



Mahidol University Regulation
on Appeals and Complaints of Mahidol University Students
B.E. 2561 (2018)

.....

To create an atmosphere of fairness in the University and effectively handle the students' grievances, it is deemed appropriate to set criteria and conditions for appealing a non-disciplinary penalty order and making a complaint on unfair treatment through use of the authority and any act that does not comply with laws as well as the rules, regulations, announcements or any other rules of the University or its working units

By virtue of Section 24(2) of Mahidol University Act B.E. 2550 (2007), the University Council at its 538th meeting on 21 November 2018, issued the following regulations.

Clause 1 This regulation is referred to as “Mahidol University Regulation on Appeal and Complaints of Mahidol University Students B.E. 2561 (2018)”

Clause 2 This regulation shall come into force on the date after the announcement date.

Clause 3 According to this regulation,

“University Council” means Mahidol University Council.

“University” means Mahidol University.

“President” means the President of Mahidol University.

“Working Unit” means the working units under the University announcements, and shall include the establishment programs of other working units at which the courses under the University's curriculum are provided.

“Head of Working Unit” means Heads of working units under the University announcements and shall include Heads of the establishment programs of other working units at which the courses under the University's curriculum are provided.

“Student” means Mahidol University students.

“Committee” means Student Appeal and Complaint Committee.

“Chairperson” means Chairperson of Student Appeal and Complaint Committee.

“Appeal” means Appeals for termination of student status under Mahidol University Regulation on Diploma and Undergraduate Studies and Mahidol University

Regulation on Graduate Studies, or appeals for administrative orders that are not student disciplinary orders, relating to or directly affect the students' rights

“Complaint” means Complaints of students considering that they are treated unfairly through the use of authority or acts that do not comply with the laws, rules, regulations, announcements or other rules of the University or its working units.

Clause 4 Any appeal or complaint specifically prescribed by regulations shall be in accordance with the regulations in that matter.

Clause 5 To determine the period of time according to this regulation, the day after the first day the disciplinary period shall be counted as Day 1. For the last day, if it falls on a holiday, the day after the holiday shall be regarded as the last day of the period.

Clause 6 The President shall be in charge of this regulation. In case of a compliance problem, The President shall be authorized to find the solution that shall be regarded as final.

Chapter 1

Student Appeal and Complaint Committee

Clause 7 The University shall appoint a Student Appeal and Complaint Committee, consisting of

- (1) A legal expert as Chairperson
- (2) Two representatives from the University Faculty Senate as Committee Members
- (3) Director of Division of Education Administration or his/her representative as Committee Member
- (4) Director of Division of Legal Affairs as Committee Member and Secretary

The Committee Members under (2) must be from different working units.

The Committee shall appoint an appropriate person as Assistant Secretary.

Clause 8 The Chairperson has a term of two years starting from the appointment date and may be reappointed.

In case the Chairperson vacates office upon the term expiration, the appointment of a new chairperson shall be made within 60 days from the date he/she vacates office. If a new Chairperson has not been appointed, the former chairperson shall perform duties until the new chairperson is appointed.

In the case that the position of chairperson is vacant before the term ends, the appointment of a new Chairperson shall be made within 60 days from the date the position

is vacant. The appointed person replacing the former Chairperson shall only hold office until the term of the person's replacement ends.

Clause 9 The Committee Members must attend a meeting of not less than half of the total members to form a quorum.

If the Chairperson is not present at the meeting or unable to perform his/her duties, or there is no Chairperson, the board of meeting shall elect a Committee Member to act as Chairperson.

The decision shall be made by a majority of the meeting attendants. If there are equal votes, the Chairperson of the meeting shall have an additional vote as a casting vote.

Clause 10 The committee is responsible for considering and making a decision on student appeals and complaints, and perform other duties regarding student appeals and complaints as assigned by the University Council.

Chapter 2

Appeal and Consideration of Appeal

Clause 11 An appeal shall be made for oneself only and must be made within 30 days from the date of being acknowledged or regarded to be aware of the order.

Clause 12 For the benefit of determining the appeal period, the date on which the student appellant signs the penalty order shall be regarded as the date of acknowledgement of the order.

If the appellant does not want to sign to acknowledge the order when notified of the order and given a copy of that order, the authorized person who notifies the order shall make a record on the date, time, and place of notification, and then he/she and witnesses, shall sign as evidence. The date of notification, in this case, shall be regarded as the date on which the appellant acknowledges the order.

