADEJ, REX.

Given on the 27th Day of February B.E. 2551 (2008);

Being the 63rd Year of the Present Reign.

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

Where it is expedient to have a law on the King Mongkut's Institute of Technology Ladkrabang;

This Act includes certain provisions having implications on restriction of a person's rights and liberties. Section 29 together with Section 31 and 32 of the Constitution of the Kingdom of Thailand authorize such restriction by virtue of the provisions of specific laws.

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

Section 1. This Act shall be called the "King Mongkut's Institute of Technology Ladkrabang Act, B.E. 2551 (2008)"

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



Certified true copy

Asst. Prof. Dr. Pitcha Prasitmeeboon
Vice President for International Affairs
King Mongkut's Institute of Technology Ladkrabang

Section 3. The King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) shall be repelled.

Section 4. In this Act,

“Institute” means King Mongkut's Institute of Technology Ladkrabang;

“Institute Council” means King Mongkut's Institute of Technology Ladkrabang Council;

“Academic Council” means King Mongkut's Institute of Technology Ladkrabang Academic Committee;

“Institute Faculty and Staff Senate” means Faculty and Staff Senate of King Mongkut's Institute of Technology Ladkrabang;

“Institute officials” means King Mongkut's Institute of Technology Ladkrabang officials;

“Workers in the Institute” means Institute officials, civil servants and government agencies' employees working in the Institute, government officials and employees of the Institute.

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

Section 5. King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) shall be King Mongkut's Institute of Technology Ladkrabang pursuant to this Act and shall be a juristic person.

King Mongkut's Institute of Technology Ladkrabang is a government body attached to the Government, which is not a government agency under the Laws on Civil Service, Laws on Administrative Regulations of the Ministry of Education, and laws on Re-organization of Ministry, Bureau and Division, and not a state enterprise under the laws on Budgeting and other laws.

Section 6. Minister of Education shall be in charge of the execution of this Act.

Chapter 1

General Provisions

Section 7. The Institute shall be an institute for education and research of which objectives are to provide education, develop and apply body of knowledge and technology, and provide advanced academic and vocational promotion. Its mission is related to teaching, conducting research, provide the public academic services, and maintain art and culture.

Section 8. To achieve the objectives as in Section 7, the Institute shall take the followings into consideration:

- (1) Equality of educational opportunity
- (2) Freedom and academic excellence along with virtue and ethic
- (3) Internationally recognized academic standard and quality
- (4) Responsibility for state and society
- (5) Efficiency and effectiveness in management
- (6) Participation of workers in the Institute

Section 9. The Institute may be divided into following divisions:

- (1) Office of the Institute Council
- (2) Office of the President
- (3) Academic Division
- (4) Other divisions

Section 10. To establish, amalgamate or dissolve a division as in section 9 (3) and (4), a notification of the Institute shall be made and published in the Government Gazette. The University may establish the divisions as faculty, college, office or any divisions called in other names. Status and duties of the newly established or amalgamated division shall be also stated.

In case of establishment, amalgamation, division or dissolution of any unit in a division as in section 9, a notification of the Institute shall be made. In case of

establishment, amalgamation and division of such internal division, duties of such internal units shall be so prescribed.

Section 11. Subject to the objectives under section 7, the Institute may affiliate higher educational instituting or other institution and shall be empowered to confer degrees, diplomas or certificates of any level upon the persons having graduated therefrom.

A notification of the affiliation of higher educational institutions or other institutions as in paragraph 1 or the cancellation thereof shall be made and published in the Government Gazette.

The control of the higher educational institutions or other institutions affiliated shall be in pursuance of regulations of the Institute.

Section 12. Subject to the objectives under section 7, the Institute may provide education and conduct research together with higher educational institutions or other research institutes in the country, or overseas, or of international organizations, by which the educational provision shall empower the Institute to confer degrees, diplomas, or certificates of any class jointly with such higher educational institutions of any level upon the persons having graduated from the higher educational institutions.

To provide education or terminate the education provision as in paragraph 1, a notification of the Institute shall be made and published in the Government Gazette.

Undertaking as in paragraph 1 shall be complied with the Institute's regulations.

Section 13. The Institute's operation shall not be under the laws on labor protection and labor relations.

Institute officials who have received welfare and fringe benefits, including provident fund managed by the Institute shall be exempted from being subject to laws on Social Security, but not to be deprived of the right to apply as voluntary insured person.

Institute officials who have received fringe benefits as retired civil servants shall be exempted from being subject to laws on Social Security, but not to be deprived of the right to apply as voluntary insured person.

Undertaking as in paragraph 2 shall be complied with the Institute's regulations.

Section 14. The Institute has power and duties in doing things as per objectives referred to in Section 7. Such power and duties include:

(1) to purchase, sell, hire, be hired, build, procure, transfer, be transferee, rent, let, buy goods on hire purchase, provide hire purchase service, exchange and distribute or enter into any legal binding for the benefit of the Institute's operation, as well as to possess, have rights to hold possessions, have rights to intellectual property or rights to property of the Institute and sell properties both inside and outside the Kingdom, including receive money or intangible properties from dedicators.

