

# What We Heard

A report from the Three Federal Research Funding Agencies' Ad Hoc Working Group on Indigenous Citizenship and Membership



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Cat. No. CR22-126/2024E-PDF ISBN 978-0-660-68041-5

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# Acknowledgement

The federal research funding agencies—the <u>Canadian Institutes of Health Research</u> (CIHR), the <u>Natural Sciences and Engineering Research Council</u> (NSERC) and the <u>Social Sciences and Humanities Research Council</u> (SSHRC)—acknowledge that their offices, located in Ottawa, are on the unceded, unsurrendered Territory of the Anishinaabe Algonquin Nation whose presence here reaches back to time immemorial. The agencies recognize the Algonquins as the customary keepers and defenders of the Ottawa River Watershed and its tributaries. We honour their long history of welcoming many Nations to this beautiful territory and uphold and uplift the voice and values of our Host Nation.

Further, the agencies respect and affirm the inherent and Treaty Rights of all Indigenous Peoples<sup>1</sup> across this land. The agencies have and will continue to honour the commitments to self-determination and sovereignty we have made to Indigenous Nations and Peoples.

The agencies acknowledge the historical oppression of lands, cultures and the original Peoples in what we now know as Canada and fervently believe that Indigenous research contributes to the decolonizing journey we all share.

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<sup>&</sup>lt;sup>1</sup> In the context of this report, Indigenous Peoples refers to distinct social and cultural groups that share collective ties to the lands and natural resources where they live, occupy or from which they have been displaced. In Canada, the terms "Aboriginal" and "Indigenous" are equivalent. The Canadian Constitution recognizes three groups of Aboriginal (Indigenous) Peoples: Indians (more commonly referred to as First Nations), Inuit and Métis. These are three distinct Peoples with unique histories, languages, cultural practices and spiritual beliefs.

# **Executive Summary**

This report focuses on a series of engagements held by the three federal research funding agencies on Indigenous citizenship and membership affirmation throughout spring and summer 2023. As a commitment under Setting new directions to support Indigenous research and research training in Canada 2019-2022, a strategic plan devoted to identifying how better to support Indigenous research and research training in Canada, engagement focused on identifying a path forward with respect to Indigenous citizenship and membership affirmation on the part of the agencies: the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC) and the Social Sciences and Humanities Research Council (SSHRC).

Contributors to this report, who include Indigenous academics, researchers and thought leaders, as well as institutional leaders, have been clear about the need to move beyond self-identification to ensure that funding opportunities or other opportunities intended for Indigenous people are held by Indigenous people. This work also contributes to the broader Government of Canada commitment toward reconciliation and to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

This report first provides the context for the development of such a policy as well as recent developments in the postsecondary space from institutions now embarking on similar journeys. It emphasizes the Government of Canada's commitment to self-determination of Indigenous communities and Nations and identifies lessons learned from these processes, as well as from several internal tri-agency processes where applicants were asked to provide information in addition to self-identification, specific to the funding opportunity in question.

Next, the methodology for the development of this report is outlined, including key questions posed through focused conversations with postsecondary institutions, Indigenous thought leaders and those representing other research communities.

The report then identifies a set of key principles emerging from these dialogues. Informed by our engagements, these include truth, respect, courage, rigour, self-determination, connection, flexibility, and inclusiveness. Further, six common themes emerging from these dialogues are also presented, including:

- Theme 1: The need to move beyond self-identification
- Theme 2: Indigenous self-determination and respecting Indigenous rights bearers
- Theme 3: Avoiding additional barriers or harm
- Theme 4: A focus on relationships and connection
- Theme 5: Data privacy and protection of personal information
- Theme 6: Consequences for fraudulent claims

Under each theme, a variety of currents on the topic are presented, noting areas of commonality and of difference.

Finally, this report outlines additional considerations for work going forward into policy development and implementation, as well as important next steps in the tri-agency journey to develop a framework for Indigenous citizenship and membership affirmation.

As has been made clear in the process of engagement, the subject of Indigenous citizenship and membership affirmation can be a sensitive one. The multiple perspectives on the best way to move forward are reflective of the multiple ways in which people identify with, and relate to, their communities and Nations.

# Introduction and Purpose

In 2015, the Truth and Reconciliation Commission of Canada (TRC) released its report that identified 94 Calls to Action and highlighted the important role of research to advance the understanding of reconciliation. In Budget 2018, the federal government committed \$3.8 million to SSHRC to support this priority by developing a strategic plan that identifies new ways of doing research by and with Indigenous communities.

To support its development, a dedicated funding opportunity was launched in 2018. These multidisciplinary Indigenous Research Capacity and Reconciliation grants supported community gatherings, workshops and events that mobilized and exchanged knowledge on Indigenous research and reconciliation. In addition, between July 2018 and March 2019, a series of 14 regional engagement events were organized in collaboration with Indigenous partners. These included roundtables and workshops, as well as a National Dialogue that convened Indigenous Research Capacity and Reconciliation Connection grant holders, Indigenous community members, as well as tri-agency and Canada Research Coordinating Committee representatives. Three hundred participants participated in the dialogue, alongside various submissions online, to produce Setting new directions to support Indigenous research and research training in Canada 2019-2022, a strategic plan devoted to identifying how better to support Indigenous research priorities and decolonization through the respective mandates of the agencies.

This strategy, which has now been extended for implementation to March 31, 2026, identified key barriers faced by Indigenous organizations within the research funding ecosystem. Many participating in the work called for greater transparency and accountability in the adjudication of funding proposals, including appropriate mechanisms for verifying Indigenous identity and ensuring that those opportunities intended for Indigenous scholars are held by them.

To support this direction, CIHR, NSERC and SSHRC were tasked with establishing a common set of principles and guidelines to better understand and manage issues relating to Indigenous citizenship and membership, to ensure research funding opportunities through the three agencies intended for Indigenous researchers are being provided to them.

The tri-agency ad hoc Working Group on Indigenous Citizenship and Membership (the "Working Group") was formed in late 2022 with a mandate to engage with a range of key partners, including the <u>Indigenous Leadership Circle in Research</u> (ILCR), Indigenous organizations and communities, academic institutions, Indigenous scholars/experts and federal departments to gather perspectives, insights and other helpful information to inform the policy.

