

## Student Discipline Policy

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### 1. Purpose

The Student Discipline Policy sets out the powers and processes by which a student of Melbourne Polytechnic may be disciplined by Melbourne Polytechnic for engaging in misconduct or alleged misconduct.

The Policy also sets out the processes by which a student can seek a review of Melbourne Polytechnic's decisions regarding discipline. The policy should be read in conjunction with the Student Code of Conduct Guidelines.

### 2. Principles

The Student Discipline Policy is under-pinned by the following principles:

- natural justice
- confidentiality and privacy
- procedural fairness
- transparency, impartiality and honesty
- Right of appeal

### 3. Scope

This policy applies to the following:

- 3.1 Domestic and international students, including VCAL, VET and higher education students;
- 3.2 Any formal or informal contexts related to Melbourne Polytechnic activities on campus and online;
- 3.3 All educational contexts including classroom and on campus activities, Melbourne Polytechnic related excursions and off campus activities;
- 3.4 Workplace training environments where the breach of the student discipline policy relates to the student's academic study rather than the employment conditions of the placement/traineeship
- 3.5 Students on exchange, who must also comply with the policies, rules and procedures of the host institution where they are studying.

### 4 Disciplinary Powers of the Chief Executive and other Personnel

- 4.1. The Chief Executive, Executive Directors, Heads of School, Directors, Managers, Program Leads, Lecturers, Teachers, Library, Academic Services and Student Services Staff have the powers to impose penalties, summarily or otherwise, in accordance with this Policy where they are satisfied that it is more likely than not that a student has engaged in misconduct (the balance of probabilities) and that the imposition of a penalty is warranted.
- 4.2. The imposition of a penalty may be warranted where the outcome of an investigation indicates that the student about whom the investigation was conducted has engaged in misconduct.
- 4.3. The imposition of a summary penalty (that is a penalty imposed without an investigation being conducted) may be warranted where:
  - (a) it is necessary and reasonable for immediate action to be taken against a student in relation to misconduct or alleged misconduct by that student;
  - or
  - (b) where the person imposing the penalty does not consider that an investigation is necessary or that an investigation would be unreasonable in the circumstances.

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4.4. Specifically, the below mentioned personnel have the power to implement any one or more of the following penalties in accordance with the provisions below.

- (a) The Chief Executive may:
  - i. expel a student; (this power may not be exercised summarily);
  - ii. demand compensation from a student to make good on damage, loss or theft of institute property;
  - iii. suspend a student for a specified time period;
  - iv. for misconduct related to assessment (e.g. cheating or plagiarism), grade the student as having failed a subject, course or unit of study (however described) or vary the student's assessment in that subject, course or unit;
  - v. impose a fine not exceeding \$2,000.00; or
  - vi. reprimand a student.
- (b) any Executive Director may:
  - i. demand compensation from a student to make good on damage, loss or theft of institute property;
  - ii. suspend a student for a specified time period;
  - iii. impose a fine not exceeding \$2,000.00; or
  - iv. for misconduct related to assessment (e.g. cheating or plagiarism), grade the student as having failed a subject, course or unit of study (however described) or vary the student's assessment in that subject, course or unit; or
  - v. reprimand a student.
- (c) A Director or a Head of School may:
  - i. suspend a student for a period of up to one semester; or
  - ii. reprimand a student.
- (d) A Program Manager / Manager of a Service department may:
  - i. suspend a student for a period of up to two weeks; or
  - ii. reprimand a student.
  - iii. Higher Education Program Managers manage assessment misconduct according to the [Student Academic Integrity \(HE\) Policy](#) and [Assessment \(HE\) Policy](#).