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

(2) to receive fee, subscription, reward, penalty fee, and service charge in providing service within the power and duties of the Institute, including execution of agreement and provision of terms and conditions for such activities.

(3) to cooperate with government or private agencies or with foreign or international organizations or agencies.

(4) to borrow, to loan with a person, property and investment as the performance bond, this is for the benefits for the Institute's affairs.

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

(5) to set up funds for education, research or supporting other affairs

(6) to set up or join with other persons to set up an organization which is a juristic person as well as invest or joint venture with any person or juristic person in order to conduct operation related to or relevant to the Institute's operation, or to publicize results of research studies or to exploit such results for the benefit of the Institute's revenue.

(7) Determine rewards or special rewards as well as welfare, fringe benefit, and other benefit to the Institute staff, subject to criteria, procedure, and conditions specified by the Institute's regulations.

(8) Govern, take care, maintain, manage, utilize, and exploit properties of the Institute and the Ratchaphatsadu Land pursuant to the Ratchaphatsadu Land laws.

(9) operate radio or television broadcasting business and telecommunications and information technology business

Section 15. The Institute's revenue is as follows:

- (1) General subsidies allocated annually by the government;
- (2) Funds and properties provided to the Institute by dedicators;
- (3) Fee, subscription, rewards, penalty fee, and service charges of the Institute;
- (4) Income or benefit gained from investment or joint venture and from the Institute's properties;
- (5) Income or benefit gained from utilizing Ratchaphatsadu Land or exploiting Ratchaphatsadu Land which governed, taken care, utilized or exploited by the Institute;
- (6) State funds organized by government and income or benefit from such funds;
- (7) Other revenue or benefits.

General subsidies as in (1) shall be directly allocated for the Institute by the government in an amount sufficient for necessary expenditure in implementation of the Institute's objectives and development of the Institute for the educational assurance.

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

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

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

Section 16. The Institute shall promote and support those admitted by the Institute to study in the Institute and those students who are genuinely poor to have opportunity to study up to bachelor degree graduation.

Criteria and procedure to consider who is genuinely poor shall comply with the Institute Council's rules.

Section 17. All real estate which the Institute gains from donation or purchasing by the Institute revenue or exchanging with the Institute's properties or other means shall not be deemed as Ratchaphatsadu Land and shall belong to the Institute.

Section 18. The Institute's properties which are used for the benefits directly related to education, research, and academic services shall not be liable to all legal executions, including administrative execution, and no person shall set up a prescription or duration of possession as a defense against the Institute with regard to the Institute's properties.

Section 19. All revenues and properties of the Institute shall be managed to achieve the objectives of the Institute as referred to in Section 7.

The money and property dedicated to the Institute must be managed in compliance with the conditions stipulated by the dedicators, but if there is necessity to change such conditions, consent must be obtained from dedicators or their heirs. If there is no heir or no person showing up as dedicators' heir, an approval must be obtained by the Institute Council.

Chapter 2

Operation

Section 20. There shall be a Council consisting of:

- (1) The Chancellor of the Council appointed by His Majesty the King;
- (2) Twelve Honorary members of Institute Council appointed by His Majesty the King from the persons not being the members of the Institute;
- (3) President, Chairman of the Institute Promotion Committee, Chairman of Faculty Senate, and President of King Mongkut's Institute of Technology Ladkrabang Alumni Association;
- (4) Two members of the Institute Council selected one from chiefs of division under Section 9 (3) and (4), and one from Institute officials.

Qualifications, criteria and nomination procedure for Chancellor of the Institute Council and honorary members of the Institute Council as in (2), and method of selecting members of Institute Council referred to in (4) shall comply with the Institute's regulations. One of the honorary members of the Institute Council as in (2) shall be selected from a list of persons proposed by the Higher Education Commission.

The Institute Council shall select one honorary member of the Institute Council as Vice-chancellor of the Institute Council. The Vice-chancellor shall perform duties for the Chancellor when the Chancellor is unable to perform his duty or there is no holder of the position of Chancellor of the Institute Council.

The Institute Council shall appoint one Executive Vice President to serve as Secretary of the Institute Council upon recommendation by the President, and shall appoint chief of the Office of Institute Council as Assistant Secretary of the Institute Council.

Section 21. The Chancellor and members of the Institute Council as in Section 20 (2) and (4) shall be in their offices for a term of three years and may be reappointed or reelected, but may be re-appointed by His Majesty the King or may be re-elected.