This report shares the results of this work, including insights developed in conversation with partners on key themes and ideas related to the affirmation of citizenship and membership. In addition, the Working Group acknowledges the valuable work already conducted in this space by Indigenous thought leaders and has referenced published documents on the topic (see References). Ultimately, the report's purpose is to inform the development of a tri-agency policy on Indigenous citizenship and membership affirmation within the context of agency-funded grants, awards and other research funding and to share, in a transparent way, what we have heard through the process.

# The Impetus for Change

The three federal research funding agencies maintain their commitment to support Indigenous self-determination through a focus on affirmation of citizenship and of membership, rather than adjudication of identity. Given Canada's adoption of the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP), alongside the more recent *United Nations Declaration Act* (UNDA) that brings the Declaration into Canadian law, the focus of this policy is on supporting the right to self-determination of Indigenous Peoples. In particular, Articles 33 and 9 in UNDRIP reinforce Indigenous Peoples' right to "decide their own identities and procedures of belonging" in addition to their right to belong to a community or Nation.

Within the agencies' space and to acknowledge the work of Indigenous partners on the issue, including those who participated in the development of the strategic plan, an environmental scan of existing literature on the topic was conducted. As it revealed, Indigenous communities have long been calling for more robust policies and procedures to prevent Indigenous rights from being usurped. Recent and ongoing revelations that some researchers have falsely self-identified as Indigenous highlight the need for agencies to adopt a sound framework for validating Indigenous citizenship and membership, to ensure that opportunities intended for Indigenous Peoples are directed toward them.

Concepts of Indigenous identity, citizenship and membership are complex given Canada's history and the present conditions that encase Indigeneity in Canada's social, economic and political systems—systems that are rooted in dominant norms, values, ideologies and laws, rather than in Indigenous ways, practices and laws. This situation is further compounded by individuals self-identifying without any formal process for the affirmation of Indigenous identity claims (against Indigenous community citizenship criteria or government eligibility requirements). This has resulted in false Indigenous identity claims, including a series of controversial claims at two postsecondary institutions that were criticized for upholding a practice of race-shifting and "pretendianism," defined as the process under which a non-Indigenous person claims an Indigenous identity. This can lead to issues such as employment inequity and other racist practices (see Hall 1980; Omi & Winant 1994; Foucault 2003; Goldberg 2002 & Wolfe 2016 cited in Stanley 2016, p. 10). While fraudulent claims represent a minority of individuals who self-declare, the importance of these small number of cases, particularly in the context of research funding, is significant.

As early as 2016, Jorge Barrera, writing for APTN, documented the claims of celebrated author and novelist Joseph Boyden. As Boyden's profile grew, so did questions about his identity, which he claimed as Mi'kmaq and Métis. Similarly, celebrated producer Michelle Latimer, who directed both the *Trickster* series and the documentary *Inconvenient Indian*, was also accused of claiming false ties to Kitigan Zibi. In these cases, both individuals in question had leveraged funds and were granted awards designated for Indigenous people.

In academia, momentum grew to expose those who may falsely be representing Indigenous identity and in 2021, an <u>anonymous investigative</u> report exposed questionable claims to Indigenous identity made by several Queen's University faculty members and individuals. Following these revelations, community and Indigenous scholars challenged the universities' colonial status quo discourse on Indigenous identity and self-identification as rooted in "white institutional norms" (Parsons 2021). Also in 2021, a <u>CBC investigation</u> revealed that Carrie Bourassa, Canada's leading Indigenous health scientist and then-Director at CIHR's Institute of Indigenous Peoples' Health, appeared to be of

entirely European ancestry. Bourassa was suspended from her position by the University of Saskatchewan, her academic home, and in 2022, she <u>resigned</u> following an extensive independent investigation.

In another case, allegations by several community members prompted the CBC to pursue an indepth investigation of celebrated 59-year-old Harvard- and Cambridge-educated lawyer and professor Mary-Ellen Turpel Lafond, who was at the time the inaugural Academic Director, Indian Residential School History and Dialogue Centre at The University of British Columbia (UBC). Turpel-Lafond had publicly maintained she was biologically Cree through her father, who grew up on the Norway House Cree Nation in Manitoba and that she later transferred to her husband's community of Muskeg Lake Cree Nation in Saskatchewan, while records indicated she was born and raised in Niagara Falls, Ontario, amid other inconsistencies. In 2022, she left her role as Academic Director of the Indian Residential School History and Dialogue Centre but maintained her position as a professor at UBC. In December 2022, UBC reported that Turpel-Lafond no longer worked there.

Also in the fall of 2022, a *MacLean's* article by Michelle Cyca chronicled the case of <u>Gina Adams</u>, hired by Emily Carr University in an effort to recruit Indigenous faculty. Adams claimed both Lakota and Anishinaabe descent through her grandfather, who she claimed had attended Carlyle Indian Industrial School in Pennsylvania. Several within and outside of the small Vancouver postsecondary institution raised doubts and, as *MacLean's* reported, led to conflict among faculty, students and staff. Adams eventually resigned.

In March 2023, CBC News reported that <u>Vianne Timmons</u>, then-president of Memorial University of Newfoundland(MUN), was taking a voluntary, six-week paid leave of absence and was apologizing as the university gathered Indigenous leaders to discuss the issue of her statements of Mi'kmaw heritage. In speaking with reporters, Timmons maintained that she had always made a clear distinction: she never claimed Mi'kmaw identity, only ancestry and she had not benefited from discussing her ancestry or having claimed membership in an unrecognized band in Nova Scotia, the Bras d'Or Mi'kmaq First Nation, which she joined in 2009. Bras d'Or Mi'kmaq First Nation is neither recognized by the Union of Nova Scotia Mi'kmaq or by the federal government. Less than a month later, she was removed as president of MUN.

Also in 2023, Indspire, a national Indigenous charity that provided funding to two Toronto twins claiming to be Inuit for their university education, <u>publicly stated that it wanted its money back</u>. Amira and Nadya Gill, who publicly listed themselves as members of Nunavut Tunngavik Inc. (NTI) as of 2021, received funding from Indspire's Building Brighter Futures program to support their education at Queen's University in Kingston, Ontario. The sisters were eligible to receive Indspire funding by using their NTI enrolment as proof of Indigenous identity, according to a press release from Indspire in March. The twins were <u>removed from NTI's enrolment list</u> in April 2023 after news reports of their background and identity were questioned publicly. In September 2023, <u>fraud charges were filed</u> by the RCMP against both sisters and their mother.

