

- TRANSLATION -

**Regulation of Shinawatra University Relating to Human Resource Management
B.E. 2559 (2016)**

Whereas, it is appropriate to adjust the regulation of Shinawatra university relating to the human resource management of the university, empowered by the section 34 (19) of the Higher Education Institute Act B.E. 2546 (2003) as amended (No. 2) B.E. 2550 (2007), the University Council in the meeting No. 1/2559 on 8 March B.E. 2559 promulgated this regulation as follows;

1. This regulation shall be called “The Regulation of Shinawatra University Relating to the Human Resource Management B.E. 2559 (2016)”.

2. Upon the coming into force of this regulation, the Regulation of Shinawatra University Relating to Human Resource Management for the Academic Staff B.E. 2553 (2010), the Regulation of Shinawatra University Relating to Human Resource Management for the Management and Non - Academic Staff B.E. 2553 (2010) including the related resolutions, Announcement and Ordinance shall be repealed and enforced by this regulation.

3. This regulation shall be in effect on the day of the announcement.

4. In this regulation

“University” means Shinawatra University.

“University Council” means the university council of Shinawatra University.

“the Committee” means the Committee appointed by the university council.

“President” means the President of Shinawatra University or the authorized person appointed by the President.

“Employee” means the employee whom hired by Shinawatra University to be the academic staff such as the faculty and/or the researcher and the executive and non-academic staff.

“the Faculty” means Professor, Adjacent Professor,
Associate Professor, Adjacent Associate Professor,
Assistant Professor, Adjacent Assistant Professor,
Lecturer, Adjacent Lecturer, and Instructor, who has main
duties to teach and conduct the research in the university,

“Researcher” means one who conducts the research for the new body of knowledge either pure knowledge or applied knowledge as the details provided by the National Research Council.

5. The President shall be a depositary of this regulation and shall be empowered by the Higher Education Institute Act to promulgate the announcement, ordinance and formulate the guidelines including the authority to interpreting and giving the judgment under the scope of this regulation.

The interpretation and judgment of the President shall be deemed final.

Chapter 1 Vision, Object and Mission

6. The human management of the university according to this regulation in every level shall comply with the vision, object, mission and policy of human resource administration provided by the university council.

7. The Executive Review Committee (ERC) shall have authority in this regulation to check and supervise including to review the human management and other assignments provided by the university council.

Chapter 2 Employee and Condition of Work

8. The employees according to this regulation may be provided as follows,

8.1 The academic staff as follows;

- (1) The faculties, there are
 - (a) Professor / Adjacent Professor,
 - (b) Associate Professor / Adjacent Associate Professor,
 - (c) Assistant Professor / Adjacent Assistant Professor,
 - (d) Lecturer / Adjacent Lecturer, and
 - (e) Instructor.
- (2) Researcher.

8.2 The executive and non-academic staff as follows;

- (1) The executives, there are
 - (a) President,
 - (b) Vice President,
 - (c) Assistant to the President, and
 - (d) Dean
- (2) The non-academic staffs as follows;
 - (a) The administration, the position which is responsible for the supervising and managing the office or department such as Institute, College, and Office as follows;
 - Director,
 - Senior Manager,
 - Manager
 - Assistant Manager, and
 - Senior Office.
 - (b) Professional, the position which requires graduate personnel to perform the duty in specific professions who are qualified at least bachelor degree such as information technology, librarians, engineers, secretaries, accountants, HR staff, and administrative staff etc.
 - (c) Operation, the position which is responsible for general operation.

9. Any department wish to hire a new employee either to replace in the same position or to hire for additional position must obtain approval from the President.

10. The candidate whom is considered to be hired to be an employee shall have qualifications and have no prohibited characteristics as follows,

10.1 The academic staff;

- (1) Earn at least the bachelor degree or has special skills in any subject,
- (2) Not being infected by the disease as announced in the royal gazette by the Ministry.
- (3) Not being unethical person or being defective in morals.
- (4) Not being the insane person or the person with mental disorder.
- (5) Never been confined in a prison by law, except for the case committed by negligence or it is a minor offense.