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- (e) A Program Leader may:
    - i. suspend a student for a period of up to one week; or
    - ii. reprimand a student.
  - (f) Any Teacher or Lecturer may:
    - i. suspend a student from the precincts of Melbourne Polytechnic for a period of up to one working day;
    - ii. suspend a student from the remainder of a class, lecture or tutorial or the next class, lecture or tutorial for which the teacher or lecturer has responsibility; or
    - iii. reprimand a student.
  - (g) A member of the Library or Academic Services staff may suspend a student from the use of the library or other relevant facility for the remainder of the day.
  - (h) A member of Student Services may suspend a student from the use of an institute facility for the remainder of the day.
- 4.5. A student should only be suspended where the relevant personnel considers this to be necessary to maintain good order, for instance where the student's behaviour disrupts the functioning of Melbourne Polytechnic or poses a risk to any person or property.
- 4.6. When imposing a penalty against a student in accordance with this Policy, the person imposing the penalty may take the following factors into account when deciding on the severity of the penalty.
- (a) The age and/or maturity of the student.
  - (b) The harm, discomfort or offence caused to others by the misconduct.
  - (c) The value of any damage that has resulted from the misconduct.
  - (d) The risk that the misconduct posed to the health and safety of any other persons.
  - (e) The damage or disruption or the risk of damage or disruption to the operations of Melbourne Polytechnic or the reputation of Melbourne Polytechnic and its staff and students.
  - (f) Any remorse, or lack thereof, shown by the student in relation to the misconduct.
  - (g) The appropriateness and availability of other preventative and corrective actions, for example attendance by the student at training regarding appropriate behaviour, cheating or plagiarism.

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- (h) The need to deter other students from engaging in misconduct.
- (i) Any other relevant factor.

### 5. Referral for further disciplinary action

- 5.1. When any staff member under clauses 4.4 (d) to 4.4 (h) above considers that in addition to any other penalty, which he/she may impose, the misconduct of a student is such as to warrant reference to the appropriate Head of School, or Executive Director for further disciplinary action, he/she shall do so.
- 5.2. When a Head of School or Director considers that in addition to any other summary penalty, which he/she may impose, the misconduct of a student is such as to warrant reference to the Chief Executive, Executive Director, (as the case may be) for further disciplinary action, he/she may do so.

### 6. Reporting of summary penalty

- 6.1. All penalties imposed under 4.5 (g) and 4.5 (h) above shall be reported in writing (for example by email) by the person imposing the penalty to either Manager Library and Academic Services or Manager Student Services (as appropriate) not later than the next working day or as soon as is reasonably practicable after the penalty has been imposed. The Manager Library and Academic Services or Manager Student Services shall keep an ongoing record of all such penalties and will forward the details of the penalties to the Director Student Experience as appropriate.
- 6.2. All penalties imposed under clauses 4.4 (e) and 4.4 (f) above shall be reported in writing (for example by email) to the relevant Program Manager not later than the next working day or as soon as is reasonably practicable after the penalty has been imposed. The relevant Program Manager shall keep an ongoing record of all such penalties and will forward the details of the penalties to the Head of School as appropriate.
- 6.3. All penalties imposed under clauses 4.4 (a) to 4.4 (d) above shall be reported in writing (for example by email) to the Office of Executive Director Student Experience not later than the next working day or as soon as is reasonably practicable after the penalty has been imposed. The Office of Executive Director Student Experience shall keep an ongoing record of all such penalties.

### 7. Misconduct related to student assessment

- 7.1. For misconduct related to assessment (e.g. cheating or plagiarism), the Executive Director Programs and Educational Leadership or their respective delegates, after consultation with the relevant Head of School, may grade the student as having failed in that subject, course or unit of study (however described) or may vary the student's assessment in that subject, course or unit.
- 7.2. Where a penalty is imposed under clause 7.1 for VET students, the student shall be given written notice by the Executive Director Programs and Educational Leadership, or their respective delegates of such penalty.

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Unless the student concerned, within ten (10) business days of receipt of such notice, gives notice in writing to the Chief Executive of appeal against such penalty, the Executive Director Programs and Educational Leadership shall formally notify the student of failure or variation in grade in the subject and adjust the student's record accordingly at the end of the ten (10) business day notice period.

- 7.3. For Higher Education, students refer to the [Student Academic Integrity \(HE\) Policy](#) and [Assessment \(HE\) Policy](#).