These controversies have provoked an intense public debate regarding Indigenous selfidentification. The dispute centres on four main issues:

- 1) the sufficiency of using an honour system to claim Indigenous identity;
- 2) the question of who is Indigenous and what constitutes being Indigenous;
- 3) a debate around who decides on community belonging; and,

4) the question of who should verify claims to Indigenous identity/ancestry/citizenship and nationhood.

There are diverse perspectives about the roles and responsibilities associated with this issue. Some Indigenous communities and scholars believe that individuals can and should determine their Indigenous identity through self-identification. However, other Indigenous scholars argue that the responsibility lies with Indigenous governments to determine the criteria for Indigenous identity (Castagno & Lee 2007; Brayboy 2005; Deloria 1970, Vizenor & Lee 1999, & Warrior 1995). With regard to the latter argument, the United Nations and its affiliated organizations and committees claim <u>self-identification is a fundamental criterion</u>. However, they also contend that it must be in keeping with the practices and institutions of each Indigenous People. These divergent viewpoints expose a tension between the meaning of Indigenous identity and the validity of self-perceived or self-ascribed identity based on an individual's understanding of themselves, their surroundings and all other aspects of their lives.

Queen's University <u>Chancellor Murray Sinclair</u>, former member of the Canadian Senate and a First Nation lawyer, believes that "We must go beyond an honour system and include voices from Indigenous communities across Turtle Island." The movement beyond an honour system stems from the idea that self-perception identity formation differs significantly from one rooted in Indigenous self-identification and legal status (O'Donnell & Lapointe 2019).

Settler ethnic fraud in relation to Indigenous identity is discussed at length in the academic world (Lawford & Coburn 2019; Gaudry 2018; Anderson, Sinclair, Battiste, MacDougall, Ballantyne, Teillet & Poitras (FNUC & NIULSA 2022); Pewewardy cited in Doyle-Bedwell 2008, p. 83). Often it is simply characterized as a deliberate falsification of one's identity to obtain personal gain or the inaccurate self-identification of race. The evidence also indicates a situation in which self-perception claimants who may sincerely believe family lore or other anecdotal evidence often do not possess any form of community, culture, or kinship attachment, nor any Indigenous lived experience with racism or oppression, which permits "new Indians" to fit into the mainstream more easily (Leroux 2019; Gaudry & Andersen 2016; Gaudry & Leroux 2017; Pewewardy cited in Doyle-Bedwell 2008, p. 83).

At the 2022 National Indigenous Citizenship Forum held at the First Nations University, Indigenous scholars, Elders<sup>2</sup>, and staff reaffirmed the importance of not using the term identity, noting that for them, this is a code word that can either serve to exclude people from certain conversations, or can become a way of "marking off territory among a set of people who assume they understand what each other is saying (Newton & Tuck cited in Spady, 2017). Instead, they argued that Indigenous identity is tied to citizenship and self-determination (FNUC & NIUSLA 2022). Forum participants felt strongly that, should individuals self-identify, they must be willing to say who they are, where they come from, and describe their kinship ties or their relatives (FNUC & NIUSLA 2022). These approaches align with the view of Indigenous identity held by the United Nations Permanent Forum (the Permanent Forum) on Indigenous Issues. The Permanent Forum reasons that the test of Indigenous identity exceeds self-identification at the individual level because an Indigenous identity

<sup>&</sup>lt;sup>2</sup> Elders are respected individuals who play key roles in Indigenous communities as important knowledge keepers who help to ensure cultural transmission and continuity. Elders hold culturally specific teachings that vary from Nation to Nation and may serve as teachers, healers, advisors and counsellors. Elders are not defined by age, but by knowledge and experience.

can only exist if there is historical continuity and community acceptance of the person as their member.

As these perspectives make clear, the agencies have a responsibility within this space to undertake work to develop an affirmation process that respects the right of self-determination and that takes into account the way in which colonization has sought to disrupt connection. Despite the substantial work completed and underway, no consensus has emerged around what guidelines or policies can best ensure that key funding and other opportunities intended for Indigenous researchers and organizations are reserved for such researchers and organizations. As many participants expressed, this space is dynamic and many policies under development will be adapted as needed. In addition, important discussions are taking place around the need to take an approach grounded in respect for traditional Indigenous ways while considering Canada's colonial history, which has affected the way in which community members are identified, such as child apprehension, disenfranchisement and other imposed colonial processes.

# **Recent Developments**

In the past several years, some postsecondary institutions have moved forward on work in this space, establishing committees, guidelines and policies to establish their own systems to ensure opportunities intended for Indigenous people are held by them. While institutional policies and processes in this space note the complicated nature of documents generated in colonial space, they acknowledge, in various ways, the many ways that people may need to verify their citizenship or membership and the importance of establishing processes to protect opportunities intended for Indigenous people.

For instance, in July of 2022, the University of Saskatchewan (USask) approved a new policy on Indigenous membership/citizenship affirmation as a result of work by a task force led by Indigenous Elders and leaders. The name of this policy "deybwewin (Saulteaux)| taapwaywin (Michif)| tapwewin (Cree)" means truth—truth to self, truth to each other, truth to the ancestors, and truth to the land. The new policy, according to its press release, "reflects USask's commitment to transformative decolonization and reconciliation," said USask President Peter Stoicheff.

The new policy's <u>purpose</u> is set out as truth and rooted in a commitment to "safeguarding the cultures and integrity of Indigenous Peoples, Indigenous values, and Indigenous languages within university business or activities." Now under implementation, it sets out a documentation affirmation process to be completed by all those holding future employment positions, student scholarships, or other forms of material advantage created for Indigenous researchers noting that under some circumstances, affirmation may also be required for those who already hold such positions.

Wilfrid Laurier University (WLU), with the guidance of the Office of Indigenous Initiatives, also launched a <u>new process</u> intended "to verify Indigenous identity to confirm eligibility for designated Indigenous staff, faculty and student opportunities at Laurier." Through this process, applicants to designated Indigenous opportunities now must submit written documentation of Indigenous identity or a self-declaration that includes "specific information about their ongoing relationship to a legally recognized and inherent Indigenous community, Nation, or People, in North America."

