

Frequently asked questions (FAQ) about
Memorial's new Research Impacting Indigenous Groups policy
For Research Staff
Summer 2020

Is the policy in effect this summer (2020)?

The policy was approved by the Board of Regents on July 9, 2020, and we are putting in support so as we can begin in as good a way as possible. Our goal is to provide the most essential support in time for early September 2020. In the meantime, research applications can progress as usual.

Any requests for advice can be made to IndigenousResearch@mun.ca.

Updates and support materials are available on our website and will be updated accordingly; please see here <https://www.mun.ca/research/Indigenous/consent.php>.

Where can I learn the basics of the new policy?

We have created a plain language [Introduction to the Research Impacting Indigenous Groups Policy](#) document. Support documents, including the policy itself, are also available online at <https://www.mun.ca/research/Indigenous/consent.php>.

What are research staff responsibilities under the new policy?

Department heads, grant facilitators and research officers, associate deans and equivalents, Research Grant and Contract Services (RGCS) staff, research compliance staff, and units that provide funding or grants are responsible for ensuring that Indigenous Research has documentation of Agreement in Principle (CDP) before it can proceed through university sign offs. These staff can support researchers in maneuvering the policy to the best of their ability.

There are several things that research staff are not responsible for and cannot do because it is overstepping jurisdictional boundaries. Basically, researchers know their research best and are the parties responsible for ethics compliance in their research, and Indigenous groups are the authorities on whether they are impacted or not and how engagement should take place. Also, research staff are not part of research review boards or groups. As such, research staff:

- should not definitively tell researchers whether they are exempt from the policy, though they can offer advice;
- should not tell the researcher whom to get Agreement in Principle (CDP) from, though they can offer advice;
- cannot offer to get Agreement in Principle (CDP) on a researcher's behalf;
- should avoid using personal connections with Indigenous groups to make introductions or speed things along for specific researchers;
- are not in a position to adjudicate what is an acceptable form of Agreement in Principle (CDP) beyond what is outlined in the policy, though they can offer advice. For example, while letters of support from Indigenous governments are listed as a form of AIP(CDP), staff are not in a position to determine whether one letter of support versus another is AIP(CDP).

A key part of the policy is placing responsibility for understanding consent, Indigenous governance, and Indigenous groups with the researcher. The responsibility of staff is to support that responsibility and ensure AIP is present when necessary.

When research staff have a question or need advice on a case, they should first go to their supervisor (grant facilitators and research officers can ask associate deans of research, for example, and department heads can ask grant facilitators and research officers), since many cases will have precedents and we are looking to build up a community of practice in these

issues. If supervisors do not know, they can reach out to Indigenousresearch@mun.ca for advice and direction, and the results should be shared back into the community so the knowledge lives in as many places as possible.

What type of research requires Agreement in Principle (Concept Development Stage)?

Whether research counts as Indigenous Research under the policy is addressed in the section on [Definition of Indigenous Research](#) (which is based on the definition in TCPS2 Ch9).

Researchers should use this definition as the authoritative guideline on determining if your research falls within the policy. Indigenous Research refers to primary research and secondary use of data and includes:

- i. research conducted on First Nations, Inuit or Métis lands in Canada and Indigenous lands worldwide;
- ii. recruitment criteria that include Indigenous identity as a factor for the entire study or for a subgroup in the study;
- iii. research that seeks input from participants regarding a 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 the research 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.

Basically, any form of research, regardless of discipline, that takes place on Indigenous land or uses Indigeneity as a category to recruit, gather or interpret data is Indigenous Research. This includes creating surveys that have Indigenous identity categories.

What do we do with Agreement in Principle (Concept Development Stage) documents once we have them?

Research staff should receive copies of Agreement in Principle (CDP) appended to all requests and applications for Indigenous Research that flow through their offices. Department heads should have them on file with their offices for courses conducting Indigenous Research. All researchers should retain copies on file, even if they are not using university infrastructures such as ROMEO, funds, etc.

If our unit is running a grant competition, do we need documentation of Agreement in Principle (CDP)/consent as outlined in the policy?

Yes, all administrative units and processes at the university that support, fund, or promote research need to ensure that Agreement in Principle (also called consent) is documented and in hand for all Indigenous Research projects. For units who are running grant competitions, this is particularly important. Note that it is researchers, rather than research staff, who need to ensure that the form of Agreement in Principle they secure is an appropriate form from the appropriate Indigenous body. If you need further support on this, please email Indigenousresearch@mun.ca.

If our unit is doing a program review of our services or a survey of students and we want to include Indigenous input to help us understand how our services are received by Indigenous people, do we need Agreement in Principle (CDP)?

Yes. Under the policy this is considered Indigenous Research.

How will the new policy fit with other research ethics and permitting systems like ICEHR, animal care, and the Health Research Ethics Authority (HREA)?

