

GUIDELINES FOR RESEARCH INVOLVING INDIGENOUS PEOPLES IN CANADA

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1. Purpose

The purpose of this guideline is to provide information on conducting research involving First Nations, Inuit, and Métis Peoples in Canada.

2. Background

In accordance with Tri-Council Policy Statement (TCPS 2), the Research Ethics Board (REB) acknowledges the unique status of Indigenous Peoples in Canada.

Indigenous Peoples include persons who self-identify as being of First Nation, Inuit, or Métis descent, regardless of where they reside or whether their names appear on an official register. The use of the term “Indigenous Peoples” in this guideline in no way seeks to reduce First Nations, Inuit, and Métis peoples into one monolithic group. Rather, the REB recognizes the uniqueness and richness of the over 600 distinct Indigenous communities across Canada.

3. The Scope of Indigenous Research

As emphasized in the TCPS 2, Indigenous research is research that includes a major Indigenous component. This includes the following:

- i. Research conducted on First Nations, Inuit, or Métis lands;
- ii. Projects where Indigenous identity is a criterion for research participation;
- iii. Research that seeks input from participants regarding Indigenous culture, heritage, artifacts, traditional knowledge or unique characteristics of Indigenous peoples;
- iv. Research in which Indigenous identity or membership in an Indigenous community is used as a variable for the purpose of data analysis;
- v. Projects where interpretation of data results refers directly to Indigenous communities, peoples, language, history or culture; and,
- vi. Research that is likely to affect the welfare of Indigenous Peoples.

Below are three examples of research involving Indigenous Peoples:

- A researcher is planning to visit a school on First Nation’s land in order to explore a particular community’s views with respect to the content of a piece of federal legislation. Since this project will be conducted on First Nation’s land, it is considered research involving Indigenous Peoples.
- An investigator is seeking to explore the challenges faced by young adults entering the job market, and is conducting a comparative study looking at the diverse challenges that members of different cultural and ethnic groups face, including Indigenous Peoples.

Given that the research design of this project includes Indigenous identity as both part of the inclusion criteria, and as a variable for the purpose of data analysis, it is considered research involving Indigenous Peoples.

- A researcher wishes to explore the benefits and challenges of transmitting traditional knowledge orally. This project is considered research involving Indigenous Peoples because the analysis and interpretation of data is on or about Indigenous culture.

4. Conducting Indigenous Research

All research involving Indigenous Peoples of Canada must be conducted in a manner that is (I) respectful of Indigenous communities and individuals, (II) demonstrates concern for the collective and individual welfare of Indigenous peoples, and (III) is collaborative in nature; that is, the research should typically consult and engage the relevant Indigenous community/communities.

I. Respect

Respecting Indigenous Peoples entails, among other things, respecting their unique history and culture, their forms of knowledge, and their structures of governance.

History & Culture

All investigators conducting research involving Indigenous Peoples must demonstrate to the REB a solid understanding of the particular community's history and culture that it seeks to engage with. This is especially important given the differences that may exist between the researcher's own culture and that of the community she/he plans to work with. A lack of understanding of an Indigenous community's history and culture can lead to the misappropriating or devaluing of Indigenous art, music, symbols, narratives, forms of knowledge, etc., and to violating existing norms regarding the proper handling of human tissue and remains.

Knowledge

"Knowledge" as it is commonly understood in North America has a Western bias. This understanding of knowledge can be considerably different from various Indigenous forms of knowledge, and in particular with traditional knowledge. Traditional knowledge is "knowledge held by First Nations, Inuit and Métis peoples... [and] is specific to place, usually transmitted orally, and rooted in the experience of multiple generations. It is determined by an Aboriginal community's land, environment, region, culture and language... [and] is usually described by Aboriginal peoples as holistic, involving body, mind, feelings and spirit" (p. 113)*ⁱ. It is imperative that all investigators conducting research involving Indigenous Peoples are aware as to how their possible contribution to "Western knowledge" fits with the particular form of

knowledge held by the Indigenous community that they are engaging with, and, more generally, with traditional knowledge. It is critical that the investigator's research design and foreseeable contribution to knowledge is conducted in a way that does not undermine or relegate the importance of Indigenous forms of knowledge.

Self-Governance

Investigators conducting research involving Indigenous Peoples are required to seek the necessary permissions from all appropriate bodies. In some cases, this may require researchers to seek approval not only from a formal leader, but also from an elder, an elder's circle, a knowledge keeper, or a specific council or association, in addition to individual research participants. All investigators conducting research involving Indigenous Peoples must demonstrate respect and understanding toward the particular community's authority structure it seeks to engage with, irrespective of how complex or different it may seem. This includes respecting the most vulnerable individuals in a community, including sub-groups who may not have a voice in formal leadership.

