

**INSTITUTE OF TECHNICAL
EDUCATION ACT**
(CHAPTER 141A)

**INSTITUTE OF TECHNICAL EDUCATION
REGULATIONS**

Rg 1
G.N. No.
S 240/2003

REVISED EDITION 2004
(31.12.2004)

31.12.2004

INSTITUTE OF TECHNICAL EDUCATION ACT
(CHAPTER 141A, SECTION 44)

INSTITUTE OF TECHNICAL EDUCATION
REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation
2. Definitions

PART II

DISCIPLINARY PROCEEDINGS — GENERAL

3. Less serious misconduct
4. Serious misconduct
5. Committee of inquiry
6. Inquiry proceedings
7. Interdiction
8. Criminal proceedings
9. Proceedings after conviction
10. Proceedings on acquittal
11. Forfeiture of allowances or other benefits

PART III

DISCIPLINARY PROCEEDINGS —
SCHEDULED MATTERS

12. Application of this Part
13. Procedure when complaint lodged for Scheduled matter
14. Report of supervisory officer
15. Decision of Establishment Committee

PART IV

MISCELLANEOUS

16. Officer not to resign or leave Singapore

Regulation

17. Termination of service
18. Saving
The Schedule

[12th May 2003]

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 in writing of the date on which the committee of inquiry will commence its inquiry, and the officer shall attend the inquiry and shall be permitted —

- (a) to cross-examine the witnesses;
- (b) to give evidence on his own behalf;
- (c) to have such witnesses as he may wish called on his behalf; and
- (d) to have access to information contained in any document at a reasonable time before the document is tendered in evidence.

(2) The record of the proceedings of the committee of inquiry shall consist of the information obtained by, and a report made by, the committee of inquiry.

(3) The information referred to in paragraph (2) shall be in the form of a narrative but the committee of inquiry may, in its discretion, record any particular question and answer.

(4) At the inquiry, the evidence on behalf of the Institute shall be presented by —

- (a) an officer nominated by the Chief Executive Officer;
- (b) a public officer; or
- (c) an advocate and solicitor appointed by the Chief Executive Officer.

(5) The officer under inquiry may be represented by an advocate and solicitor or by another officer.

(6) A person representing the officer under inquiry shall not be senior in rank to any member of the committee of inquiry or to the officer nominated by the Chief Executive Officer under paragraph (4) (a).

(7) The committee of inquiry may, at any time, exclude any person representing the officer under inquiry from the inquiry if the committee of inquiry is of the view that the person has misconducted himself or is attempting to delay the inquiry.

(8) The committee of inquiry shall not be bound to act in a formal manner and shall not be bound by the Evidence Act (Cap. 97) or by any other law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

(9) The committee of inquiry shall proceed with its inquiry from day to day and no adjournment shall be given except for reasons to be recorded in writing.

(10) The committee of inquiry shall report every adjournment and the reasons for such adjournment immediately to the Establishment Committee and the Chief Executive Officer.

(11) No adjournment shall be given for more than 14 working days except with the permission of the Establishment Committee.

(12) The committee of inquiry may, in its discretion, conduct proceedings under these Regulations notwithstanding the absence of one of its members, and the validity of such proceedings shall not be challenged on this ground.

(13) If the committee of inquiry is satisfied that the officer under inquiry or any person representing the officer is hampering or attempting to hamper the progress of the inquiry, the committee of inquiry shall administer a warning to the officer and, where appropriate, the person representing the officer.

(14) If, after administering the warning referred to in paragraph (13), the committee of inquiry is satisfied that the warning is being disregarded, the committee of inquiry shall make a written note of this and shall proceed to carry on with and complete the inquiry in such manner as it thinks fit.

(15) The committee of inquiry shall, within 14 working days of the conclusion of the inquiry (unless the Establishment Committee grants an extension of time), submit its report to the Establishment Committee and the Chief Executive Officer.

(16) Upon considering the report of the committee of inquiry, 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.

(17) The Establishment Committee may, where it thinks fit, require the committee of inquiry to reconvene to consider further evidence and to meet for that purpose, except that the officer under inquiry shall be given not less than 14 working days notice in writing of such further inquiry of the committee of inquiry, and paragraphs (1) to (16) shall apply, with the necessary modifications, to such further inquiry.