10.2 The non-academic staff;

- (1) To be at least 18 of age for the full time employee,
- (2) Earn the degree or / and capable to work in the position is assigned,
- (3) To be healthy and not being infected by the contagious disease.
- (4) If the candidate is male, he must be out of the conscription or to be except from the military service.
- (5) Not having the political position and shall not be the political official or the local government official.
- (6) Not being the bankrupt person.
- (7) Not being the unethical person or being defect in morals.
- (8) Not being the insane person or incompetent person or impaired physical or mental disorder which is not proper to serve in duty.
- (9) Never been confined in a prison by law, except for the case committed by negligence or it is a minor offense.

11. There are three types of employees as follows,

(1) Full time employees, they are the personnel who are hired as a staff according to this regulation and work fulltime until retirement.

(2) Full time employees hired by contract, they are the personnel who are hired by the contract made with the university and assigned to work as provided in Term of References (TOR).

(3) Part time employees hired by contract, they are the personnel who are hired by the contract made with the university and assigned to work for special position, task and period of time provided.

The organization chart, position and TOR of the employee, the recruitment, the making of contract with the employee including dismissal shall with the rules and procedures provided by the announcement of the university.

12. In the rational and necessary event, the office of the university may hire to hire the employee who has special knowledge, competency, experience or expertise in special field or is over 60 year of age according to clause No. 11 (2) and (3) of this regulation for the period not more than two years, the head of the office may propose to the President for the consideration of hiring and appointment.

13. In the rational and necessary event to hire the employee according to clause No. 12, the university by the approval by the Executive Review Committee (ERC) may hire the employee who is over 65 year of age.

14. The rule and procedure of working day, the office hour, the break, the day-off, the working in over time, the working on the day off of the employee and the work outside the university shall be complied with the announcement of the university.

15. The employee shall use the time recording machine to report to work or write down in the time book. If the employee can not use the time recording machine or in the event that the employee works outside the university, the employee should request the direct executive to approve the time of work on that such day.

16. If the working position of the university is vacant or the employee who serve in that position can not work on his/her duty, the President may consider appointing the proper employee to serve in that position temporarily as deem fit.

The employee who serves in that such position temporarily according to the first paragraph shall have the authority of that position. If there is a regulation or ordinance appointed the staff in that such position to serve as a committee member or have specific authority, that such employee shall serve as a committee member or have such authority as well.

17. The university may appoint the employee from one position to another in the same level or higher in the university as deemed fit.

Chapter 3 Salary, Remuneration, and Employee Training

18. The university has a policy to provide the rate of salary, wage and remuneration for the committee and employee base on the balance between the salary and remuneration and the education, knowledge, skills and responsible duties of the committee and employee properly and fairly.

The employee will obtain the salary and remuneration at least once a month by the end of every month. If the paid day is the same day as the day off of the bank, it will be paid before the day off.

The details of the rate of salary, wage and remuneration shall be provided by the university council.

19. The executive is responsible to develop and train the staff in his/her management to gain the knowledge, ability, skills, good viewpoint, moral and ethic for the efficient performance.

20. The President is authorized to promote or to increase the salary or to increase wages only for the employee who pass the evaluation and shall be based on the consideration of knowledge, ability, behavior performance and the compilation of discipline as the rules and regulations provided by the university.

21. For the sake of the development in efficiency of performance of the employee according to this regulation, the university shall provide the development of knowledge, ability, and skills for the employee as follows,

(1) For studying, training, observing, and joining the conference and seminar to gain the knowledge and skills.

- (2) For providing professional service.
- (3) Any matter that is necessary or proper for the development of employee.

The intellectual property right occurring from the development of knowledge, ability and skills according to the first paragraph shall be provided by the university.