As a process developed in consultation with the Indigenous Education Council and Indigenous faculty at WLU, the process established is designed to mitigate identity fraud. As such, it is positioned as a process based in which Indigenous community claims the candidate as well as the candidate's lived experience of Indigeneity, rather than the claim to Indigeneity in and of itself.

The University of Alberta has also launched its new policy, alongside many other institutions, focusing primarily on student populations. In September 2022, the Manager of Indigenous Recruitment in the Office of the Registrar participated in a panel discussion with staff from the Natural Sciences and Engineering Research Council. Although the university noted that the process is still quite new, the early indications are that a high percentage of Indigenous applicants can provide documentation, while very few have issues providing documentation. It was noted that the number of people claiming Indigenous citizenship or membership who could not provide documentation was in decline, suggesting the importance of such a policy in fraud deterrence, as well. This reflects several conversations held during engagement wherein participants noted that progress for student populations is easier, given the considerations around union and faculty associations for staff.

More recently, the University of Manitoba published <u>nine recommendations and a final report</u> based on its Indigenous-led engagement on the issue. While the university previously followed a practice of honouring Indigenous self-declaration as a way to flexibly include Métis, First Nation, non-status or Inuit-specific ways of acknowledging community members, its new work focuses on the need, as identified through its engagement process, to "establish policies, guidelines and processes that address the affirmation of Indigenous identity and do not create additional barriers to Indigenous Peoples." The next steps for this process include the appointment of a Policy Development Committee consisting of First Nations, Métis and Inuit community members and citizens working together with university leadership to generate a transparent policy that identifies a process for the affirmation of identity along with a process to review complaints of fraud. This work is currently underway.

Around the same time, Queen's University announced an interim policy for the hiring of Indigenous-specific positions based on its own engagement, captured in the July 2022 Queen's University Indigenous Identity Project Final Report: "Gii-Ikidonaaniwan. • 'It has been said'." This interim policy supplements Queen's Targeted Hiring Policy and requires that Indigenous applicants provide either government-issued documentation confirming their citizenship or membership, or a self-declaration related to "their existing lived experiences and ongoing relationship to a legally recognized and rights bearing Indigenous community, Nation or People." Further, an additional interview inquiry process may ask applicants who proceed to this stage about their experience with Indigenous communities, their relationship to Indigenous community, or the impact of their lived experience on their work or research.

In recent months, the University of Regina has also announced that it is in the process of developing policies and processes to address the issue of non-Indigenous people misrepresenting Indigeneity. Other institutions consulted as part of the tri-agency process also referenced ongoing or upcoming work in this area, noting the need to take action, even if the policies implemented may need to be updated as a reflection of ongoing dialogues with communities and Nations in the spirit of self-determination.

#### **Drawing on Lessons Learned**

While there is no current, formal affirmation framework that the agencies could directly implement, work conducted to date in various contexts and funding opportunities also helped inform the approach. The three federal research funding agencies already have the benefit of perspectives received through several Indigenous advisory committees and pilot initiatives, which have made it possible to develop some preliminary mechanisms to pilot in the absence of a formal policy. For example:

- The SSHRC <u>Indigenous Advisory Circle (IAC)</u> has discussed the challenges surrounding Indigenous self-identification on several occasions since 2015. According to members, there are generally four bases upon which Indigeneity can be claimed: i) Indigenous ancestry, with written or oral evidence; ii) community membership<sup>1</sup> confirmed by the community; iii) Indigenous status; and iv) rules set out by the state via the *Indian Act* or the Supreme Court of Canada.<sup>2</sup> Some Circle members also strongly recommended centering the effort on the community connection.
- In 2022, the Indigenous Scholars Awards and Supplement (ISAS) program was launched. The program provides financial support to meritorious Indigenous students who have applied to the Canada Graduate Scholars—Master's program (CGS M). Engagement conducted as part of the process of establishing ISAS raised several key considerations in relation to self-identification as part of the process, including that self-identification processes are vulnerable and that there are currently no best practices regarding requesting self-identification data or their affirmation. Several participants also observed that developing self-identification mechanisms, in general, was challenging as it is very easy to be both "too inclusive and too exclusive." Many participants recognized that the process for self-identification might need to vary depending on whether the applicant was a member of a First Nations, Inuit or Métis group. Similarly, several participants stated that the requirements for self-identification should reflect the position of the applicant (e.g., a student, a professor, an employee). Finally, many participants noted that the agencies were ill-equipped to be authenticating applicants' self-identification statement.
- In terms of concrete processes and as noted within the context of ISAS engagement,
  participants also pointed out that many provincial-level Indigenous organizations had
  "objective and comprehensive" databases that "follow best practices in Canadian registry
  practices." Where appropriate, these databases should be used to confirm membership
  status, with consent from applicants.
- Similarly, other participants indicated that if applicants had a valid Indian status or
  membership card, those documents should be provided. Providing such information, if
  already in possession, was not seen to be burdensome. Some participants even added that
  the agencies had an obligation to support the sovereignty of Indigenous Nations through
  such a process and that requiring proof of citizenship or membership was seen by some to
  contribute to reconciliation. In this case, a careful consideration of the storage of such
  information would be key.
- Following engagement informing the ISAS initiative that was completed in spring 2022, a separate <u>SSHRC funding opportunity with enhanced self-identification</u> mechanism was also launched in collaboration with the Department of National Defence (MINDS) and was aimed

at Indigenous students. The MINDS instructions were updated to align with the requirements of the ISAS initiative that require applicants to submit a one-page personal statement describing "how their proposed research project, career and/or education goals have been informed by their experience as a First Nations, Inuit and/or Métis person. If appropriate, applicants can discuss their existing connection, or efforts to develop or reestablish a link, with their Indigenous community."

- The recruitment process for the tri-agencies' <a href="Indigenous Leadership Circle">Indigenous Leadership Circle</a> in Research (ILCR) members also focused primarily on the community connection option, requiring that applicants submit a letter of support from their community; the selection panel, whose members are all Indigenous, gave particular weight to this issue. The process was modelled on the selection process used by the Reference Group for the Appropriate Review of Indigenous Research. Following the selection process, it was decided that the approach should be further strengthened by having the selected applicants provide a reference to verbally confirm the applicants' statements. The reference could be the same one initially used in the process or another member of their community. To date, this approach has been warmly received, both by applicants and by the persons acting as references. Some applicants voluntarily provided official identification confirming their status under the *Indian Act*.
- The Canadian Institutes of Health Research (CIHR) has recently launched a recruitment process for the Scientific Director of the Institute of Indigenous Peoples' Health. This process requires potential candidates to provide membership/citizenship documentation. As well, the interview process and reference checks may be leveraged to further confirm Indigenous membership/citizenship."

