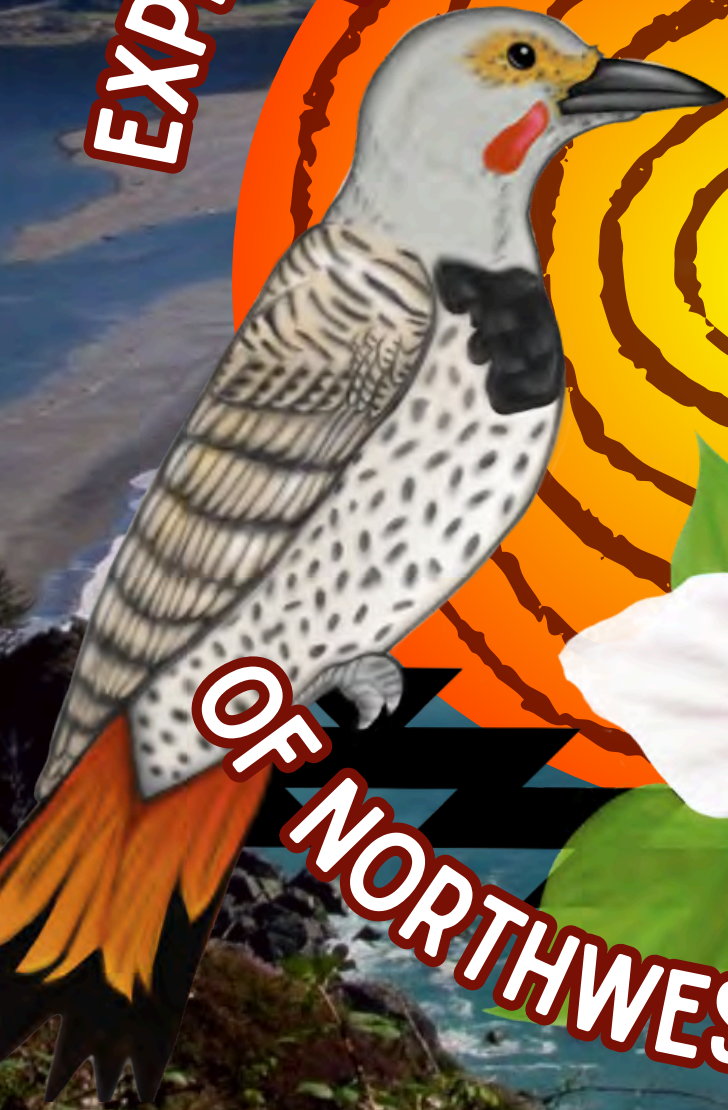




EXPECTATIONS FOR ETHICAL RESEARCH
WITH INDIGENOUS COMMUNITIES



OF NORTHWESTERN CALIFORNIA

Co-authors¹ : Phil Albers, Jr., Alme Allen, Marnie Atkins, Dr. Kayla Begay (Hoopa Valley Tribe), Loren Me'-lash-ne Bommelyn, Ellen Colegrove, Adrienne Colegrove-Raymond (Hoopa Valley Tribe), Marlene' Dusek, Marlette Grant-Jackson (Yurok/Karuk/Shasta/Abenaki), Eli Hensher-Aubrey, Julie Hubble, Blair Kreuzer, Lonyx Landry, Julian Lang, Callie Lara, Kishan Lara-Cooper, Lesha Manriquez (Wí Cahbi Waka' Mahpiya Wiya - Fort Belknap Nakoda), Cassandra May (Wailaki, Yurok), Jim McQuillen, Virgil Moorehead, Jr. (Yurok/Tolowa), Maggie Peters, Michelle Rainer, Dr. Jason Ramos, DC, Elizabeth Redfeather, Kaitlin Reed, Marc "Bubba" Riggins (Hupa/Yurok), Lyn Risling (Karuk/Yurok/Hupa), Cutcha Risling-Baldy, Geneva Shaw, MSW (Enrolled Hoopa Valley Tribe; Yurok, Karuk), Angela Sundberg, Rachel Sundberg, Ronnie Swartz, Sonny Tripp, Pimm Tripp-Allen, Char Valencia, Hilanea Wilkinson (Wiyot)

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Designed and illustrated by:

Delaney Schroeder-Echavarria (Anishinaabe, Ojibwe Descendent)

¹ Co-authors include all individual/group participants, organizers, coordinators, consultants, and reviewers. Tribal affiliation is included when provided.

