

**PROTOCOLS
&
PRINCIPLES
FOR
CONDUCTING
RESEARCH
IN A
NUU-CHAH-NULTH
CONTEXT**

**Nuu-chah-nulth Tribal Council
Research Ethics Committee**

August 2008

Declaration by the Ha-wiih of the Nuu-chah-nulth Nation November 1, 1994

Since time Immemorial, we the Nuu-chah-nulth Ha'wiih are the rightful owners and carry the full authority and responsibility to manage and control all that is contained within each of our Ha-houlthee. Strict traditional laws and teachings dictate that it is our responsibility to govern our territories by managing and protecting all lands, waters and resources within our Ha-houlthee to sustain our muschim and our traditional ways of life.

Our authority and ownership have never been extinguished, given up, signed away by Treaty or any other means or suspended by any law. We continue to seek a just and honourable settlement of the land and sea question within all of our respective territories.

Through our governing laws and powers, the Ha'wiih endorse, support and direct our respective Nations to enter negotiations with the governments of Canada and British Columbia to reach agreements and/or treaties which will recognize and re-affirm our ownership and governing authorities over our respective Ha-houlthee.

This endorsement and support is provided on the basis and understanding that the Ha'wiih are and will continue to direct negotiations as decision-makers and active participants, consultants and/or advisors throughout negotiations and discussions regarding all of the lands, waters, resources and governance issues within our respective Ha-houlthee.

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1 RATIONALE

- 1.1 We are aware that researchers are knowledge brokers, people who have the power to construct legitimating arguments for or against ideas, theories or practices. They are collectors of information and producers of meaning, which can be used for or against Indigenous interests.
- 1.2 The Nuu-chah-nulth Tribal Council recognizes its responsibility to address the need for an organizational protocol for individuals and groups conducting research in Nuu-chah-nulth territory.
- 1.3 The Nuu-chah-nulth Research Ethics Committee shall approve any proposed research conducted with more than one Nuu-chah-nulth community in accordance with established protocols and procedures.
- 1.4 This protocol has been developed to assist researchers in ensuring that they meet the appropriate protocols of the Nuu-chah-nulth communities when conducting research in their territories, as well as providing a mechanism of ensuring that research that is conducted within Nuu-chah-nulth communities is done in an ethical and appropriate manner.

2 IMPLICATIONS FOR RESEARCH

Research that involves Nuu-chah-nulth communities and its members as participants, either directly or indirectly, must ensure that research protocols uphold the principle of protection. Ideally, the researcher will partner with communities and involve them in the development of the research project.

- 2.1 The Nuu-chah-nulth Tribal Council is committed to respecting the goals and aspirations of Nuu-chah-nulth-aht involved in research. This includes the maintenance of Nuu-chah-nulth control over resources, including people and the knowledge they carry.
- 2.2 **Partnership:** Where Nuu-chah-nulth-aht are participants in research and have a major interest in the outcome of a research project, then a working relationship should be established between the researcher and the participants or representatives of the participating community(ies).
- 2.3 **Protection:** The researcher must ensure the protection of Nuu-chah-nulth-aht participants and resources prior to the onset of research,

during data collection and compilation, during and after dissemination of data.

- 2.4 **Participation:** All Nuu-chah-nulth-aht have a right to participate in or refuse participation in research. Reasons for inclusion and exclusion in research must be clearly outlined prior to onset of research. Participants must be given adequate time (24 hour minimum) to consider their participation in the research and must be permitted to withdraw participation at any time without consequences.

3 PROTOCOLS

Nuu-chah-nulth-aht have protocols unique to their communities. These protocols differ from community to community. It is the responsibility of the researcher to identify these protocols through consultation with appropriate community members.

- 3.1 Community Contacts
- 3.2 Hawiih:
- 3.3 Elected Council
- 3.4 Community Resources

4. PRINCIPLES

Any and all research proposed to be conducted with more than one Nuu-chah-nulth community must apply for approval with the Nuu-chah-nulth Research Ethics Committee. Communities may choose to have the Nuu-chah-nulth Research Ethics Committee review applications to conduct research in their individual community. The criteria for approval will be as follows:

- 4.1 The researcher(s) complete(s) the Nuu-chah-nulth Research Ethics Committee Application for Approval and;
- 4.2 The purpose of conducting research is clearly stated and indicates a benefit to Nuu-chah-nulth communities and;
- 4.3 That any risks associated with participation in the research are outweighed by definitive benefits and;

- 4.4 That there will be minimal disruption to the community as a result of conducting the research and;
- 4.5 That there is no deception involved in the research process.
- 4.6 That researchers, data collectors and any other individuals involved in the research process are clearly identified and their qualifications to conduct research are provided and;
- 4.7 That once the research is complete, the data will be disseminated to individual participants and participating communities in such a manner that is comprehensible and useful to those individuals and;
- 4.8 That the researcher has identified where ownership of the data rests and has indicated that Nuu-chah-nulth-aht will continue to retain at least partial ownership and have full rights to utilize that information obtained as a result of the research outcomes.
- 4.9 That a plan is clearly laid out regarding what will happen with the data collected once the research is complete.

5. ETHICS

The principles of conduct governing an individual or a group.

- 5.1 **Respect for Persons:** incorporates at least two ethical convictions:
 - 5.1.1 **Autonomy:** individuals should be treated as autonomous agents. Individual is capable of deliberation about personal goals and of acting under the direction of such deliberation. The individual is permitted to enter into research voluntarily and with adequate information.
 - 5.1.2 **Protection:** persons with diminished autonomy are entitled to protection. Not every human being is capable of self-determination. These individuals need to be protected and ensured that decisions are made in their best interest.
- 5.2 **Beneficence:** making an effort to secure the well-being of participants. Two general rules are associated with ensuring that this principle is upheld:
 - 5.2.1 Do no harm.
 - 5.2.2 Maximize possible benefits and minimize possible harms. This rule considers that learning what will benefit may require exposing persons to risk. The problem is to decide when it is justifiable to seek certain benefits despite the risks involved, and when the benefits should be foregone because of the risks.

5.3 **Justice:** refers to fairness in distribution or what is deserved and the idea that equals should be treated equally. The following formulations provide suggestions as to how burdens and benefits should be distributed:

- 5.3.1 To each person an equal share.
- 5.3.2 To each person according to individual need.
- 5.3.3 To each person according to individual effort.
- 5.3.4 To each person according to societal contribution.
- 5.3.5 To each person according to merit.

*Whenever research supported by public funds leads to the development of therapeutic devices and procedures, justice demands both that these not provide advantages only to those who can afford them and that such research should not unduly involve persons from groups unlikely to be among the beneficiaries of subsequent applications of the research.