### 8. Compensation for damage

- 8.1. A penalty imposed on a student may be or include a demand for compensation under clause 4.4(a)(ii) or 4.4(b)(i) of this Policy. Such a demand may require the student to pay to Melbourne Polytechnic compensation for damage to Melbourne Polytechnic property, or damage to other property for which Melbourne Polytechnic is liable, caused as a result of that student's misconduct.
- 8.2. The amount of compensation to be paid as compensation under clause 8.1 of this Policy shall be determined in a fair and reasonable manner by the Director Finance and Commercial. The Director Finance and Commercial shall issue a certificate as to the value of the property damaged as a result of that student's misconduct and the amount of compensation payable.

### 9. Notice of Penalty and/or decision

- 9.1. Where a penalty is imposed under clauses 4.4(a) to 4.4(d), the student concerned shall be given a notice in writing by relevant member of staff determining the penalty, , or his/her delegate that includes:
- (a) brief details of the misconduct for which the penalty was imposed;
  - (b) the provision of this Policy under which the penalty was imposed;
  - (c) a statement of the penalty including particulars of any compensation payable under clause 8;
  - (d) the date on which the penalty was imposed;
  - (e) the office at and the date by which any fine imposed must be paid;
  - (f) a statement that the student may apply to the Director Finance and Commercial for a deferment of any penalty imposed, including time in which to pay any fine or other monetary sum; and
  - (g) a statement that this Policy confers certain rights of review or appeal and should therefore be consulted by the student.
- 9.2. Upon determination of any review or appeal against the imposition of any penalty, the student concerned shall, as soon as practicable, be given advice in writing by the Chief Executive or his/her delegate regarding the result of the review or appeal.

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### **10. Reviews by the Chief Executive**

- 10.1. Subject to clause 16, any student upon whom a summary penalty has been imposed under clauses 4.4(b) to 4.4(d) above, may request in writing to the Chief Executive or his/her delegate to review the summary penalty imposed. Such request must be given within ten (10) business days of receipt of notification of the penalty.
- 10.2. All such reviews under clause 10.1 shall be undertaken and determined by the Chief Executive or his/her delegate as soon as reasonably practicable.
- 10.3. A determination by the Chief Executive or his/her delegate under clause 10 that affirms or otherwise imposes a penalty on a student constitutes the imposition of a penalty under clause 4.4(a) for the purposes of clauses 13 and 9.1.

### **11. Student Discipline Committee**

- 11.1. A Committee shall be formed by the Chief Executive as required.
- 11.2. A Committee shall consist of three Melbourne Polytechnic staff members and shall include one Senior Manager who will act as Chairperson of the Committee. Where the misconduct is cheating or plagiarism, at least two members of the Committee will be academic staff members. The Chief Executive will also appoint a secretary to assist the Committee with administrative tasks but who will not take part in the deliberations of the Committee or vote on any issue.
- 11.3. No person who has, or in the past had, a close association with the student or with any person who made an allegation of misconduct, or who is directly involved in a matter referred to a Committee may serve as a member on that Committee or act as secretary to that Committee.
- 11.4. The decisions of the Committee on any matter shall be by a majority vote, with each member of the Committee entitled to one vote.

### **12. Student Discipline Committee hearings**

- 12.1. In relation to any hearings the Committee shall regulate its own procedure in respect of the hearing and shall ensure that procedural fairness is afforded to the student concerned and any other relevant parties, including ensuring that:
  - (a) the student concerned has been informed, in writing, of any allegations against him or her no later than ten (10) working days prior to the hearing;
  - (b) the student concerned has had a reasonable opportunity to put material and submissions, either orally or in writing, before the Committee (a request by a student concerned for additional time to prepare material or submissions may be reasonable grounds for an adjournment of a hearing in accordance with clause 12.2 below);
  - (c) all relevant parties are heard, including any witnesses called by the student concerned, and all relevant submissions are considered by the Committee;
  - (d) the student concerned is permitted to be accompanied or assisted, but not represented, by an observer/support person, provided that such observer or

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support person must agree to comply with all reasonable directions given by the Committee or its Chairperson from time to time; and

- (e) the Committee acts fairly and without bias.
- 12.2. The Committee may adjourn a hearing to another date and/or time if it deems an adjournment is appropriate in the circumstances. The Committee must notify the student concerned, in writing, of any such adjournment. The Committee may refuse a student's request for an adjournment unless it would be unreasonable to do so.
- 12.3. The Committee may proceed to hear and determine any matter on appeal at the notified time if the student concerned fails to appear at the hearing.
- 12.4. A report of the hearing of the Committee shall be provided by the Chairperson of the Committee to the Chief Executive within three (3) business days after the hearing or as soon as is reasonably practicable thereafter. A copy of the report of the hearing of the Committee shall also be sent to the Executive Director Student Experience, who shall keep an ongoing record of all such reports.