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These are basic expectations for non-Native researchers who want to engage in ethical research with Indigenous Communities of Northwestern California. While these requirements are necessary they are not, in and of themselves, sufficient for ethical research with Indigenous Communities of Northwestern California. The following expectations can be considered a "floor" not a "ceiling." This is not a checklist for non-Native researchers and the following list of expectations does not claim to address all people, communities, or Tribes of Northwestern California. Additionally, this document does not imply that Native researchers are exempt from ethical considerations harmonious with these principles.

The project interview team acknowledges that we could have inadvertently transgressed in relation to the principals outlined in this document. For example, not all interview team members are indigenous to North America or the territory that is now Northwestern California. Valuable knowledge-holders may have been missed in our interviews.

This project receives inspiration from many other related efforts (see Helpful Resources) and extends gratitude to the influential work of:

- Cal Poly Humboldt Council of American Indian Faculty and Staff's *April 29, 2021, Statement on PolyTech University Development and Indigenous Knowledge/Indigenous Science/Traditional Ecological Knowledge*
- Cal Poly Humboldt Native American Studies Professors exploring decolonial frameworks for building a PolyTEK.
- First Nations Information Governance Centre's *The First Nations Principles of OCAP®*
- *Research 101: A Manifesto for Ethical Research in the Downtown Eastside*
- *Guiding Principles for Engaging in Research with Native American Communities*
- The Global Indigenous Data Alliance's *CARE Principles for Indigenous Data Governance*
- North Carolina Survivor Union's *Ethical Research Manifesto*

PAST, PRESENT, AND FUTURE

As Humboldt State University transforms into California State Polytechnic University, Humboldt, the number of non-Native researchers who want to work with Indigenous Communities of Northwestern California is expected to rise. This document is constructed as a guide—as well as a set of demands—for nurturing good outcomes and reducing poor ones when non-Native researchers want to work with the area’s Native communities.

Humboldt State University’s Polytechnic Prospectus (2021)² notes the anticipated increase in research projects, particularly those related to Native communities, several times:

As a polytechnic, our institution would become increasingly attractive to students from California and beyond, raise our national profile, increase the amount of grants for research, and inspire additional donations from individuals (page 11).

Looking beyond the university, the regional setting and facilities managed by HSU’s many partners are integral elements of student learning, research, and creative activities at Humboldt State. The university’s partners include Native American tribes, federal and state agencies, county and city governments, private companies, and non-profit organizations...Collectively, HSU’s partners enrich the learning of thousands of students each year and help enable numerous research efforts and creative activities (page 19).

Indigenous knowledge systems are especially important to consider in the development of a polytechnic institute because Indigenous knowledge is fundamentally interdisciplinary and applied. Indigenous knowledge is also at the forefront of cutting-edge research interventions in the sciences and Western academic institutions (page 24).

Traditional ecological knowledge is also called by other names, including Indigenous knowledge or Native science, and refers to the evolving knowledge acquired by Indigenous and local peoples over hundreds or thousands of years through direct contact with the environment. There are many considerations when engaging with TEK, especially around sustainability, and as a 21st century polytechnic it’s our responsibility to uphold sovereignty and self-determination while working to empower Indigenous students, communities, and partners. Consultation is not collaboration. A polytechnic that foregrounds TEK will also be clear in developing and sustaining collaborative policies (page 24).

²

Humboldt State University (2021). Polytechnic Prospectus. Available at <https://www.humboldt.edu/sites/default/files/202301/hsupolytechnicprospectus.pdf>

Becoming a polytechnic university, without question, will enable HSU to more successfully compete for the major environmental, science, technology, agriculture, health, and energy grants we have pursued while assisting all campuses across the state in meeting California workforce needs...We can't overstate what a monumental change this could be for HSU, raising the profile of the institution, bringing new employers and industry to the region, and allowing our university to pursue major new grants and research (pages 101-102).