The details of rule and regulation for the above mentioned development for the employee shall be provided by the announcement of the university. Moreover, the above mentioned development shall be suitable to improve the assignment and duty of the employee and it shall not be effected the management of the university.

22. The intellectual property rights occurring from the research and development of knowledge, ability and skills in patent shall be compiled with the regulation of one who grants the research fund and the copy rights of the article published shall be complied with the regulation of the university or the publisher as the case may be.

23. The remuneration for the academic title shall be determined by the university council.

Chapter 4 Leave, Welfare and Benefit

24. There are eight kind of leave as follows,

- (1) Sick leave,
- (2) Maternity leave,
- (3) Sterilization leave,
- (4) Business leave,
- (5) Vacation leave,
- (6) Leave for religious practice
- (7) Leave for military service,
- (8) Other kind of leave without payment.

The employee may take off according to the above mentioned leave base on the rights of employee. The university shall grant the permission as it is necessary and there is no effect to the management of the university.
The details of rule and procedure of all kind of leave is provided by the announcement of the university

25. The academic staff has rights to leave as same as the rights provided for the executive and nonacademic staff but there shall not be conflict with the job assignment of the employee provided in ToR.

26. The academic staff may take vacation leave during the semester break or during summer semester.

27. In the event that the non-academic staff wants to take vacation leave during the (First and second) semester, he / she must obtain the approval from the Vice President in the Academic Affairs and it shall not has any impact to the job assignment provided in ToR.

28. The welfare and benefit provided by the university is for the purpose to support the willing of the employee to work for the university prudentially and efficiently. In the event the employee violates the rule of discipline or breach the contract which making a severe damage, the university may reserve the rights to revoke some benefits of the employee such as the supporting fund to the provident fund etc.

29. The university shall provide the welfare and benefit for the employee as follows,
- (1) Medical treatment,
 - (2) Life and accident insurance,
 - (3) Health insurance and annual physical check-up,
 - (4) Assistance for on-duty accident and injury,
 - (5) Provident fund,
 - (6) Supporting fund on special occasion as the university deem fit,
 - (7) Social insurance, and
 - (8) Other welfare as the university deem fit.

The details of rules, procedure and conditions of the above mentioned welfare and benefit of the university deem fit.

Chapter 5

Discipline and Disciplinary Action

30. The discipline of the employee is the rule both to comply and to bar from wrongful commitment. The purpose is to support the employee to work prudentially and efficiently in good working environment. Every employee shall observe with the rule of discipline as follows,

- (1) To work on his/her duty and assignment creatively, honestly, diligently with responsibility and to protect the interest of the university,
- (2) To comply with the lawful suggestion and order of the direct executive. To give respect to the direct executive and to cooperate to work with the other employees,
- (3) To respect and comply with the law, rule and regulation of the university strictly,
- (4) To be an ethical person, and
- (5) To take good care of the property of the university in his/her responsibility and use the resource of the university creatively and usefully.

31. When there is evidence indicating that the employee violates the rule of discipline, the university shall investigate the find the truth and justice promptly.

32. The direct executive shall punish he employee who violate the rule of discipline suitable to the wrong commitment. The content of the punishment must be stated obviously that for which offence.

33. There are three types of punishment for the employee who violate the disciplinary action which there are guideline for the consideration as follows,

- (1) The minor level of punishment is for the offence of improper conduct and there is minor damage. The punishment may be done by verbal or written warning.

- (2) The non-severe level of punishment is for the offence of violating the discipline action that is less than the offence of misdemeanor except the offence of making false document and the offence against property or the criminal offence committed by negligence. And, the damage of the violating the disciplinary action is not severe. The punishment may be done by probation, or reduce the salary or reduce the rate of salary as deem fit.
- (3) The severe level of punishment is for the offence that is malfeasance or it is the criminal offence that the punishment is more severe than the petty offence. And, the damage of the violating the disciplinary action is severe. The punishment may be done by employment termination.

