

# Sitka Tribe of Alaska

## Research Policy

### 1 Purpose and Authority

#### 1.01 Purpose

The purpose of this policy is to establish standards for research on citizens, ancestors, language, culture, traditional knowledge, lands, waters, and natural resources of Sitka Tribe of Alaska (“Tribe”), in order to protect, preserve, accurately reflect the culture of the Tribe. This policy is also enacted to ensure that research activities are conducted in a way that does no harm to the culture of the Tribe, and to protect present and future individual Tribal citizens from immediate or long-term effects of harmful, intrusive, ill-conceived, or otherwise offensive research procedures or publications. Information and data by or about tribal citizens, culture, knowledge, history, ancestors, and traditional territory represent inalienable intellectual properties of Sitka Tribe of Alaska.

#### 1.02 Scope

This policy applies to information and data generated by and about individuals, communities, natural resources, traditional ecological knowledge, history, archeology, ancestors, and culture within the Traditional Territory of Sitka Tribe of Alaska or involving the Tribe’s citizens.

This policy is intended to provide guidance on the minimum standards for research relating to the Tribe. Nothing in this policy shall be construed to waive the sovereign immunity of the Tribe, Council members, committee members, tribal employees, or any other tribal agents responsible for the implementation of this Policy. Nothing in this Policy shall be construed as creating a private right of action.

#### 1.03 Authority

This policy is created pursuant to the authority of the Tribal Council contained in the Sitka Tribe of Alaska Constitution Article VII, Section 1(b) (to promote and protect the health, education, economic and general welfare of the citizens of the Tribe and their children, and to administer charity and such other services as may contribute to the social, traditional, cultural, and economic development of the Tribe); Article VII, Section 1(e) (to encourage, guard and foster the traditional Tlingit cultural practices of the Sitka Indian people, including the protection of artifacts and archaeological sites and the promotion of Tlingit arts and crafts); and Article VII, Section 1(n) (to safeguard and promote the peace, safety, morals, physical and general welfare of the citizens of the Tribe and their children).

#### 1.04 Definitions

(a) “**Council**” means the Tribal Council of the Sitka Tribe of Alaska.

- (b) **“Human Subject”** means a living or nonliving individual (including human remains) about whom a researcher conducting research obtains information or data through interaction with the individual, involving physical procedures by which data are gathered, and/or manipulations of the subject or the subject’s environment.
- (c) **“Informed Consent”** means a participant’s voluntary agreement to participate in research after receiving information about the Research and what that person’s participation will involve. To give informed consent, a person must have enough information about the Research to understand the goals of the Research, the risks and benefits, and what will be done with the information that is collected. For example, if a Researcher were recording stories, the Researcher would tell participants what equipment would be used, who would have access to the recordings, how recordings would be stored, who would be identified as the author, how recordings would be published, and any plans to make other products from those recordings such as books, educational materials, dissertations, or research studies. In giving informed consent, the participant may not waive any legal rights, or release the applicant researcher, funding source, or agents thereof from liability for negligence.
- (d) **“Intellectual Property”** means intangible products of human intellect, including cultural information, knowledge, uses, skills, and practices that are developed, sustained, and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. Intellectual Property can be represented physically by means such as photographs, depictions, artwork, or written or oral descriptions.
- (e) **“Publication”** means the dissemination of any information, data or compilation, including but not limited to reports, studies, articles, theses, books, manuscripts, sound recordings, film and video, media interviews, computer databases, field notes, illustrations, photographs, collected material artifacts, replicas, specimens, and communications through electronic media, including the internet. Publication also includes dissemination of information in any derivative form, such as translations.
- (f) **“Research”** means the use of systematic methods to gather and analyze information for the purpose of proving or disproving a hypothesis, evaluating concepts or practices, or otherwise adding to knowledge and insight in a particular discipline or field of knowledge or to demonstrate or investigate theories, techniques, or practices. For the purposes of this Policy, Research includes but is not limited to the following:
- (1) Basic and clinical research;
  - (2) Behavioral studies;
  - (3) Anthropological and archeological studies;
  - (4) Community and cultural based research, including but not limited to interviews, questionnaires, surveys, and participant observation;
  - (5) Practice-based research;
  - (6) Cultural or historical research;

- (7) Linguistic research;
  - (8) Feasibility and other studies designed to develop, test, and evaluate basic data in all phases of environmental and public health; and
  - (9) Studies on biology and natural resources.
- (g) **“Researcher”** means any person, organization, tribe, tribal organization, business, or other entity which conducts or participates in the collection of data for research.
- (h) **“Traditional Territory”** means the lands and waters historically and presently the stewardship responsibility of the Sheet’ka Kwáan and as such are composed of the western side of Baranof Island, the greater reaches of Peril Strait, southwestern portions of Chichagof Island and the myriad of islands as well as the waters between these locations.
- (i) **“Tribe”** means Sitka Tribe of Alaska.

## 2 Research Standards

### 2.01 Guiding Principles for Research

The Council adopts the following guiding principles for Research:

- (a) **Informed Consent:** Research may not be conducted until there has been both (1) consultation with the Tribe (in accordance with the Tribe’s Consultation Policy, if applicable) and individuals that the Tribe identifies who may be particularly affected by the Research, and (2) consent by individual participants in the Research. Full disclosure consists of, at a minimum:
- (1) Potential benefits and harms to the participants of Research;
  - (2) All relevant affiliations of the person(s) or organization(s) seeking to undertake Research;
  - (3) All sponsors of Research;
  - (4) Intended future uses of any data that is collected;
  - (5) Claims to ownership of intellectual property that may be created through Research;  
and
  - (6) Information about how the data will be stored, who will have access, and who has the right to approve public dissemination or publication of data.
- (b) **Confidentiality:** Individual participants and the Tribe have the right, at their discretion, to exclude from Publication and to have kept confidential any information concerning their culture, traditions, or spiritual beliefs.

