



Office of the Vice President (Research)

Memorial University's Proposed Policy on Research Impacting Indigenous Groups
Principles for Engagement

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Memorial University's Proposed Policy on Research Impacting Indigenous Communities

Principles of Engagement Guide

This document details both the principles and procedures necessary for ethical engagement and building of consent when partnering with Indigenous communities¹ for research². This guide works to acknowledge the needs of Indigenous communities to be recognized as distinct from other groups and collectives because of historical processes, differences in culture, ownership of land, and self-determination³. This guide is based on the literature review conducted for Memorial's New Policy on Consent in Indigenous Research, as well as the pre-consultation process for this policy involving input from Indigenous communities, stakeholders, faculty members, and staff at Memorial University. This guide relates to all research conducted with Indigenous peoples and on their lands, including natural science, social science, humanities, and health science research.

It should be noted that this guide represents a snapshot of a moment – the principles for respectful engagement are constantly changing and, while this guide will likely remain relevant, these principles have to be applied in case-by-case situations in consultation with communities, and this document and other like it must evolve as relationships evolve.

1.1 Early Engagement

Engaging with Indigenous communities early in the research process is paramount, and this can take a number of forms. In some cases, regional governments serve as the most appropriate points of contact, and sometimes the leadership of communities. By consulting with Indigenous communities, getting to know those in positions of power, and the people in the community, researchers begin to develop familiarity and trust. This should take place even before research is designed or proposed⁴.

Engagement requires not just that researchers get to know people in communities, but that communities be partners in the creation of a research project. In order for this relationship to be formed, researchers have to be invited into communities to do research. When researchers push communities who may not be interested in research, who may not have the capacity to

¹ Communities, here, refers to collectives of people who share an identity. This may be groups, bands, governments, or any sort of title a group has organized themselves around

² Research within this document refers to a mutual agreement between project partners to pursue a question, problem, or gather data.

³ Brunger and Burgess (2000); Greely (1997); Kaufert et al. (2005); Smith (1996)

⁴ For more on benefits and importance of early engagement, see Bull (2010); Huria et al. (2019); Koster et al. (2019); Phare et al. (2019)

take it on, or who may not trust researchers, they do measurable harm through their research endeavours. Researchers should:

- Become familiar with research already done within the community;
- Lead with questions like what the community's priorities in research are;
- Identify what decision-making structures are present within the community, especially relating to research. This may include community leaders, community research advisory committees, regional authorities, or research centres;
- Visit public functions held by the community, as appropriate and when invited;
- Reach out to community leaders through e-mail, phone call, or other appropriate communication strategies, noting that access as well as customs will be different in different communities;
- Try and be involved in the community by physically going there, engaging in community events, and trying to get to know members;
- Discuss with appropriate community members (leaders, community researchers, etc.) about what research priorities are in the community and how this can be accomplished;

In cases where attempt(s) at engagement is/are ignored or not reciprocated, researchers should end attempts at partnership with that community and reconsider their research. This refusal, be it explicit or more implicit, is an affirmation of sovereignty by rightsholders, and is ethical in that it respects the wishes of the community⁵.

1.2 Building Consent

It is important that before research proposals and applications are constructed and submitted that consent be received. In some communities it may be considered rude or inappropriate to overtly disagree with a research endeavour, and with this prior consultation and involvement dialogue can grow and become more open, allowing for less overt refusals to become evident. This consent may take a range of forms, both formal and informal, but should indicate that the research previously discussed is agreed to by the community⁶. For example, this may look like things such as:

- A text from relevant leaders indicating that the research is suitable;
- A signature on a research agreement or form cooperatively drafted;
- Formal co-investigator or collaboration status of community members and/or leaders;
- A formal letter of support;

⁵ See Brunger and Wall (2016), and Tuck and Yang (2014) on the importance of refusal.

⁶ See Ermine, Sinclair, and Jeffery (2004) for how engagement fosters consent and comfort.

- An e-mail, or letter from a community representative;
- A phone call that has been recorded with permission

This consent is required for any research involving communities or taking place on their lands – not just research involving humans as outlined in the TCPS 2⁷.

This collective consent⁸ does not in any way override individual consent, and vice versa. Both are imperative to ethical research with Indigenous communities, and all participants and partners maintain their right to individual consent in cases where community consent has been granted.

Consent is ongoing. This means that, while proof of consent is not required by institutions at every stage, communities may pull back from research at any time because of changes in community attitude or the research. Consent must be facilitated at every step of the research project.

This informal consent cannot replace or superseded permission from Indigenous institutional review boards (IRBs) or research ethics boards (REBs). These investigate the ethics of the project, not just its desire to be done, and is a different form of consent (see section 4 for more).