### 13. Appeals to the Student Discipline Committee

- 13.1. Any student upon whom a penalty has been imposed under clause 4.4(a) may appeal to the Committee.
- 13.2. The decision of the Committee in relation to such an appeal shall be final.
- 13.3. All appeals under clause 14.1 shall be heard and determined by the Committee as soon as is reasonably practicable.

### 14. Method of appeal to the Student Discipline Committee

- 14.1. Any appeal by a student to the Committee shall be exercised by the student delivering to the office of the Chief Executive, during ordinary office hours and within ten (10) business days of the date of receipt of notification of the decision appealed against, a written and signed notice of appeal.
- 14.2. A notice of appeal for the purposes of clause 14.1 shall contain:
- (a) the name of the officer or body that made the decision;
  - (b) brief details of the alleged misconduct;
  - (c) an outline of the basis of the appeal (dot points are sufficient);
  - (d) a statement of whether or not the student proposes to appear and be heard by the Committee (whether the student would like to address the Committee in person) or to provide a written submission or both;
  - (e) a statement of whether the student wishes to have an observer/support person present at the hearing and, if so, the name, address and occupation of the proposed observer/support person; and

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- (f) a statement as to whether the student proposes to call any witnesses to be heard by the Committee and, if so, each of the witness' names and a brief statement as to how each witness is relevant to the matter.

### 15. Determination of appeals

15.1. When determining any appeal, the Committee may:

- (a) uphold the appeal in part or in full; or
- (b) dismiss the appeal.

15.2. Should the Committee dismiss the appeal it may either:

- (a) confirm the penalty previously imposed; or
- (b) recommend to the Chief Executive or his/her delegate an alternative penalty in lieu of the penalty previously imposed.

15.3. Where an appeal is upheld in whole or in part, Melbourne Polytechnic, as informed by the Committee, will provide an opportunity for the student, so far as may be reasonably practicable, to meet academic requirements delayed by any period of suspension/expulsion.

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### 16. Suspension of Penalty

16.1. Pending the determination of any review or appeal:

- (a) any penalty imposed upon the student shall, at the Chief Executive or his/her delegate's discretion, be put off or deferred; and
- (b) at the Chief Executive or his/her delegate's discretion, the student shall not be entitled to receive any award.

### 17. Complaints and grievances about the implementation of this policy

A student may lodge a Complaint or Grievance in accordance with the Student Complaints and Appeals Policy in relation to the implementation or operation of this Policy.

### 18. Definitions

Authorised: authorised by the Chief Executive or his/her delegate.

Board: The Melbourne Polytechnic Board

Bullying: means repeated, unreasonable behaviour directed towards another person that creates risk to the health and safety of that person.

Chief Executive (CE): shall be the person appointed by the Board as the Chief Executive of Melbourne Polytechnic

Cheating: means any behaviour which is engaged in by a student or another person on behalf of a student (and/or students or persons acting in collusion) to provide that student or a group of students with an academic advantage to which that student or a group of students is not entitled.

Committee: means a Student Discipline Committee appointed by the Chief Executive in accordance with clause 11 of this Policy.

Confidential Information: means information of any kind, which, because of its confidential character, is capable of protection by contractual or equitable means, and includes information of a valuable commercial or technical character.

Cyberbullying: means any use of information and communication technology (ICT) to support deliberate, repeated, hostile behaviour by an individual or group that is intended to harm others.

Expulsion: means the permanent removal of a person's right to be a student of Melbourne Polytechnic and to enter and to be in any of the precincts of Melbourne Polytechnic ("expel" shall have a similar meaning).

