
INTRODUCTION

The University strives to ensure that the responsibility of meeting the research needs and interests of both Indigenous peoples and the University are applied respectfully and appropriately by students and faculty. In attaining that goal, the *Principles and Guidelines for Ethical Research with Indigenous Peoples*¹ will enhance the guiding principles of the Tri-Council Policy Statement. These guidelines pertain to any research that involves Indigenous people, their rights, their physical and cultural properties and resources, and their socio-economic circumstances².

¹ The *Principles and Guidelines for Ethical Research with Indigenous Peoples* have been adapted from the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in Indigenous Studies and the draft Department of Native Studies Research Protocol. The AIATSIS Guidelines for Ethical Research in Indigenous Studies provides a framework for highlighting the principles, content, and ideal outcomes of ethically informed research with Indigenous people, communities and organizations. It may be relied on to guide a Human Ethics Committee in its deliberations (in whole or part). The use of the AIATSIS Guidelines in itself does not mean that the University has received approval (or equivalent) from the AIATSIS Research Ethics Committee. The AIATSIS Council granted permission for the University of Saskatchewan to use the AIATSIS document in part or whole on August 4, 2006 for the development of the University's Principles and Guidelines document. The principles in this document are also consistent with the principles of respect for persons, beneficence and as outlined in the Belmont Report (1979) <http://ohsr.od.nih.gov/guidelines/belmont.html#gob>.

² For guidance as to when researchers should consult this document, the CIHR (2007) Guidelines for Health Research Involving Aboriginal Peoples (<http://www.cihr-irsc.gc.ca/e/29134.html>) are adapted below.

As a general rule, the principles should be applied whenever a research project includes Indigenous research participants unless ALL of the following conditions are met:

- a. The research includes both Indigenous and non-Indigenous participants; and
- b. the research hypothesis does not concern whether or not a participant is Indigenous; and
- c. the project's recruitment criteria do not include membership of an Indigenous community either for the entire study or for a sub-group; and
- d. the analysis of the research results will not use Indigenous community membership as a variable; and
- e. the interpretation of the research results will not refer to Indigenous people, language, history or culture.

Community consultation and if needed, community consent should take place in the case of:

1. Research directly and exclusively involving Indigenous communities.
2. Research involving Indigenous people where they comprise a sizable proportion of the study or community and Indigenous-specific conclusions are intended.

Community consultation and if needed, community consent should take place provided there is an accessible body with which to consult in the case of:

3. Research involving Indigenous people where the Indigenous people are part of a larger community (regardless of their proportion) that is the subject of research, and Indigenous-specific conclusions are intended, or it is foreseen that Indigenous-specific conclusions may emerge after the research is completed.

Community consultation would constitute good practice, where possible, but would not be required in the case of:

4. Research involving Indigenous people where the Indigenous people are a sizeable proportion of the larger community that is the subject of research even if no Indigenous-specific conclusions will be made.
5. Research which is not intended to single out or describe characteristics of Indigenous people in the study, if Indigenous people live in the community but not in significant numbers and are only indirectly affected, and are not specifically targeted in the research.

To assist in administering these guidelines, the University will form an Indigenous Peoples Advisory Panel for consultation and recommendation to the Research Ethics Boards (REBs) on issues where the REB and researchers require more expert guidance. The Panel will consist of members who are broadly representative of humanities, social science and biomedical research at the University of Saskatchewan.

We acknowledge that in the past, research has been undertaken without the sanction or prior informed consent of Indigenous peoples, their traditional societies and local communities; adversely impacting their rights and responsibilities. *The Principles and Guidelines for Ethical Research with Indigenous Peoples* are founded on respect for Indigenous peoples' inherent right to self-determination, and right to control and maintain their culture and heritage. Moreover, researchers should bear in mind that while in western society ethics are considered socially constructed norms, and therefore open to revision over time, within many Aboriginal communities ethics are considered more in terms of morals. That is to say, they are often regarded as being derived from the Creator or other metaphysical sources and therefore impervious to shifting human standards.