Other than retirement from their office on grounds of term expiry mentioned in the first paragraph, the Chancellor and members of the Institute Council under Section 20 (2) and (4) shall leave their office upon:

- (1) death;
- (2) resignation;
- (3) being removed from the office by the Institute Council's resolution;
- (4) being removed by Institute Council due to misconduct, defectively performing duty or defective competency;
- (5) lacking of qualifications required for being the Institute Council members in such category;
- (6) having been sentenced by a final judgment to imprisonment;
- (7) becoming bankrupt;
- (8) being incompetent or quasi-incompetent.

In case that the office of Chancellor of the Institute Council or the offices of members of the Institute Council become vacant due to whatever reason and the

vacancy as such having not yet been replaced, the Institute Council shall consist of members of the Institute Council remaining in the office.

In case that the Chancellor or a member of the Institute Council of the Institute Council, under Section 20 (2) and (4), leaves his office prematurely, and the vacancy having been replaced, the person so replacing shall retain the office during such time only as the person whom he is replacing. However, if the remaining term of office is less than ninety days, nobody may be sought to replace the vacancy.

In case that Chancellor or members of the Institute Council retiring from their office upon completion of the term, and the vacancy as such having not yet been replaced, the Chancellor or members of the Institute Council so retiring shall continue to perform his duty until new Chancellor or members of the Institute Council has been granted.

Section 22. The Institute Council has power and duties to control, oversee, general affairs of the Institute. Such power and duties include:

(1) to prescribe the Institute development policy and plan related to the Institute's development;

(2) to issue regulations, rules and notifications of the Institute, for purposes of the Institute's operation, and may assign any division of the Institute to issue regulations, rules and notifications for themselves on a case-by-case basis;

(3) to endorse the conferral of degrees, Higher Graduate Diplomas, graduate diplomas, diplomats and certificates;

(4) to approve the establishment, amalgamation and dissolution of divisions in the Institute, as well as the internal division or improvement of such divisions;

(5) to approve the affiliation and joint educational provision with higher educational institutions or other institutions and the termination of thereof;

(6) to approve curricula and course opening, including improvement, merging, canceling curricula;

(7) to consider to select and implement for His Majesty the King's approval to appoint and remove of the Institute Council's Chancellor and honorary members, the Institute's President, professors and Honorary Professors;

(8) to appoint and remove the Executive Vice President, Chiefs of divisions as in Section 9 (3) and (4), Chairman and members of the Institute Promotion Committee, Professor Emeritus, Associate Professors, Honorary Associate Professors, Assistant Professors and Honorary Assistant Professors;

(9) to issue rules and regulations on personnel administration of the Institute;

(10) to set up policy and prescribe procedure on generating revenue and establishing an organization that has the status of a juristic person;

(11) to lay down rules and regulations on the Institute's finance, supplies and property management;

(12) to approve the Institute's revenue and expenditure budgets;

(13) to endorse the Institute's Annual Report and submit such Report to the Minister for information;

(14) to follow up and assess the Institute's and its President's performance;

(15) to appoint Committees, Sub-committees, or any persons to conduct any actions under the Institute Council's authority and duties, including authorize the Committee, Sub-committee or persons to act on the Institute Council's behalf and report to the Institute Council for information;

(16) to perform other duties related to the Institute's affairs, which are not assigned to any particular.

Section 23. Meetings and operation procedures of the Institute shall comply with the Institute's regulations.

Section 24. There shall be the Institute Promotion Committee consisting of a chairman and members of the committee who are appointed from persons not being the members of the Institute by the Institute Council.

The Institute Promotion Committee has duties to provide advice and support to operation and generate revenues for the Institute.

Quantity, qualifications, criteria and acquiring procedure, term of office, and dismissal of the Chairman and members, as well as meetings and operation process of the Institute Promotion Committee shall comply with the Institute's regulations.

Section 25. There shall be an Academic Council consisting of the President as the Chief of the Academic Council and members of the Academic Council who are honorary persons from inside and outside the Institute

Quantity, qualifications, criteria and acquiring procedure, term of office, and dismissal of members of the Academic Council, as well as meetings and operation process of the Academic Council shall comply with the Institute's regulations.

Section 26. The Academic Council has power and duties to

(1) provide recommendation on formulation of the Institute's academic plan and policy to the President and Institute Council;

(2) direct and oversee the academic quality and standard of the Institute

(3) Propose ethics of lecturer and researcher profession to the Institute Council, as well as ensure compliance with such ethics;

(4) process and assess the academic advancement and present recommendations on academic development to the Institute Council in an annual basis.

(5) propose recommendation to the Institute about the opening of teaching and educational curriculum, including the revision, dissolution, combination and termination of the curriculum.

(6) propose the Institute Council in order to give a degree, higher graduate diploma, graduate diploma, diploma and certificate

(7) render opinions concerning the appointment and dismissal of Professors, Professor Emeritus, Honorary Professors, Associate Professors, Honorary Associate Professors, Assistant Professors, Honorary Assistant Professors;

(8) render comments concerning affiliation of higher educational institutions or other institutions or termination thereof, and joint educational provision with higher educational institutions or other institutions and the termination thereof as in Section 12;

(9) provide the Institute Council comments regarding the establishment, amalgamation or dissolution of the Institute's divisions as in Section 9 (3) that have duties to teach, conduct research or provide academic services, as well as propose the internal division within such divisions;

(10) appoint Committees, Sub-committees, or any persons to conduct any actions under the Academic Council's authority and duties;

(11) give consultation to the President or the Institute Council and perform other duties as assigned by the President or the Institute Council.

