

2021

The University of Arizona

**COLLABORATIVE RESEARCH +
ENGAGEMENT WITH NATIVE NATIONS and
INDIGENOUS PEOPLES**

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THE UNIVERSITY OF ARIZONA

Research

Innovation & Impact

COLLABORATIVE RESEARCH + ENGAGEMENT

A preliminary guide for the University of Arizona community wishing to engage in research partnerships with Native Nations

Objectives

- ▶ Background: Introduction to American Indians and Alaska Natives
- ▶ Why is Consultation Required?
- ▶ Arizona Board of Regents 1-118 Tribal Consultation Policy + University of Arizona Guidelines
- ▶ What might Native nations require?
- ▶ RII Best Practices: Recommendations for Research + Engagement

**Background:
Introduction to American
Indians and Alaska
Natives (AI/ANs)**





NATIVE PEOPLES OF ARIZONA
COMPREHENSIVE MAP OF ARIZONA INDIAN RESERVATIONS



SOURCES:
 American Indian Tribes and Communities in Arizona.
http://www.epa.gov/region9/air/maps/images/AIR1100040_2g.gif
 Arizona Tribal Lands and Reservations
http://www.epa.gov/region9/air/maps/images/AIR1100040_2g.gif

NATIONAL

- ▶ 574 distinct federally-recognized sovereign Tribes
- ▶ ~400 non-federally recognized Tribes

ARIZONA

- ▶ 22 Tribes in Arizona
- ▶ 5.3% of Arizona's population
- ▶ Total reservation land covers more than a quarter of the state
- ▶ The University of Arizona resides on the traditional lands of the Tohono O'odham Nation and Pascua Yaqui Tribe

WHY IS
CONSULTATION
REQUIRED?...

SOVEREIGNTY

Sovereignty is the authority to self govern.

Federally-recognized Native Nations are sovereign nations and have inherent rights and a political relationship with the United States government.

Throughout U.S. history, hundreds of treaties, executive orders, and laws have created a fundamental contract between Native Nations and the U.S., affirming that Native Nations retain their inherent powers of self-government.

WHY IS
CONSULTATION
REQUIRED?...

SOVEREIGNTY

Sovereign status is a defining feature of Native Nations and it differentiates them from other communities with whom the University of Arizona may engage.

Any research or institutional engagement conducted on sovereign Native land is governed under the authority of that individual nation.

Each Native nation is the exclusive owner of all property on its lands and fully controls the disposition, development and use of its physical and intellectual property.

**ABOR Tribal
Consultation Policy
and University of
Arizona Guidelines**



ABOR Tribal Consultation Policy

Arizona Board of Regents (ABOR) Policy 1-118 (Feb 2016)

"The board and the universities value and desire to develop their relationships with sovereign tribes. This policy reflects the board's commitment to those important government-to-government relationships by recognizing and affirming fundamental principles of consultation and respect."

ABOR 1-118 – SIGNIFICANT CLAUSES:

*“A.2.: The board and the universities respect and acknowledge the culture, traditions, beliefs, government processes, tribal laws, codes, regulations and protocols of sovereign tribes. As such, the board and the universities are **COMMITTED TO COMPLYING WITH ALL APPLICABLE TRIBAL LAWS, CODES AND REGULATIONS.**”*

Note: the UA contracting process is challenging due to the status of the University of Arizona as a state institution of higher education.

ABOR 1-118 – SIGNIFICANT CLAUSES:

“B.1.b.: The board acknowledges that laws that protect individual participants in research may not be sufficient to protect the interests of a sovereign tribe that could be affected by research.”

Note: To truly engage in “community” or “tribally based participatory research,” the researcher must recognize and acknowledge potential community risks which could inure to the tribe.

ABOR 1-118 – SIGNIFICANT CLAUSES:

“B.1.c.: Universities and tribes will collaborate in the design of research in which they jointly choose to participate. Each party ... will consult with all other parties regarding confidentiality, ownership of data and results, use of land or other resources, ownership and disposition of any biological materials collected, ... and proposed publications and presentations relating to the research.”

University of Arizona Guidelines for Research and Institutional Engagement with Native Nations (2018)

These guidelines were developed to complement ABOR 1-118. They outline specific activities where documentation of tribal consultation and approval is required.

Research or Engagement Where Notice and/or Documentation of Approval Are Required

The research or institutional engagement takes place in Indian country, and/or on land under the control or jurisdiction of a sovereign tribe, or

Research or Engagement Where Notice and/or Documentation of Approval Are Required

Human research is conducted in Indian Health Service (IHS) facilities or involving IHS staff or resources, or

Research or Engagement Where Notice and/or Documentation of Approval Are Required

The research or engagement involves participation by members of a sovereign tribe and may foreseeably result in research results with implications specific to a tribe or to individuals as members of the tribe, or

Research or Engagement Where Notice and/or Documentation of Approval Are Required

The research or engagement involves human remains, funerary objects, sacred objects, or objects of cultural patrimony that are subject to the Native American Graves Protection and Repatriation Act, or

Research or Engagement Where Notice and/or Documentation of Approval Are Required

The research involves human subjects, including genetic testing or testing of blood, tissue, or other biological materials if the individual's membership in or affiliation with a tribe is identified, and that is intended to or may foreseeably result in conclusions or generalizations about a tribe or individuals as members of the tribe.

Procedure - What does the University of Arizona Require? For Human Research:

Determine whether the project is human research requiring IRB approval. Complete the “Determination of Human Research” form found on the Human Subjects Protection Program (HSPP) website.

If your project falls under human research, the HSPP requires documentation of approval and additional information.

HSPP submissions are routed to the Native Peoples Technical Assistance Office for review and acknowledgement.

Procedure - What does the University of Arizona Require? For Sponsored Projects Submissions (NOT Human Research):

Research the policies and protocols for conducting research with the Native nation(s).

The principal investigator or project director is required to collect and retain documentation of consultation* with approval or *pending approval* from the Native Nation. Keep documentation for your records.

On your Sponsored Projects Proposal, check the box for Native Affairs.

Sponsored Projects will route your proposal to the Native Peoples Technical Assistance office for review and acknowledgement.

*Documentation of tribal approval can include letters or electronic communications of support or approval, tribal resolutions, contracts, permits, or other forms of agreement or evidence of consultation and approval.

What Might Native Nations Require?

All Native Nations govern research on their reservation lands in some way. Some IRB research policies and guidelines are available online. Native Nations may require:

- ▶ Native Nation IRB or other authority approval
- ▶ Presentations to Tribal Council and/or other discussions
- ▶ Data control and ownership
- ▶ Publication rights
- ▶ Complete confidentiality

What Might Native Nations Require?

- ▶ Jurisdiction over dispute resolution and other contractual provisions
- ▶ Control over continuation of project or contract
- ▶ Local presence – community partners
- ▶ Knowledge of sovereignty, culture, history, local protocols
- ▶ Cultural awareness training
- ▶ Fees or other investments including facility rentals, consultants, meeting expenses, project equipment and other resources

RII Best Practices: Recommendations for Research + Engagement

- Understand and acknowledge tribal SOVEREIGNTY
- Engage in early and continuous CONSULTATION
- Demonstrate INFORMED CONSENT has been obtained
- Recognize COMMUNITY RISK beyond focusing on potential risks to individuals



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