

Institute of Technical Education Regulations

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PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Institute of Technical Education Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

“committee of inquiry” means a committee of inquiry appointed under regulation 4(3);

“emoluments” includes increments, allowances or other benefits;

“Establishment Committee” means the Establishment Committee appointed by the Board under section 15(1) of the Act to exercise the powers of the Board in relation to the termination of service, dismissal and disciplinary control of officers;

“officer” means an employee of the Institute, whether such employee is holding a permanent, temporary or contractual appointment and, for the purposes of Part III, means any such employee who holds a post below that of a manager or its equivalent;

“public officer” means an officer in the service of the Government or a statutory body other than the Institute;

“Scheduled matter” means an act or omission specified in the Schedule;

“supervisory officer” means an officer who is holding the post of at least a manager or its equivalent and appointed as such by the Chief Executive Officer.

PART II

DISCIPLINARY PROCEEDINGS — GENERAL

Less serious misconduct

3.—(1) Where it is represented to the Establishment Committee by the Chief Executive Officer that an officer is guilty of misconduct or neglect of duty and the Establishment Committee is of the opinion that the subject of the complaint is not serious enough to warrant proceedings under regulation 4 with a view to dismissal or reduction in rank, the Establishment Committee may cause an investigation to be made into the matter in such manner as it thinks fit.

(2) The officer shall be —

- (a) notified in writing by the Chief Executive Officer of the complaint made against him; and
- (b) given not less than 14 working days from the date of receipt of the notice to reply thereto.

(3) The Establishment Committee —

- (a) after considering the complaint made against the officer, his reply thereto and the results of the investigation, if any; and
- (b) if it is of the opinion that the allegation has been proved,

may impose on the officer a penalty, such as a stoppage or deferment of increment, a fine or a reprimand, or a combination of such penalties.

Serious misconduct

4.—(1) Where it is represented to the Establishment Committee by the Chief Executive Officer that an officer is guilty of misconduct or neglect of duty and the Establishment Committee is of the opinion that the subject of the complaint warrants proceedings with a view to dismissal or reduction in rank, the Establishment Committee may cause proceedings to be taken under this regulation.

(2) The officer shall be —

- (a) notified in writing by the Chief Executive Officer of the grounds upon which he is to be dismissed or reduced in rank and any other circumstances which are proposed to be taken into consideration; and
- (b) given not less than 14 working days from the date of receipt of the notice to exculpate himself in writing.

(3) Where the officer submits an exculpatory statement which is not satisfactory, the Establishment Committee shall appoint a committee of inquiry to inquire into the matter and to submit a report to the Establishment Committee.

(4) Where the officer fails to furnish an exculpatory statement within the time specified in paragraph (2), he shall be informed in writing by the Chief Executive Officer that if he fails to furnish an exculpatory statement within such time as the Establishment Committee may determine (which shall not be more than 28 working days from the date of receipt of the notice under that paragraph), the Establishment Committee may proceed in accordance with paragraphs (5) and (6).

(5) Where the officer —

- (a) admits to the complaint or any or all of the complaints; or
- (b) fails to furnish an exculpatory statement within the time specified in paragraph (2) or such extended time as may be given under paragraph (4),

the Establishment Committee may dispense with the appointment of a committee of inquiry under paragraph (3) to inquire into the matter and proceed to determine the matter in accordance with paragraph (6).

(6) Upon considering the facts available to it, the Establishment Committee may do any of the following:

- (a) if it is of the opinion that the officer under inquiry should be dismissed or reduced in rank, dismiss or reduce the rank of the officer from such date as it thinks fit; or
- (b) if it is of the opinion that some punishment other than dismissal or reduction in rank should be imposed —
 - (i) impose on the officer some lesser penalty, such as a stoppage or deferment of increment, a fine or a reprimand, or a combination of such penalties; or
 - (ii) require the officer to retire in the public interest or in the interest of the Institute without further proceedings under these Regulations, with or without a reduction in retirement benefits.

Committee of inquiry

5.—(1) The committee of inquiry in the performance of its functions shall not be deemed to be a judicial or quasi-judicial body.

(2) The committee of inquiry shall consist of —

- (a) an officer;
- (b) a public officer; and
- (c) a person chosen from a panel of persons appointed by the Establishment Committee.

(3) Each member of the committee of inquiry shall be notified of his appointment by the Chief Executive Officer.

(4) The person on the panel referred to in paragraph (2)(c) may be appointed for a period of 3 years and shall be eligible for reappointment.

(5) A member of the committee of inquiry who is not an officer or a public officer may be paid an allowance of such sum as may be determined by the Establishment Committee for the period during which the committee of inquiry is engaged in inquiring into a matter.

Inquiry proceedings

6.—(1) The officer under inquiry shall be given not less than 14 working days notice