



## Draft Policy For Consultation

### Research Involving Indigenous Groups

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# Research Involving Indigenous Groups (RIIG)

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#### Purpose

To ensure **Memorial Researchers** carry out and maintain appropriate engagement with Indigenous Peoples in **Indigenous Research**, starting at the **Concept Development Phase** and continuing throughout the life of any **Research** project that involves **Indigenous Group(s)**.

This policy draws from, and is intended to build upon, other guidelines such as the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS2), including Chapter 9 regarding Research Involving the First Nations, Inuit, and Métis Peoples of Canada and Memorial's policy Ethics of Research Involving Human Participants.

#### Scope

All **Indigenous Research** undertaken by **Memorial Researchers** that involves **Indigenous Groups, Indigenous Knowledges or Indigenous Land**. This policy does not replace Memorial University's policies Ethics of Research Involving Human Participants or Integrity in Scholarly Research, or **Research Review** associated with this policy.

#### Key Concepts and Definitions

**Evidence of Community Engagement (ECE)<sup>1</sup> at the Concept Development Phase:** A first step in a longer engagement that indicates that the principles, concepts and premises of the Research have been reviewed by appropriate representatives in an Indigenous Group and the Group agrees for the Research to proceed to the next step.

**Community Engagement:** Community Engagement is a process of developing respectful and reciprocal relationships between researcher(s) and the Indigenous community directly involved in an Indigenous Research project or/and have rights and stake in such a project. The Chapter 9 of TCPS2 (2022) conceptualizes ‘community engagement’ as “a process that establishes an interaction between a researcher (or a research team) and the Indigenous community relevant to a research project” (p.150).

Developing a respectful relationship with Indigenous Groups takes time and emotional investment. Researchers need more than a phone call or an e-mail to start a relationship building with Indigenous Groups. The process, however, may begin with a Memorial Researcher reaching out to a community leader or the community’s contact person with an expression to form a collaborative research relationship. Reaching out could take many forms: examples include 1. An initial introduction; 2. Community visit; 3. Information sharing about research idea; 4. Invitation for collaboration or partnership to a research project; 5. Working with Indigenous Elders, Knowledge Keepers and/or community leaders to discuss and shape the research ideas, objectives, plans, budget requirements and where to seek funding for the project before the research proposal is completed.

Community Engagement can be in a form of a review and an approval of Indigenous Research; a commitment to active participation and collaboration; agreeing to be a co-applicant or a collaborator in Indigenous Research; signing of a formalized agreement, phone call or an e-mail indicating the Indigenous Research project may proceed (see *Procedure For Obtaining Evidence of Community Engagement* for details). Note that a community’s confirmation that the Indigenous Research may proceed is not a substitute for ethics approval. Community Engagement also includes the rights of communities to choose not to engage actively in Indigenous Research, but simply to acknowledge it and register no objection to it. Where there is community objection to Indigenous Research, such objection needs to be addressed to the satisfaction of the community group prior to Indigenous Research commencing.

**Committee on Engaging Research Impacting Indigenous Groups (CERIIG):** A Memorial University committee consisting of Indigenous faculty members, staff and students at Memorial, as well as Indigenous community partners, who have been selected and approved to serve. CERIIG is established by a committee consisting of members of the Vice-President’s Advisory Committee on Indigenous Affairs and the Associate Vice-President (Indigenous Research) or delegates.

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<sup>1</sup> When applying for REB (ethics) clearance, researchers doing community engagement need to provide evidence of engagement (TCPS2, Ch. 9, Article 9.10). ECE to satisfy RIIG could be the same as provided for REB clearance.

**Concept Development Phase (CDP):** Activities carried out to define an **Indigenous Research** project, including developing a research idea, hypothesis or research question, defining the project scope, identifying potential partner(s) and/or collaborator(s), identifying potential funder(s) and developing documents such as a project plan, methodology, budget and timeline.

