

**KENAITZE INDIAN TRIBE  
TRIBAL RESEARCH ORDINANCE**

**ORDINANCE NO. 2016-03  
ADOPTED July 15, 2016**

**Section 1. Authority and Purpose**

- A. Authority.** The Kenaitze Indian Tribe's ("Tribe") Constitution, Art. X, Sec. 3, provides that the Tribal Council ("Council") shall promote and protect the peace, safety, health, education and general welfare of the members of the Tribe, and shall encourage, guard, and foster traditional cultural practices of the Kenaitze people, including the arts, crafts, language and customs of the Tribe. Research information and data generated by and about Kenaitze individuals, communities and culture represent inalienable intellectual properties of the Kenaitze people over which the Council will provide oversight.
- B. Purpose.** The Council adopts this Ordinance to establish a means by which Tribal research policies will be administered. The Council has a responsibility to protect and preserve the culture of the Tribe and to ensure that research activities are conducted in a way that does no harm to the culture of the Tribe. The Council recognizes the value of medical, social and physical science research. The Council also recognizes the need for present and future individual Tribal members to be free from immediate or long-term effects of harmful, intrusive, ill-conceived or otherwise offensive research and investigation procedures. To carry out this purpose, the Council hereby establishes a Kenaitze Tribe Research Review Board ("Board").

**Section 2. Definitions**

The following words and phrases, whenever used in this Ordinance, shall have the following meanings:

- A. "Board"** means the Kenaitze Tribe Research Review Board that is established by this Ordinance.
- B. "Council"** means the Kenaitze Indian Tribal Council.
- C. "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.

- D. "Informed consent"** means a prospective Participant's voluntary agreement, based upon adequate knowledge and understanding of relevant information, to participate in research or to undergo a diagnostic, therapeutic or preventative procedure. 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.
- E. "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.
- 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 purpose of this Ordinance, 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; and
  8. Feasibility and other studies designed to develop, test and evaluate basic data in all phases of environmental and public health.
- G. "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.

- H. **"Researcher"** means any person, organization, business or other entity which conducts or participates in the collection of data for research.
- I. **"Sukdu"** means traditional or legendary stories and oral histories, which embody Tribal values and are often used as teaching tools.
- J. **"Tribe"** means the Kenaitze Indian Tribe.

### **Section 3. Research Review Board**

- A. The Board shall be composed of at least five (5) members. Members shall be appointed by the Council at the nomination of the Executive Director. A Tribal member may also petition the Council for nomination. The Council shall ensure that the membership of the Board:
  - 1. Will not consist entirely of men or women.
  - 2. Will not consist of individuals entirely of one profession.
  - 3. Shall include at least one (1) member not otherwise affiliated with the Tribe and who is not an immediate family member of a person affiliated with the Tribe. Any Tribal employee, Council member, or Committee member shall be considered to be affiliated with the Tribe.
  - 4. Will include, when practicality permits, the following individual members:
    - a. A Council member;
    - b. An Elder or Elder representative;
    - c. At least one member with medical expertise, such as the Director of the Dena'ina Wellness Center;
    - d. At least one member with scientific expertise outside of the medical field, such as an anthropologist, archeologist or social scientist familiar with Alaska Native culture; and
    - e. The Tribal NAGPRA Officer or other cultural representative.

- B.** The Board may request assistance from other persons with specialized knowledge in the review of any application, proposal or manuscript, as external consultants; however, an external consultant may not vote with the Board.
- C.** When Research involves vulnerable subjects, such as children, prisoners, vulnerable adults, or individuals who are mentally or physically impaired, the Board shall include in its reviewing body one or more individuals who have a particular concern for the welfare of these subjects.
- D. The duties of the Board shall include:**
1. Develop and submit to Council a statement of principles governing the Board in the discharge of its responsibilities for protecting the rights and welfare of human subjects and the Tribe.
  2. Identify research priorities for the Tribe.
  3. Review Research Proposal Packets and make final recommendations to Council, pursuant to procedures developed by the Board and approved by Council. Review recommendations shall be guided by the principles in Section 5 of this Ordinance. Review procedures will minimally include:
    - a. Review of initial Research Proposal Packets on a quarterly basis, with a process for conducting initial review within thirty (30) days upon Researcher's request;
    - b. Annual review of each approved research project during the term of the project; and
    - c. Review of each proposal by a quorum of at least three members, unless a procedure for expedited review has been approved by Council and the project meets the qualifications established for expedited review.
  4. Report noncompliance, unanticipated problems and provisions for suspension or termination of Research approval to the Council and the Researcher, pursuant to procedures developed by the Board and approved by the Council.
  5. Present a plan to the Council for registration of the Board as an Institutional Review Board with the federal Office for Human Research Protection and secure and maintain registration as directed by Council.

