Student Integrity and Misconduct Procedure

Section 1 - How the Associate Director or Integrity Officer deals with alleged misconduct

(1) The purpose of this section is to govern how an allegation of misconduct will be dealt with by the Associate Director or an Integrity Officer, including without referring the matter to a misconduct proceeding.

Reports of Misconduct

(2) A person may report alleged misconduct by a student to the Associate Director or an Integrity Officer.

(3) Staff members who receive a report of alleged misconduct by a student must refer it to the Associate Director or an Integrity Officer, unless authorised by another policy or procedure of the University not to do so.

(4) The Associate Director or an Integrity Officer may, of their own initiative, make a report of alleged misconduct by a student based on information received or of which they become aware.

(5) All such reports are to be recorded in the Conduct Register.

Options Available to the Associate Director or an Integrity Officer

(6) Upon receipt of a report of alleged misconduct, or on their own initiative, the Associate Director or any Integrity Officer may do one or more of the following:

a. cause an investigation to be undertaken into any possible misconduct by a student (including, without limitation, by a staff member from the Student Grievance Resolution Unit or Integrity Unit or a person external to the University);
b. decide that no further action should be taken on that report because:
    i. the alleged misconduct does not fall within the scope of the Policy; or
    ii. the allegation concerns conduct of a trivial nature, and it would be inexpedient to impose any penalty;
c. decide to defer any immediate action on that report, including because the student is subject to a parallel process in which the conduct is being investigated and which might ultimately lead to the University determining not to proceed with further action;
d. decide to offer the student conduct counselling in accordance with clauses 10-13 (‘Conduct Counselling’ provisions);
e. decide to issue the student with a conduct notice in accordance with clauses 14-16 (‘Conduct Notices’ provisions);
f. refer an allegation of misconduct by a student for hearing and determination by a Misconduct Body in accordance with section 2;
g. request the Academic Registrar to consider reporting the matter to the police or another law enforcement agency.

(7) Any decision made under clause 6 may be revoked at any time, unless:

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a. clause 11(c)(ii) or clause 15 apply; or
b. the matter has been referred to a misconduct proceeding under clause 6(f), after which no further or other action under clauses 6-9 may be taken.

(8) Subject to clause 7, the Associate Director or an Integrity Officer will have discretion as to how to proceed in relation to alleged misconduct having regard to (without limitation):

a. the nature of the allegations;
b. the seriousness of the allegations;
c. the misconduct record of the student, including whether the student has previously been counselled or issued with a conduct notice under the Policy and this Procedure; and
d. whether the University has previously made a finding that the student engaged in misconduct as recorded on the Conduct Register.

(9) In exercising their discretion, the Associate Director or an Integrity Officer:

a. may seek advice from the Academic Registrar and/or an Integrity Officer;
b. is not required to give the student an opportunity to make submissions or otherwise be heard in relation to the exercise of the discretion;
c. may only offer conduct counselling or issue a conduct notice if it is considered that it is appropriate to take a purely educative response or it is not otherwise necessary or appropriate to proceed to investigate and determine whether misconduct occurred in all the circumstances of the case.

Conduct Counselling

(10) If the Associate Director or an Integrity Officer is considering making a decision to offer conduct counselling to a student, they may:

a. send correspondence to the student identifying alleged conduct of the student that does not meet the University's expectations as recorded in the Student Code of Conduct;
b. invite the student to meet with the Associate Director or an Integrity Officer to discuss the conduct alleged and how it might be resolved without the Associate Director or an Integrity Officer referring the matter to a misconduct proceeding.

(11) An offer of counselling is a proposal, made in writing by the Associate Director or an Integrity Officer to the student, that:

a. identifies alleged conduct of the student that does not meet the University’s expectations as recorded in the Student Code of Conduct;
b. invites the student to resolve these concerns (without admission) by undertaking to do one or more of the following (without limitation):
    i. making an apology to any person specified by the Associate Director or an Integrity Officer, in the form specified by the Associate Director or an Integrity Officer;
    ii. taking the benefit of specified learning services available to students at the University;
c. advises the student that:
    i. the proposal can be accepted, by returning a completed form of offer, within a specified time period; and
    ii. if the proposal is accepted, and the student satisfies the University that their undertaking has been performed, then no misconduct proceedings will be taken upon the conduct alleged.

