

THESIS TITLE	LEGAL PROBLEMS OF APPEAL AND PETITION OF THE PERSONNEL IN THE HIGHER EDUCATIONAL INSTITUTION UNDER GUARDIANSHIP OF THE STATE
KEYWORDS	APPEAL/PETITION/THE PERSONNEL OF INSTITUTES OF HIGHER EDUCATION/GUARDIAN AUTHORITY
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ABSTRACT

This thesis aimed to study the issues relating to disciplinary actions, consideration of appeals and petitions of the personnel in the institute of higher education that is in supervision of the State, as well as procedures for disciplinary actions, consideration of appeals and petitions by comparing Thai and foreign laws, and to study the approaches and analyze legal issues regarding to appeals and petitions of the personnel of the higher educational institution by advising to correct and improve disciplinary actions, consideration of appeals and petitions for civil servants and educational personnel in an institute of the higher education to be more efficient and appropriate.

The institute of the higher education applies disciplinary actions, appeals and petitions by enforcing civil services laws and rules concerning the institute of the higher education. However, the problem of establishing the University's Merit System Protection Commission, an independent organization in an institute of higher education which is authorized to take disciplinary actions and separated from the organizations authorized to consider appeals or petitions, still exists. An organization management in institutes of the higher education is generally under dean's controls which can lead to bias of administrative considerations in case the defendant is a dean or a vice dean who have an interest in disciplinary procedures. Another problem is that issues on setting regulations about qualifications, rules and selection for appointment of appeal or petition committee in an institute of the higher education which is under supervision of dean may happen, because the appointment of vice deans to

consider the disciplinary actions may be inappropriate, since the vice deans are under dean's controls, therefore, they may bias in disciplinary actions. So it is necessary to have a neutral committee who have no interest in an accused dean to consider disciplinary actions. This committee may be under supervision of Office of the Higher Education Commission.

With that, the research author proposed revision of provisions of the law about institute of the higher education, which is Section 11 of Civil Service in the Higher Educational Institution Act, B.E. 2547 (2004), by clearly specifying establishment of Merit System Protection Commission in an institute of the higher education and rules about qualification, source, as well as selection process of the committee. As merit system protection commissioners must be specifically qualified and have legal expertise, qualification about legal expertise as well as power and duties of the Merit System Protection Commission should be set for considering appeals and petitions by civil servants and educational personnel in an institute of the higher education. Also, rules of setting regulations about selection and appointment of appeal and petition commissioners and other rules and regulations suitable for operations should be legislated by taking rules about establishment of the Merit System Protection Commission for civil servants as a model.