The following principles of ethical research with Indigenous peoples are intended to provide guidance for researchers and Research Ethics Boards at the University of Saskatchewan. Accompanying appendices offer practical applications for the implementation of these principles. The combination of principles and practical applications will allow us to achieve the best standards of ethical research.

For the purpose of this document, the following definitions apply:

Indigenous: Within Canada, Indigenous people includes those recognized in section 35 of the Constitution of Canada, namely Inuit, Indian and Métis as well as those people considered non-status Indians. External to Canada these guidelines refer to any society, including individual members and collective of members, that self-identify as Indigenous Peoples or are recognized internationally as Indigenous Peoples.

Participant: An individual who has agreed to take part in or become involved in the research activity as a research subject.

Partner: An organization that has knowledge and experience with the Community that is part of the research. The Partner could be a political representative organization, service organization or Community group.

Community: A group with a shared geographical, cultural or political identity and/or experience; examples include Inuit, a First Nation or Indian Band, group members or grandmothers. A community, therefore, need not be a formal political entity.

PRINCIPLES OF ETHICAL RESEARCH

1.0 Principle of Consultation, Negotiation, and Mutual Understanding

Indigenous communities and individuals have a right to be consulted in any research project that involves Indigenous people, their rights, their physical and cultural properties and resources, and their socio-economic circumstances. Researchers must accept varying degrees of Indigenous Community input into and during the research process. It is ethical practice in any research on Indigenous issues to consult with those who may be directly affected by the research or research outcomes whether or not the research involves fieldwork.

Ethical conduct of research requires that the research do no harm. Ethical research should be designed to minimize risks and maximize benefits to participants and communities. Researchers also have an obligation to give back to the Community.

Consultation and negotiation, is a continuous two-way discussion throughout the research process, with the intent of achieving mutual understanding about the proposed research. Consultation involves an honest exchange of information about aims, methods, and potential outcomes for all parties. Being properly and fully informed about the aims and methods of a research project, its implications and potential outcomes, allows groups to decide for themselves how they will participate in a project. However where the researchers and communities hold different perspectives on the research results, it is valid to publish a differing view.

The aim of the negotiation process is to develop a clear understanding, which may result in a formal agreement (preferably written), about research intentions, methods and potential results. The establishment of agreements and protocols between Indigenous peoples and researchers is an important development in Indigenous research. Good faith negotiations are those that have involved a full and frank disclosure of all available information and that were entered into with an honest view to reaching an agreement.

2.0 Principle of Full, Free and Informed Consent

Free and informed consent must be obtained prior to the initiation of research. Consent must be obtained free of duress or pressure. Consent must be made with full information about the details and risks of the proposed research. Informed consent of Indigenous people as a group, as well as of individuals within that group, is important. Ongoing consultation between the affected parties is necessary to ensure free and informed consent for the proposed research, and to ensure maintenance of that consent. Researchers should implement projects in stages to allow continued opportunities for consent to be affirmed by the Community and individuals. Participants and the Community have the right to withdraw from the project at any time provided that both parties are fully aware of the consequences.

3.0 Principle of Partnership

Partnership refers to the role of research in empowering all Partners through the mutual sharing of skills and knowledge. During the consultation and negotiation process, the University and Indigenous Partners will decide the degree to which each will be involved. As agreed among the Partners, research projects may be cooperative and collaborative in the design, implementation, analysis, interpretation, reporting, publication and distribution of the research and must be respectful of the intellectual traditions of all Partners. Where appropriate, research on Indigenous issues should incorporate Indigenous perspectives and this is often most effectively achieved by providing opportunities and facilitating more direct involvement in the research.

4.0 Principle of Respect, Recognition, and Involvement

Partners must respect Indigenous and Academic knowledge systems and processes. Acknowledging and respecting each others knowledge systems and processes is not only a matter of courtesy but also recognition that such knowledge can make a significant contribution to the research process. Researchers need to respect the proprietary rights of Indigenous peoples in relation to their knowledge, ideas, cultural expressions and cultural materials. Indigenous peoples need to be informed about the researcher's academic culture, timelines, and policies, so that they can develop an understanding of these processes as well.