(12) Where an offer of conduct counselling has been accepted, and the Associate Director is satisfied that the student has performed their undertaking, then no finding of misconduct will be made in relation to that conduct and no misconduct proceedings will be taken upon the conduct alleged. However, the record of the matter on the Conduct Register pursuant to clause 13 may be considered in determining how to proceed in relation to any future allegations of misconduct made against the student pursuant to clause 8(c).

(13) A decision by the Associate Director or an Integrity Officer to offer conduct counselling, a student's acceptance of that offer, and the extent to which the student has satisfied any undertaking given will be recorded on the Conduct Register.

Conduct Notices

(14) The Associate Director or an Integrity Officer may issue a student with a written conduct notice, which:

a. identifies alleged conduct of the student that is alleged to constitute a breach of the Student Code of Conduct;
b. advises the student that:
    i. they are being provided with an opportunity to make an early admission of their conduct and accept the imposition of a stated penalty (being a penalty that could be imposed by a Misconduct Committee);
    ii. this opportunity can be accepted, by completing and returning the notice, within a specified time period (being no less than 14 days after issuance of the conduct notice); and
    iii. if that occurs, then no misconduct proceedings will be taken upon the conduct alleged and no finding of misconduct will be recorded in the Conduct Register.

(15) Where a conduct notice has been accepted by a student, no finding of misconduct will be made in relation to that conduct, no misconduct proceedings will be taken upon the conduct alleged and the penalty accepted by the student will be enforceable as if it were imposed by a Misconduct Committee. However, the record of the matter on the Conduct Register pursuant to clause 16 may be considered in determining how to proceed in relation to any future allegations of misconduct made against the student pursuant to clause 8(c).

(16) A decision by the Associate Director or an Integrity Officer to issue a student with a conduct notice, the student's admission of the conduct by the due date in the required form and any penalty imposed, will be recorded on the Conduct Register.

Section 2 - How a Matter is Referred to a Misconduct Proceeding

(17) The purpose of this section is to govern the referral of a matter to a misconduct proceeding, to be heard and determined by a Misconduct Body. The allegation notice is intended to provide the student with particulars of the allegation made, which enable the student to understand and respond to the allegation. The document bundle is intended to ensure that the student has copies of the materials available to the Misconduct Body to be considered in determining the allegation.

Referral of Matter to a Misconduct Body

(18) If the Associate Director or an Integrity Officer determines that an allegation of misconduct by a student is to be referred to a Misconduct Body for hearing and determination pursuant to clause 6(f), the Associate Director or an Integrity Officer must refer it to either:

a. a Misconduct Committee constituted under the Policy; or
b. the University Misconduct Board constituted under the Policy.

(19) In determining whether to refer the allegation to a Misconduct Committee or the University Misconduct Board, the Associate Director or an Integrity Officer will have regard to their assessment of the range of potential penalties that may be imposed if the totality of the alleged misconduct is proven.

(20) The Associate Director or an Integrity Officer must refer an allegation to the University Misconduct Board if they consider that a penalty imposed for misconduct may include one or more the following:

a. refusing or cancelling credit for any course;
b. revocation of an award;
c. suspension from the University for a specified period of more than 2 weeks; or
d. expulsion from the University.

Producing the Allegation Notice and Document Bundle

(21) The Associate Director or an Integrity Officer will prepare or arrange the preparation of:

a. an allegation notice;
b. the document bundle.

(22) The Associate Director or an Integrity Officer is not confined to the conduct in the original report of misconduct in the preparation of the allegation notice or the document bundle.

(23) The Associate Director or an Integrity Officer refers the matter to a misconduct proceeding by ensuring:

a. the commencement of the proceeding is entered on the Conduct Register;
b. a copy of the allegation notice and the document bundle are provided to the Misconduct Body; and
c. a copy of the allegation notice and the document bundle are provided to the student.

Amendments to the Allegation Notice and/or Document Bundle

(24) If the Associate Director or an Integrity Officer determines prior to the Misconduct Body making its decision that the allegation notice should be amended and/or further material should be provided to the Misconduct Body, the Associate Director or an Integrity Officer will ensure the preparation and issue of an amended allegation notice and/or supplementary document bundle to the student and the Misconduct Body.