2 Beginning Research

Research with Indigenous communities should include them as partners at every step. However, this partnership must be defined and understood by both parties. Some communities may want to be involved in the construction, implementation, and examination of all parts of the research. Others may only want to be notified of results. Defining this relationship is important. Further, these relationships may shift over time, and so all agreements should be treated as living negotiations.

This relationship should be facilitated, in part, by a research agreement cooperatively constructed. Research agreements should lay out:

- How members of the community will be involved in the research process as research assistants, consultants, knowledge holders, participants, leaders, oversight committees, etc.;

⁷ See Brunger and Russell (2015) for importance of research conducted on and involving land as requiring consent.

⁸ Collective Consent is consent held not by an individual but by a whole group. See Greely (1997); Juengst (1998); Brunger and Burgess (2000); and Weijer et al. (2000) for more on collective consent.

- What sort of financial compensation will be provided to research participants and in some cases research partners;
- What the data from the research project is intended to be used for and whether it is for one study or many;
- How the community will maintain ownership of data⁹ and how that data will be stored;
- How results from research will be disseminated to the community;
- What to do if there are disagreements on results or other facets of research;
- How authorship will be decided, and how community involvement will factor into this.

These agreements can be formal or informal, written or oral (if they are oral, they should be transcribed so as to make these agreements accessible and recorded for all parties). They must be accessible to all participating members. However, a formal representation is required to go through institutional review.

Research agreements are living documents – they can, and often must, be revisited, revised, and renegotiated¹⁰.

Researchers should pay special attention to relevant Indigenous ethics bodies and/or research review bodies as well as ethics codes released by nations, governments, and organizations when constructing these agreements. These may include Inuit Tapriit Kanatami (ITK)¹¹, Mi'kmaw Ethics Watch (MEW)¹², Assembly of First Nations (AFN)¹³, or other relevant bodies in order to guide their research agreements. Including discussions surrounding relevant principles such as OCAP¹⁴, the Truth and Reconciliation Calls to Action¹⁵, or UNDRIP¹⁶ is also important at this stage.

3 Ethics Processes

Many Indigenous communities, nations, governments, and organizations have formal research advisory committees, research centres, community ethics boards, or research

⁹ See OCAP; FNIGC (2014, 2019)

¹⁰ See Ermine, Sinclair, and Jeffery (2004); Brunger et al. (2014); Huria et al. (2019); Kaufert et al. (2005) on the importance of revising and revisiting research agreements

¹¹ See ITK (2018)

¹² See MEW (n.d.)

¹³ See AFN (n.d.)

¹⁴ OCAP are principles of ownership, control, access, and possession related to research. See FNIGC (2014, 2019); Schnarch (2004) for more on OCAP <https://fnigc.ca/ocapr.html>

¹⁵ See Truth and Reconciliation Commission of Canada (2015)

¹⁶ United Nations Declaration on the Rights of Indigenous Peoples (2007)

strategies that researchers must follow to engage ethically with communities¹⁷. Researchers should take the following steps in order to ethically engage in research:

- During research agreement construction, engage partners in discussion about conduct and set out principles for how ethical engagement should look;
- Where there are relevant community, regional, or larger ethics institutions, submit to those;
- Where there are local research centres or research projects, look at their ethics and see what differences may exist to spark further discussion and thought;
- Submit, as usual, to institutional, university, federal, provincial, or other ethics for approval, as required.

Community ethics cannot be overridden or considered subsidiary, but are just as relevant as institutional ethics.

It is important to note that research that meets research ethics guidelines is not necessarily ethical research¹⁸.

4 Ethical Conduct

Partnership with communities does not guarantee ethical conduct. This requires the above principles of capacity building and reciprocity, but also respectful day-to-day interaction and respect for customs¹⁹. Researchers should:

- Ensure that they are respectful of people offering hospitality;
- Learn and respect customs such as how ‘no’ or a withdrawal of consent may look for different people;
- Respect differing timelines of research and community life, and how research may need to adjust to facilitate the lives of everyday peoples;
- Engage with traditions and customs of respect such as bringing tobacco or eating foods which are often community specific.

Part of this ethical conduct is ensuring that researchers are not ‘parachuting in’ and then leaving with no discernible positive impact for communities. This means both that research

¹⁷ See Nunatsiavut Research Advisory Committee (2019); Nunatukavut Community Council Research Advisory Committee (2019) as some examples

¹⁸ See Brant-Castellano and Reading (2010); Brunger and Wall (2016); and Bull (2010) on the nuances of ethical research vs. research ethics

¹⁹ See OFIFC, 2019 as an example

should be returned to communities, and that relationships should be preserved after research²⁰.