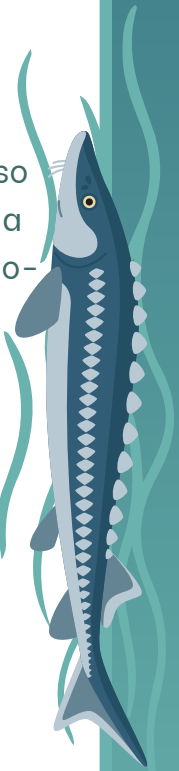
As a guard against harmful consequences of non-Native researchers' efforts—unintended or intentional—Native people who identify as members of different Tribal communities in what is referred to as Northwestern California were interviewed for oral history and testimony about basic expectations for doing research in their lands. Notes from these semi-structured interviews were then sent back to the person interviewed for review/revision. Interview testimony described several general and specific cases of harm to local Native communities caused by non-Native researchers which are described below. When all notes were approved, they were assessed as a collective to develop “Baseline Requirements” and more detailed “Essential Expectations.” A draft set of statements was shared with a group of people interviewed for review/revision. A revised set of demands for non-Native researchers was then shared with all co-authors.

In order for this document to result in reducing harm and enhancing benefits for Indigenous Communities of Northwestern California, it needs to be influential. It also needs to be able to change with the passage of time. While it is being published in a paper format, it is also being published online where it can be revised as needed. Co-authors of this publication are intent on addressing the question, “What happens next?” The potential for including these basic requirements in formal or informal Institutional Review Board³ processes will be explored, as will the prospect of distributing the publication to all new faculty during their mandatory orientation.

The final section of this document includes a non-exhaustive list of Helpful Resources for minimizing harm and maximizing benefits when non-Native researchers want to work with Native communities. Check them out.

³

The Cal Poly Humboldt Institutional Review Board (IRB) exists to ensure the protection of the rights and welfare of human subjects recruited to participate in research.



HARM TO INDIGENOUS COMMUNITIES OF NORTHWESTERN CALIFORNIA

Cultural Exploitation. Misappropriation and misuse of cultural knowledge and ceremonies.

Breach of Sovereignty. Failing to recognize and respect Tribal sovereignty and self-determination.

Lack of Consent. Conducting research without obtaining informed, prior, and ongoing consent from the community.

Misrepresentation. Presenting Tribal cultures, practices, and knowledge inaccurately, disrespectfully, and insensitively.

Benefit Imbalance. Research that primarily benefits external entities without offering tangible benefits to the community.

Universities, museums, construction projects, and governments have perpetrated harm, for example, by excavating cultural sites and villages which can promote looting. This is not just in the past. A village site near the mouth of the Smith River was desecrated very recently. So were ancestral remains near Point St. George. UCLA's involvement with the Smithsonian's bicentennial celebration was not transparent about compensation or copyright laws and failed to uphold informed consent standards. This is not just in the past. Samples of songs from Indigenous Communities of Northwestern California continue to appear in current, monetized music. Researchers in anthropology and psychology made misinformed and biased claims about our community's youth that have become the canon taught in most developmental psychology classrooms today. This shapes social effects for future generations.