**Elders:** A bestowed venerated status earned in the community for exemplary life worthy of emulations by others and not simply ascribed by age (as in elderly) or socio-economic class. It is a generative concept anchored in geography and cultural locations. Elders offer guidance in communal affairs and are custodians of communal knowledge, cultural practices and spiritual beliefs. They are responsible for performing ceremonies and transmitting the knowledge of the Land to the next generations. Elders are community leaders and are key participants in all aspects of the research process, essential for results understanding and sharing, and guides for appropriate behaviour (see TCPS2, 2022).

**Indigenous Knowledges:** Indigenous Knowledges are a bodies of knowledges emerging from the shared voices, experiences, history, cultures and viewpoints of Indigenous Peoples over generations because of sustained occupation of or attachments to the land, culture and nature. They are diverse bodies of knowledges grounded in the Indigene as the subject knower. They are appropriately termed local, traditional and cultural resource knowledge and are treasured and held in highest esteem by community members.

**Indigenous Land(s):** Following the TCPS2, Land covered under Indigenous title, including reserves, Métis settlements and other Indigenous Lands governed under a self-government agreement or an Inuit or First Nations Land claim agreement. RIIG recognizes that in some cases and situations the definition of Indigenous Lands goes beyond what is captured under TCPS2.

**Indigenous Group(s):** May be formal groups with governing leaders, rural or urban, made of one main identity or multicultural. In the Canadian context, the term ‘Indigenous Peoples’ typically refers to persons of First Nations, Inuit or Métis descent, regardless of where they reside or if their names appear on an official register (TCPS2, 2022). They also include Indigenous Peoples on all continents, from the Arctic to the Pacific, Asia, Africa and the Americas” (United Nations Human Rights, 2013, p.2<sup>2</sup>).

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<sup>2</sup> United Nations Human Rights (2013). Indigenous peoples and the United Nations Human Rights System. New York, NY: United Nations Human Rights Office of the High Commissioner.

José Martínez Cobo in his “Study of the problem of discrimination against Indigenous populations” identified the following criteria to help define Indigenous groups: 1. Historical continuity with pre-invasion and/or pre-colonial societies that developed on their territories; 2. Distinctiveness; 3. Non-dominance; and 4. A determination to preserve, develop and transmit to future generations their ancestral territories and identity as peoples in accordance with their own cultural patterns, social institutions and legal system (United Nations Human Rights, 2013, p.2). In addition, the United Nations Permanent Forum on Indigenous People has added the following criteria to that of Jose Martinez Cobo: 5. A strong link to territories and surrounding natural resources; 6. distinct social, economic or political systems; 7. and distinct language, culture and beliefs (United Nations Human Rights, 2013, p.2).

**Indigenous Research:** This definition is informed by the Tri-agency’s TCPS2, Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada and Indigenous Peoples elsewhere. Specifically, for the purpose of this policy, Indigenous Research is defined as:

- i. Research conducted on First Nations, Inuit or Métis lands in Canada, and other Indigenous communities on all continents, from the Arctic to the Pacific, Asia, Africa and the Americas (United Nations Human Rights, 2013, p.2);
- ii. recruitment criteria that include Indigenous identity as a factor in any aspect of the Research;
- iii. Research that seeks input from participants regarding an Indigenous community’s cultural heritage, artifacts, traditional knowledge or unique characteristics;
- iv. Research in which Indigenous identity or membership in an Indigenous community is used as a variable for the purpose of analysis of data or in the creation of survey tools; and
- v. interpretation of Research results that will refer to Indigenous communities, peoples, language, history or culture.

Indigenous Research does not include Secondary Research as defined in this policy.