Harassment: means any unwelcome and unreasonable conduct, whether it be verbal, physical, electronic or otherwise, towards another person in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

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Higher Education: means Higher Education teaching departments that deliver higher education qualifications approved by the responsible government agency.

Investigation: means a process by which a Melbourne Polytechnic staff member makes reasonable inquiries about the circumstances surrounding the alleged misconduct of a student, conducted in accordance with the principle of procedural fairness.

Melbourne Polytechnic Campus: shall mean and include each and every designated area occupied by Melbourne Polytechnic and all buildings and structures thereon.

Misconduct: means any conduct that is prejudicial to the good order and discipline of Melbourne Polytechnic, impairs the reasonable freedom of other persons to pursue their studies or research or work at Melbourne Polytechnic or to participate in the life of Melbourne Polytechnic, or is likely to bring Melbourne Polytechnic into unjustified disrepute.

Without limiting the generality of the foregoing, misconduct includes the following.

- (a) Failure to comply with any reasonable instruction of a member of the Board or staff of Melbourne Polytechnic, whether pursuant to Melbourne Polytechnic Rules, Policies or generally, including:
  - i. any instruction given to a student to identify him/herself by the production of an identity card or otherwise; or
  - ii. any instruction relating to safety of the student or anyone else.
- (b) Wilful or negligent damage to, removal of, or any other wrongful interference with any property of:
  - i. the Board or Melbourne Polytechnic wheresoever situated; or
  - ii. any student, or member of the staff of Melbourne Polytechnic or any other person, firm or corporation within the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic.
- (c) Any verbal or physical assault upon any person within or near the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic.
- (d) Any false representation, whether oral or written, on a matter concerning or affecting the student in his/her capacity as a student at Melbourne Polytechnic.
- (e) Wilful or negligent conduct that adversely affects the due conduct of the business of the Board or Melbourne Polytechnic or the work of any person in that person's capacity as a student or member of the staff of Melbourne Polytechnic.
- (f) Wilfully entering any part or precinct of Melbourne Polytechnic, or any other place to which students may have access for the purposes of tuition, when

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- not entitled to do so or, having so entered, refusing to leave when requested to do so.
- (g) Wilful, reckless or negligent failure to comply with any:
    - i. Melbourne Polytechnic rule;
    - ii. Melbourne Polytechnic policy; or
    - iii. similar order, direction or authorised notice.
  - (h) Knowingly accessing or publishing any confidential information of or held by Melbourne Polytechnic.
  - (i) Conduct within the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic that is disorderly, offensive or unreasonably interferes with the comfort or convenience of any other person.
  - (j) Conduct within the precincts of Melbourne Polytechnic that constitutes bullying, cyber bullying, harassment, including sexual harassment, or unlawful discrimination.
  - (k) Unauthorised or illegal interference with, or access to, electronic resources and/or records or data which are either the property of Melbourne Polytechnic or accessible through Melbourne Polytechnic resources. This includes, but is not limited to, conduct in breach of Melbourne Polytechnic's Student Use of the Melbourne Polytechnic ICT Network or any other Melbourne Polytechnic information technology related policy in place.
  - (l) Unauthorised recording of lectures, seminars, classes or workshops.
  - (m) Cheating, attempting to cheat or knowingly assisting any other student to cheat or attempt to cheat.
  - (n) Acts of plagiarism in relation to any assessment, task, activity or other thing conducted or facilitated by or on behalf of Melbourne Polytechnic.
  - (o) Possessing, using or trafficking any illegal substance on or near the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic.
  - (p) Failure to pay any fee or charge payable or otherwise observe any fine or penalty imposed under any Melbourne Polytechnic Rules or Policies by the required date.
  - (q) Any other unlawful act committed within the precincts of Melbourne Polytechnic or in relation to any activity conducted or facilitated by Melbourne Polytechnic or in any way related to Melbourne Polytechnic or any student or member of the staff of Melbourne Polytechnic.

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Penalty: means expulsion, suspension, demand for compensation, imposition of a fine not exceeding \$2,000.00, re-grading of assessment, reprimand or other similar action.