BASELINE REQUIREMENTS

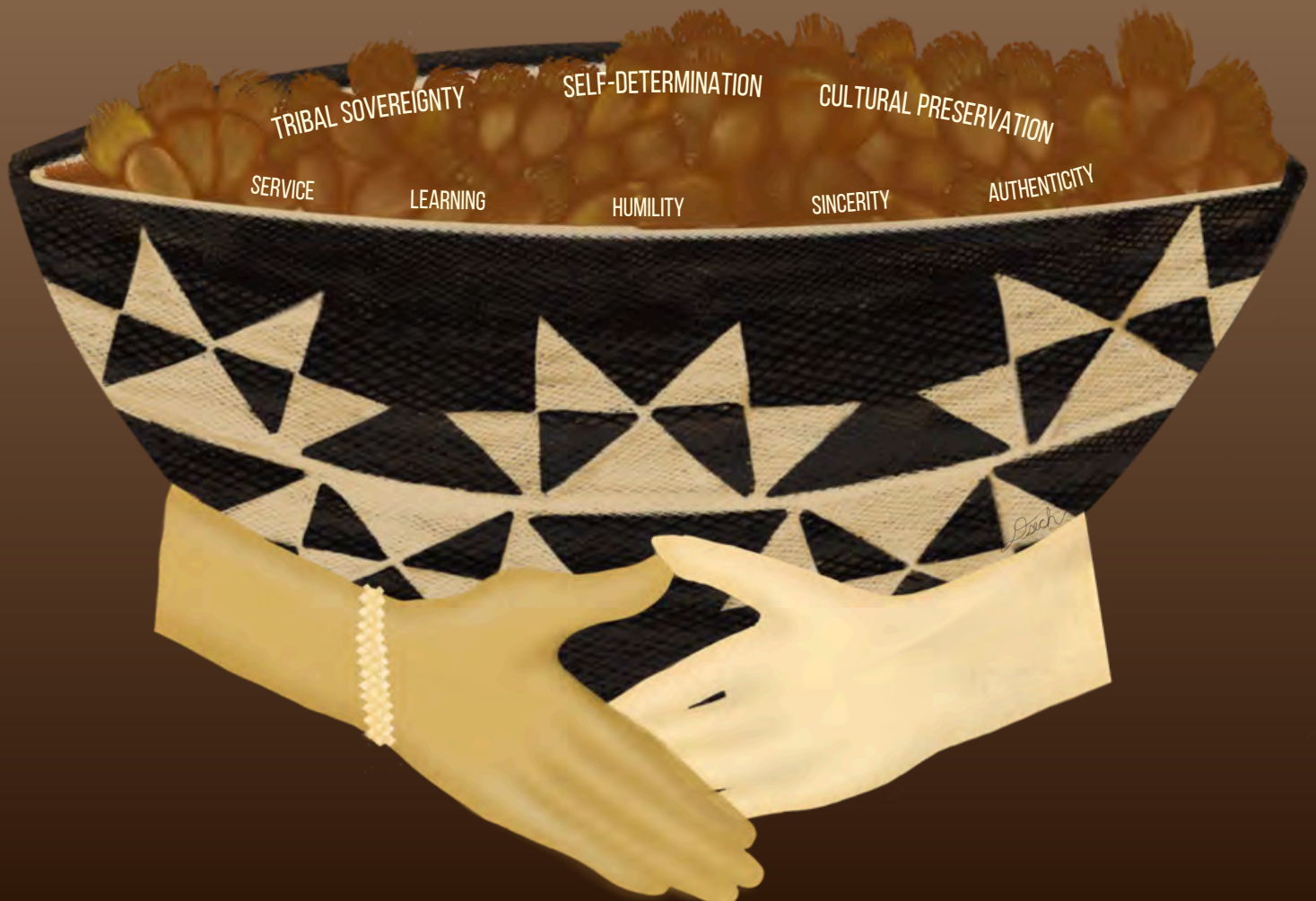
Come from a place of service, learning, humility, sincerity, and authenticity.

Value multiple contexts in which Native communities exist.

Research should be a community-led initiative with aligning goals of supporting tribal sovereignty, self-determination, and cultural preservation.

Give your results back to the community in an accessible format.


Engage in authentic long-term commitment and relationship that extend beyond the lifespan of the research project.







ESSENTIAL EXPECTATIONS



Come from a place of service, learning, humility, sincerity, and authenticity.