There must be recognition of the diversity and uniqueness of Indigenous peoples as well as individuals. Research with Indigenous people must show an appreciation of the diversity of Indigenous peoples, who have distinct languages, cultures, histories and perspectives. It is also important to recognize the diversity of individuals and groups within those communities.

5.0 Principle of Intellectual and Cultural Property Rights

The intellectual and cultural property rights of Indigenous peoples must be respected and preserved. Cultural and intellectual property rights are part of the heritage that exists in the practices, resources and knowledge systems of Indigenous peoples and form part of their unique identity. Indigenous intellectual property is not static and extends to new creations based on that heritage. It is a fundamental principle of research to acknowledge sources of information, including individuals and groups who have contributed to the research.

6.0 Principle of Protection

Protection of Indigenous Partners and their associated Communities extends to any negative impacts from the research findings, in particular when those findings are made public. Protection also extends to the responsibilities of the researcher and Partners to meet the expectations and regulations of the institutions and funding agencies involved. Where appropriate, Partners will be actively involved in monitoring the research throughout the project. Research is governed by the ethical standards of the University, funding agencies, and Indigenous communities.

7.0 Principle of Benefits and Outcomes

The use of, and access to, research results should be determined during the negotiation process. Indigenous peoples make a significant contribution to research by providing knowledge, resources and access to data. Their contribution is acknowledged by providing access to aggregated research results. The Community's expectations, planned research outcomes and access to research results should be mutually understood.

A researched Community should benefit from, and not be disadvantaged by, the research project. Indigenous research should benefit both the local/immediate Community and the Community of Indigenous people as a whole. A Community has a right to expect clear, concise, useful and accessible research results as a reciprocal benefit for allowing researchers intimate access to their personal and Community knowledge.

8.0 Principle of Confidentiality

Indigenous peoples, their traditional societies and local communities, at their sole discretion, have the right to exclude from publication and/or to have kept confidential, information concerning their culture, identity, language, traditions, mythologies, spiritual beliefs and genomics. Permission must be sought at the beginning of the research process, because access to this information may be restricted or denied. Parties to the research have a responsibility to be aware of and to comply with local systems for management of knowledge and local innovation, for example in relation to what may be considered sacred and secret knowledge. Furthermore, researchers and other potential users shall guarantee such confidentiality. Indigenous peoples, their traditional societies and local communities, also have the right to privacy and anonymity, at their discretion. Indigenous groups may have distinctly sensitive social issues. The onus is on the researcher to be aware of any issues and to take appropriate measures to prevent offence.

The following appendices offer practical suggestions and applications for the implementation of these principles.

APPENDIX 1 – Principle of Consultation, Negotiation, and Mutual Understanding

To facilitate appropriate consultation, negotiation, and mutual understanding:

- Identify appropriate individuals and authority(ies) representing the Community(ies) who should be consulted in the development of your research project. There is almost always someone to speak for a particular place or area. For more general research, identify and consult individuals or communities who have made an important contribution in relation to your topic.
- Allow appropriate individuals to be identified from within the Community for the research area/topic.
- Identify Community, regional or other Indigenous umbrella organizations.
- Identify any written Community or institutional research protocols or other protocols that you will need to follow.
- Observe appropriate Community behavioural norms and protocols.
- Consider any permits or permissions that may be required from Indigenous organizations, province, territory or local authorities.
- Consult ethical guidelines or codes of ethics of the appropriate professional body, association or funding agency (i.e. CIHR guidelines for Health Research Involving Aboriginal Peoples).
- Identify potential political issues that may be affected by your research or the outcomes of the research.
- Communicate with relevant individuals and organizations by appropriate means. Face-to-face meetings are always desirable. The budgetary and funding implications of such visits should be considered.
- Introductions to the relevant individuals and communities should clearly identify the researchers and any other Participants, any institutional affiliation and key stakeholders, and sources of financial support.
- From the outset, objectives should be clear, while maintaining flexibility and a willingness to modify your goals and ways of working.
- Where practical and appropriate, a written research agreement (i.e. protocol, memorandum of understanding, contract) should be the end result of the consultation and negotiation, to protect the Community and the researcher and to clarify the understandings that have been reached. Such agreements should meet the minimum standards of the Tri Council Policy Statement on Ethical Conduct for Research Involving Humans.
- Base the agreement on good faith negotiations and free and informed consent.