(25) Where an amended allegation notice and/or supplementary document bundle is issued, the Misconduct Body will make necessary directions to ensure that the student has a reasonable opportunity to consider and respond to the amended allegation notice and/or supplementary document bundle (including by making submissions and providing further new material to the Misconduct Body).

(26) At any time prior to making its decision, the Misconduct Body may request the Associate Director or an Integrity Officer to amend the allegation notice. The Associate Director or an Integrity Officer will ensure the allegation notice is amended in response to the request, and the amended allegation notice is issued to the Misconduct Body and the student. Upon receipt of the amended allegation notice, the Misconduct Board will follow the requirements of clause 25.

Section 3 - How a Misconduct Body Hears and

Decides Allegations

(27) The purpose of this section is to record that it is the function of a Misconduct Body to hear and determine a misconduct proceeding and ensure it has all the powers necessary and incidental to the discharge of that function.

Powers Upon Referral

(28) It is the function of the Misconduct Body to receive referrals made under this Procedure to hear and determine a misconduct proceeding in accordance with the Policy and this Procedure, including (without limitation) to determine or resolve all allegations of misconduct referred regardless of their seriousness.

(29) Subject to clause 30, the Misconduct Body has all powers necessary and incidental for the discharge of this function and may at any time (without limitation):

a. request the Associate Director or an Integrity Officer to arrange further inquiries to be undertaken and report back to the Misconduct Body on the outcome of those inquiries;
b. conduct further inquiries itself;
c. adjourn the misconduct proceeding (including any hearing), until after the conclusion of any related criminal process or proceeding pursued against the student;
d. take no further action because:
    i. the alleged conduct does not fall within the scope of the Policy;
    ii. the allegation concerns conduct of a trivial nature, and it would be inexpedient to impose any penalty;
e. offer the student conduct counselling in accordance with clauses 10-13 (‘Conduct Counselling’ provisions; with references to the ‘Associate Director or an Integrity Officer’ to be read as references to the ‘Misconduct Body’);
f. proceed to decide the alleged misconduct and, if one or more of the allegations is proven, impose a penalty in accordance with this Procedure;
g. where the Misconduct Body is a Misconduct Committee and has made findings that one or more allegations were proven, refer the allegation back to the Associate Director or an Integrity Officer on the basis that the Misconduct Committee considers that it does not have power to impose the most appropriate penalty having regard to the totality of the allegations proven. In this scenario, the Associate Director or an Integrity Officer will refer the matter to the University Misconduct Board, with a copy of the written reasons of the Misconduct Committee. The University Misconduct Board will be entitled to rely on any findings of the Misconduct Committee, without having to determine again whether those allegations are proven, in determining the most appropriate penalty to impose.

(30) The Misconduct Body does not have power to compel:

a. the production or disclosure of documents by any person;
b. the giving of evidence by or attendance at hearings of any person.

Hearing the Allegations

(31) The Misconduct Body will proceed in the way the chairperson decides, subject to the following requirements.

(32) The student must be given a reasonable opportunity to:

a. advise the Misconduct Body whether they admit or wish to contest the allegations of misconduct;
b. provide any evidence or submissions they wish to rely upon to contest the allegations of misconduct or which relate to the appropriate penalty;
c. request an oral hearing. Students may appear remotely if approved by the chairperson (for example, if

practically necessary because of health directives).

(33) The Misconduct Body will allow at least 14 days between the date that the allegation notice and document bundle are provided to the student under clause 23 and the scheduled date for the hearing.

(34) Where considered appropriate (which will usually be in exceptional circumstances only), the Misconduct Body may request the Associate Director to make arrangements for assistance to be provided to the Misconduct Body to fulfil its functions, including the following (without limitation):

a. secretarial services;
b. transcription services;
c. legal services, either from a lawyer from UQ Legal Services and/or an external lawyer selected and engaged by the General Counsel (or delegate), for either or both:
    i. giving confidential legal advice to the Misconduct Body in relation to the misconduct proceeding;
    ii. appearing as counsel assisting at any hearing of the Misconduct Body.

(35) Hearings must be conducted in compliance with the rules of procedural fairness.

(36) An oral hearing is required only when requested by the student. At an oral hearing, the student may be accompanied by a support person. If the student does not appear within 15 minutes of the scheduled commencement of the hearing, the hearing may proceed in the student's absence.