- Engage with the community prior to asking to do research.
- Be ready to be changed by the experience.
- Develop an understanding of local history, customs, and protocol ahead of time.
- Do this on your own time rather than asking Tribal people to engage in work so you can gain such understanding.
- You have no right or entitlement to the information you seek.
- If you are told no, you do not need to know why. Just respect it. You do not want to darken people's doors. Do not increase cultural taxation.
- Show up, put time in, and consider what you have offered to the community (for example, you can attend open events, offer to sharpen people's tools, stack wood for those who you are asking to offer you knowledge).
- The impetus is on you to plan wisely for the amount of time things might take. Start sooner than you think you need to.
- Accept that there are many forms of education and experience. Put a lid on arrogance.
- Accept responsibility and accountability for past and potential harms (see previous section).
- You have training, but community holds the knowledge.
- Exercise sensitivity and caution around topics of ceremony, sacred sites, and traditions.
- Do not ask about sacred knowledge.
- Accept what you are offered. If you are invited to come inside, go inside. If you are presented food or drink, take it. If you are not able to do these things, give back and make things right.
- Your previous experience is not generalizable to Indigenous Communities of Northwestern California.
- Do not use existing relationships as leverage or currency to get into spaces.
- Respect prayer and participate, as appropriate, if invited.
- Do not send someone else to do work you said you would do.







Value multiple contexts in which Native communities exist.

- Appreciate that there are different political, cultural, and ethnic recognitions and that the same person can inhabit multiple roles and identities.
 - There are ranges of traditional and cultural knowledge within Native peoples. Do not assume a particular person has access to specific knowledge.
 - Engage with sensitivity in relation to the spectrum of individual knowledge so as not to contribute to cultural identity insecurity.
 - Make sure you have the appropriate knowledge-holder relevant for the specific project.
 - Respect the depth and complexity of cultural practices and knowledge.
 - Recognize that multiple and potentially contradictory truths can simultaneously exist.
 - “Community” is a fluid, changing, and dynamic social, political, cultural and ethnic concept. Do not get fixed on a monolithic conceptualization.
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Research should be a community-led initiative with aligning goals of supporting tribal sovereignty, self-determination, and cultural preservation.

- Find out if the Tribe has already identified areas of research they would like explored so you can engage in authentic collaboration.
 - Tribal Communities do not need more research on figuring out what is wrong. Look at resiliency and survivance.
 - Build in compensation for Tribes and Tribal consultants from the beginning of your project.
 - Identify and utilize existing Tribal government policies and processes as well as Tribal research frameworks such as Tribal IRBs, data sovereignty requirements, and data management practices.
 - Tribal governments should generally be involved and, depending on what the research is about, the Tribal government may not contain people with relevant knowledge.
 - Reduce power relations by sharing decision-making and credit.
 - Adapt your process as the community sees fit, regardless of institutional deadlines or policy (“Slow Research”).
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Give your results back to the community in an accessible format.

- Do not change the content of what you get from people. Check back in with people who participated to confirm.
- Be transparent with your intentions, use of raw data, and findings.
- Pay attention to digital geographic locators and metadata.
- Create a system for Native people's knowledge to have the value it deserves.
- Prepare a disclaimer that outside entities cannot own Tribal knowledge.
- Be aware of misalignment and oversights that come from mainstream knowledge validation practices.
- Hold discussions about data ownership, storage, and usage.
- Promote Tribal sovereignty over cultural knowledge and data.

Engage in authentic long-term commitment and relationship that extend beyond the lifespan of the research project.

- Your top priority should be tangible benefits to the community to actively heal past harms.
- If you are occupying a space with Native people you are already influencing things.
- Foster Indigenous leadership.
- Invest back into the community by expanding community skill sets and networks.
- Use your position to advocate for and support the protection of Indigenous rights, cultures, and lands.
- Even if principles established in this document are not part of formal university research protocols, it is your duty to honor these expectations when working with Indigenous Communities of Northwestern California because everything you do affects future generations.

HELPFUL RESOURCES

Selected highly ethical resources for non-Native researchers who are considering projects with Indigenous Communities of Northwestern California are included below (in alphabetical order by name of resource). Some of these documents are Tribal and/or community-driven. Others are linked to federal government funding or guidelines.

American Indian and Alaska Native Culture Card, from the United States Substance Abuse and Mental Health Services Administration.

Available at <https://store.samhsa.gov/sites/default/files/sma08-4354.pdf>

- This guide enhances cultural competence when serving American Indian and Alaska Native communities. It covers regional differences, cultural customs, spirituality, communication styles, the role of veterans and older adults, and health disparities.

CARE Principles for Indigenous Data Governance, from The Global Indigenous Data Alliance.