The details of the rule and procedure of the disciplinary action, the investigation, the job suspension and the punishment shall be promulgated in the announcement of the university.

Chapter 6

Termination of Employment and Compensation

34. The employment of staff may be ceased in one of the following case:
- (1) Deceased,
 - (2) Resign with permission,
 - (3) Retirement (at sixty year of age),
 - (4) Termination of contract,
 - (5) Termination of employment,
 - (6) Dismissal,
 - (7) Not being in good health and incapable to perform his/her duty,
 - (8) There is a matter that is necessary for the university to terminate the employment.

35. The academic staff who wants to resign before the employment term in contract will be expired, he / she must inform to the university at least one semester in advance or he / she has performed his / her duties completely.

36. The dismissal in one of the following case shall be paid with compensation at the rate provided by the ministry regulation relating to the protection of work and benefit of the employee of the higher educational institute;

- (1) Incapable of working and/or the university cannot find the suitable position for such employee,
- (2) The department is closed,
- (3) Not being in good health condition or has a chronic disease and cannot perform his/her duty or has a contagious disease,
- (4) Misconduct against the regulation and/or announcement of university (Only the not the serious matter or the damage is not severe)
- (5) There is suspicious behavior,
- (6) For suitability.

37. The dismissal in one of the following case shall be paid with special rate of compensation provided by laws;

- (1) In the event that the university conducts a re-structuring or management or services due to engaging the new machine or changing the machine or technology. In this event, the university shall inform the employee not less than 30 days in advance.
 - (2) The university has relocated the office to a new place or assign the employee to work in the new office and in the new location which has a strong impact to the normal life of the employee or his/her family. And, the university has informed the employee more than 30 days in advance before relocation of the new office or before the new assignment to work in the new office and the employee does not want to travel to work.
38. The dismissal in one of the following case shall not be paid with compensation;
- (1) To commit against the regulation which are related to the job performance or regulation or ordinance of the university which are fair and justified by law. In this event, the university has issued the written warning not more than one year prior. In the event that it is serious matter, the prior warning is not necessary.
 - (2) To breach or commit against or default the contract and term of reference, ToR made with the university and made a severe damages to the management of the university. In this event, the university has issued the written warning not more than one year. In the event that it is serious matter, the prior warning is not necessary.

The dismissal in one of the following case shall not be paid with compensation and the university does not have to inform in advance;

- (1) Commit dishonest act or commit a crime intentionally to the university,
- (2) To intentionally make damages to the university,
- (3) To commit with gross negligence making the university have a severe damages,
- (4) To be absent from duty continuously, no matter between a holiday or not and there is no reasonable cause.
- (5) Being confined in prison according to the judgment of the court, unless the penalty is caused by negligence or it is a minor offense,
- (6) Cannot pass the evaluation of performance and is dismissed by the university before he/she has worked for 120 days.

The dismissal according to the first paragraph can be done only the university has appointed an investigating committee according to the Announcement of Shinawatra University relating to the Disciplinary Action. Moreover, there is reliable evidence that the employee has violated the disciplinary action. The reason to dismiss must be stated in the letter of termination.

Chapter 7

Appeal and Complaint

39. The employee has rights to submit a complaint relating to the work or the compilation with the ministry regulation relating to the protection of work and benefit of the employee of the private higher institute to the protecting committee of the university as the rule provided in the ministry regulation.

During the consideration of the appeal or complaint by the protecting committee, no employee may commit any act to provoke, instigate, induce and support the other employee or student to do any thing to pro or con the other side or to strike or to stop learning.

The commitment according to the second paragraph shall be deemed as to act intentionally to damage the university.

Announced on 9 March, 2016

Sign.....-signature-.....

(Mr. Paron Isarasena Na Ayudhaya)
The Chairman of the University Council