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| External research misconduct enquiry  A panel will be formed to conduct an independent external research misconduct inquiry. Panel members must not be employed by Alfred Health, have other current or recent dealings with Alfred Health, or otherwise be subject to a reasonable perception of bias.  **Panel membership**  The panel will normally be constituted with a minimum membership of three people, and where possible an odd number. At least one member will be legally qualified or have extensive experience as a member of a tribunal or similar body. At least one member will have knowledge and research experience in a relevant, related field of research, but not directly in the research area of the allegations. The panel will decide which of its number will preside at the inquiry. Procedural fairness demands that the person subject to the inquiry be able to hear and respond to any and all material to be used by the panel in its decision-making process.  Therefore, it is preferable that any expert knowledge that may be required is provided to the inquiry by witnesses rather than members of the panel. This will allow the witnesses to be questioned by both the panel and the person subject to the inquiry. If a panel member has relevant expert knowledge, it must be put to the defendant.  **Standard panel practices**  To be consistent with the general practice of tribunals, there are standard practices that are to be followed. The panel should normally be assisted by a legally qualified person acting as ‘counsel assisting', whose role it is to prepare the material to be put to the tribunal and to examine (question) witnesses on behalf of the panel. This person is not a member of the inquiry panel but may provide the panel with legal advice during the hearing. The person facing the allegations should be entitled to legal representation. The inquiry is not bound by the rules of evidence but its procedures must be consistent with the principles of natural justice and due process. In making findings, the inquiry should apply the civil standard of proof, although the standard of proof in serious cases will be higher than the mere balance of probabilities. Counsel assisting the inquiry will normally advise on this issue, as there is long-standing legal precedent.  Whether an external research misconduct inquiry by people external to Alfred Health is open to the public or conducted in private should be determined by the panel itself on the basis of public interest. The panel has the responsibility to hear the views of all parties on this matter before such a decision is made.  When conducting an independent external research misconduct inquiry, the person subject to the inquiry may have an entitlement to appeal to a higher authority, most usually the courts, but only on a point of law. |  |