Available at <https://www.gida-global.org/care>

- Collective benefit
 - For inclusive development and innovation
 - For improved governance and citizen engagement
 - For equitable outcomes
- Authority to control
 - Recognizing rights and interests
 - Data for governance
 - Governance of data
- Responsibility
 - For positive relationships
 - For expanding capability and capacity
 - For Indigenous languages and worldviews
- Ethics
 - For minimizing harm and maximizing benefit
 - For justice
 - For future use



Considerations for Seeking Translations in First Nations Languages, from First Peoples' Cultural Council.
Available at <https://fpcc.ca/resource/considerations-for-seeking-translations-in-firstnations-languages/>

- This resource outlines good practices to consider when contacting a translator about project work.

Declaration on the Rights of Indigenous Persons, from the United Nations.

Available at

https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UND RIP_E_web.pdf

- Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions

The First Nations Principles of OCAP®, from the First Nations Information Governance Centre.

Available at <https://fnigc.ca/ocap-training/>

- The four key components of OCAP® are Ownership, Control, Access, and Possession, each of which is equally important, must be respected, and fulfilled. Ownership is the principle that a community or group owns information collectively in the same way that an individual owns his or her personal information. Control affirms that Tribal people, communities, and governments have the right to determine all aspects of research and information management processes that impact them, from start to finish, including resources, review, planning, management, data collection, data use, disclosure, and the ultimate destruction of data. Access states that First Nations must have access to information and data about themselves and their communities, regardless of where it is held, along with the authority to manage and make decisions about who else, if anyone, can access their collective information. Possession is the concrete mechanism by which ownership can be asserted and protected and refers to the physical control of data.
- OCAP® represents principles and values that are intertwined, reflective of First Nations' worldviews on jurisdiction and collective rights, and cannot be strictly defined by each word in the acronym. "All First Nations own OCAP® and as such, the interpretation of OCAP® is unique to each First Nation community or region."

Free Prior and Informed Consent – An Indigenous Peoples' right and a good practice for local communities: Manual for Project Practitioners, from the Food and Agriculture Organization of the United Nations.

Available at <http://www.fao.org/3/a-i6190e.pdf>

- This manual is designed as a tool for following the free, prior, and informed consent (FPIC) principle protected by international human rights standards.

Guiding Principles for Engaging in Research with Native American Communities, a collaborative effort by University of New Mexico Department of Psychiatry Center for Rural and Community Behavioral Health, Albuquerque Area Southwest Tribal Epidemiology Center, University of New Mexico's Prevention Research Center, New Mexico Tribal Strategic Prevention Framework Project, Nadine Tafoya and Associates, Pacific Institute for Research and Evaluation.

Available at

https://hsc.unm.edu/vision2020/common/docs/guiding_principles_research_native_communities2012.pdf

- This document presents principles that can help investigators to be more aware of Native-specific issues and conscientious in their interactions with Native partners throughout the research process.

Kahnawá:ke Schools Diabetes Prevention Project: Code of Research Ethics.

Available at https://www.ksdpp.org/uploads/1/3/6/4/136499863/appendix-a_ksdpp_code_of_research_ethics2007.pdf

- This document was developed as a partnership between the Kanien'kehá:ka (Mohawk) community of Kahnawá:ke and researchers who are affiliated with the Kahnawá:ke Schools Diabetes Prevention Project

The Model Tribal Research Code – With Materials for Tribal Regulation for Research and Checklist for Indian Health Boards, developed by the American Indian Law Center, Inc.

Available at <https://sprc.org/wp-content/uploads/2023/01/ModelTribalResearchCode1999.pdf>

- Many, if not most, researchers are sincere and dedicated professionals who want to help Indian communities solve their health and social problems and preserve their cultural heritage, and in the process to be sensitive to the legitimate needs of the individuals and communities with which they work. But governments, unfortunately, cannot assume that everyone will act according to the highest standards.

Polytech to PolyTEK: Traditional Ecological Knowledge, Indigenous Science, and the Future Forward Polytechnic University, by Cal Poly Humboldt Native American Studies Professors Cutcha Risling Baldy, Kaitlin P. Reed, and Kayla Begay.