Section 27. There shall be Faculty and Staff Senate consisting of a Chairman of the Institute Faculties and Staff Senate and members of the Institute Faculties Senate who are regular lecturers and Institute employee.

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

Section 28. Institute Faculty and Staff Senate has the following power and duties:

- (1) To give consultation and advice regarding the Institute operation to the President and the Institute Council;
- (2) To create and promote unity in the Faculty Senate;
- (3) To promote virtue, morality and ethic; and uphold the honor of the Faculty Senate
- (4) Perform other duties as assigned by the President or the Institute.

Section 29. There shall be President to be the chief commander and responsible for the Institute's administration, and there may be Executive Vice president or Vice President, or both Executive Vice President and Vice President in a number as prescribed by the Institute Council to perform duties and be responsible for what the President assigns to do.

Section 30. The President will be appointed by His Majesty the King, by the Institute Council advice's, from qualified person as in Section 32.

Criteria and procedure in selection of the President shall comply with the Institute's regulations. The Institute Council shall appoint the Executive Vice President by the President's advice from qualified person as in Section 33.

The President shall appoint Vice President from qualified person as in Section 33.

Section 31. President has a term of office for four year each and may be re-appointed by His Majesty the King for another term, but will not hold office more than two consecutive terms.

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

Other than retirement from his office on ground of term expiry, the President of the Institute Council shall leave his office upon:

- (1) death;
- (2) resignation;
- (3) lack of qualifications or have prohibited conditions as in Section 32;
- (4) being removed by a resolution of the Institute Council;
- (5) being removed by the Institute Council's resolution due to defectively performing duty, misconduct, or defective competency;
- (6) having been sentenced by a final judgment to imprisonment;
- (7) becoming bankrupt;
- (8) being incompetent or quasi-incompetent.

Section 32. The President shall have any of the following qualifications:

(1) Having obtained no lower than a doctor of philosophy, or the equivalent, from the Institute, or any other higher educational institutions accredited by the Institute Council, and having conducted teaching, or having experience in administration for not less than five years in the Institute, or any other higher educational institutions accredited by the Institute Council, or having experience in other administration subject to the criteria and period of time prescribed in the Institute's regulations

(2) Having obtained a degree at any level or the equivalent from the Institute or other higher educational institutions accredited by the Institute Council, and having conducted teaching or having experience in administration for not less than ten years in the Institute, or other higher educational institutions accredited by the Institute Council, or having experience in other administration subject to the criteria and period of time prescribed in the Institute's regulations, or holding a Professor, or used to be in such position in the Institute or other higher educational institutions accredited by the Institute Council.

Other than qualifications as in paragraph one, the President shall hold other qualifications and have no prohibition as prescribed in the Institute's regulations.

Section 33. Executive Vice President and Vice President must be graduated with a degree or the equivalent from Institute or other higher educational institutions accredited by the Institute Council, and having conducted teaching or having experience in administration for not less than five years in the Institute, or other higher educational institutions accredited by the Institute Council, or having experience in other administration subject to the criteria and period of time as prescribed in the Institute's regulations, or holding a Professor, or used to be in such position in the Institute or other higher educational institutions accredited by the Institute Council.

Other than qualifications as in paragraph one, the Executive Vice President and the Vice President shall hold other qualifications and have no prohibition as prescribed in the Institute's regulations.

Section 34. The President is representative of the Institute in all activities, and shall have the following power and duties:

(1) to manage the Institute's operation in compliance with laws and regulations, rules, notifications, policy and objectives of the Institute;

(2) to perform personnel, financial, supplies and other properties administration of the institute in a manner pursuant to laws, regulations, rules, and notifications of the Institute;

(3) to supervise, follow up and assess performance of chiefs of divisions as referred in Section 9 (3) and (4);

(4) to appoint and remove Vice President, deputy chief of the divisions as in Section 9 (3) and (4) and visiting lecturers;

(5) to prepare Institute development plans and implement the policy and operational plan, as well as follow up and assess various aspects of the Institute's operation.

(6) to obtain other resources from various sources to support the operation of the Institute;

(7) to submit Annual Report on the Institute's various affairs to the Institute Council;

(8) to prepare income and expense budgets to submit to the Institute Council;

(9) to perform other duties pursuant to laws, regulations, rules and notifications of the Institute or as assigned by the Institute Council.

Section 35. In case the President being absent or unable to perform duties, the Executive Vice President shall act for him, and if there are several Executive Vice Presidents, the Vice President who the President has authorized shall act for him, and if the President does not assign any person, the most senior Executive Vice President shall act for him.