These processes, including the engagement that informed them and lessons learned, contributed to framing the conversation with additional partners, whose feedback is illustrated in the section that follows.

# Methodology

Based on this work and in conversation with key institutional partners and with the Indigenous Leadership Circle in Research, an engagement plan was created to solicit further perspectives on moving beyond self-identification in a way that focuses on Indigenous citizenship and/or membership, but that does not constitute an adjudication of identity by the agencies. In particular, the agencies sought to engage with partners at various stages in their own process, from those who were not actively pursuing any work in this area to those who had already developed policies and/or processes to verify citizenship and/or membership.

Engagement took place in formal and informal conversations with First Nations, Inuit and Métis researchers, postsecondary administrators, and others involved in research or research funding through March – August 2023, generating important dialogue on key considerations and promising practices in this area. In addition, National Indigenous Organizations, not-for-profit research communities and organizations outside of academia, and other Indigenous representative organizations were also approached to gauge their interest in participating in this dialogue. Invitations were sent to all those who indicated interest.

As a general starting point, the following key questions were proposed:

- 1. What is your understanding of Indigenous citizenship/membership and the complexities related to it?
- 2. How is your institution working through Indigenous citizenship/membership issues?
- 3. What mitigation strategies are you applying? What are the structures and processes that already exist in your institution that could assist in navigating some of the current barriers (e.g. REBs, existing rules of academic conduct around academic dishonesty, etc.)?
- 4. How can the agencies engage and involve Indigenous communities and groups in the work we are doing? Do you have any experience or lessons learned from your own work?
- 5. What Indigenous traditional and community practices for citizenship have been used within universities for Indigenous validation? What role have Elders and community members had in determining the path forward?
- 6. How can institutions identify authentic Indigenous communities?
- 7. Considering the agencies and other funders in the broader research ecosystem, what advice do you have for us on reducing the administrative burden of affirmation on Indigenous communities and/or on the agencies?
- 8. What processes can be implemented to protect or minimize harm to individuals who bring forward cases of fraudulent claims to Indigeneity within their respective institution?
- 9. What considerations do you have about data collection and storage in this space?
- 10. From a policy perspective, how should the agencies address Indigenous citizenship/membership in a meaningful way?

While key questions were raised throughout all interviews, the process was an iterative one that allowed those participating in the meetings to raise additional issues not yet considered, or not included in the formal list of questions. This resulted in additional suggestions and insights not directly addressed in the draft questions proposed.

Finally, in March 2023, the agencies provided support to the 2<sup>nd</sup> Annual National Indigenous Citizenship Forum hosted by the First Nations University of Canada (FNUniv), in partnership with the National Indigenous University Senior Leaders' Association (NIUSLA). Representatives of the working group were able to attend to hear the conversation. This event, like the 1<sup>st</sup> Forum, provided essential additional considerations and perspectives on the contents of this report and in determining the path forward.

#### Working from Principles to Action

The federal research funding agencies are grateful for the guidance received on the proposed way forward, which includes a policy and affirmation process to confirm citizenship and/or membership. To respect the confidentiality of all interviewees, statements have not been attributed to individuals or to institutions.

Participants in the engagement process noted, in most cases, the importance of identifying key principles to guide the way forward. In institutions where work has already been carried out

around citizenship and membership affirmation, the importance of principles as a way to promote truth and transparency while minimizing harm was reiterated on several occasions, leading to the development of the following principles, to support the establishment of a sound process in this area

Guiding principles informed by the insights of our engagement, include:

- Truth, to acknowledge the harms caused by those benefitting from opportunities on the basis of fraudulent claims;
- Respect, to account for the work already completed or in progress within various Indigenous communities, Nations and research organizations;
- Courage, to undertake the work necessary in the complex space of citizenship and membership and in collaboration with Indigenous Peoples and with Indigenous researchers;
- Rigour, to assert that the development process stems from a clear understanding of the issues, the work accomplished to date, and ongoing engagement with Indigenous scholars and thought leaders on this issue;
- Self-determination, to underscore the rights of Indigenous Peoples to determine their own membership or citizenship including in distinctions-based ways and to acknowledge the importance of Indigenous data sovereignty;
- Justice, to recognize the way in which a just society will respect the principle of the right
  of return through a restorative justice lens, which is particularly relevant for those who
  have been forcibly displaced both physically and notionally in terms of citizenship or
  membership;
- Connection, to refer to the role of ancestral and/or community connections, including kinship and other connections, when moving beyond self-identification;
- Flexibility, to recognize diversity in communities' determination of citizenship and membership as well as the way in which membership and/or citizenship may change as a result of new legislation or processes underway or in development; and,
- Inclusiveness, to acknowledge the intersectional ways in which colonial structures and
  processes have worked to disenfranchise rights-holders through policy, legislation and
  practice and to consider the challenges faced by some in confirming their citizenship or
  membership, where colonial processes have undermined or severed historical community
  ties.

In addition, several implementation and contextual considerations were raised through engagements with partners. Although not exhaustive, they serve as important considerations for policy development and implementation.

# Reflections on Key Themes

Participants within the engagement process identified key themes and considerations in the development and implementation of the proposed framework. These themes are presented, in no particular order, in the section that follows.

#### Theme 1: The need to move beyond self-identification

Overall, those engaged all noted the importance of understanding that self-identification alone is now insufficient to support claims to Indigenous citizenship/membership where such claims

result in material advantage, either financially or, in some cases through engagement, reputationally. Indigenous identity is a separate issue and a personal one for each person claiming it

While citizenship or membership is a political identity, a focus on this dimension means a clearer perspective on which community or Nation claims a person, rather than on which community or Nation that person claims. While biological concepts of identity are less clear and more easily manipulable, the idea of political rights as expressed through citizenship or membership provides a concrete expression of how a person is claimed. In cases of "involuntary departures", such as those enacted on Indigenous people through colonial policies, participants noted that restorative justice principles would apply, noting that just political societies do not have involuntary exit and also provide means to restoration of political or citizenship/membership rights.

