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## **DEVELOPMENT OF DISCIPLINARY ACTION GUIDELINES ON THE PROTECTION OF WITNESSES OF CIVIL SERVANTS IN HIGHER EDUCATION INSTITUTIONS AND EMPLOYEES IN HIGHER EDUCATION INSTITUTIONS AT SUAN SUNANDHA RAJABHAT UNIVERSITY**

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### **Abstract**

This study on the development of disciplinary procedures for witness protection of civil servants and employees in higher education institutions at Suan Sunandha Rajabhat University aims to support academic support personnel and legal officers in transforming their routine work into research under the R2R (Routine to Research) framework. The study population consists of six university staff and government officials in legal positions who are responsible for defining operational guidelines for witness protection in disciplinary investigations at the university. Additionally, two administrators were involved in assessing the feasibility of implementing these witness protection guidelines in disciplinary procedures.

**Keywords:** Witness, Protection, Investigations

### **Introduction**

Disciplinary procedures are essential for maintaining ethical standards and integrity within organizations, particularly in higher education institutions. However, a significant issue in disciplinary investigations is the lack of adequate witness protection measures, which discourages individuals from providing honest testimony. This study explores suitable approaches to witness protection to ensure that disciplinary procedures are conducted transparently and effectively.

### **Research Objectives**

1. Examine the challenges and obstacles in witness protection within disciplinary investigations of civil servants and employees in higher education institutions.
2. Develop strategies and measures to enhance the effectiveness of witness protection in disciplinary investigations.

### **Literature Review**

1. Legal and Regulatory Framework the Civil Service in Higher Education Institutions Act B.E. 2547 (2004) provides guidelines for disciplinary procedures but lacks specific provisions on witness protection. In contrast, the Witness Protection in Criminal Cases Act B.E. 2546 (2003) offers comprehensive measures for protecting witnesses in criminal cases. Comparing these frameworks highlights the need for similar protections in disciplinary proceedings.

2. Prior Research on Witness Protection Previous studies emphasize the importance of effective witness protection mechanisms in ensuring fair disciplinary investigations. Research on criminal justice systems demonstrates that witness intimidation and lack of safeguards can

hinder the legal process. Studies also suggest that providing confidentiality, legal assistance, and security measures improves witness participation.

3. **International Best Practices** Several countries implement robust witness protection programs, particularly in criminal cases. The United States and the European Union have established legal frameworks that include relocation programs, identity protection, and financial assistance for witnesses. Adapting these measures to disciplinary investigations in higher education institutions could enhance their effectiveness.

## **Research Methodology**

### **Research Design**

This study employs a qualitative research approach, incorporating documentary research and in-depth interviews. The research aims to analyze existing laws, disciplinary procedures, and witness protection measures in disciplinary investigations of civil servants and employees in higher education institutions.

### **Population and Sample Group**

The research consists of two main sample groups:

1. University Administrators (2 participants) – Responsible for formulating operational guidelines for witness protection.
2. Legal Officers (5 participants) – Experts with over two years of experience in legal affairs, responsible for assessing the feasibility of the proposed witness protection guidelines.

### **Research Instruments**

The study uses the following research instruments:

1. Document Analysis – Reviewing legal documents, including the Civil Service in Higher Education Institutions Act B.E. 2547 (2004) and related laws on witness protection.
2. Feasibility Assessment Forms – Designed to evaluate the practicality of implementing witness protection measures.

### **Research Procedure**

1. Conduct a comprehensive review of legal documents and disciplinary procedures.
2. Analyze challenges and limitations in the disciplinary investigation process.
3. Develop proposed guidelines for witness protection.
4. Evaluate the feasibility of the proposed guidelines through expert assessment.

### **Study Location and Duration**

1. Location: Suan Sunandha Rajabhat University
2. Study Period: October 1, 2024 – February 28, 2025

### **Data Analysis**

The study employs both qualitative and quantitative analysis:

1. Document Analysis – Comparing existing legal provisions related to witness protection.
2. Quantitative Feasibility Analysis – Assessing the feasibility of implementing witness protection guidelines based on a numerical rating scale, where scores are interpreted.