In case there is no President in office or no person acting for him as in paragraph one or there is one but unable to act, the Chancellor shall appoint one who holds qualifications as in Section 32 to act for the President.

Section 36. The Institute might set up its educational areas for serving duties under the Institute's objectives under to Section 7. Such areas may be campus or educational center, based upon the Institute Council.

The administration system in a campus or educational center under paragraph 1 is conducted pursuant to the Institute's regulations

Section 37. In a campus or educational center, there shall be a campus committee or educational center committee.

Component, quantity, qualifications, criteria and acquiring procedure, power and duties, term of office, and dismissal of the members of the campus committee or educational center committee, as well as meetings and operation process of the campus committee or educational center committee shall comply with the Institute's regulations.

Section 38. In the divisions as in Section 9 (3) and (4), there shall be Chiefs of divisions serving as chief commander and responsible for administration of such division

A chief of division in paragraph one has a term of office for four year each and may be re-appointed for another term, but will not hold office more than two consecutive terms.

Position designation, qualifications, criteria and selecting process, power and duties, term of office, leaving the position prior to the expiry of one's term and administration of Chiefs of divisions referred in paragraph 1 shall comply with the Institute's regulations.

Section 39. The President shall appoint deputy Chiefs of divisions referred in Section 9 (3) and (4), by advice of the Chiefs of divisions, from persons who hold the same qualifications as Chiefs of divisions, and the President has power to dismiss deputy Chiefs of divisions, by advice of the Chiefs of divisions

When a chief of division is removed from the office, the deputy chiefs of division shall be removed as well.

Section 40. In a division as in Section 9 (3) and (4), there shall be a division committee of which power and duty is to administer the division's affairs.

Component, quantity, qualifications, criteria and acquiring procedure, power and duties, term of office, and dismissal, as well as meetings of the division committee. The administration of the division shall comply with the Institute's regulations.

Section 41. The President, Executive Vice President, Assistant to the President, Chiefs of divisions or deputy Chiefs of divisions shall not hold more than one office of such positions at the same time.

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

Section 42. Authorization and acting in place of someone holding any position in the Institute shall comply with the Institute's regulations. In case through laws, regulations, rules directives or resolution of the cabinet, a person who is appointed as members of committee or sub-committee or to possess any authority and duties, the performing or acting persons shall perform the duty of committee or sub-committee or possess an authority and duty as well as one who occupies that post in the performing or acting periods depending on the circumstance, except the donor states otherwise in his Power of Attorney

Chapter 3

Quality Guarantee and Assessment

Section 43. The Institute shall guarantee quality of education and research to develop educational quality and standard of the Institute.

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

Section 44. The Institute shall conduct assessment of Institute's division in order to develop education and research quality and standard of the Institute's division.

System, criteria and method for assessing the Institute's division shall be compliant with the Institute's regulations

Section 45. Academic Council Institute shall hold an assessment of such course teaching and learning and of examination subject to criteria, method, and period of time prescribed by the Institute and shall conduct activities as in Section 26 (5).

Section 46. The Institute shall set up a system for evaluate its officials in a standard and fair manner. The Institute shall give an opportunity to those who fail the evaluation to improve themselves and file an appeal. The Institute shall also arrange a development process to create quality and enhance the standard of the Institute officials in terms of professional performance and ethics. Criteria and method of evaluation, appeal filing and development process shall comply with the Institute's regulations.

Section 47. There shall be an Administration Evaluation Committee appointed by the Institute Council having a duty to evaluation administration performance of the President and Chiefs of divisions under Section 9.

Component, quantity, criteria and acquiring procedure, power and duties, term of office, and dismissal of the members and procedure of the administration evaluation committee shall comply with the Institute's regulations. The number of honorary members of the Institute Council under Section 20 (2) and honorary persons from outside the Institute who are the members of the Administration Evaluation Committee shall altogether compose more than half of such committee.

Chapter 4

Accounting and Auditing

Section 48. The Institute shall prepare and maintain the proper accounting system, separate by divisions of the Institute, with bookkeeping separating items as different categories of assets, liabilities, capitals, income, and expenditure as actually incurred, together with statements as sources of such items and there shall be internal auditing regularly.

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

Section 49. The Institute shall prepare financial budgets and receivables and payables accounts to submit to the Institute's Auditor within ninety days as of the date at the end of an accounting year.

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

Section 50. Office of the Auditor General of Thailand or outsiders appointed by the Institute Council by consent of Office of the Auditor General of Thailand shall be the Institute's Auditor and shall audit and verify all accounts and financial budgets of the Institute for every accounting year.

Section 51. The Auditor shall have power to examine all the Institute's relevant accounting books and document evidence. For this purpose, the Auditor shall have power to inquire the President and workers in the Institute and call for submitting all the Institute's relevant accounting books and document evidence as additional requirement if necessary.