Available at: <https://digitalcommons.humboldt.edu/cgi/viewcontent.cgi?article=1219&context=hjsr>

- Article written by Cal Poly Humboldt Native American Studies Professors exploring decolonial frameworks for building a polytechnic university.
- Appendix: *Statement on PolyTech University Development and Indigenous Knowledge/Indigenous Science/Traditional Ecological Knowledge*, from the Humboldt State University Council of American Indian Faculty and Staff.
 - This group of Cal Poly Humboldt personnel maintains a consensus on Native Issues surrounding the University. They recognized early on the potential harms and benefits of transformation into a polytechnic.



Practicing Píkyav: A Guiding Policy for Collaborative Projects and Research Initiatives with the Karuk Tribe.

Available at https://nature.berkeley.edu/karuk-collaborative/?page_id=165

- This document describes a partnership between the Karuk Tribe and the University of California, Berkeley to create a project that supports Karuk philosophies and practices of pikyav, including Karuk eco-cultural restoration and revitalization efforts that strive “to fix the world.” The Karuk Tribe’s Píkyav Field Institute (<https://www.karuk.us/index.php/departments/natural-resources/eco-culturalrevitalization/pikyav-field-institute>) addresses identified program needs for a dedicated environmental education program, supporting traditional and western scientific knowledge to inform and augment long-term co-management within Karuk ancestral homelands.

Research 101: A Manifesto for Ethical Research in the Downtown Eastside. Co-authored by: Louise Boilevin, Jules Chapman, Lindsay Deane, Caroline Doerksen, Greg Fresz, DJ Joe, Nicolas Leech-Crier, Samona Marsh, Jim McLeod, Scott Neufeld, Steven Pham, Laura Shaver, Patrick Smith, Martin Steward, Dean Wilson, and Phoenix Winter.

Available at <http://bit.ly/R101Manifesto>.

- This document was generated in response to high numbers of research projects and proposals that focus on the Downtown Eastside of Vancouver, British Columbia, which, among other characteristics, has a disproportionate number of people dealing with poverty, homelessness, and drug use. The Downtown Eastside also has a high concentration of First Nations people.

Rethinking the Belmont Report, by Phoebe Friesen and Arthur Caplan.

Available at https://www.researchgate.net/publication/318033029_Rethinking_the_Belmont_Report.

- Many people in the mainstream research world know the 1978 *Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*, Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research as the cornerstone for federally required research protocols. “Rethinking the Belmont Report” notes significant limitations in the worldview of this report and concomitant federal guidelines. For example, potential harm to a community as a whole resulting from research is notably missing. Harm to historically marginalized groups cannot be mitigated simply by securing informed consent from individuals as directed by the generally accepted principle of “respect for persons” because this fails to account for the possibility of violating widespread trust or taking ownership of a community’s stories. A western-centered focus on autonomy ignores the relational aspect to many potential participants’ lived experience. Questions arise as to whose interpretation of risk/benefit analysis should take precedence (i.e., potential participants’ vs. the researcher’s or university human subjects review board’s).

Supplemental Information to the NIH Policy for Data Management and Sharing: Responsible Management and Sharing of American Indian/Alaska Native Participant Data, from the National Institutes of Health.

Available at <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-214.html>.

- NIH recognizes that conducting biomedical research with AI/AN communities, including data management and sharing, must be predicated on respect for Tribal sovereignty, with an acute recognition that our historical failures to honor that sovereignty have caused stigmatization and other harms to AI/AN populations.
- Considerations for Researchers Working with AI/AN Communities:
 - Tribal sovereignty
 - Tribal research laws, policies, and processes
 - Cultural sensitivities
 - Health disparities
- Facilitating Respectful Partnerships under the NIH DMS Policy:
 - Proactively engage AI/AN communities in planning for data management and sharing
 - Establish mutual understandings of goals for data management and sharing
 - Incorporate AI/AN data management and sharing practices and preferences in study design
 - Consider additional protections and appropriate limitations to future data sharing
 - Incorporate data management and sharing plans in the informed consent process
 - Safeguarding against future risk