## **Research Results**

This study on the development of disciplinary procedures for witness protection of civil servants and employees in higher education institutions at Suan Sunandha Rajabhat University yielded the following key findings:

### 1. Issues in Witness Protection in Disciplinary Procedures

The study found that if the disciplinary investigation committee lacks sufficient measures, witnesses may not receive adequate protection. In some cases, witnesses are subordinates to those accused of disciplinary violations, which discourages them from coming forward. The absence of formal witness protection measures significantly affects the fairness and credibility of disciplinary investigations.

### 2. Limitations of Existing Witness Protection Regulations

According to the Office of the Civil Service Commission (OCSC) regulations, individuals eligible for protection include only civil servants who provide testimony or information in investigations. However, the protection does not extend to their spouses, parents, children, or other close individuals, which may influence their willingness to testify. This limitation contrasts with Thailand's criminal justice system, where witness protection measures include family members.

### 3. Comparison with Criminal Witness Protection Laws

Under the Witness Protection in Criminal Cases Act B.E. 2546 (2003), witness protection measures cover spouses, parents, and descendants of witnesses. These protections ensure that individuals testifying in criminal cases receive security, financial assistance, and identity protection. However, in disciplinary procedures, protection is provided only to individuals directly involved in official duties, leaving gaps in security for those at risk of retaliation.

### 4. Legal and Regulatory Analysis of Disciplinary Investigations

The Civil Service in Higher Education Institutions Act B.E. 2547 (2004) grants investigative powers to disciplinary committees, similar to those of criminal investigators. However, these powers are limited to disciplinary matters and do not include specific provisions for witness protection. As a result, civil servants and employees in higher education institutions who serve as witnesses do not receive the same legal safeguards as those in criminal cases.

## **Discussion**

This study explored the challenges and potential solutions for implementing witness protection measures in disciplinary investigations involving civil servants and employees in higher education institutions. The findings highlight several critical aspects that require further discussion.

### 1. Gaps in the Current Disciplinary Investigation Framework

The study revealed that current disciplinary procedures do not provide adequate witness protection measures. Although the Civil Service in Higher Education Institutions Act B.E. 2547 (2004) defines disciplinary procedures, it lacks explicit provisions for safeguarding witnesses. In contrast, the Witness Protection in Criminal Cases Act B.E. 2546 (2003) offers robust protection, including identity concealment and relocation, which are absent in disciplinary investigations. This gap raises concerns about witness intimidation and fear of retaliation, discouraging potential witnesses from providing testimony.

### 2. Influence of Legal and Institutional Constraints

One significant barrier to effective witness protection is the limited scope of existing laws governing disciplinary investigations. The study found that regulations under the Office of the Civil Service Commission (OCSC) only protect civil servants who testify in investigations, excluding their family members. This limitation is problematic as witnesses may hesitate to

testify if their loved ones are not safeguarded. Moreover, universities lack clear institutional policies to address this issue, leading to inconsistent approaches across institutions.

### 3. Impact of Inadequate Witness Protection on Fairness and Transparency

The absence of formal witness protection mechanisms affects the credibility of disciplinary proceedings. In cases where witnesses fear repercussions, they may choose not to disclose critical information, weakening the integrity of the investigation. International best practices, such as those in the United States and the European Union, demonstrate that providing legal and financial support to witnesses encourages transparency and ensures that justice is served.

### 4. Practical Challenges in Implementing Witness Protection in Universities

Stakeholders, including university administrators and legal officers, expressed concerns about logistical challenges in implementing witness protection policies. Some key issues include:

- **Resource constraints:** Establishing secure witness protection measures requires additional funding and personnel.
- **Legal ambiguities:** Higher education institutions may not have the legal authority to enforce confidentiality or security measures for witnesses.
- **Administrative reluctance:** University leaders may hesitate to implement strict regulations due to concerns about procedural complexity and potential legal disputes.

## **Recommendations for Policy and Practice**

Based on the discussion, the following recommendations are proposed:

1. **Develop Institutional Witness Protection Policies**
  - Universities should draft specific guidelines for witness protection in disciplinary cases, ensuring consistency and fairness.
2. **Expand Legal Protections for Witnesses**
  - Amendments to relevant laws should be considered to extend protections to witnesses' families and provide legal assistance in disciplinary investigations.
3. **Enhance Confidentiality Measures**
  - Institutions should adopt secure communication channels and anonymous testimony options to encourage whistleblowers to come forward.
4. **Provide Training and Awareness Programs**
  - Faculty, staff, and investigators should receive training on the importance of witness protection and ethical investigative practices.

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