In addition, many participants pointed out the alignment of a process focused on citizenship and/or membership with other verification processes, such as those oriented toward verifying people's academic or work qualifications through various means. Many noted that while cases of identity fraud are fractional compared to the legitimate work of those Indigenous scholars conducting research, the relative harm imposed by those fraudulently claiming to represent Indigenous perspectives mean that the agencies have a role in this space. The majority of participants expressed overall support for the development of a tri-agency Indigenous citizenship and membership policy. In addition, many institutions engaged in the process signaled their intention to align with the policy that will be developed.

Further, most participants expressed support for the establishment of such a process at point of intake of application, rather than later in the process. Some expressed their own movement in this direction, both from the perspective of eligibility and of disbursement of research funding. These may be integrated into program policies specifically or be part of an overarching policy. In either case, affirmation at intake was seen as a way to dissuade fraudulent applicants from trying to access earmarked opportunities, as well as a way to ensure standardization of the process throughout. Some participants noted this as a critical moment in the citizenship and membership conversation in Canada, and that this type of process as a front-end process would represent an important path forward.

For those who did not support the work of the agencies in this space, important nuances were provided. Some participants noted that local communities in their area had not identified this issue as a priority. Some participants also noted that it is neither the right nor the responsibility of colonial institutions to determine citizenship or membership. Communities have a right to recognize their own members according to their own laws. In particular, the notion of custom or community adoption was cited as an important community-based practice for some that may challenge the set rules for "Status", for example. These important messages will also be incorporated into the policy as developed in specific ways, as related to avoiding additional barriers or harm, by focusing on affirmation of citizenship and/or membership rather than adjudication of citizenship or membership.

#### Theme 2: Indigenous self-determination and respecting Indigenous rights bearers

Those engaged all noted the importance of self-determination in this space, and the particularly harmful impacts of colonization in working to sever the ties that have bound Indigenous Peoples

since time immemorial. Framing the importance of self-determined conversations on the way forward, most participants expressed their belief in such a policy is a way to support reconciliation by acknowledging rights-bearers and their perceptions of belonging. In addition, the focus on citizenship and membership is part of the Nation-to-Nation model and allows for the application of restorative justice or re-entry where individuals have been involuntarily excluded from their citizenship or membership rights. This approach also aligns with the Government of Canada's position that rights recognition is a main feature of its work in the area of reconciliation. In particular, the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* and of its related legislation, the *United Nations Declaration Act*, were seen by many participants as the foundation for a policy focused on affirmation of citizenship and membership, rather than one focused on the issue of identity.

Some participants also stressed that the outcome of such a policy should not be to exclude rights-bearing people who may not have access to standard documentation. In addition, many stated the perspective that the agencies should be protecting the rights of Indigenous Peoples and of Indigenous researchers by protecting opportunities reserved for them, but not engaging in policing identity. Rather, the agencies' focus should be on affirmation, not adjudication, and oriented toward fraud prevention rather than policing of identity.

Several questions remain around communities emerging to claim Indigeneity in a collective sense through engagement with the Government of Canada more broadly. In these cases, participants underscored the importance of recognizing rights-bearing communities as those that have section 35 rights under the Canadian Constitution, which means Aboriginal or Treaty rights in their territory, rather than all those in various stages of claim with the Government of Canada and whose outcome is not yet determined. In addition, several participants pointed out new bodies emerging as corporations under the guise of Indigenous communities and advised a cautious approach in this area. In addition, some participants raised considerations around recognition in different jurisdictions, including differences in federal and provincial or territorial recognition of Indigenous collectives and different "levels" of recognition in legislative and legal arenas, including consideration for land claims, legal precedents, and other contextual factors.

For mitigation purposes, various institutions are creating governance committees, steering committees or other oversight bodies to inform either development of policies or implementation processes to ensure the presence of self-determined community voices and perspectives.

#### Theme 3: Avoiding additional barriers or harm

Participants in the engagement process spoke often about the need for flexibility as a core principle in the policy to acknowledge the possible need for a phased approach and modifications to the policy and/or implementation plan, particularly with respect to their intention to consider different processes for academics and students. In addition, they noted the importance of flexibility in the way that applicants demonstrate citizenship or membership, given the long impacts of settler colonial policies and processes. Avoiding additional harm on disenfranchised rights bearing citizens or members of Indigenous collectives while understanding how overly rigid requirements may in fact impose new barriers on rights-bearers, was an important feature of several engagement conversations. As one participant noted, "We are dealing with people's lives, including the lives of the children who are not here yet." As related, some identified the potential for this policy to set a precedent that could be later leveraged to inform other policy development

for other equity-deserving groups, thus noting the potential to increase barriers for certain populations in the future. In short, any tri-agency policy around citizenship and membership should focus on the least intrusive validation method possible, while demonstrating rigour.

In addition, some participants urged the agencies to consider the principles of traditional teachings and ways of knowing as a lens through which to assess the appropriateness of any process, as well as to include Elders, Knowledge Keepers and those from non-institutional research environments who represent urban communities and for whom standards and norms around citizenship and membership may be understood or applied differently. While noting the importance of involving Indigenous communities in the process, several participants also noted the issue of engagement fatigue, as well as of potential administrative barriers that may accompany tri-agency requests for community confirmation. As such, some suggested a declaration acknowledging consequences for fraud in claiming false community ties. Some participants also expressed concern with the potential for Elder grooming, whereby those interested in passing as Indigenous may engage in dubious behaviour to bring community Elders and Knowledge Keepers "onside", to defend their fraudulent claims while maintaining the importance of listening to Elders' teachings on inclusiveness and kindness within this process.

Further, in some conversations, generational differences were also identified as an important way to think about the policy during implementation, including those from an older generation still dealing with the trauma and shame of being taught to fear who they were, compared to younger generations. As related, geographic mobility and the issue of urban Indigenous communities were also identified as key considerations for implementation.

Finally, several of those engaged who were working toward developing their own policies or processes urged the agencies to consider the ways in which the tri-agency policy may align with, or contradict, other policies being implemented at institutions that manage research funding. Many engaged also mentioned how current processes of verification often fall heavily on Indigenous faculty, and the need for the agencies to avoid the adoption of a policy that might exacerbate this issue. While neither of these issues were framed as a reason not to proceed, participants emphasized the importance of the engagement underway and the need to consider how multiple policies may complement or contradict each other, to avoid additional barriers for researchers that may result from conflicting policies. In some cases, participants suggested that affirmation through the home institution, should that policy align with the agencies, should be sufficient to consider the affirmation process complete, and that the tri-agency process should only be engaged absent of a home institutional policy.