*TCPS2 Chapter 9 Article 9.2 provides additional guidelines on where Community Engagement is appropriate.*

**Involving:** Drawing on the language of TCPS2, 2022, Chapter 9.2, the word “Involving” in this policy is operationalized as follows:

- I. Research involving First Nations, Inuit or Métis people of Canada who comprise a significant proportion of the larger community that is the subject of research – even if no Indigenous-specific conclusions will be made;
- II. Research directly recruiting First Nations, Inuit and Métis of Canada regardless of where they reside and whether their names appear on an official register or not (TCPS2, 2022), as well as Indigenous groups from elsewhere and where Indigenous-specific conclusions are intended;
- III. Research directly involving a community known to include significant membership of Indigenous Peoples from the Arctic to the Pacific, Asia, Africa and the Americas and where Indigenous-specific conclusions are intended;
- IV. Research involving Indigenous Knowledges;
- V. Research on Indigenous Land, which the Research project or/and outcomes will directly affect the Indigenous Group.

In the following scenario, securing Evidence of Community Engagement (ECE) at the Concept Development Phase is not required:

Research that incidentally involves a small proportion of Indigenous individuals but is not intended to single out, or describe, characteristics of Indigenous people, which is not designed to collect Indigenous-specific data. Since Indigenous participation is incidental rather than intended, Community Engagement is not required.

**Knowledge Keeper(s):** Someone who holds Indigenous Knowledges and is responsible for how to care for these teachings and when it is and is not appropriate to share with others.

**Memorial Researcher:** Any individual, on behalf of Memorial University, who is involved in the intellectual direction, control and/or conduct of Research. Regardless of heritage or identity or whether they are paid or unpaid, this includes: faculty; staff; visiting scholar; adjunct; emeritus; honorary research professor; executive in residence; postgraduate, graduate, undergraduate and unmatriculated students at any level; and instructors. When a Memorial Researcher is among a larger group based at another institution or other institutions, and are not the principal investigator of a project, they are responsible for their part of the work following this policy including any papers or datasets their names or work will appear in.

**Peer Advisory Group on Indigenous Research Relationships (PAIRR):** An advisory group that addresses questions, provides guidance and expertise, and makes recommendations to Memorial Researchers engaging in Indigenous Research.

**Research Ethics Board (REB):** Per TCPS2, a body of researchers, community members and others with specific expertise (e.g., in ethics, in relevant research disciplines) established by an institution or by government legislation (such as HREA Act) to review the ethical acceptability of all research involving humans conducted within the institution's jurisdiction or under its auspices.

**Research:** An undertaking intended to extend knowledge through a disciplined inquiry and/or systematic investigation. This definition is from the TCPS2. This excludes Secondary Research, though it does include Secondary Use of Data. It excludes relationship building, recruitment, conferences, workshops or dissemination of research where no new information is collected.

**Research Review:** A process designed by Indigenous Groups to ensure best practices in ethical and respectful Research engagement with Indigenous Groups. These may be formal (such as through an REB or research permission committees) or informal and are determined by each Indigenous Group, government, nation or governing body. CERIIG, for example, is a research review group, but not an REB.

**Secondary Research:** Research conducted with material that is already published and public, including fiction and nonfiction texts, historical records, government documents, academic papers and museum artifacts. This Research must still abide by principles outlined in TCPS2.

**Secondary Use of Data:** The use in research of non-anonymous information or human biological materials originally collected for a purpose other than the current research purpose in which Indigenous Peoples, groups, nations or tribes can be identified. This includes all data held by formal data custodians. This may include "open" data.

## **Policy**

## 1. PRINCIPLES OF RESEARCH INVOLVING INDIGENOUS GROUPS

1.1. Memorial University requires that Research Involving Indigenous Groups be designed and carried out in a manner that is respectful, responsible, mutually-beneficial and ethical. This policy requires Memorial Researchers conducting Indigenous Research to engage with the appropriate individual(s) and Indigenous Group(s) to promote ongoing consent and collaboration throughout the Research paying attention to Indigenous communities' cultural protocols, interests and priorities. The intent of this policy is to nurture academic responsibility and integrity, as well as to encourage new and better ways of conducting research on Indigenous Lands, with Indigenous people, and in Indigenous communities.

