

University of the Virgin Islands

Administrative Policy for Allegations of Research Misconduct



Policy Title: Allegations of Research Misconduct	Policy Number: OSP-001	
	Office of Accountability: Office of the Vice President for Research and Economic Development, Office of the Provost	
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SCOPE

The University of the Virgin Islands has an institutional responsibility to ensure that research performed under its purview is conducted in a manner consistent with the highest standards of professional integrity. This Policy applies to all members or affiliates of the University community engaged in both sponsored and non-sponsored research. This Policy is also intended to comply with the requirements of applicable regulatory agencies and sponsors of research.

POLICY STATEMENT

University members and affiliates will not fabricate, falsify, or plagiarize in proposing, performing, or reviewing research, or in reporting research results. The University and its members and affiliates engaged in research activity will fully comply with federal agency regulations and University policies and procedures in conducting research and will report allegations of research misconduct for review.

POLICY OBJECTIVES

- To foster an environment that promotes the responsible conduct of, and training in, research and scholarly activities, and to discourage Research Misconduct.
- To ensure compliance with all University, Territory, Federal regulations and Sponsor guidelines.

DEFINITIONS

Allegation: Any written or oral statement.

Complainant: A person who makes an allegation of research misconduct.

Component Head: A Component Head means the person charged with the responsibility of supervising or directing a unit within the University. The Component Head may be, for example, the supervisor of a group, director of a division, a department chair, a dean or a vice president.

Good Faith Allegation: An allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

Inquiry: The initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.

Investigation: The formal examination and evaluation of all relevant facts to determine if research misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.

Respondent: The person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in an inquiry or investigation.

Research: A systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge or specific knowledge in all fields by establishing, discovering, developing, elucidating, or confirming.

Research Misconduct

A behavior that fails to respect the intellectual contributions or property of others that intentionally impedes the progress of research, that risks corrupting the research record, or that compromises the integrity of research practices. Research misconduct does not include unintentional error or honest differences in interpretation or judgments of data. Examples of research misconduct include, but are not limited to the following:

- Fabrication of data: making up data or results and recording or reporting them.
- Falsification of data: manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Misrepresentation: reckless disregard for the truth by stating or presenting a material or significant falsehood; or omitting a fact so that what is stated or presented as a whole states or presents a material or significant falsehood.
- Plagiarism: representing of another's work as one's own; the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. This includes self-plagiarism, which is the reuse of one's own work in multiple publications without proper citation of the original work.
- Misappropriating other's ideas: the unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.
- Interference: intentionally and without authorization taking or sequestering or materially damaging any research-related property of another used or produced in the conduct of research.
- Material failure to comply with established requirements that relate to the conduct of research (e.g., for the protection of researchers, human subjects, animal subjects, or the public).
- Misappropriating research funds, including but not limited to the diversion of external funds to purposes not appropriately related to the funded research project.

Research Record: Any data, document, computer file, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of research misconduct. A research record includes, but is not limited to, grant or contract applications, whether sponsored or non-sponsored; grant or contract progress and other reports; laboratory

notebooks; notes; correspondence; videos, photographs; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs, laboratory procurement records; animal facility records; human and animal subject protocols; and consent forms.

Retaliation: Any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has made a good faith allegation of research misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.

PROCEDURES

Allegations of research misconduct shall be reported by the complainant to any University official. The research misconduct will be brought to the Component Head of the Respondent by the University official and will be processed in accordance with the procedures outlined in this research misconduct policy and associated standard operating procedures. The Component Head will review the allegation documents and will seek all available evidence at this initial point in reporting, acknowledging that additional evidence may be sought. Within 30 business days of receipt, and if determined the allegation warrants an inquiry, notify the Vice President for Research and Economic Development (VPRED) or designee. The VPRED will notify the Provost/Vice President for Academic Affairs or representative, the University Auditor, the Director of the Office of Sponsored Programs, and the Office of Student Affairs on the respective campus when students are involved. The VPRED will then appoint a qualified research misconduct inquiry panel without conflict of interest to review the allegation. The panel will be required to sign a Non-disclosure agreement (NDA) related to this procedure. If the research misconduct inquiry panel determines the allegation warrants a formal investigation, the VPRED will appoint a research misconduct investigation panel of no less than three (3) panel members. The research misconduct inquiry and investigation panels will summarize their findings and recommendations and submit a report to the Vice President for Research and Economic Development for potential action within 60 business days of convening of the panel, reviewing and determination. All processes and recommendations will be finalized within 90 days of the report of the alleged incident.

Based on the research misconduct investigation report findings and recommendations, the VPRED, in concert with the Provost/Vice President for Academic Affairs, and other appropriate offices, will take appropriate action as warranted in accordance with University policy, federal regulations, and relevant statutes.

The University will, to the greatest extent possible, keep allegations strictly confidential and protect the complainant against retaliation or reputational harm. Individuals engaging in acts of retaliation will be subject to grievance proceedings and/or disciplinary action. Records of all processes will be retained for seven (7) years from the last date of action.

RELATED INFORMATION

Public Health Service, Department of Health and Human Services, Final Rule 42 Code of Federal Regulations (CFR) Part 93.

U.S. Public Health Service Office of Research Integrity (ORI) Policies and Procedures
<http://ori.dhhs.gov/misconduct/>

White House Office of Science and Technology Policy (OSTP)
http://www.ostp.gov/cs/federal_policy_on_research_misconduct

National Science Foundation (NSF) Regulations on Research Misconduct at 45 CFR Part 689:
<http://www.nsf.gov/oig/resmisreg.pdf>