(18) The committee of inquiry shall only be dissolved upon a signification to that effect communicated to the members of the committee of inquiry by the Establishment Committee.

Interdiction

7.—(1) Where criminal proceedings have been instituted or disciplinary proceedings are being contemplated against an officer, the Establishment Committee may interdict the officer from the exercise of the powers and functions of his office if it considers that the interest of the Board so requires.

(2) Subject to regulation 8 (2), where an officer has been interdicted —

- (a) he may be allowed to receive such portion of the emoluments of his office for such period during the period of interdiction as the Establishment Committee thinks fit; or
- (b) the Establishment Committee may order the withholding of his total emoluments.

(3) If the disciplinary proceedings against an officer do not result in the dismissal or other punishment of the officer, the officer shall be entitled to the full amount of the emoluments which he would have received had he not been interdicted.

(4) If the punishment of an officer is other than dismissal, the officer may be refunded such portion of the emoluments withheld as a result of his interdiction as the Establishment Committee thinks fit.

Criminal proceedings

8.—(1) Where criminal proceedings are instituted against an officer, proceedings for his dismissal upon any ground related to the criminal charge shall not be taken until —

- (a) the criminal proceedings have been determined; or
- (b) if there is an appeal against conviction, the appeal has been withdrawn or deemed to have been withdrawn or disposed of by the appellate court.

(2) Unless the Establishment Committee otherwise directs, an officer convicted of a criminal offence shall not receive any emoluments from the date of conviction pending consideration of his case by the Establishment Committee.

Proceedings after conviction

9.—(1) Where an officer has been convicted of a criminal offence, the Establishment Committee may —

- (a) consider the record of the proceedings of the court; and
- (b) if it is of the opinion that the officer should be dismissed, reduced in rank or punished in some other way, punish the officer accordingly after he has been given a reasonable opportunity to be heard.

(2) The Establishment Committee shall not be obliged to appoint a committee of inquiry in the circumstances set out in paragraph (1).

Proceedings on acquittal

10. Where an officer is acquitted of a criminal charge, the Establishment Committee may —

- (a) consider the record of the proceedings of the court; and
- (b) if it is of the opinion that the officer should be dismissed, reduced in rank or punished in some other way, cause appropriate proceedings to be taken under these Regulations.

Forfeiture of allowances or other benefits

11.—(1) An officer who is dismissed shall forfeit all claims to any emoluments or part thereof which he would have enjoyed but for his dismissal.

(2) An officer whose increment is withheld pending disciplinary action may forfeit the withheld increment at the discretion of the Establishment Committee.

PART III

DISCIPLINARY PROCEEDINGS — SCHEDULED MATTERS

Application of this Part

12. Nothing in this Part shall be construed to prevent any disciplinary action being taken against an officer under Part II, except that the officer shall not be punished twice in respect of the same act or omission.

Procedure when complaint lodged for Scheduled matter

13.—(1) When a complaint is lodged against an officer alleging that the officer is guilty of any Scheduled matter, a supervisory officer may cause proceedings to be taken under this regulation.

(2) The complaint shall be communicated in writing to the officer who may be required to submit a written explanation within 7 working days or such longer period as the supervisory officer may allow.

(3) Where the supervisory officer is of the opinion that the complaint requires further investigation, he may conduct an investigation in such manner as he thinks fit.

(4) In any investigation under paragraph (3), the supervisory officer shall give the officer under investigation a reasonable opportunity to answer every allegation made against him.

(5) Where the supervisory officer is satisfied that the officer is guilty of the alleged Scheduled matter, the supervisory officer may determine that —

- (a) the officer be given a verbal warning;
- (b) the officer be issued a cautionary note;
- (c) the officer be issued a letter of warning or reprimand;
- (d) a fine not exceeding one week's total emoluments be imposed on the officer; or
- (e) any increment due to the officer be stopped or deferred for a period not exceeding 12 months.

Report of supervisory officer

14.—(1) Where the supervisory officer has determined the penalty to be imposed on an officer under regulation 13 (5), the supervisory officer shall submit, within 14 working days of such determination, a report to the Chief Executive Officer who shall forward it to the Establishment Committee.

(2) A report submitted by the supervisory officer under paragraph (1) shall contain a summary of the facts of the case and the determination of the supervisory officer.

