

Research Impacting Indigenous Groups Policy

PRINCIPLE:

Memorial University is committed to excellence in research, including maintaining the highest ethical standards and supporting integrity in research. The conduct of research that impacts Indigenous communities, cultures, and lands must be grounded in ethical conduct and respectful, ongoing engagement with Indigenous groups. In many cases, this requires collaboration and partnership. In all cases, this strengthens the impact and integrity of research.

PURPOSE:

To ensure Researchers carry out and continue to carry out appropriate engagement with Indigenous collectives in Indigenous research, starting at the research design stage.

SCOPE:

Researchers at Memorial University and the research, creation and scholarly activity undertaken by them that impacts Indigenous groups, peoples and land. This policy is applicable in addition to *Ethics of Research Involving Human Participants* policy and related procedures, and Research Review.

DEFINITIONS:

Agreement in Principle (Concept Development Phase) (Agreement in Principle (CDP)) – 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, whether that be submitting requests for funding, seeking collaboration, co-developing the research, moving to formal Indigenous Research Review, the beginning of research, or subsequent activity.

Committee on Ethical Research Impacting Indigenous Groups (CERIIG) – When there is no other Indigenous group to review research to provide Agreement in Principle (Concept Development Phase), this group of Indigenous experts in research relations ensures projects are in line with best practices and principles in Indigenous research, including TCPS2 Chapter 9. Its approval serves as Agreement in Principle (CDP). This group does not and cannot represent Indigenous groups outside of the Memorial community in these duties.

Elder - person recognized by their Indigenous community/ies as a holder of Indigenous wisdom, knowledge and history and who supports and guides learning in Indigenous groups by imparting tradition, knowledge, culture, values and lessons using role modeling and traditional practices. Elder is not necessarily a position or an age.

Indigenous Land – Land covered under Aboriginal title, including reserves, Métis settlements, and other Indigenous lands governed under a self-government agreement or an Inuit or First Nations land claim agreement, as well as traditional lands that are not formally recognized by the state, where groups have asserted rights.

Indigenous Group(s) - Indigenous groups in Newfoundland and Labrador, Canada and anywhere else in the world. They may be formal groups with governing leaders or informal social groups, rural or urban, made of one main identity or multicultural.

Indigenous Research – based on Tri-agency’s TCPS2, chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada (http://www.pre.ethics.gc.ca/eng/tcps2-eptc2_2018_chapter9-chapitre9.html), Indigenous Research refers to primary research 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.

Memorial’s Indigenous Research Advisory Group (MIRAG) – An advisory group that fields questions, provides guidance and expertise, and makes recommendations to Memorial researchers engaging in Indigenous Research.

REB - research ethics board

Research - any form of research, creation or scholarly activity; any form of information or data collection, including for program review and evaluation; and classroom research. 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 **Research Ethics Boards** 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**.

Researcher - any individual who is involved in the intellectual direction, control and/or conduct of the research activity. This may include: faculty, staff, visiting scholar, adjunct, emeritus, honorary research professor, or executive in residence, graduate, undergraduate and unmatriculated students at any level, and instructors, regardless of heritage or identity, paid or unpaid status. When a Memorial researcher is among a larger group based at 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. While everyone on the project *should* adhere to this policy and related procedures, only Memorial researchers *must*.

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 artefacts. This research must still abide by principles outlined in TCPS2 chapter 9.

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 lands, people, groups, Nations, or tribes can be identified. This includes all data held by formal data custodians. This may include “open” data.