If the appellant may not be asked to sign for acknowledgement of the order directly, the notification shall be sent in a letter to the appellant via acceptance-recorded mail. Two copies of the orders shall be sent to the appellant's address found in official evidence, one copy shall be kept by the appellant and the other for him/her to sign and write the date of acknowledgement of the order, and it shall be sent back to be kept as evidence. In this case, after 30 days from the date issued on the registered mail receipt that the documents have been received by the appellant or a recipient on his/her behalf, even if the copy of order with appellant's signature and the date of receipt of documents has not been returned, it shall be deemed that the appellant has received the order.

Clause 13 An appeal must be in writing showing the facts and reasons for the appeal and explain how the order is invalid, not appropriate or unfair. In addition, the appellant must put his/her signature, affiliated working unit and address.

If the appellant wishes to make an oral statement in the Committee's consideration, he/she shall specify the intention in the appeal letter, or it can be made in a separate letter. However, the letter requesting an oral statement must be submitted directly to the Chairperson of the Committee, and this must be done before the Committee makes a decision.

Clause 14 For the benefit of an appeal, the appellant has the right to request examining and making a copy of personal statement records, other evidence, or relevant documents. This request, however, is under the Committee's discretion that depends on the necessity of each request.

In case of the request for personal statements under the first paragraph, if the committee has considered that such evidence is necessary for the appeal, a copy of an individual's statement may be allowed to be made anonymously.

Clause 15 An appellant has the right to object one or more of the Committee Members due to the following reasons.

- (1) The Committee Member witnessed the event of the appeal case.
- (2) The Committee Member has a stake in the act of the appeal case.
- (3) The Committee Member has a reason for anger with the appellant.
- (4) The Committee Member is a spouse, a parent, a descendant, a sibling with the same parents, or a sibling with the same father or mother of the person who makes an accusation or the person who issues the order.
- (5) The Committee Member has other reasons that may cause unfair consideration of the appeal.

To object a committee member, the facts causing objection must be presented in the appeal letter, or additional facts shall be notified in writing before the appeal consideration.

When there is an objection under Paragraph one, that committee member may require for a withdrawal. If he/she does not request withdrawal, the other committee members shall consider the facts of objection. If the members have considered that the facts are reliable, that committee member shall not take part in the appeal, and it shall be considered that the Committee comprise the members who are eligible for the consideration.

Clause 16 With regard to an appeal, the appellant shall make a letter to Chairperson by submitting or sending it directly to the Chairperson or through Head of the working unit that the appellant belongs to, and the Head of working unit shall proceed under Clause 17.

When the appeal letter is submitted, the recipient of the letter shall issue a receipt to the appellant and register it as evidence as of the date the letter is received according to the University correspondence system, and the date received of that letter shall be used as evidence and regarded as the submission date of the appeal letter.

In case the appeal letter is submitted via acceptance-recorded mail, the date the deposit receipt issued by the post office shall be regarded as the submission date. When the letter has been received, the recipient shall issue a receipt and register it as evidence on the date that letter is received according to the University correspondence system.

When the appeal letter has been submitted or sent, the appellant may submit the statement or additional documents or evidence by submitting or sending them directly to the Chairperson before the Committee has a decision on the appeal.

Clause 17 In case Head of the working unit has received an appeal letter or relevant documents, he or she shall submit them to the Chairperson within 7 days from the date the letter or document is received.

Clause 18 The appellant may withdraw the appeal before the Committee completes a decision. With respect to this, the appellant shall write a letter and submit to the Chairperson. When the case has been withdrawn, the consideration of that appeal shall be terminated.

Clause 19 In case whether or not any appeal is accepted for consideration, the Committee shall consider and promptly notify the appellant of the resolution.

Clause 20 the Committee shall consider and complete the appeal promptly, not more than 60 days from the date the appeal letter is received.

Clause 21 The Committee may require working units, agencies, or relevant persons to clarify or deliver additional relevant evidence, or they may be invited to give a statement for consideration.

In case the student appellant requires an oral argument, if the Committee considers that it is not necessary for the appeal consideration, the Committee shall cancel it.

Clause 22 When the Committee has considered an appeal, the resolution shall be as follows:

- (1) If considering that the order is correct, the Committee shall pass a resolution to dismiss the appeal.
- (2) If the order is found to be incorrect or inappropriate for the offense in any respect, a resolution shall be passed to amend it to be correct.
- (3) If considering that it is deemed appropriate to amend the order or take action for fairness, a resolution shall be made as appropriate for the case.

In the event that students are accused of committing a joint act, the same offense, and in the same circumstance, the following consideration shall be taken into account. When any student exercises his/her right to appeal the order, the decision of the appeal is beneficial to that student. Even if the other students do not use their rights to appeal, their acts are committed under the same circumstance; in this case, the resolution for the students who do not appeal shall be as beneficial as the student appellant.