Section 52. The Auditor shall report results of the accounting and finance auditing to be submitted to the Institute Council within one hundred fifty days as of the date at the accounting year end for the Institute Council to submit to the Minister.

The Institute shall publicize the annual report of that year, disclose the balance sheet account and function accounting and income and expense accounts that have been certified by the auditor, also disclose the performance of Institute in the past year and action plan in the coming year within 180 days since the end of accounting year.

Section 53. The President shall be the holder of high level office pursuant to the laws supplementary to the Constitution on Corruption Prevention and Suppression.

Chapter 5

Direction and Supervision

Section 54. The Minister has power and duties to direct and oversee in general the Institute's activities to comply with the objectives as in Section 7 and in alignment with the government policy or the Cabinet's resolutions specifically with regard to the Institute. In case there is conflict in the Institute's operation which may cause damage to the public, the Minister shall propose it for the Cabinet's consideration. When the Cabinet decision is finalized with whatever outcome, those involved shall have duties to comply with the Cabinet's resolution.

Section 55. All matters that the Institute shall have to propose to the Cabinet pursuant to this Act, the Minister shall be the proposer.

Chapter 6

Academic Position

Section 56. Regular lecturers of the Institute have the following academic position:

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

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

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

Qualifications, criteria, and procedure of appointment and removal of academic position holders shall comply with the Institute's regulations

Section 57. Professor who has special knowledge, capability and expertise and is removed from the office without any guilt may be appointed by the Institute Council to be the Emeritus Professor in the field such Professor has the expertise as an honorable position.

Qualifications, criteria, and procedure of appointment and removal of Emeritus Professor shall comply with the Institute's regulations

Section 58. Honorary Professor will be appointed by His Majesty the King by advice of the Institute Council.

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

Section 59. The Institute Council may appoint those who possess appropriate qualifications and are not workers in the Institute of the Institute to be Honorary Associate Professor and Honorary Assistant Professor by the advice of the Academic Council.

The President may appoint those who possess appropriate qualifications Institute to be Honorary Lecturers by advice of Chiefs of divisions.

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

Section 60. Any persons graciously appointed by His Majesty the King to be Professor, Honorary Professor, or appointed as Emeritus Professor, Associate Professor, Honorary Associate Professor, Assistant Professor, Honorary Assistant Professor shall be eligible to use such academic positions as permanent title to exhibit academic status.

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

Professor in abbreviation Prof.

Honorary Professor in abbreviation Hon. Prof.

Professor Emeritus in abbreviation Prof. Emeritus

Associate Professor in abbreviation Assoc. Prof.

Honorary Associate Professor in abbreviation Hon. Assoc. Prof.

Assistant Professor in abbreviation Asst. Prof.

Honorary Assistant Professor in abbreviation Hon. Asst. Prof.

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

Chapter 7

Degrees and Academic Status Marks

Section 61. Degrees have three classes, i.e.

Doctor's Degree is called Doctor's Degree, in abbreviation, D.

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

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

Section 62. The Institute has power to confer degree, diploma, or certificate in course of study in the Institute, and jointly confer degree, diploma, or certificate in course of study which is jointly provided for study with other higher educational institutions in local or overseas or international organization.

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

Section 63. The Institute Council may issue regulations of the Institute specifying graduate of bachelor's degree to receive first honor bachelor's degree or second honor bachelor's degree.

Section 64. The Institute Council may lay down its regulations to classify different levels of certificate and diploma as follows:

(1) High graduation diploma issued to those who graduate in any field after receiving a Master Degree or relevant;

(2) Graduate diploma issued to those who graduate in any field after receiving a Bachelor Degree or relevant;

(3) Diploma issued to those who graduate in any field before receiving a Bachelor Degree;

(4) Other certificate issued to those who graduate in specific fields

Classes, fields of degrees, and criteria to confer Honorary Degree shall comply with the Institute's regulations

Section 65. The Institute is authorized to offer an honorary degree to a person approved by the Institute as the qualified person deserving that degree, the honorary degree is not allowed to offer to the Chancellor or members of the Institute Council while they are still in the position.

The level, field of degree and criteria to offer the honorary degree follows the Institute's regulations.

Section 66. The Institute may prescribe academic status dress or gown or academic status pin as marks or symbols of academic status of the receivers of degree, diploma, or certificate, and may prescribe official dress for the Chancellor of the Institute Council, academic official dress for members of the Institute Council, academic official dress for the Administration or academic official dress for lecturers of the Institute.

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

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

Section 67. The Institute may determine to have seal, emblem, or logo of the Institute or the Institute's division, by issuing a notification of the Institute and to be published in the Government Gazette.

Using seal, emblem, or logo as in paragraph 1 for commercial purposes or using such materials for purposes other than to the benefit of the Institute or the Institute's division shall receive written permission from the Institute.