- Identify who should enter into the agreement, and on whose behalf the agreement is being made.
- Determine what information is to be included in the agreement, based on discussions and negotiations. (The agreement should reflect the mutually agreed aims, processes and outcomes, Community participation and collaboration and intellectual property rights.)
- Phase your research according to Community as well as research needs.
- Hold preliminary meeting/s to discuss the proposed research and reach agreements.
- If necessary, re-formulate a new outline of the research proposal, and provide new materials generated from the discussions to the Community for review.
- Recognize in the agreement that an individual or a Community has the right to withdraw from a research project.
- Include in the agreement processes for resolving conflict, such as mediation by an outside party.
- Refer to any specific Community protocols in the agreement.
- For successful implementation of the agreement, continue consultation and negotiation and, where necessary, re-formulate the agreement.
- Make provision for a final meeting to consider the results of the research. Further consultation may also be required about details of reports and any publications.
- Consider requirements of proposed funding agencies in relation to written evidence of Community support or of a negotiated agreement (for example, those required for funding under the Tri-councils, SSHRC, NSERC, and CIHR).

APPENDIX 2 – Principle of Full, Free, and Informed Consent

Free and informed consent means that agreement must be obtained free of duress or pressure and fully cognizant of the details, and risks of the proposed research.

- Informed consent of the people as a group, as well as individuals within that group, is required.
- Obtaining agreement to conduct research with or about Indigenous peoples involves fully informing the Community about the proposal, discussing the research and negotiating how the research is to proceed.
- Community representatives, individual Participants and the wider Indigenous Community may need time to consider a proposed research project and to discuss its implications, both before it begins and at various stages of the project.
- Identify appropriate persons—traditional owners, custodians, elders, etc—who are responsible for the knowledge sought or the practices to be studied. They must be involved and give informed consent to the research and any resulting publications.
- When practical, ensure that all stakeholders are informed of the scope of the proposed research.
- Identify the appropriate communities or individuals to be consulted before discussing research aims, methods and outcomes.
- Clearly define and explain the purpose and nature of the study.
- Clearly identify sponsors of research, sources of financial support, primary and secondary investigators for the research (scholarly and corporate).
- Identify and clearly state anticipated royalties for the research.
- Explain methods of collecting information clearly and comprehensively, including how and where the information is to be kept.
- Explain research methods and processes to individuals, and at Community meetings where appropriate, and reach agreement on their cultural appropriateness.
- Reach agreement on how the research should proceed, including processes and timing for informing representatives of the Community of the progress of the research and reporting any interim results.
- Report during the project in accordance with any agreement.
- If necessary, consult further about any unforeseen matters that might affect the research process.
- Be willing to renegotiate objectives, where required, in light of new factors and

considerations.

- Obtain (do not assume) invitations to visit the Community for the time necessary to conduct the research and to report upon results.
- Agree on the way of conducting the research, including timing and phasing of the project.
- In order for research to be conducted appropriately and sensitively, discuss relevant cultural and political circumstances.
- Clearly identify what participation in the study may entail for the Community and individual Participants.
- Provide an honest assessment of the risks or potential adverse impacts of the research.
- Explain, but do not overstate, the potential benefits of the study.
- Explain the potential usefulness of the research to Indigenous peoples and non-Indigenous peoples in general.
- Provide sufficient time for discussion and consideration of proposals.
- Be willing to modify the scope, aims and methods of the proposed research.
- Allow time in the research project for continual review, feedback and discussion.

APPENDIX 3 – Principle of Partnership

Each Partner recognizes each other's respective obligations to their cultural and professional communities and institutions and operate within ethical space.