II. Individual & Collective Welfare

Research involving Indigenous Peoples in Canada has typically been conducted by non-Indigenous researchers, and in a manner that has not benefited – and sometimes harmed – both Indigenous communities and individuals. Given this troubling history, it is imperative that all investigators conducting research involving Indigenous Peoples demonstrate to both the REB and the relevant Indigenous community that the potential harms that may arise as a result of the research being conducted are outweighed by the potential benefits. This is necessary in order to ensure that the welfare of Indigenous individuals and communities are taken seriously. For research involving Indigenous Peoples, the potential benefits are to be understood as beneficial not only by the researcher, but also by the relevant Indigenous community.

Possible benefits to Indigenous communities include: (a) local hiring/training of members of the Indigenous community as research assistants, data analysts, translators, etc.; (b) recognition of Indigenous peoples' contribution to the project (if desired by the community); (c) sharing the results of the research with the community (if desired by the community); and (d) adjusting the research design so as to better fit the particular community's needs and priorities.

III. Collaboration & Engagement

All researchers must acknowledge the authority and important role that communities play with respect to research involving Indigenous Peoples. This entails that researchers (a) familiarize themselves with any ethical guidelines that the particular Indigenous community it seeks to engage with holds (such as OCAP- Ownership, Control, Access, and Possession), and (b) create a community engagement plan laying out how they intend to respect and acknowledge the community that they seek to engage with.

OCAP (Ownership, Control, Access, and Possession)

Many Indigenous communities across Canada have adopted an ethical guideline called OCAP to govern the ethical conduct of research that takes place on their own lands. OCAP is a set of principles aimed at protecting Indigenous ownership, Indigenous jurisdiction, and Indigenous information.

Researchers working and engaging with communities that have adopted their own ethical codes (such as OCAP) are required to familiarize themselves with such codes. They are also advised to consult the REB with respect to certain rules or guidelines that might be inconsistent or in tension with the ethical guidelines laid out in the TCPS 2. Inconsistencies or tensions between a community's ethical code and the TCPS 2 should be identified and addressed in advance of initiating any research.

Community Engagement Plan

Typically, investigators conducting research involving Indigenous Peoples need to submit to the REB a community engagement plan. This plan should outline how the researcher intends to engage the relevant Indigenous community, and the nature of this engagement. In accordance with the TCPS 2 "the nature and extent of community engagement in a project shall be determined jointly by the researcher and the relevant community, and shall be appropriate to the community characteristics and nature of the research" (p. 115).

Investigators conducting research in/with Indigenous communities should "ensure, to the extent possible, that they take into consideration the views of all relevant sectors – including individuals and subgroups who may not have a voice in the formal leadership... Groups or individuals whose circumstances may make them vulnerable or marginalized within territorial or organizational communities should not be deprived of opportunities to participate in, and influence, research affecting their welfare" (p.120).

For examples of different types of research projects involving Indigenous Peoples, along with appropriate community engagement plans, see article 9.2. of the TCPS 2 entitled "Nature and Extent of Community Engagement".

Two Possible Exemptions:

Investigators conducting research involving Indigenous Peoples may be exempted from providing the REB with a community engagement plan if: (I) the research participants are not identifiable as part of a particular community, or (II) the welfare of the relevant community is not likely to be affected by the research project. If a project involving Indigenous Peoples does not require a community engagement plan, individual consent is nonetheless still required.

The onus is on researchers to demonstrate to the REB that their project involving Indigenous Peoples falls under one of the two exemptions, otherwise, typically, research involving Indigenous Peoples requires a community engagement plan.

5. Research Agreements

A research agreement is a document that “serves as a primary means of clarifying and confirming mutual expectations, and where appropriate, commitments between researchers and communities” (p. 209).

All research involving Indigenous Peoples where a community has formally engaged with a researcher or research team through a designated representative shall set out, in a research agreement, the terms and undertakings of both the researcher and the community before participants are recruited.

Typically, a research agreement will address the following questions:

- What is the nature of community participation?
- How will individual consent be obtained?
- What is the process by which amendments will be made to the agreement?
- How will potential benefits be distributed?
- Who is responsible for what part of the project design?
- How will be data be collected, managed, and stored?
- What is the process for data analysis and data interpretation?
- How will credits pertaining to the research project be assigned?
- How will authorship be determined?
- Who will have the intellectual property rights or how will these be shared?
- How will possible benefits or royalties flowing from intellectual property be distributed?
- How will the data be disseminated?
- In the event that a dispute arises, what is the conflict resolution process?
- How will secondary materials or any other anticipated secondary use be managed?

The exact content of a research agreement will vary based on the nature of the research project as well as the values and priorities of the community that the researcher or research team plans to engage with. Above are just some of the more common items that research agreements typically address. For specific guidance on what to include in your research agreement or steps on how to construct a research agreement, please consult the REB.

ⁱ *All page number references refer to the online version of the TCPS 2 (2014).

Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, December 2014.*