Section 68. The Institute may determine to have uniforms, marks, or dressing code of students and Institute officials by having a regulation of the Institute to be enacted and published in the Government Gazette.

Chapter 8

Penalties

Section 69. A person using academic dress, academic pin, academic official dress, uniforms, marks, or student's and Institute officials uniforms, or anything that imitate such materials without a right to use or exhibit in any respect that one has a higher graduation diploma, graduate diploma, diploma or certificate, or holds any office in the Institute with no rights to do so, and if one has committed this to make other persons believe that one has a right to use or have such academic position or office shall be penalized by imprisonment for not more than six months or be liable to a penalty fine of not more than fifty thousand Baht or both.

Section 70. A person who:

(1) makes fake or imitation copies of seal, emblem, or logo of the Institute or the Institute's school/college, whether it is made in whatever colors or by whatever methods;

(2) uses fake or imitated copies of seal, emblem, or logo of the Institute or the Institute's division;

(3) uses or makes appearance of seal, emblem, or logo of the Institute or the Institute's school/college at materials or any products by infringement of Section 67 paragraph two is liable to be penalized by imprisonment for not more than one year or liable to a fine of not more than one hundred thousand Baht or both imprisonment and fine.

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

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

Transitory Provision

Section 71. All operations, assets, rights, liabilities, budgets, and revenue of the King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) shall be transferred to the Institute pursuant to this Act.

Section 72. The Chancellor, Vice-chancellor and members of the Institute Council of King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) who have been holding their offices on the date this Act is effective shall continue to perform duties as Chancellor, Vice-chancellor and members of the Institute Council under this Act, until there is an appointment of new Institute Council instead according to this Act.

The committee or sub-committee that has been appointed by the Institute Council are being on the date this Act is effective shall continue to hold the office until its assignment is complete or the Institute Council has other resolution.

Section 74. The Chairman of the Faculty Senate and members of the Faculty Senate of King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) who have been holding their offices on the date this Act is effective shall continue to perform duties as Chairman of the Faculty Senate and members of the Faculty Senate under this Act, until the Faculty Senate is acquired under this Act not exceeding one year as of the date this Act is effective. In case that the referred persons are civil servants of the Institute, the persons shall declare the intention to change status to be the Institute officials under this Act within sixty days as from the date this Act is effective and the Institute shall immediately accept them as employees of the Institute.

The statements of paragraph one and paragraph two shall apply *mutatis mutandis* to office holders of Executive Vice President and Vice President, Deputy Director and Deputy Chief of government agencies called otherwise and having faculty-equivalent status.

In case that the office holders as in paragraph 1 and 2 do not declare the intention to change status within the prescribed period of time, such holders shall leave the officers upon the completion of the period, and the statements of Section 79 paragraph 2 shall be applied *mutatis mutandis*.

Section 75. The terms for the President position under Section 31 and Dean of Faculty/college under Section 38 shall be added to the terms thereof under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) as well.

Section 76. The government agencies of King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) who have been existing on the date this Act is effective shall remain until there are divisions established under this Act.

Section 77. Civil servants, employees of government agencies, government official and Institute officials of King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) become civil servants, employees of government agencies, government official and Institute officials under this Act. The service of such civil servants, employees of government agencies and government official shall be deemed as the service is provided as employees of government agencies or government official, as the case may be.

The right academic appointment for positions of Professor, Associate Professor, Assistant Professor or other positions of civil servants under paragraph 1 shall comply with Law of Regulations Governing Civil Servants in Higher Education Institutes.

Rights to obtain promotion of employees of government agencies under paragraph 1 shall comply with Finance Ministry's regulation on regular employee of Government Agencies.

For the benefits of personnel administration of civil servants and employees of government agencies under paragraph 1, the Institute shall be deemed as a government

agency. Civil servants and employees of government agencies shall receive salary, wage, benefit in return and money, through the Institute, reimbursed from the personnel budget of government budget which is allocated as salary, regular wage, benefit in return and other relevant money. Laws, rules, regulations rules and notifications under Law of Regulations Governing Civil Servants in Higher Education Institutes or Finance Ministry's regulation on regular employee of Government Agency shall be applied as the case may be.

In case laws, regulations, rules or notifications under Law of Regulations Governing Civil Servants in Higher Education Institutes or Finance Ministry's regulation on regular employee of Government agencies are applied inconsistently with this Act, or there is a case that laws, regulations, rules or notifications cannot be applied due to any reason, such undertaking that is inconsistent with this Act or unenforceable laws, regulations, rules or notifications shall be enforceable, subject to the Institute Council's rules.

Section 78. In case that positions of civil servants and employees of government agencies in the Institute become vacant whether before or after this Act is effective, such position shall be dissolved, and government budget attached to the position, including personnel budget paid in forms of salary and regular wage and other relevant money which has been allocated for such positions shall be transferred to the Institute, and such budget transfer shall be deemed as an expenditure budget transfer under law on budgeting.