5 Sharing Capacity as Relationships

Indigenous research bodies such as MEW and governance bodies such as ITK and AFN identify the importance of enhancing and contributing to research capacity²¹. This refers to the growing of the capability of communities to engage in research and conduct research on their own²². Prioritizing capacity sharing in research leads both to greater community engagement and more localized and targeted research by communities²³. Researchers should:

- Hire out of the community for research positions whenever possible;
- If community members are not trained for research, sessions should be facilitated to build their ability to participate so that they can be hired or trained;
- Those that contribute to research through labour, organization, administration, facilitation, housing, or knowledge production should be compensated for their time, especially Elders, with money, authorship, or both;
- Sit on relevant boards or community councils – where invited or encouraged – to help facilitate research and other community efforts.

Researchers should consider maintaining their relationships with these communities, even after the project is concluded. This may involve holding research training sessions with communities after the research is concluded – this fosters positive relations, builds capacity, and also makes research easier because of these strong reciprocal connections.

Graduate students face a unique challenge in this domain as they do not have the capability to hire community members on for projects, and they may or may not have the ability to teach or educate community members on various topics. To aid in capacity sharing, graduate students should:

- Make sure that they are engaging in research projects of relevance to the community;
- Hold classes or forums, if they can, to help bring community members into their research and share their knowledge;

²⁰ See Brunger and Wall (2016); Bull (2010) on the importance of continued relationships

²¹ The idea of “building capacity” relies on an idea of Indigenous communities as needing to be ‘fixed’ or ‘saved’ (Abdullah and Young, 2010; Kenney and Clarke, 2010) and so the term capacity sharing, which focuses on a reciprocal relationships, is used here instead.

²² See AFN (n.d.); FNIGC (2014); ITK (2018); MEW (n.d.); O’Neil, Reading, and Leader (1998); Schnarch (2004) for more on capacity building

- Bring results back to the community;
- Employ any of their skills in ways the community may need (i.e. organizing files, helping build websites, organizing events);
- Be involved in the community as much as possible such that they may be attuned to the needs of the community and where they may be able to help out if they are invited and able.

A large portion of ensuring that graduate students are set up to build respectful and reciprocal relationships with communities is for them to work with established researchers who have established these relationships and to gain access to the resources that researchers have in order to develop and foster these relationships for themselves. Graduate students provide unique benefits for communities, and their involvement has to be facilitated and supported in large part by their supervisors.

6 Reciprocity

The community is actively involved in research, even if they are not acting as research assistants or engaging directly with the research process. As such, where there is benefit for the researcher there should also be benefit for the community as they donate their time, space, energy, teachings and, often, traditional knowledge²⁴. This may include:

- Authorship for community partners or even participants²⁵ to help articulate, establish, and further research careers;
- Ensuring that there are few or, usually, no financial costs to the community resulting from the research process;
- Dissemination of results and findings;
- Ensuring accurate and inoffensive representation of community in research results.
- Ownership, control, and access to data.

In cases where significant financial benefit is expected, communities and researchers should negotiate and involve the university in this process. Researchers should keep in mind that the data created with Indigenous communities belongs, first and foremost, to those communities.

When community involvement is facilitated through respectful research relationships, researchers help create resources, services, and knowledge important to the community.

²⁴ See Brunger and Wall (2016); Bull (2010); Huria et al. (2019) for explanation of how research affects communities

²⁵ See Koster et al. (2019) for an example

Further, community members and research partners, through this process, allow for key insights in the research, and the research itself is strengthened by the reciprocal nature of the relationship. In this way, reciprocity is about both the quality and integrity of research as well as the growth and development of communities.

7 Results and Dissemination

Community partners should be involved in the processing of results whenever possible. This ensures that the community is not being misrepresented or damaged by results. Similarly, whether partners are able to be involved at the results stage or not, findings should be presented to the community before otherwise disseminated or published.

Presentation of results to the community can take many forms. However, all of these forms must be accessible to community members, meaning that they don't rely on academic or highly scientific language²⁶. Dissemination should happen in ways that the community has indicated is best – this may include using certain spaces like a town hall, or more hands off approaches like flyers, e-mails, etc. This process may look like:

- Organizing a town hall or community open house to present and discuss results;
- Mass e-mails with result summaries and accompanying information sessions;
- Result summary handouts;
- Infographics, videos, or visual media;
- Posters around town
- Invitations to prior established community events to present results.

The responsibility of establishing and conducting these sessions falls on the research team. This may, of course, involve cooperation with the community, but should not rely solely on their resources or abilities, and should be assumed to be a necessary step by researchers.