Clause 23 When having passed a resolution under Clause 22, the Committee shall notify the authorized person who issues the order to proceed with the Committee's decision promptly, and notify the University Council and the student appellant for acknowledgement.

Chapter 3

Complaint and Consideration of Complaint

Clause 24 When the student deems that he or she is treated unfairly by the use of authority or any act that does not comply with laws, rules, regulations, announcements or other rules of the University or its working units, she or he can require a consult with Head of the working unit or the persons who have caused the complaints by submitting a letter to request a consult with the Head of working units he or she is affiliated with.

When the Head of working unit receives the letter under Paragraph one, he/she shall manage to have a consult with that student to solve the problem, enhance understanding, give impartial advice, or correct mistakes. This shall be completed within 30 days from the date the letter is received.

If the Head of working unit is not able to complete the process within the time specified in Paragraph 2 or the student is not satisfied with the consultation results, the student shall make a complaint to the Committee within 15 days from the date after the period under Paragraph two or 15 days from the date the consultation results are received, as the case may be.

Clause 25 A complaint must be made in a letter showing the facts and reasons for a complaint, including the causes of unfair treatment by the use of authority, or any act that does not comply with laws, rules, regulations, or other rules of the University or its working units. In addition, the student is required to show his/her willingness to have the University handle this complaint, and give his/her signature according to the form set by the University.

Clause 26 A complaint shall be submitted to the Chairperson by the following methods.

- (1) By submitting the complaint directly to Chairperson through the University correspondence system, or Head of the working unit the student belongs to, and Head of the working unit shall submit the complaint to Chairperson within 7 days from the date he/she receives the complaint.

When a complaint is submitted, the recipient shall issue a receipt and register it as evidence on the date he/she receives the complaint.

(2) By sending the complaint through electronic mail by the channel specified by University.

(3) By sending the complaint via Acceptance-recorded mail and the date the post office issues the receipt shall be regarded as the submission date of the complaint.

Clause 27 The student may request a withdrawal of the complaint before the Committee completes the consideration, by making a letter and submitting to the Chairperson. When the complaint has been withdrawn, the complaint consideration shall be terminated.

Clause 28 To object a Committee member or more, the statement in Clause 15 shall be allowed to come into force.

Clause 29 In case the Committee has considered that any complaint is not regarding unfairness treatment under Clause 24, the Committee shall promptly inform the complainant of the resolution within 15 days from the date the complaint is received.

Clause 30 The Committee shall promptly complete the consideration of complaint within 60 days from the date the complaint is received.

In case the Committee is not able to complete the complaint consideration within the time specified in the first Paragraph, the Committee shall propose the extension of consideration to the President, but not exceeding 30 days.

Clause 31 The Committee may request the complainant's working unit, or relevant persons to make clarification or send additional evidence, and may invite any of them to give statements for consideration.

Clause 32 When the Committee has completed the consideration of complaint, the resolution shall be as follows:

(1) If considering that the act of the person who is the source of complaint does not cause the complainant to be treated unfairly, and it is a legal act in accordance with rules, regulations, announcements or other rules of the University or its working units, the committee shall have a resolution to dismiss the complaint.

(2) If considering that the act of the person who is the source of complaint has caused unfair treatment or it is an illegal act that does not comply with rules,

regulations, announcements or other rules of the University and its working units, the Committee shall pass a resolution to correct or cancel that act.

- (3) In case the Committee has additional opinions apart from the complaint, the Committee shall propose those ideas to the authorized persons in the resolution to be further used as guidelines for the operations the University and its working units.

Clause 33 When the Committee has passed a resolution in any respect, the University or its working units shall comply with the resolution and promptly notify the complainant.

Announced on 17 December 2018

(Prof. Emeritus Kraissid Tontisirin, M.D.)
Chairman of Mahidol University Council

Explanatory Memorandum
Mahidol University Regulation on Appeal and Complaint of Mahidol University
Student, B.E. 2561 (2018)

Principle

Establish regulations to set criteria for Appeals and Complaints of Mahidol University students

Rationale

In addition to education management, teaching and learning, program management, and so on, current operations of the University regarding education also involve the key management that leads to the assurance of student right. This will reflect the educational quality assurance under the standard framework of Education Criteria for Performance Excellence (EdPEX) and good governance of the University. As a result, the University students should be eligible to appeal and make a complaint if they deem that they are treated unfairly through the use of authority or any act that does not comply with laws, rules, regulations or announcements of the University. It is therefore necessary to issue this regulation.