Section 79. Any of civil servants or employees of government agencies as in Section 77 who:

(1) declare the intention of change status to be Institute officials or Institute employees under this Act within 180 days as from the date of this Act is effective shall immediately be accepted as Institute officials or Institute employees, as the case may be.

(2) declare the intention of change status to be Institute officials or Institute employees under this Act after the time specified in (1), but not exceeding two years as from the date of this Act is effective shall be accepted to be Institute officials or Institute employees with no probation period needed after being evaluated to be knowledgeable and competent by the Institute based upon the criteria set by the Institute.

(3) declare the intention of change status to be Institute officials or Institute employees under this Act after the time specified in (2), but not exceeding five years as from the date of this Act is effective shall be accepted to be Institute officials or Institute employees after firstly being considered to be knowledgeable and competent by the Institute based upon the criteria set by the Institute, and subsequently evaluated as qualified to be Institute officials or Institute employees through a one year probation period.

(4) declare the intention of change status to be Institute officials or Institute employees under this Act after the time specified in (3) shall be accepted to be Institute officials or Institute employees, subject to the Institute's regulations if the Institute considers that accepting such individuals will be beneficial to the Institute and that there is a vacancy.

The intention declaration under paragraph 1 shall comply with the Institute's regulations. As soon as the declaration is made, it cannot be dismissed.

Section 80. Individuals who the Institute accepts as institute officials or Institute employees as in Section 74 and 79 shall receive salary, wages, welfare, and other benefits not less than the salary, wages, welfare and other benefits which they used to receive before becoming the Institute's official or Institute employees.

Section 81. civil servants who the Institute accept as Institute officials as in Section 74 and 79 shall be deemed as leaving the government employment because the government has closed down or dissolved the position under the laws on retired civil servants' pension or laws on pension fund for retired civil servants, as the case may be since the date of changing to be Institute Official.

Employees of government agencies who the Institute accept as Institute officials or Institute employees under Section 79 shall be deemed as leaving the job because the government has dissolve the position and shall have rights to receive pension under the Ministry of Finance's regulation on employee's pension.

Civil servants who are a member of pension fund for retired civil servants shall have rights to remain their membership despite their retirement. In this case, they shall be deemed retired civil servants and have rights to receive welfare from the government like those who have received pension under the pension budget for retired civil servants.

Section 82. During the period of no Academic Council under Section 25, the Institute Council as in Section 72 or a Committee assigned by Institute Council shall serve as Academic Council until there is an Academic Council appointed under this Act; not exceeding one year as of the date this Act is effective

While there is no regulations regarding the Institute Council's meeting under Section 23 and regarding the Academic Council's meeting under Section 25, the regulations on the Institute Council's meeting under King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985), in force on the date of coming into force of this Act shall apply *mutatis mutandis*.

Section 83. The members of the executive commissions of the graduate colleges, faculties, colleges, offices, other government agencies relevant to faculty called otherwise of King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) shall continue to hold their positions until the new members are appointed under this Act; not exceeding one year as of the date this Act is effective.

Section 84. Professor, Honorary Professor, Associate Professor, Honorary Associate Professor, Assistant Professor, Honorary Assistant Professor and Lecturers of the King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) on the effective date of this Act shall hold the positions of Professor, Honorary Professor, Associate Professor, Honorary Associate Professor, Assistant Professor, Honorary Assistant Professor and Lecturers further under this Act.

Visiting lecturers of the King Mongkut's Institute of Technology Ladkrabang under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985) on the effective date of this Act shall hold the positions of special lectures further under this Act until the due term of appointment is over.

Section 85. While there are still civil servants and employees of government agencies under Section 77 serving as workers in the Institute under this Act, such civil

servants and employees of government agencies shall participate in the Faculty Senate's affairs with equal manner as Institute officials, subject to the Institute's regulations.

Section 86. Enactment of regulations rules or Notifications under this Act shall be completed within two years as of the date this Act is effective.

During the period of no regulations rules or Notifications as in paragraph 1 being issued under this Act, Royal Decrees, ministerial regulations, notifications of Ministry of University Affairs, regulations, rules or Notifications which are issued under the King Mongkut's Institute of Technology Ladkrabang, King Mongkut's Institute of Technology Thonburi and King Mongkut's Institute of Technology North Bangkok Act, B.E. 2528 (1985), in force on the date of coming into force of this Act shall apply *mutatis mutandis*, as far as they are not to contradict or conflict to this Act.

Counter-signed by

General Surayud Chulanont

Prime Minister

Remarks: Reason for promulgation of this Act is that it is required by Constitution of The Kingdom of Thailand to enact laws on national education and to improve education to be in alignment with economic and social changes by promoting the State's universities to be developed towards becoming universities of state which are not government agencies but under direction of the State for purposes of administration and management with more independence and flexibility leading more quality and efficiency to educational provision in the higher educational level where academic autonomy and excellence must be taken into consideration, it is therefore necessary to enforce this Act.