6. Establish uniform provisions protecting the Tribe's interests that must be included in all Research Agreements, including:
  - a. A description of the research methods to be used and the products that may result from the 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;
  - c. Provisions for the researcher to report on the results of Research to the Tribe and to the participants;
  - 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, sukdu, spiritual beliefs or other matters that the Tribe or individual participants identify as confidential.

#### **Section 4. Research Permit**

- A.** Any Researcher must apply for and receive a Research Permit prior to undertaking any Research within the jurisdiction of the Tribe or on Tribal property or which otherwise concerns Kenaitze individuals as an identifiable group.
- B.** Researchers shall apply for a Permit by submitting a Research Proposal Packet to the Board.
- C.** The Board shall review each Research Proposal Packet and prepare a recommendation to the Council whether to grant a Research Permit.
- D.** The Council shall have final authority to approve Research proposals after reviewing the Board's recommendation.

- E.** Prior to beginning Research, a Researcher whose Research Proposal has been approved shall enter into a Research Agreement specific to the Research so that studies proceed in a manner that is both culturally sensitive and relevant to the participants and the Tribe.
- F.** Upon execution of a Research Agreement, the Researcher shall obtain from the Office of Tribal Governance a Research Permit.
- G.** The Tribe may assess reasonable fees for costs associated with reviewing proposals and granting permits.

**Section 5. Guiding Principles for Research**

- A.** Research will be evaluated in accordance with Tribal Ordinance 2007-01. All research shall be aligned with Kenaitze Traditional Values:
  - 1. Ts'itsatna – “ancestors”
  - 2. Yinihugheltani – “one’s spirit”
  - 3. Qiz’unch’ – “the right way, the truth”
  - 4. Ada – “care, concern, tenderness”
  - 5. Nadesnaqa – “our Elders”
  - 6. Nagh’utdalts’ina – “our neighbors”
  - 7. Ch’anikna – “children”
  - 8. Nanutset – “our history, before our time”
  - 9. Nakenagh – “background, lineage”
  - 10. Henu – “work, job, task”
  - 11. Nudnelyahich’u qeneshi – “plants and animals”
  - 12. Daggeyi – “fellowship”
  - 13. Ey’uhqats’dalts’iyi – “subsistence, living upon the outdoors”
  - 14. Na’ini – “strength, courage, sobriety, humility”
  - 15. Naghet’a – “our honesty”

16. Chiqinik – “thank you”

**B. The Council also adopts the following guiding principles for Research:**

1. **Fully Informed Consent:** Research should not be conducted until there has been full consultation with all potentially affected individuals and each individual has approved the Research after full disclosure. Full disclosure consists of, at a minimum:
  - a. Potential benefits and harms to the participants of Research;
  - b. All relevant affiliations of the person(s) or organization(s) seeking to undertake Research;
  - c. All sponsors of Research;
  - d. Intended future uses of the data; and
  - e. Claims to ownership of intellectual property that may be created through Research.
2. **Immediate Risks and Benefits:** Research should be of immediate benefit to the Tribe, and the risks associated with Research should be less significant than the benefits to be gained.
3. **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, sukdu, or spiritual beliefs.
4. **Mutual Respect:** Researchers must respect the integrity, morality, and spirituality of the culture, traditions, and relationships of Tribal members with the world, and must 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.
5. **Empowerment:** Parties in Research should share power on the premise of mutual respect. Each party 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 Kenaitze Tribal Members through hiring and training to the maximum extent feasible.

6. **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.
7. **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 such resources and their use.
8. **Self-Determination:** The Tribe and its members have a right to self-determination and Researchers and associated organizations will acknowledge and respect such rights.
9. **Inalienability:** The Tribe and its members have inalienable rights to their traditional territories, the natural resources within them, and associated traditional knowledge.
10. **Traditional Guardianship.** The Tribe acknowledges responsibility to preserve and maintain their role as traditional guardians of the earth and their 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.

#### **Section 6. Sovereign Immunity**

Nothing in this Ordinance shall waive the sovereign immunity of the Tribe, Council members, the members of the Board, Tribal employees, or any other Tribal agents responsible for the implementation and enforcement of this Ordinance. The provisions of this Ordinance shall not be construed as a waiver of sovereign immunity or as authority for a claim for money damages or specific performance against the Tribe. Nothing in this Ordinance shall be construed as creating a private right of action.

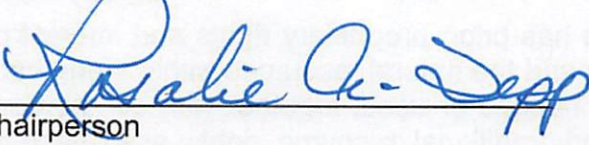


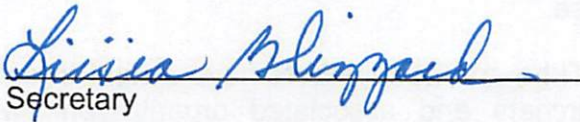
**CERTIFICATION**

Voting in Favor: 7

Voting Against: 0

Abstaining: 0

  
Chairperson

  
Secretary