#### Theme 4: A focus on relationships and connection

As related to the agencies' role in this space, participants noted the importance of focusing on affirmation of citizenship and membership, and not measuring identity. While a complex space including many different backgrounds and understandings, several participants noted the importance of focusing on who claims a person, rather than on the identity an individual may claim. These relational ways of knowing and understanding each other are still alive in community and represent the dynamic space of belonging that characterizes many community spaces and conversations. As noted on several occasions during the engagement process, the government of Canada's role in creating colonial policies, legislation and practices that have sought to define Indigeneity through "Status" or other means, in a way undermines genuine self-determination and

kinship bonds. If any support is required by the community to participate in the process of citizenship and membership affirmation, the agencies should engage in further consultation to ensure the process does not become overly burdensome.

In some cases, participants noted their view that lived experience matters while noting that, applicants with severed or frayed community ties or who are in the process of rebuilding them are still entitled to opportunities within the federal research funding process. Some participants also identified the way in which affiliation, citizenship or membership may change as a result of changes in society, legislation, or communities' own membership and citizenship codes and decisions. In short, for many affected by the processes of colonization, there may be mobility within categories of Indigeneity.

In addition, consideration for those targeted by practices such as the <u>Sixties Scoop</u> as well as those not living within their home community, or who have built new community connections in new places, was also discussed in terms of the importance of holding space for those still learning or reconnecting, to challenge the divide and conquer approach that has served to fray community and families ties. As such, while documentation may differ, participants pointed out that the agencies should consider all the different ways that people may need to verify citizenship and membership, while having standards for doing so.

As has been applied in several instances already in postsecondary context and, as noted by those engaged, where relevant, the agencies were urged to consider requesting community references focused on outlining specific skills and knowledge that are built around Indigenous knowledge and traditions. For appointments and specific hires, the agencies were also encouraged to consider building questions into the interview and selection process that focus on kinship, connections to community, Indigenous knowledge and traditions. However, given that the focus of the proposed framework will be on affirmation of citizenship and membership versus adjudication, questions of this nature are regarded outside the purview of this issue.

#### Theme 5: Data privacy and protection of personal information

Given the history of the government of Canada in the collection of information that has ultimately harmed Indigenous people, many participants noted the distrust in government systems and processes that may impact the ability of the agencies to collect such information. As such, they urged the agencies to adopt a transparent, clear and secure approach to the collection and storage of such information including a clear articulation of the purpose of its collection and storage, as well as the importance of limiting access to personal information to those strictly requiring it as part of the intake process. Some participants also spoke to the importance of developing a data sovereignty process to align with key existing commitments to ensure protections for the ability to change or withdraw personal information and the ethical protection of those data.

Some participants who already had policies in various stages of implementation also suggested that, once verified, applicants receive a "verified" indicator on their file, so that the personal information submitted can be destroyed. Others, however, pointed out that destroying such information once verified may make it difficult to fully understand the applicant's file for future funding opportunities.

Some participants also referenced the need to consider that, if an individual has already been verified by their institutional policy, depending on its parameters, affirmation could be considered to be complete through confirmation by the institution in order to reduce the burden on applicants and the repeated or redundant sharing of personal data. However, others noted that both policies should apply, but that the tri-agency policy should be incorporated where necessary into program eligibility guidelines, to ensure that all applicants accessing a specific envelope of funding dedicated to Indigenous researchers all undergo tri-agency affirmation processes.

In addition, many of those engaged stressed the need to take into account the systems, data holdings and/or capacity required by the community and the institution in order to put in place the proper policies and while implementing those policies. In particular, participants mentioned institutional conversations about faculty associations, other unions and implications that may need to be pursued in the process within the context of privacy and legal considerations. Participants noted the need for strict confidentiality both in the information intake process and in any potential complaint or appeal, given the potential consequences.

Finally, some who provided input noted that reporting may be impacted, as the need for applicants to comply with the policy could diminish the research investment in this environment if individuals choose not to validate their identity through the new process. In addition, these individuals may no longer have access to some of the funds allocated to support Indigenous research led by Indigenous researchers, which would be reflected in the data and in the reporting on tri-agency investment into Indigenous research. Where data is being used for reporting purposes, applicants noted the importance of doing so in a way that clearly indicates "verified" and "self-identified" applicants, as well as the need to report in distinctions-based ways that can help provide further detail on how research funding is allocated and which projects are supported.

#### Theme 6: Consequences for fraudulent claims

Given the drivers for the development of such a policy framework as well as the important way that participants noted fraudulent claims do irreparable harm to communities and to the legitimacy of research itself, participants cited a need to have clear procedures and rules with respect to the application of the policy and consequences for the discovery of fraudulent claims committed with intent to defraud.

Currently, the agencies' main instrument for addressing allegations related to the responsible conduct of research is the <a href="Iri-Agency Framework: Responsible Conduct of Research (2021)">Iri-Agency Framework: Responsible Conduct of Research (2021)</a> (ethics.gc.ca) (RCR Framework). This Framework sets out the procedures that institutions and the agencies must follow when an allegation of non-compliance with an agency policy is received. The RCR Framework can be used only when the allegation pertains to a clearly articulated agency policy. At present, the three federal research funding agencies do not have a policy on Indigenous citizenship or membership.

As to the practical consequences of fraudulent claims, many participants discussed the need to consider how, in the context of funding opportunities, consequences for fraudulent claims may fall under the umbrella of academic dishonesty and could be subject to the same kinds of consequences as academic honesty already enforceable by the agencies, which may include revocation of the award or other penalties, as appropriate. Program terms and conditions, the <u>Tri-Agency Guide on Financial Administration</u> (TAGFA), and the Agreement on the Administration of

Agency Grants and Awards by Research Institutions, may also offer possible avenues through which to enforce the new citizenship and affirmation policy.

Existing policies also address student award holders. Student award holders are subject to the <a href="Tri-Agency Research Training Award Holder's Guide">Tri-Agency Research Training Award Holder's Guide</a>. Under its general regulations, award holders must:

- abide by the terms and conditions of the award as set out in this guide, the funding opportunity and the decision documents sent by the agency; and,
- have met all the eligibility requirements as outlined in the funding opportunity and continue to meet these requirements throughout the duration of the award.