- Fully explain to each other, your professional, cultural and Community standards and obligations prior to the commencement of research.
- To the extent of the agreed Partnership, collaborate during all phases of the research, including the choice of research methods and instruments, data interpretation, and the dissemination of results.
- Partners will contribute ideas and resources that come from their experience, knowledge and capabilities, in the design, implementation, analysis, interpretation, conclusion, reporting and publication.
- Mutually advertise and interpret the project to appropriate Community groups.
- Partners evaluate draft reports and summarize results for various audiences.
- Partners commit to undertaking various tasks in a timely fashion so that the project is not delayed.
- Mutually promote communication of the results of the research by drafting reports that are accessible to Community members and useful to policy makers.

Indigenous Partners

- Facilitate the cooperation of appropriate local organizations and communities.
- Assist in identifying key informants and knowledge keepers.
- Identify elders and other relevant individuals to address any issue of cultural appropriateness that may arise in the course of the research.

University/Research Partners

- Hire, train, and supervise Community and student field workers as appropriate.
- Promote academic diffusion of the research through publications and public presentations.
- Archive and record data, as required by the University's research and ethics policies, ensuring that all Partners have equal access to any material so archived and arrange the return of the original data or copies of, to the Community Partners at the completion of the research.

APPENDIX 4 – Principle of Respect, Recognition, and Involvement

Researchers should recognize the diversity of Indigenous individual groups and communities and the implications in planning and carrying out and reporting their research.

- Recognize the value of Indigenous perspectives and their contribution to the research.
- Research that has Indigenous experiences as its subject matter should reflect those perspectives and understandings.
- Take into account and respect the knowledge and experiences of Indigenous peoples.
- Researchers should facilitate direct involvement of Indigenous researchers and Community members in their research.
- Encourage and support Community members to be involved in the research as collaborators, advisers or assistants.
- Be prepared to recognize those contributing to the research. This may include an honorarium or a culturally appropriate gift.
- Where the knowledge of an individual or a group forms the basis of or contributes significantly to research, the importance of that contribution should be reflected in the reporting of research.
- Incorporate relevant Indigenous knowledge, learning and research processes into all stages of research including project design and methodology.
- Ensure research design and methods protect the privacy, integrity and well being of Participants.
- Respect Indigenous peoples' right to maintain the secrecy of Indigenous knowledge and practices.
- Recognize and respect the spiritual bond that exists between Indigenous peoples and special places and features on the landscape.
- Acknowledge and respect the cultural significance of human remains and associated objects to Indigenous peoples.
- Respect protocols governing the investigation, removal, curation and reburial of human remains and associated objects.
- When extrapolating from research, do not generalize from understandings of one Indigenous Community to others or to all Indigenous peoples.
- Do not apply stereotypes to communities and individuals when undertaking research.
- Identify diversity within a researched Community; for example, on the basis of gender,

age, religion, and Community interest.

- Do not presume that the view of one group represents the collective view of the Community.
- Differentiate between individual group and collective rights, responsibilities and ownership.
- Undertake research only if it does not conflict with individuals' rights, wishes or freedom.
- Respect individual rights to participate in research and in the disposal of research material.
- Respect the University's policies and Research Ethics Boards guidelines for storage and disposal of data.

APPENDIX 5 – Principle of Intellectual and Cultural Property Rights

Continuing Indigenous ownership of the cultural and intellectual property rights in the materials on which the research is based should be recognized and acknowledged in the design of a research project.

- Allow the Indigenous owners of knowledge to determine the intellectual property that they are contributing to the research.
- Recognize that the knowledge and resources Indigenous peoples bring to the project remains their intellectual property.
- Agree in writing on the apportionment of intellectual property rights.
- Recognize the specialist knowledge of particular Community members and their potential contribution to the research endeavour, and involve such persons wherever possible and appropriate.
- Information obtained from Indigenous peoples (including any flora or fauna identified or studied with the assistance of Indigenous peoples) should be acknowledged in any publication or report.
- Show or distribute restricted material only with the express permission from those who provided, or are responsible for it.
- Acknowledge that Indigenous culture may be transmitted orally and value contributions made in this way.
- Recognize that special relationships exist between Indigenous people and their cultural knowledge and information. As a result it may be necessary to pay for knowledge and information or conduct ceremonies before the release of research results.
- Negotiate by prior agreement joint ownership or allocation of the results of the project.
- Agree about the involvement of individuals contributing to the research project in the interpretation of the results and in the preparation of any publications or other outcomes.
- Agree about identification or otherwise of individuals involved in the research, and whether those who took part in research should be acknowledged in any publication.
- Informed consent and Community participation, where obtained, should be referred to in any research publication.
- Consider whether joint authorship with Community members is appropriate; that is, where the contribution has been significant.