8 Engagement with Urban Populations

Indigenous peoples occupy many urban centres in Canada but often do not have the same apparent authority structures in these settings. These urban centres also tend to have peoples of varied communities. As such, research may look different as it is not about partnering with one group, or even a group that identifies as a collective. To engage in such research, researchers should:

²⁶ See Rosenthal (2006); Kowal, Radin, and Reardon (2013) for layout of how unintelligible research agreements have proven problematic

- Identify relevant Indigenous urban organizations (such as resource or friendship centres);
- Engage in discussion and consultation with relevant institutions to determine what research and processes may be appropriate;
- Cooperate with stakeholders in urban centres and populations involved in research to follow above ethical guidelines of inclusion, capacity building, reciprocity, etc. and determine guidelines for ethical engagement.

While all research processes are highly situational and dependent, this doubly so for Indigenous urban research, requiring that researchers listen to those involved, adjust, and ensure that those engaged are engaged ethically²⁷.

9 Secondary Data Use

Secondary data is data that is either being used for a purpose other than that which it was originally collected for or being used by people who did not originally collect it. This includes publicly available data (such as archives), data being used for additional purposes as per research agreements, and data published in the public domain.

Important to recognize here is that much publicly held data involving Indigenous peoples was not collected ethically and belongs to Indigenous peoples. Further, many research agreements constructed that involve secondary data have not been accessible and, so, have resulted in exploitation of Indigenous communities through their data²⁸. These topics, then, are controversial.

Publicly accessible data is difficult in that it rightfully belongs to Indigenous peoples, but there is so much of it held by various institutions that asking for consent is a complicated process, and one that may overburden communities. The solution to this may be more institutional than based on individual researcher conduct. That being said, researchers should:

- Try to ensure that secondary data they use was acquired ethically;
- Try not to not use data collected unethically;
- Establish contact with relevant communities to begin to understand their standpoints on such data;
- Work with initiatives trying to return data to communities.

²⁷ See OFIFC (2019); Bird-Naytowhow et al (2017); Evans et al. (2009) on the processes, difficulties, and ethics of urban research

²⁸ See Rosenthal (2006) on the use of secondary data to exploit communities

Secondary use of data for studies should involve:

- Revisiting research agreements with communities to ensure that additional studies of data are still beneficial and ethical;
- Involve community partners in data analysis;
- Follow prior practices for return of results to communities.

In cases where data is previously published material (particularly creative content or content relating to traditions), researchers should:

- Reach out to content creators and ensure that this is an appropriate use of their work;
- Collaborate and discuss analysis with content creators wherever possible;
- Abide by in place protections through copyright law;
- Involve relevant Indigenous peoples in studies.

As is the case for urban research, these ethical processes have not reached closure or been effectively defined²⁹. Paying attention to principles of ethical conduct, the needs and positions of those involved, and engaging openly in discussion can assist in developing case-by-case ethical engagements.

10 Navigating Student Work and Community Research

The needs of graduate students within research processes require a high degree of attention, guidance and specificity. As supervisors build more robust and reciprocal relationships with communities, graduate students, too, will learn to enter into these relationships and be better supported in research that may otherwise be inaccessible to them as a result of time constraints and the nature of relationship building.

To ensure that students are undertaking appropriate research, students should:

- Consider the time requirements of community research compared to program requirements;
- Be supported and guided by supervisors that have reciprocal relationships with communities;
- Work with supervisors to navigate the consent process and ensure that research fits within ethical institutional and community guidelines.

The establishment of new systems of training for students and cooperation with communities is needed to allow for ethical and doable practices for students to be developed.

²⁹ See Dei, Hall and Rosenberg (2000); Ermine, Sinclair, and Jeffery (2004); Mello and Wolf (2010); Moore et al. (2017); on the difficulties of secondary data

11 Principles of Facilitation: For Universities and Institutions

The shortcomings of research ethics are not just the result of insufficient policy and researcher guidelines, but also the university and institutional structure.

Cooperation with institutions and communities can work to:

- Establish accessible databases for Indigenous data (both new and repatriated);
- Create joint data sharing agreements to allow for ethical engagement with secondary data;
- Establish networks allowing for researchers to meet communities more easily and for communities to contact and vet researchers to address local needs and goals;
- Establish both research and ethics training programs to educate researchers and build capacity in communities as well as capacity in the university in their ability to engage;
- Work with communities when invited to establish more localized research bodies, groups, or teams.

To facilitate community research institutions must:

- Address problems with evaluation of researchers relying on fast and frequent publications, which does not facilitate the longer process of community research, such as tenure track evaluations;
- Train both researchers and those evaluating researchers, such as review board members, funding bodies, and awards groups in how to consider community research;
- Establish different regulations for funding to consider the different time and resource needs of community research;
- Supporting research funding timelines that are more malleable to account for needs of community research;
- Compile guides for both established researchers and students to ensure proper navigation and protection within research;
- Consider establishment of institutional ethics review boards specifically for Indigenous research and involving Indigenous rightsholders.

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