In addition, the Guide sets out that "The agencies reserve the right to cancel an award if any of these regulations are not followed or if the award holder does not maintain their eligibility. Payments made for a period during which the award holder is no longer eligible to receive funds must be reimbursed to the agency. Interest may be charged if the payment is not received by the due date."

Further, termination of award is an option when award holders who are no longer eligible to hold the award and award holders are responsible for confirming their continued eligibility as noted through the Guide, decision documents, and the funding opportunity itself. Of important note, while students are subject to the academic integrity policies of their institutions, the Privacy Act and other related policies and regulations, may prevent the agencies from sharing the information with a third party (including the applicant's institution).

In addition to clear consequences for fraudulent claims, some participants cited the need to ensure that a proper whistleblower and follow-up process be established within a process that is formalized and well-articulated, and that the research community, including research offices of institutions who administer grants or awards, is aware of it. As an additional consideration, several participants noted the importance of incorporating a clear mechanism through which collectives falsely claiming Indigenous identity, alongside the cases of individual identity fraud, can be addressed, as is being pursued in the context of other research funding organizations and projects.

While many supported the need for a whistleblower or enforcement function, some participants also urged caution in this area, offering nuanced and mixed views around the dangers of identity policing and the importance of framing the space for this branch of work as one animated by principles of respect, compassion, and kindness, as a reflection of Elders' teachings and community values around bringing people home. Many also cited incidents of lateral violence that may occur as a result of such a function. Further, several participants stressed the importance of clearly articulating grounds upon which complaints or appeals can be brought forward and of limiting the scope of appeal to procedural issues, rather than the policy itself, which may be revised regardless of any appeal should the need arise given this dynamic space. These participants noted that safety is important for both the accuser and the accused, given the consequences of false allegations long after they are proven untrue.

Overall, the agencies were urged to adopt the principle of "do no harm," with some participants noting that while identity fraud is harmful, policies can have harmful impacts, as well. The emphasis on the idea of due process, including the right to appeal a decision, to provide

additional documentation or to defend oneself against allegations, and to ensure those allegations are kept confidential, regardless of the perspective, are all important considerations for the operation of this policy. These participants also shared the direction in some postsecondary institutions to focus their work on fraud detection, rather than developing a full policy on intake. Examples included embedding relevant questions as to community connection or belonging within the interview process for faculty positions.

#### Additional Considerations

Within the course of engagement, additional considerations complementary to or, in some cases, outside of the scope of the current phase of work were raised and will provide important considerations for the work still to come.

#### A Phased Approach

Conscious of the way in which the agencies fund researchers at various stages of their careers, including students, consideration will be given to the way in which this new framework may impact different groups. As such, the development of an implementation plan will provide further opportunity to reflect on these realities as well as to tailor implementation to best support all those who may be impacted.

In addition, the existence agency-specific and tri-agency programs, many with their own program guidelines, means that not all programs or opportunities may be affected at once. Understanding where they are in considering various programs and opportunities will also be part of the development of an implementation plan, once the new policy is complete.

#### **Global Indigenous Communities**

As demonstrated through research as well as through engagement, there is no comprehensive source on the forms of documentary standard commonly applied to international Indigenous researchers in terms of affirmation or membership/ citizenship outside of continental North America. This absence requires further engagement on the part of the agencies through engagements with different contributors. In some cases, participants also encouraged the agencies to focus their efforts on supporting Indigenous Peoples from communities located in Canada or those that are now located in the modern United States but whose territories, histories, languages, cultures and traditions would historically have been shared with communities.

As such, implementation of the new policy may not immediately focus on international Indigenous researchers. Work in this international space will remain a key priority for the future for which parameters will be developed in the next stage of work.

#### Conclusion and Next Steps

As an extension of this process, this report will inform the development of a Tri-Agency Policy on Indigenous Citizenship and Membership Affirmation, which will undergo rigorous review by contributors and the agencies' leadership, including presidents, as well as a review for legal

implications. Engagement on the actual contents of the policy will proceed with the Indigenous Leadership Circle in Research, as well as contributors to this report and others as identified through engagement. Following broad engagement on the policy framework itself, an implementation plan will follow that will focus on putting the amended policy in place throughout the agencies.

The agencies are grateful for the work conducted to date and the generous conversations that have helped inform the path forward, as included in this report. We sincerely thank all of those who took the time to meet with us and to express their thoughts on the issue, as well as share promising practices in this area. We hope that this report reflects what we heard: the importance of moving forward in a spirit of respect, understanding that new issues may emerge that will require updates or modifications to the perspectives contained herein.

Recognizing that any policy developed will engender new questions and issues that may require re-evaluation or re-alignment, this policy, once developed, will nevertheless represent an important step forward based on the recognition of rights-bearing Indigenous Peoples and on the need to honour relationships with Indigenous partners in a good way. This includes acting on our principles, as well as ensuring we remain open to conversation with partners on the impacts of such a policy.

As has been noted by several participants, when we honour truth, we support reconciliation. This is the intent and the spirit under which we move forward.

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# Appendix A: List of Engagements

#### **Advisory Bodies:**

- Indigenous Leadership Circle in Research
- SSHRC Indigenous Advisory Council
- Reference Group for the Appropriate Review of Indigenous Research
- Sheila Nyman, Elder in Residence, Institute of Gender and Health, CIHR
- Mark Green, Scholar in Residence, Natural Sciences and Engineering Research Council

#### Government of Canada Departments and Organizations:

- Indigenous Services Canada (including ISC Strategic Research and Data Innovation Branch)
- Public Service Commission of Canada
- Treasury Board

### Postsecondary Institutions:

- Brock University
- Cape Breton University
- Concordia University
- First Nations University
- Lakehead University
- McGill University
- McMaster University
- Queen's University
- The University of British Columbia
- Toronto Metropolitan University
- University of Alberta
- University of Calgary
- University of Manitoba
- University of Ottawa
- University of Saskatchewan
- Wilfred Laurier University

#### Other Research Organizations:

- Health Data Research Network
- National Indigenous University Senior Leaders Association
- 2 Spirits in Motion

#### **Events:**

- NISULA's 1<sup>st</sup> National Indigenous Citizenship Forum
- NIUSLA's 2nd National Indigenous Citizenship Forum