(37) The rules of evidence (that apply in some court proceedings) do not apply.

(38) Subject to clause 41, the student together with any support person is entitled (but is not required) to be present throughout the hearing except where the members of the Misconduct Body wish to confer privately among themselves or to consider their decision.

(39) The student is not entitled to be represented by a lawyer or other representative at the hearing, except by prior written approval of the chairperson of the Misconduct Body.

(40) Hearings before the Misconduct Body are to be closed to the public.

(41) The Misconduct Body has complete authority to keep order in the proceedings including the authority to order the removal of a person including a student, witness, lawyer or support person.

(42) When two or more students are alleged to have committed misconduct in circumstances that are related, the Misconduct Body may decide to hear their cases together (and may seek advice from a lawyer engaged pursuant to clause 34(c)(i) to advise the Misconduct Body on whether that is appropriate in the circumstances).

(43) If the Misconduct Body considers that more information about the allegation is required:

a. it may adjourn the hearing and request the Associate Director or counsel assisting (appointed under clause 34(c)(ii)) to make further inquiries or obtain further information, evidence or materials;
b. the Misconduct Body must make directions to ensure that the student receives a copy of any additional information or material provided to the Misconduct Body, and is given a reasonable opportunity to consider and respond to the additional information or material (including by making submissions and providing further new material to the Misconduct Body); and
c. for the avoidance of doubt, the Misconduct Body is not required to hold a further oral hearing and may instead direct any further submissions be made in writing.

Deciding the Allegations

(44) The Misconduct Body must make one of the decisions referred to in clause 29(c) to (g). The Misconduct Body will endeavour to make a decision within 28 days of the allegation notice and document bundle being provided to the student under clauses 21-23 ('Producing the Allegation Notice and Document Bundle' provisions).

(45) If the Misconduct Body proceeds to decide the alleged misconduct in accordance with clause 29(f), it must decide with respect to each allegation in the allegation notice that either:

a. the allegation is not proven; or
b. the allegation is proven.

(46) In making a decision under clause 45, the Misconduct Body must consider whether the document bundle, as supplemented by other material before it and any evidence taken at hearing, satisfies it on the balance of probabilities whether the allegation is proven.

Imposing a Penalty

(47) If the Misconduct Body decides that one or more allegations are proven, it may impose a penalty in accordance with the Policy and this Procedure.

(48) The Misconduct Body is not bound to impose the proposed penalty in the allegation notice, and may impose a less or more serious penalty within the scope of its authority in the Policy.

(49) If the Misconduct Body determines that some allegations are proven, and some are not, the Misconduct Body will consider whether it is necessary to inform the student of that outcome, and provide the student with a further opportunity to make submissions in relation to the penalty that should be imposed, prior to making a decision as to penalty. For the avoidance of doubt, if the Misconduct Body decides to allow the student a further opportunity to make submissions in relation to penalty, the Misconduct Body is not required to hold a further oral hearing and may instead direct any further submissions be made in writing.

(50) A Misconduct Body may decide that a suspension or expulsion is to take effect retrospectively (provided it does not place the student in breach of a direction or order by doing so), from the date of the decision, or at any time after the decision.

(51) A Misconduct Body will impose a penalty that it considers is appropriate in the circumstances and is proportionate to the misconduct that is proven. In determining an appropriate and proportionate penalty, the Misconduct Body may consider one or more of the following (without limitation):

a. the nature and extent of the misconduct;
b. the length of the student's tertiary experience;
c. the student's record, including by reference to the Conduct Register;
d. whether the misconduct was deliberate or premeditated;
e. any matters that demonstrate a pattern of behaviour or course of conduct by the student;
f. the impact of the misconduct on other persons, including members of the UQ community;
g. any mitigating circumstances (for example, any admission by the student or expression of regret or remorse); and
h. any guidance from the Associate Director indicating the usual range of penalties and other misconduct orders made in particular categories of matter.

Giving Notice of the Decision

(52) As soon as practicable after the Misconduct Body makes a decision, the Misconduct Body will:

a. give the student and the Associate Director written notice of the decision;
b. inform the student of any appeal rights and timeframes.

(53) The written notice must state:

a. the decision;
b. any penalty imposed;
c. the reasons for the decision and any penalty imposed;
d. the student's right to appeal and the applicable appeal timeframes; and
e. the possible outcomes of any appeal.

