

Institute of Education (Disciplinary Proceedings) Regulations

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Legislative History

INSTITUTE OF EDUCATION ACT
(CHAPTER 140, SECTION 23)

INSTITUTE OF EDUCATION
(DISCIPLINARY PROCEEDINGS) REGULATIONS

Rg 1

G.N. No. S 78/1976

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[15th April 1976]

Citation

1. These Regulations may be cited as the Institute of Education (Disciplinary Proceedings) Regulations.

Definitions

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

“Committee of Inquiry” means the Committee of Inquiry appointed under regulation 4(3);

“emoluments” includes any increments, allowances or other benefits which an officer is or may become entitled to during the period when disciplinary proceedings are instituted against him under these Regulations;

“Establishment Committee” means the Establishment Committee appointed by the Council to exercise the powers of the Council in relation to the termination of appointment, dismissal and disciplinary control of the officers of the Institute;

“officer” means a confirmed officer of the Institute;

“public officer” means an officer in the service of the Government or a statutory body.

Less serious misconduct

3.—(1) If it is represented to the Establishment Committee by the Director that an officer has been 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 regulations 4, 5, 6 and 7 with a view to the dismissal or the

reduction in rank of the officer, the Establishment Committee may cause an investigation to be made into the matter in such manner as it thinks fit, and the officer shall be informed in writing of the case against him and shall have a reasonable opportunity of replying thereto.

(2) The Establishment Committee may, after considering the case made against the officer, his reply thereto and the results of the investigation, if any, and, if it is of the opinion that the allegation has been proved, impose a penalty such as a fine, stoppage or deferment of increment, or reprimand, or a combination of such penalties.

Serious misconduct

4.—(1) If it is represented to the Establishment Committee by the Director that an officer has been 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 and regulations 5, 6 and 7.

(2) The officer shall be notified in writing by the Director of the grounds, which shall be reduced to the form of a definite charge or charges, upon which it is intended to dismiss him or to reduce his rank and he shall be given not less than 7 working days within which to exculpate himself in writing. The officer shall also be informed in writing of any other circumstances which it is proposed to take into consideration.

(3) If 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 the Committee of Inquiry shall submit a report to the Establishment Committee.

(4) The Committee of Inquiry in the performance of its functions shall not be deemed to be a judicial or quasi-judicial body.

(5) The Committee of Inquiry shall consist of —

- (a) an officer of the Institute;
- (b) a public officer who is not an officer of the Institute; and
- (c) a person chosen from a panel of persons appointed by the Establishment Committee.

Each member of the Committee of Inquiry shall be notified of his appointment by the Director.

(6) The membership of the panel referred to in paragraph (5)(c) shall normally be for a period of 3 years but members shall be eligible for reappointment at the expiry of that period.

Proceedings before Committee of Inquiry

5.—(1) The officer shall be given at least 7 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 to —

- (a) cross-examine the witnesses;
- (b) give evidence on his own behalf;
- (c) have such witnesses as he may wish called on his behalf; and
- (d) 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 that Committee and a report by that Committee. The information shall not ordinarily be set out in the form of question and answer but in the form of a narrative and the Committee of Inquiry may in its discretion record any particular question and answer.

(3) At the inquiry, the evidence on behalf of the Institute shall be presented by an officer of the Institute or by any public officer or an advocate and solicitor appointed by the Director. The officer under inquiry may be represented by an advocate and solicitor or by another officer of the Institute.

(4) The Committee of Inquiry shall not be bound to act in a formal manner and shall not be bound by the provisions of 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.

(5) 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. Every adjournment, with reasons therefor, shall be reported forthwith to the Establishment Committee. No adjournment shall be given for more than 14 days except with the permission of the chairman of the Establishment Committee or in his absence a member of the Committee.

(6) The Committee of Inquiry may at 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.

(7) If the Committee of Inquiry is satisfied that the officer under inquiry is hampering or attempting to hamper the progress of the inquiry it shall administer a warning to the officer. If, after such warning, the Committee of Inquiry is satisfied that the officer is acting in disregard of the warning, it shall make an entry in the record to that effect and shall proceed to complete the inquiry in such manner as it thinks fit.