- (c) **Immediate Risks and Benefits:** Research should be of immediate benefit to the individual and the Tribe, and the risks associated with Research should be less significant than the benefits to be gained.
- (d) **Mutual Respect:** Researchers must respect the integrity, morality, and spirituality of the culture, traditions, and relationships of Tribal citizens with the world, and avoid imposing external conceptions and standards. Researchers and the Tribe cannot assume that they believe in the same things or share the same goals and expectations. Good communication is required for Research to take place in a proper and productive manner.
- (e) **Empowerment:** Parties in Research should share power on the premise of mutual respect. Parties should feel that their needs are being met in a fair and equitable manner. Research authorship should be shared between the Tribe and the Researcher. The Researcher shall involve tribal citizens through hiring and training to the maximum extent feasible.
- (f) **Equity:** Researchers and the Tribe must bring equity to any Research contract, agreement or understanding. Equity is a sharing of resources, which can include financial benefit, community knowledge, networks, personnel and political, or social power. The parties must continuously review equity over the duration of a Research Agreement.
- (g) **Prior Rights:** The Tribe has prior, proprietary rights and interest over air, land, and waterways, and the natural resources within them that the Tribe has traditionally inhabited or used, together with all knowledge, intellectual property, and traditional resource rights associated with those resources and their use.
- (h) **Self-Determination:** The Tribe and its citizens have a right to self-determination and Researchers and associated organizations will acknowledge and respect such rights.
- (i) **Inalienability:** The Tribe and its citizens have inalienable rights to their traditional territories, the natural resources within them, and associated traditional knowledge.
- (j) **Traditional Guardianship.** The Tribe acknowledges its role as the traditional guardian of the earth and its responsibility to preserve and maintain hunting, fishing, and gathering resources. Researchers should ensure that in designing and conducting Research, they respect the obligation of the Tribe to protect natural resources.

### 3 Review Process

#### 3.01 Research Review

The Council has final authority to approve all Research within the Traditional Territory of the Tribe or involving the Tribe's citizens. All Research should follow the Guiding Principles in Section 2.01.

### **3.02 Partnerships and Agreements**

All Research Agreements with the Tribe must include uniform provisions protecting the Tribe's interests, including but not limited to:

- (a) A description of the research methods to be used and the products that may result from Research;
- (b) A declaration of the ownership of intellectual property rights for any products that may result from Research, either through data collection or Publication. The Tribe's approval of a project does not give sponsorship or approval of any particular claim to ownership of intellectual property rights;
- (c) Provisions for the researcher to report on the results of Research to the Tribe and to the participants, and if appropriate, for the Tribe and/or individual participants to have final approval authority for any publication;
- (d) Provisions for the Tribe and the individuals participating in Research to receive access to the data collected;
- (e) Provisions for participants and the Tribe to receive a fair and appropriate return for cooperation in Research (whether monetary, in-kind labor, or acknowledgment) and the sharing of any profit resulting from Research; and
- (f) A guarantee that Researchers and other potential users shall protect privacy and confidentiality for any information concerning Tribal culture, traditions, spiritual beliefs or other matters that the Tribe or individual participants identify as confidential.

### **3.03 Letters of Support**

A. Any Researcher who wishes to obtain a letter of support from the Tribe must submit a project description, budget, and draft of the letter for review. The project description must, at a minimum, include the following information:

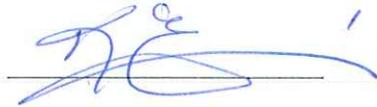
- (a) The desired involvement of the Tribe in the project and any expected budget or partnership benefits to the Tribe;
- (b) A plan for identification and protection of sensitive information;
- (c) Planned payment or benefits for elders, culture bearers, or persons providing data;
- (d) A description of the research methods to be used, the products that may result from Research, and the expected publication methods;
- (e) A description of the immediate and long-term risks and benefits to the Tribe and to individual participants;

(f) A description of the process for securing informed consent and copies of the approval of the Researcher's institutional review board or, if approval has not been secured, a timeline for the application to the institutional review board and sufficient information to demonstrate that adequate protections will be in place for ethical protocols including fully informed consent of Research participants.

B. Requests will be directed to the STA general manager or delegate, who will identify the committee most appropriate to review the request and direct the request to that committee. The committee will make a recommendation for approval or disapproval to the Council. The Council will determine whether the letter of support will be provided.

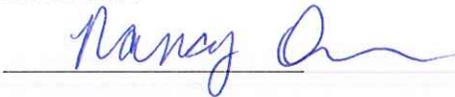
**CERTIFICATION**

The foregoing Policy was approved via motion at a duly convened meeting of the Sitka Tribe of Alaska Tribal Council held on June 20, 2018, and at which a quorum was present with a vote of 9 FOR, 0 AGAINST, 0 ABSTAIN and 0 ABSENT.



KathyHope Erickson  
Tribal Council Chairman

**ATTEST:**



Nancy Douglas  
Tribal Council Secretary