Recording the decision

(54) The Associate Director will record the outcome of the misconduct proceeding on the Conduct Register.

Section 4 - How an Appeal Body Hears and Determines an Appeal

(55) The purpose of this section is to govern a student's right to appeal a decision of a Misconduct Body, and the effect an appeal has on the operation of decisions of the Misconduct Body.

Right of Appeal

(56) A student may appeal a final decision made by a Misconduct Body, either or both as to:

a. any finding that an allegation of misconduct is proven;
b. any penalty imposed.

(57) An appeal may only be brought upon the ground that the decision:

a. was materially affected by a failure to act with procedural fairness or otherwise comply with relevant procedures;
b. was materially affected by an error of law;
c. was materially based upon findings of fact which were not reasonably open on the evidence;
d. imposed a penalty which was manifestly excessive; or
e. is materially affected by new evidence which was not reasonably available to the student prior to the date of the decision.

(58) To appeal a decision, the student must lodge an appeal application with the Associate Director, within 28 days of being given written notice of the decision. The completed appeal application must:

a. state the decision being appealed;
b. state the ground/s for appeal; and
c. attach all supporting documentation the student requests be considered on appeal.

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Referral of Appeal to the Appeal Body

(59) Upon receipt of an appeal application, the Associate Director must refer the appeal to either:

a. in the case of a decision of a Misconduct Committee – the University Misconduct Board constituted under the Policy;
b. in the case of a decision of the University Misconduct Board – to the University Misconduct Appeals Board constituted under the Policy.

(60) The Associate Director refers the appeal by ensuring:

a. the commencement of the appeal is entered on the Conduct Register;
b. the Appeal Body is provided a copy of:
    i. the appeal notice and any attachment;
    ii. the decision under appeal;
    iii. all relevant material which was before the primary Misconduct Body (including any record of the hearing);
    iv. any further evidence relied upon by the Associate Director in response to the appeal;
c. the student is provided a copy of the materials referred to in subsection (b).

(61) The Associate Director will use best endeavours to refer the appeal within 14 days of receiving the student's appeal application.

Nature of Appeal

(62) In exercising its appeal jurisdiction, the Appeal Body has all the functions and powers of the Misconduct Body for the decision that is being appealed.

(63) In deciding an appeal by reference to the ground/s of appeal, the Appeal Body will consider the merits in relation to those parts of the allegation notice (as amended) referred to the Misconduct Body under section 2 and appealed under clause 56.

(64) The Appeal Body's jurisdiction to decide an appeal is not affected by any error by the Misconduct Body. Any error by the Misconduct Body can be corrected by the Appeal Body.

(65) The Appeal Body may consider and rely on:

a. the original material;
b. the written notice of the Misconduct Body's decision;
c. the appeal application and supporting materials provided by the student;
d. any further documents, material or evidence the Associate Director has provided to the student and the Appeal Body at the time of referring the appeal; and
e. any other documents, material and evidence provided to or obtained by the Appeal Body after the Misconduct Body's decision, provided a copy is also given to the student.

Hearing of Appeal

(66) The student must be given a reasonable opportunity to:

a. provide evidence in response to any further evidence relied upon by the Associate Director in the appeal; and
b. provide written submissions in support of the appeal.

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(67) The Appeal Body will determine whether it intends to hold an oral hearing in relation to the appeal or will determine the appeal on the papers (without an oral hearing).

(68) If the Appeal Body decides to hold an oral hearing, it will allow at least 14 days between the date that the appeal application, original material and any further material the Associate Director considers relevant are provided to the student and the Appeal Body under clause 60 and the scheduled date for any hearing.

(69) The Appeal Body may request the Associate Director to make arrangements for assistance to be provided to the Appeal Body to fulfil its functions, including the following (without limitation):

a. secretarial services;
b. transcription services; and
c. legal services, either from a lawyer from UQ Legal Services or an external lawyer selected and engaged by the General Counsel (or delegate), for either or both:
    i. giving confidential legal advice to the Appeal Body in relation to the appeal;
    ii. appearing as counsel assisting at any oral hearing of the Appeal Body.

(70) The Appeal Body may conduct oral hearings in any way it considers appropriate subject to the matters referred to in clauses 35, 36, and 39-43 (as if the reference to the Misconduct Body in those clauses is a reference to the Appeal Body).