Plagiarism: means the use of all or part of another person or entity's work without appropriate acknowledgment of the author or source.

Precincts of Melbourne Polytechnic: means and includes all Melbourne Polytechnic campuses, and all places and buildings outside Melbourne Polytechnic campuses used by Melbourne Polytechnic for the purposes of Melbourne Polytechnic, whether occupied by Melbourne Polytechnic solely or in conjunction with or by others, and all places to which a student or students have access from time to time for the purpose of tuition, study or in connection with any educational program of Melbourne Polytechnic or for student services or for social or recreational purposes.

Procedural Fairness: means ensuring that decision-making is fair and reasonable and includes aspects such as:

- (a) giving all interested parties an opportunity to be heard in an open and fair manner;
- (b) acting without bias;
- (c) informing a student that allegations of misconduct have been raised in relation to them and the nature of any allegations against them or grounds for adverse comment in respect of them;
- (d) providing a student with a reasonable opportunity to respond to allegations of misconduct and present arguments or evidence in his or her defence;
- (e) making all reasonable inquiries into the source of allegations of misconduct relating to a student, including consideration of any relevant Melbourne Polytechnic policies;
- (f) ensuring that all relevant parties to a matter are heard;
- (g) ensuring that no person undertakes an investigation in relation to a matter which directly involves themselves; and
- (h) completing an investigation and other processes without undue delay.

Sexual Harassment: means any unwelcomed conduct of a sexual nature, whether it be verbal, physical, electronic or otherwise, towards another person in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Suspension: means the removal for a specified time period of a person's right to enter, to remain and to participate in all or specified parts of the precincts of Melbourne Polytechnic and all or specified facilities, classes, examinations, tests and other activities of or under the control of Melbourne Polytechnic ("suspend" shall have a similar meaning).

VET: means Vocational Education and Training teaching departments that deliver qualifications from Certificate I level through to Advanced Diplomas.

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### 19. Responsibility and Accountability

Task	Responsibility	Notes
Expel a student	<p>Chief Executive or Executive Director. Upon expulsion, Chief Executive or Executive Director must advise:</p> <p>Head of School Security Academic Registry/STRATA</p>	<p><u>Penalty</u></p> <p>Seek compensation to make good on damage/loss on theft;</p> <p>Impose a fine not exceeding \$2,000;</p> <p>Suspend a student for a specified period of time;</p> <p>For misconduct related to assessment, grade the student as having failed subject / course or unit (however described) or vary the student's assessment in that subject, course or unit;</p> <p>Reprimand a student.</p>
Suspend a student – one semester	<p>Relevant Director Head of School</p>	Suspend student for up to one semester, or reprimand a student.
Suspend a student – up to two weeks	<p>Program Manager Manager Library Academic Support Manager Student Services</p>	Suspend student for up to two weeks, or reprimand a student.
Suspend a student – up to one week	<p>Program Leads/Coordinators</p>	Suspend student for up to one week, or reprimand a student.
Suspend a student – up to one day or remainder of class	<p>Teacher Lecturer</p>	<p>Suspend student for up to one day, or reprimand a student.</p> <p>Or</p> <p>Suspend a student from the remainder of a class, lecture or tutorial or the next class, lecture or tutorial for which the teacher or lecturer has responsibility or;</p> <p>Reprimand student.</p> <p>Higher Education Academic misconduct is managed according to <a href="#">Student Academic Integrity (HE) Policy</a></p>

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Suspend a student from the use of the library or other relevant Student services facility for the remainder of the day.	Member Library or Academic Support Staff  Student Services Staff	
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## 20. Supporting Documents and Templates

[Assessment \(HE\) Policy](#)

[Assessment \(VET\) Policy](#)

[Student Academic Integrity \(HE\) Policy](#)

[Student Code of Conduct Guidelines](#)

[Student Complaints and Appeals Policy](#)

[Student Use of the Melbourne Polytechnic ICT Network](#)

## 21. Policy Control

<b>Approving authority</b>	<i>Melbourne Polytechnic Executive</i>
<b>Date approved</b>	<i>13 August 2018</i>
<b>Date effective</b>	<i>13 August 2018</i>
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