(3) Where the Chief Executive Officer considers that the circumstances of the case justify a different penalty than that

determined by the supervisory officer, the Chief Executive Officer shall submit a recommendation to the Establishment Committee to that effect together with the report.

(4) No penalty may be imposed on an officer under this Part unless it has been approved by the Establishment Committee.

Decision of Establishment Committee

15.—(1) If, upon considering the report of a supervisory officer submitted under regulation 14, the Establishment Committee is of the opinion that there are sufficient grounds for interfering with the determination of the supervisory officer, it may do any of the following:

- (a) alter or reverse any finding of the supervisory officer and withdraw the penalty determined by the supervisory officer;
- (b) alter the penalty determined by the supervisory officer by enhancing or reducing the penalty; or
- (c) direct that fresh disciplinary proceedings shall be taken under Part II with a view to the dismissal or reduction in rank of the officer.

(2) Where the Establishment Committee decides to enhance the penalty to be imposed on an officer, it shall give the officer a reasonable opportunity to be heard.

PART IV

MISCELLANEOUS

Officer not to resign or leave Singapore

16. No officer against whom disciplinary proceedings are taken under these Regulations shall resign or leave Singapore before the disciplinary proceedings are concluded without the permission of the Establishment Committee.

Termination of service

17.—(1) Subject to paragraphs (5) and (6), a contract of service of an officer with the Institute (whether made before, on or after 12th May 2003) may, at any time, be terminated by the officer or the

Institute by giving to the other party written notice of his or its (as the case may be) intention to do so.

(2) The length of any notice referred to in paragraph (1) shall be determined by any provision made for the notice in the terms of the contract of service or, in the absence of such provision, shall be in accordance with paragraph (3).

(3) The length of any notice referred to in paragraph (1) shall, in the absence of any provision made for the notice in the terms of the contract of service, be the same for both the Institute and the officer and be not less than —

- (a) one day, if he has been so employed for less than 26 weeks;
- (b) 7 days, if he has been so employed for 26 weeks or more but less than 2 years;
- (c) 14 days, if he has been so employed for 2 years or more but less than 5 years; or
- (d) 28 days, if he has been so employed for 5 years or more.

(4) For the purposes of paragraph (3) —

- (a) “day” means a period of 24 hours beginning at midnight; and
- (b) the day on which the notice referred to in paragraph (1) is given shall be included in the period of the notice.

(5) This regulation —

- (a) shall not apply to, and in relation to, an officer who was an employee of the Government transferred to the service of the Institute with his pension benefits in respect of that employment preserved; and
- (b) shall not be taken to prevent either the Institute or any officer from waiving the right to be given notice under paragraph (1) on any occasion.

(6) A contract of service of an officer with the Institute may be terminated by the officer or the Institute without notice or before the expiry of the notice referred to in paragraph (1) by paying to the other party a sum determined by any provision made for this purpose in the terms of the contract of service or, in the absence of such provision, a sum equal to the total emoluments which would have accrued to the officer during the period of the notice.

Saving

18. Nothing in these Regulations shall be construed to prevent the prosecution of an officer in accordance with the provisions of any written law for the time being in force.

THE SCHEDULE

Regulation 2

SCHEDULED MATTERS

- (1) Speaking disparagingly of the Institute or the Government in a manner calculated to bring the Institute or the Government into disrepute.
- (2) Being rude to the public in speech.
- (3) Being discourteous to the public in manner.
- (4) Unpunctuality.
- (5) Absence from duty without leave or reasonable cause.
- (6) Sleeping on duty.
- (7) Non-compliance with or disobedience of orders or instructions.
- (8) Being under the influence of alcohol or drugs while on duty.
- (9) Insubordination.
- (10) Neglect of duty.
- (11) Excess of duty.
- (12) Carelessness or negligence resulting in loss of or damage to the Institute's property.
- (13) Wilful destruction of or damage to the Institute's property.
- (14) Impropriety in dress or appearance.
- (15) Using personal violence on any person, except in the case of —
 - (a) self-defence; or
 - (b) defence of any other officer or person.
- (16) Making a false or misleading statement in the course of duty.
- (17) Other conduct prejudicial to good order or discipline.

[G.N. No. S 240/2003]