It is in addition to these systems and is designed to dovetail with them. This is addressed in [section 1.8 of the policy](#) and its [procedures](#). “1.8 Research Review and Agreement in Principle (CDP) is in addition to individual consent from research subjects and any approvals required by Memorial’s *Ethics of Research Involving Human Participants* policy and related procedures and other existing ethics, permitting, and permission procedures.” Agreement in Principle (Concept Development Phase) must always happen first for internal Memorial ethics and permits such as ICEHR and animal care. External review processes, including Indigenous Research ethics or permitting boards (REBs) and HREA, will determine their need and preferred order for receiving Agreement in Principle (CDP) since they are external to Memorial.

Also, Agreement in Principle (CDP) is required in addition to existing processes for research permissions and permitting Indigenous groups have laid out. For example, the Nunatsiavut Government requires formal research review of projects and researchers still need their letter of approval from that body before research can take place.

What do we do for Memorial researchers when the PI of a project is at another institution?

Memorial researchers will require Agreement in Principle (CDP) for any part of collaborative projects that they are involved in, including research for any research papers or presentations their name is on. You can support the researcher in communicating this to the PI. Note that much of this policy is also outlined in TCPS2 Ch9 and so all researchers at Canadian institutions are beholden to the engagement requirements of that policy.

How do we support researchers whose research is already underway?

There is a grandparenting clause in the policy’s procedures that allows researchers time to obtain required documents and permission after the policy has come into effect (365 days from July 9, 2020). Secondly, most existing Indigenous Research at Memorial should already follow the policy requirements — if you have a letter of support, contract, ethics approval, or research agreement in place with an Indigenous governing body then you are very likely covered. [See section 3.1 and 1.7 of the policy](#) for details.

What are some of the benefits to research that the policy might provide that can help me talk to researchers and other staff?

These are some of the things individual Memorial researchers said during consultations about the benefit of the policy to their work:

- A number of researchers emphasized that this would help their projects become more competitive. Many funding agencies look for equity, diversity and inclusion (EDI) considerations and practices that go above and beyond in terms of community engagement.
- The general tide of research in Canada is moving towards reconciliation. As such, some researchers emphasized that this will soon become widespread practice and having this requirement early in the process of change will aid in making Memorial research applications more competitive as other institutions are still in adjustment periods.
- Many researchers noted that these requirements facilitate better relations with Indigenous groups. As such, the research produced with these groups would likely be of a higher quality, and with improved outcomes could lead to more collaborative partnerships.

- Ethics specialists noted that this policy makes significant strides forward in recognizing sovereignty and the autonomous right of communities to say no, which solidifies the code of ethical research at Memorial.
- Researchers involved in Indigenous Research acknowledged that evaluation for tenure track positions and awards often inadequately consider the unique position of community-based research in regard to timelines, differences in outcomes, and the goals of research. This policy then supports community-based research as an important and relevant aspect of research, making these processes and their efforts more visible.
- Indigenous groups noted that this policy requires that researchers come into communities knowing their research processes already, which can both stop research requests that are unlikely to get approved and contribute to streamline research systems in communities as well as potentially reduce the burden of education and hosting Indigenous communities have to do for researchers.

What is the relationship between this policy and TCPS2 Ch9?

TCPS2 Ch9 is understood as a low bar in Indigenous Research ethics, including by the CIHR, one of the Agency councils, whose guidelines are much more stringent. In section 1.10 of the policy, four supporting documents are listed for carrying out Indigenous Research:

1. Memorial's Indigenous Research Agreement Template for data management and transfer;
2. Memorial's Principles of Engagement for Indigenous Research;
3. TCPS2 — Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada; and
4. CHIR Guidelines for Health Research Involving Aboriginal People.

As such, the policy differs from TCPS2 Ch9 in key ways, including:

- Recognizing that “Indigenous land” is not only territories with land claims or treaties, but also asserted rights. This is very important in Newfoundland and Labrador since most Indigenous groups in the province do not have complete land claims or treaties.
- TCPS2 Ch9 takes an ambivalent approach to sovereignty, where mostly it supports it but in a few vague areas it does not (for example, if a Nation says no to research but a smaller group or individual within that Nation wants the research, TCPS2 Ch9 does not “recommend” that the research proceeds, thus leaving room to circumvent Indigenous governance). This contravenes every consultation with Indigenous groups, the UN Declaration of the Rights of Indigenous people, reconciliation, and best practices. The policy firmly recognizes the sovereignty of Indigenous groups.
- The policy only focuses on the start of research, and TCPS2 Ch9 looks at all research phases.
- TCPS2 assumes all Indigenous Research can and should happen in a full partnership model, and while the policy supports that outcome, it also recognizes that it is not always possible (such as research on the Beothuk).

The policy does not contravene TCPS2 Ch9, but it does exceed it. The university and its researchers must comply with both TCPS2 Ch9 and the policy.

Last updated July 31, 2020