## 2. COMMUNITY ENGAGEMENT AT THE CONCEPT DEVELOPMENT PHASE

2.1. Indigenous Research requires engagement with applicable Indigenous Groups at the Concept Development Phase (CDP). Memorial Researchers must demonstrate evidence of how the appropriate representatives of the applicable Indigenous Group(s) were involved in developing and shaping the proposed Research idea from its inception. The nature and extent of engagement will be determined jointly by the Researcher and the relevant Indigenous Group(s) and will be appropriate to the Indigenous Groups' characteristics, protocols and Research Review, as well as the nature of the Research.

2.2. Evidence of Community Engagement (ECE) at the Concept Development Phase (CDP) must be obtained prior to seeking funding for Indigenous Research.

2.3 Evidence of Community Engagement (ECE) at the Concept Development Phase (CDP) must be obtained prior to beginning any Indigenous Research.

2.4. Memorial will not proceed with processing Research grants, applications, and contracts for Indigenous Research until Evidence of Community Engagement has been presented. See *Procedure for Obtaining Evidence of Community Engagement*.

2.5. Evidence of Community Engagement does not guarantee ongoing consent, ongoing agreement or participation. Ongoing engagement is necessary to conduct Indigenous Research See *Procedure for Ongoing Community engagement*.

2.6. Research Review and ECE are in addition to individual consent from research participants and any approvals required by Memorial's Ethics of Research Involving Human Participants policy, and related procedures and other existing ethics, permits and permission procedures.

2.7. Classroom and course-based Indigenous Research, including Indigenous students collecting data from their families, territories, etc., requires Evidence of Community Engagement (ECE) at the Concept Development Phase.

### 3.0 SEEKING EVIDENCE OF COMMUNITY ENGAGEMENT (ECE)

3.1. Evidence of Community Engagement is collective and may require agreement from diverse community members, including research staff of an Indigenous Group, Elders, Knowledge Keepers, councils and other leaders and knowledge holders. Researchers must become familiar with which group(s) and representatives within their partner Indigenous Group(s) have the authority to give ECE and must always pursue the highest authority.

In descending order, these authorities are:

- a. An Indigenous Research Review processes or REB designated by the Indigenous Group(s). If there is none or this is not applicable, only then should Evidence of Community Engagement be sought through:
- b. Smaller groups/communities within the nation/governed area, can provide Evidence of Community Engagement but the final authority rests with the formal governing body. If there is no formal governing body or this is not applicable, only then should Evidence of Community Engagement be sought through:
- c. An Elder within the nation/governed area who can give Evidence of Community Engagement if a-b are not applicable:
- d. A formal or informal body made up of or representing Indigenous Group(s) (an example such as a Native Friendship Centre) *if the Research involves employees from or/and users of that Centre*. If options a-c are not applicable, only then should Evidence of Community Engagement be sought through:
- e. The Committee on Engaging Research Involving Indigenous Groups (CERIIG). This group is responsible for providing approval for a Research proposal at the CDP if the above groups a-d do not exist. CERIIG does not individually or collectively represent Indigenous Groups and does not provide consent on behalf of Indigenous Groups. CERIIG approval of the Evidence of Community Engagement reflects its view that the proposal includes best practices and ethical standards in terms of Indigenous Research.

3.2. Nations and Indigenous governing bodies normally do not have the ability to grant Evidence of Community of Engagement for their members outside of a land claim or formal governance area. In the case of urban groups, who may be diverse and from many different Indigenous backgrounds, a single government or even collection of several governments/governing bodies may not represent them. In such a case, groups outlined in

(3.1 a-d) are to be used where available. If none, researchers may then use the Committee on Engaging Research Impacting Indigenous Groups (CERIIG).

3.3. Where Research involves two or more Indigenous Groups (see ‘Involving’ above in *Key Concepts and Definitions* section), Evidence of Community Engagement must be obtained from all Groups. If this cannot be obtained, the project must be adapted accordingly. If coordinated Evidence of Community Engagement cannot be obtained from all the involved Indigenous Groups, Research can only be conducted with the Indigenous Group(s) that offered Evidence of Community Engagement.