APPENDIX 6 – Principle of Protection

Research will be governed by the ethical standards of the University, funding agencies, and Indigenous communities.

- Ensure that each Partner is aware of the required ethical standards that both must abide.
- Employ only research processes that will protect and respect the cultures, languages, knowledge and values of Participants.
- Partners will be actively involved in monitoring the research throughout the project.
- Where conflict has arisen, or has the potential to arise, or where support for the project is withdrawn, be prepared to discontinue or modify the research, at least until such conflict or lack of support is resolved.
- Interpret data collaboratively. Where there are differences between Community and Academic interpretations and agreement of synthesis could not be reached and would comprise either party, both interpretations, accompanied with full explanations will be included in research reports and publications.
- Ensure both Partners have considered thoroughly the consequences of the research results.
- Discuss and agree on the release of any public information
- Do not create or contribute to circumstances where exploitation of an economic, cultural or sexual nature can occur.
- Ensure to the extent possible a balanced presentation of research results that emphasize the beneficial outcomes of the research while not minimizing the possible adverse outcomes.

APPENDIX 7 – Principle of Benefits and Outcomes

There should be benefits to the Community for participation in research.

- Discuss openly and negotiate with the Community any potential benefits.
- Ascertain, during early consultations, the research needs of the Community, if any, and opportunities for collaboration in research.
- Incorporate into the research project research outcomes specific to the needs of the researched Community.
- Provide to Indigenous Participants and Community all the relevant information to weigh potential benefits against any possible risks or disadvantages.
- Do not to the Community.
- Aim to make the benefits to the Community or individual Participants proportionate to the demands of their participation.
- When conducting research within a Community, buy and use resources locally as much as possible.
- Where the benefits are not general, for example, employment opportunity or financial compensation, allocate benefits in co- operation with the group and the individual Participants.
- Do not overstate benefits or raise unrealistic expectations about benefits of the research to the Community, and any personal advantages to be gained through involvement.
- If possible, pay adequate financial compensation to Participants, particularly where significant time is given outside normal personal or Community commitments.
- Agree at the outset on the ownership of research results, including institutional ownership of data, individual rights of researchers and Indigenous Participants, and collective rights of Indigenous Community groups.
- Agree when and how results of research will be reported back to and discussed with relevant individual Community members and/or appropriate Community organizations.
- Make clear the level of Community control over access to, and use of, any research results, including print, pictorial, audio and video and digital materials.
- Report research results to the Community before publication and before discussion with the media.
- Negotiate with the Community any discussion with the media of the research project and its results.

- The rights to, the forms and presentation of, individual or Community use of, and access to, research results should be agreed.
- Researchers should be aware that research outcomes of interest to Indigenous peoples, and any Community that is directly involved, might differ from those envisaged by the researcher.
- Recognize the broad range of educational backgrounds and experience of Indigenous peoples and produce materials in accessible forms.
- Make all research reports and publications available to communities and individuals involved.
- Provide to the Indigenous Community the results of research in an accessible form, prior to publication.
- Provide an opportunity to discuss the significance of the results for the Community with representatives and Participants.
- Be willing to make results known to appropriate local, state or territory, and national authorities if requested.
- Be prepared to assist in the formulation of proposals for further research or related action by the Indigenous Community and local Indigenous organizations.

APPENDIX 8 – Principle of Confidentiality

- Discuss thoroughly matters of confidentiality and agree on restrictions on use of information.
- Explain fully any limits on confidentiality, for example, where field notes or research data might be subpoenaed for legal proceedings.
- Agree on the disposition and storage of results of research, including primary data.
- Explain fully to research Participants that personal information provided to the researcher will not be shared with others unless their free and informed consent is obtained.