POLICY:

1. General

- 1.1. Indigenous Research requires engagement with applicable Indigenous groups. This includes Agreement in Principle (CDP) by appropriate representatives of an Indigenous Group. The nature and extent of engagement will be determined jointly by the researcher and the relevant groups and will be appropriate to the Groups' characteristics, protocols, and Research Review, as well as the nature of the research.
- 1.2. Funding for Indigenous Research may be sought and unfunded Indigenous research may begin only after Agreement in Principle (CDP) has been obtained.
- 1.3. Obtaining Agreement in Principle (CDP) is in addition to any additional Research Review required by Indigenous Groups and does not circumvent them. In most cases, full Research Review is conducted in accordance with the processes required by the Indigenous Groups', governing bodies', and government's existing formal or informal research review processes. These processes may be formal REBs and informal discussion groups with key members of a band, such as a chief and/or Elders, among other processes.
- 1.4. Agreement in Principle (CDP) by Indigenous Groups may, but does not necessarily, require a full Research Review or REB process, as determined by the Indigenous Group(s) involved. This may include the Indigenous Group deciding that Agreement in Principle (CDP) is not required, and documentation of that decision can be used in lieu of Agreement in Principle (CDP).
- 1.5. The process for obtaining Agreement in Principle (CDP) must occur as a research proposal is being considered and developed. Research grants, applications, and contracts may be approved or awarded by Memorial only after evidence of Agreement in Principle (CDP) has been presented. See *Procedure for Obtaining Agreement in Principle (Concept Development Phase)*.
- 1.6. Agreement in Principle (CDP) relates to the beginning of a research project or application and does not guarantee ongoing consent, agreement, or participation, which should also be obtained. This may be supported by: use of Memorial's Indigenous Research Agreement for data transfer and ownership, discussions of shared benefits and risks, collaborative data analysis, and research communication plans.
- 1.7. Evidence that Agreement in Principle (CDP) has been obtained may be informal or formal and may take a variety of forms, including but not limited to:
 - a. A text from relevant leaders
 - b. A signature on a research agreement or form, collaboratively drafted
 - c. Formal co-investigator or collaboration status of Indigenous leader(s) or official representative
 - d. A formal letter of support
 - e. A phone call, email, or letter from an Indigenous Group leader or official representative
 - f. A document showing successful Research Review by the Indigenous Group
- 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.

1.9. Recruiting Indigenous students or speakers, expressing one's Indigenous culture or identity, disseminating results, carrying out programming or events, or other activities that do not collect or create new information are exempt from this Policy. In cases where there is a combination of Research and non-Research activity, the Policy applies.

1.10. Supporting documents for carrying out Indigenous Research include:

- a. Memorial's Indigenous Research Agreement Template for data management and transfer
- b. Memorial's Principles of Engagement for Indigenous research, TCPS2—Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada, and
- c. CHIR Guidelines for Health Research Involving Aboriginal People.

2. Memorial's Indigenous Research Advisory Group

- 2.1. Memorial's Indigenous Research Advisory Group is the central support for Researchers seeking best practices, advice, and guidance for creating ethical and impactful Indigenous Research. This expert group aids Researchers in ensuring Indigenous Research meets requirements of TCPS2 Chapter 9 and other principles of ethics and respect, including but exceeding advisement on obtaining Agreement in Principle (CDP).
- 2.2. The Vice-President (Research) or delegate establishes Memorial's Indigenous Research Advisory Group comprised of Memorial Researchers and affiliates who have been recommended by Indigenous communities.

3. Authority to give Agreement

- 3.1 Agreement in Principle (CDP) is collective and may require agreement from diverse community members, including research staff of an Indigenous Nation, Elders, councils (including confederacy councils), and other leaders and knowledge holders. Researchers must become familiar with which group(s) and representatives within groups have the authority to give Agreement in Principle (CDP) and must always pursue the highest authority. In descending order, these authorities are:
 - a. Where there is an Indigenous Nation/Governing body when research is occurring within land claim areas and/or where governing bodies have asserted rights when there is no land claim, this governing body must provide the Agreement in Principle (CDP). Agreement in Principle (CDP) should also be sought from smaller groups/communities within the Nation/governed area, but the final authority rests with the formal governing body/Nation. If there is none or this is not applicable, only then should Agreement in Principle (CDP) be obtained by:
 - b. An Indigenous Research Review processes or REB designated by the Indigenous group(s), such as Mi'kmaw Ethics Watch. If there is none or this is not applicable, only then should Agreement in Principle (CDP) be obtained by:
 - c. A formal or informal body made up of or representing the Indigenous group(s), such as leaders of a Native Friendship Centre if the study is being done on employees from or users of a particular multicultural Native Friendship Centre. If there is none or this is not applicable, only then should Agreement in Principle (CDP) be obtained by:
 - d. The Committee on Ethical Research Impacting Indigenous Groups. This group is responsible for ensuring they do not give Agreement in Principle (CDP) if any of the above groups exist. Since this group does not represent any Indigenous group per se, their Agreement in Principle (CDP) is to ensure best practices and ethical standards, and cannot speak for or give consent for an Indigenous group.