#### 4.0 EXEMPTIONS

4.1. These activities are exempt from this policy: recruiting Indigenous students or speakers; expressing one’s Indigenous culture or identity; and workshops, events, or dissemination of Research where no new information is collected.

*Note: In cases where there is a combination of Research and non-Research activity, this policy applies.*

4.2. In the case where a student’s work is specifically included in a supervisor’s Research proposal that has ECE, that student falls under the supervisor’s ECE.

*Note: If the student’s work is different from, or departs from, the supervisor’s existing scope of work, the student must initiate their own ECE before proceeding with the Research.*

4.3. Students applying for scholarship or fellowships at the initial stages of their program do not need ECE. They will need ECE prior to beginning the actual Research.

4.4. Where Research is initiated by Indigenous communities themselves, which may involve persons employed by the University, ECE is deemed obtained.

4.5. Research that incidentally involves a small proportion of Indigenous individuals but is not intended to single out, or describe, characteristics of Indigenous people, which is not designed to collect Indigenous-specific data. Since Indigenous participation is incidental rather than intended, Community Engagement is not required. However, it should be noted that including markers of Indigenous identity in data collection may reveal anomalies that warrant further, more targeted research, which, if followed up, would require Community Engagement (see TCPS2, 2022 Chapter 9.7).

#### 5. ONGOING ENGAGEMENT

5.1. Researchers must demonstrate on an annual basis that there is ongoing engagement with Indigenous Groups involved in their Indigenous Research. See *Procedure for Ongoing Engagement*.

5.2 If the Indigenous Research project changes from that which was developed during the CDP and for which there was ECE provided, discussion among the Research team and relevant Indigenous Group(s) is needed in order to re-affirm support for the modified Indigenous Research project. The researcher must obtain an updated ECE and engage with appropriate resources to assist with efforts to amend or update those documents (with the appropriate Indigenous Group(s) and within Memorial, such as Research Initiatives and Services (RIS) and the Associate Vice-President (Indigenous Research).

5.3. Indigenous Groups have the right to ask Memorial or its Researcher(s) to suspend Indigenous Research at any time.

5.4. Memorial Researchers must immediately notify the Associate Vice-President (Indigenous Research) in writing if an Indigenous Group or body asks for Indigenous Research to be suspended. The Associate Vice-President (Indigenous Research) shall investigate the suspension request and direct the Memorial Researchers following such investigation. See *Procedure for Ongoing Engagement*.

## 6. COMMITTEE ON ENGAGING RESEARCH INVOLVING INDIGENOUS GROUPS (CERIIG)

6.1. When there are no existing or feasible ways for appropriate Indigenous Groups (3.1) to provide Evidence of Community Engagement for Indigenous Research, the Committee on Engaging Research Involving Indigenous Groups (CERIIG) shall have authority to grant ECE.

6.2. The direction of CERIIG must be sought and followed in cases of secondary data use where avenues of, or requirements for, ECE are unclear.

6.3. CERIIG's approval is not representational consent, but acknowledgement that the reviewed Research meets requirements of this policy, TCPS2 and best principles of Indigenous Research.

## 7. PEER ADVISORY GROUP ON INDIGENOUS RESEARCH RELATIONSHIPS (PAIRR)

7.1. The Peer Advisory Group on Indigenous Research Relationships (PAIRR) is the central support for Memorial Researchers seeking best practices, advice and guidance for conducting ethical and impactful Indigenous Research. PAIRR helps Memorial Researchers ensure that

Indigenous Research meets the requirements of this policy, as well as TCPS2 Chapter 9 and other principles of ethics and respect.

7.2. The Vice-President (Research) or delegate establishes PAIRR. The group is made up of Memorial Researchers and affiliates who have been recommended by Indigenous communities.

Supporting documents for carrying out Indigenous Research include:

- a. TCPS2—Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada
- b. CHIR Guidelines for Health Research Involving Aboriginal People
- c. United Nations Declaration on the Rights of Indigenous Peoples
- d. Memorial University Policy Statement on Research Involving Indigenous Groups