Deciding Appeals

(71) In deciding an appeal from a Misconduct Body's decision, the Appeal Body may:

a. confirm or amend the decision;
b. set aside the decision and substitute its own decision; or
c. refer the matter back to a Misconduct Body to be heard again.

(72) An Appeal Body may impose a more severe penalty than the penalty imposed by the Misconduct Body (subject to clause 73).

(73) An Appeal Body may only impose a penalty that the Misconduct Body had power to impose when it first heard and determined the misconduct proceeding.

Notice of Appeal Decision

(74) As soon as practicable after the Appeal Body makes a decision, the Appeal Body must:

a. give the student a written notice of the decision; and
b. give a copy of the notice to the Associate Director.

(75) The notice must state:

a. the decision;
b. the reasons for the decision; and
c. that if the student remains dissatisfied with the outcome of the appeal, the student may lodge a complaint with the National Student Ombudsman.

Recording the Decision

(76) The Associate Director will record the outcome of the appeal on the Conduct Register.

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Finality of Appeal Decision

(77) The decision of an Appeal Body is final and there is no further recourse to further appeal within the University.

(78) Where the student remains dissatisfied with the outcome of an appeal process, the student may lodge a complaint with the National Student Ombudsman. The student misconduct appeal process within the University should usually be exhausted before a complaint is lodged with the Ombudsman.

Appeal Operates to Stay Misconduct Body's Decision

(79) An appeal of the decision of a Misconduct Body under this Procedure suspends the implementation of any penalty imposed by the Misconduct Body that is the subject of the appeal.

(80) Notwithstanding clause 79, a Misconduct Body may make a decision that the penalty is to be implemented despite any appeal (referred to in this section as an implementation direction).

(81) A student may apply to the chairperson of the Appeal Body to stay an implementation direction, providing any supporting material the students wants the chairperson to consider.

(82) The chairperson must consider urgently an application to stay an implementation direction, and will proceed in the way the chairperson decides. For the avoidance of doubt, the chairperson is not required to meet with the student or otherwise hold an oral hearing to determine the application.

(83) The chairperson, in deciding whether to stay an implementation direction, may consider the following factors (without limitation):

a. whether the implementation of the penalty before the appeal would result in undue hardship to the student;
b. whether the implementation or stay of the penalty would assist the Appeal Body's ability to deal with the matter;
c. whether the implementation of the penalty would be likely to maintain the position prior to the implementation direction being made;
d. whether there are potential risks that the student poses to themselves or others if the implementation direction is stayed; and
e. whether there is a risk that the student will graduate before determination of the appeal if the implementation direction is stayed.

(84) The decision of the chairperson on an application to stay an implementation decision under this section is not subject to any appeal or review at the University.

Section 5 - Dictionary

(85) Words or phrases used in this Procedure and not otherwise defined in this document have the meaning they have in the Student Integrity and Misconduct Policy.

(86) In this Procedure:

Term	Definition
Allegation notice	is a written notice which: a. identifies the conduct of the student which is alleged to constitute misconduct; b. identifies the provision of the Student Code of Conduct Policy or other policy which is alleged to have been breached; c. identifies the penalty which is sought (subject to the discretion of the Misconduct Body); d. identifies the particular Misconduct Body to which the matter is being referred; e. identifies the date and place at which the Misconduct Body is proposing to determine the matter (subject to the discretion of the Misconduct Body); f. advises the student that the document bundle contains the factual material which is being relied upon to establish the misconduct or to support the penalty; g. advises the student of their right to contest the matter; h. advises how a student may admit or contest an allegation notice; and i. requests that the student advise whether they require an oral hearing and whether they admit or propose to contest the allegations of misconduct.
Days	means calendar days.
Document bundle	comprises the statements and other documentation provided to the Misconduct Body (and the student) to provide the factual basis for the hearing and determination of the allegation of misconduct and any appropriate penalty. The document bundle may include, for example and without limitation, the investigation report, 'Turnitin' reports, and document verification checks.
Original material	is the documentation which was before the Misconduct Body and is provided to the Appeal Body for reference in the hearing and determination of the appeal.
Procedural fairness	is a principle that is applied by the University to ensure that decisions are made in accordance with the rule against bias and the hearing rule (i.e. a person is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker).

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