- 3.2 Where there is overlap among two or more Indigenous governing bodies or groups in an area, Agreement in Principle (CDP) must be obtained for all groups. If this cannot be obtained, the project must be adapted accordingly. If coordinated Agreement in Principle (CDP) cannot be obtained, the research cannot be conducted.
- 3.3 Nations and Indigenous governing bodies normally do not have the ability to grant Agreement in Principle (CDP) for their members outside of the 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 3.1b-c are to be used where available. If none, only then can researchers use Committee on Ethical Research Impacting Indigenous Groups.

4. Committee on Ethical Research Impacting Indigenous Groups

- 4.1. When there are no existing or feasible ways for appropriate Indigenous Groups (3.1.a-c) to provide Agreement in Principle (CDP), the Committee on Ethical Research Impacting Indigenous Groups must be used.
- 4.2. The Committee on Ethical Research Impacting Indigenous Groups is to be consulted in cases of secondary data where avenues of or requirements for Agreement in Principle (CDP) are unclear. It provides a decision on how to proceed.
- 4.3. The Agreement in Principle (CDP) provided by the Committee on Ethical Research Impacting Indigenous Groups is not representational consent, but agreement that the research meets requirements of this policy, TCPS2 Chapter 2, and best principles of Indigenous Research.
- 4.4. A committee consisting of members of the President's Advisory Committee and the Vice-President (Indigenous Research) or delegate establishes the Committee on Ethical Research Impacting Indigenous Groups comprised of Indigenous people, in consultation with Indigenous communities.

5. Classroom and Course-based Research

- 5.1 Classroom and course-based Indigenous Research, including Indigenous students collecting data from their families, territories, etc., requires Agreement in Principle (CDP).
- 5.2 Instructors may seek Agreement in Principle (CDP) for their entire class or class project over several semesters, rather than individual requests by students, if agreed to by the bodies noted in Section 3.

6. Graduate Students

- 6.1 The School of Graduate Studies provides prospective graduate students with information about Indigenous Research and this policy and its related procedures.
- 6.2 Supervisors of graduate students seeking to do Indigenous Research should have existing relationships with Indigenous group(s). This may serve to reduce timelines for obtaining Agreement in Principle (CDP), Research Review, and other relationship-based processes.
- 6.3 In the case where a graduate student's work was specifically included in a supervisor's research proposal that has Agreement in Principle (CDP), that graduate student may fall under the supervisor's Agreement in Principle (CDP). If the graduate student's work is different from or departs from the supervisor's existing Agreement in Principle (CDP)(s), the graduate student must initiate their own

Agreement in Principle (CDP) in accordance with this policy and its related procedures as well as any requirements of existing Indigenous Research Review and other ethics and permitting processes.

7. Negotiating and Revoking Agreement

7.1 Indigenous groups have the right to revoke their Agreement in Principle (CDP)(s) at any time. The agreement must only be revoked by the same body that provided it, by a member with the authority to revoke it, which is normally the same authority/type of position that granted it.

7.2 Any Researcher who becomes aware that an Agreement in Principle (CDP) has been revoked, must immediately notify the Associate Vice-President (Indigenous Research) in writing. The Associate Vice-President (Indigenous Research) may seek to negotiate a resolution. See the *Procedure for Revoking Agreement in Principle (Concept Development Phase)*

RELATED DOCUMENTS:

Ethics of Research Involving Human Participants policy

Integrity in Scholarly Research policy

Intellectual Property policy

Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS2) Chapter 9

Tri-agency Responsible Conduct of Research (RCR)

Health Research Ethics Board and Health Research Ethics Authority policies

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