

## Report on Research Compliance Volume 17, Number 5. April 23, 2020 RRC E-Alerts: April 2, 2020

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### **ORI Warns of Urgency to Sequester Evidence in Misconduct Cases**

In its second recent blog post since the COVID-19 pandemic, the HHS Office of Research Integrity (ORI) is reminding institutions that they can—and probably should—collect evidence in cases of suspected misconduct before notifying accused individuals. Aware that the pandemic “is interrupting and delaying regular operations at institutions, including research misconduct proceedings,” ORI said it may be difficult to “access records on site.” In light of this, the agency advises institutions to “promptly begin sequestering electronic evidence remotely to the extent that it has the technological capability to do so (i.e., data and emails on network computers, servers, and cloud environments),” and that they “may postpone sequestering physical and other electronic evidence (i.e., laboratory notebooks, blots/films, other research records, and evidence on non-networked computers and devices) until it becomes reasonable and practical to sequester such evidence.”

ORI noted that, under the regulations, institutions must “sequester evidence either **before** or when the institution notifies the respondent of the allegation, inquiry or investigation,” and said that conducting sequestration “prior to notification of the respondent is critical for ensuring the integrity of the research record and other relevant evidence.” According to ORI, an institution “can postpone notifying the respondent to preserve the integrity of the evidence until sequestration is complete, as long as the institution notifies the respondent in writing by the time of the inquiry.” This March 26 blog post followed a March 20 entry that said institutions may seek approval from ORI if more than 60 days are needed to complete the inquiry phase following a misconduct allegation. ORI officials are working remotely and will remain as functional as possible, continuing, for example, to accept whistleblower complaints and to respond to emails, the post said.

[Link to ORI blog posts](#)

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