

Table of Concordance -- draft 2nd edition of the TCPS
 Revised Chapter 9, Research Involving Aboriginal Peoples in Canada and CIHR Guidelines for Health Research Involving Aboriginal People
 17 November 2009 – Prepared by Secretariat on Research Ethics – **Updated December 2009**

CIHR Guidelines 2007	TCPS Revised Draft 2 nd Edition: Chapter 9 (Dec 2009)
<p>Section 1.5: Application of the Guidelines As a general rule, the principles in this document should be applied whenever research project includes Aboriginal research participants unless (five conditions)</p>	<p>The Requirement of Community Engagement in Aboriginal Research</p> <p>Article 9.1 Where the research is likely to affect an Aboriginal community or communities to which potential participants belong, and where any of the following conditions apply, researchers shall seek engagement with the relevant community:</p> <ul style="list-style-type: none"> (a) research is conducted on First Nations, Inuit or Métis lands; (b) recruitment criteria include Aboriginal identity as a factor for the entire study or for a subgroup in the study; (c) the research seeks input from participants regarding a community’s cultural heritage, artefacts, Indigenous knowledge or unique characteristics; (d) Aboriginal identity or membership in an Aboriginal community is used as a variable for the purpose of analysis of the research data; (e) the interpretation of the research results will refer to Aboriginal communities, peoples, language, history or culture.
<p>Sacred space and traditional knowledge Article 1: A researcher should understand and respect Aboriginal worldviews, including responsibilities to the people and culture that flow from being granted access to traditional or sacred knowledge. These should be incorporated into research agreements, to the extent possible.</p>	<p>Respect for Community Customs and Codes of Practice</p> <p>Article 9.8 Researchers have an obligation to become informed about and to respect the relevant customs and codes of research practice that apply in the particular community or communities affected by their research. Inconsistencies between community custom and this Policy should be identified and addressed, where possible, in advance of initiating the research.</p>
<p>Community Control and Approval Processes Article 2: A community’s jurisdiction over the conduct of research should be understood and respected. This article should be read in the context of the discussion in Section 1.5, which addresses the application of this document</p>	<p>Respect for First Nation, Inuit and Métis Governing Authorities</p> <p>Article 9.3 Where a proposed research project is to be conducted on lands under the jurisdiction of a First Nation government, an Inuit land claim organization or a Métis government, or on traditional lands subject to a claim as defined by the community, researchers shall seek the engagement of formal leaders of the community, except as provided under Articles 9.5, 9.6 and 9.7.</p>

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	<p>Engagement with Organizations and Communities of Interest</p> <p>Article 9.4 Aboriginal organizations, including First Nations, Inuit and Métis representative bodies, service organizations and communities of interest shall be recognized as communities for the purposes of collaboration in research undertakings and representation of their members in ethical review and oversight of projects.</p> <p>Complex Authority Structures</p> <p>Article 9.5 Where alternatives to securing the agreement of formal leadership are proposed for research on First Nations, Inuit or Métis lands or in organizational communities, researchers should engage community processes and document measures taken, to enable REBs to review the proposal with due consideration of complex community authority structures.</p> <p>Recognizing Diverse Interests Within Communities</p> <p>Article 9.6 In engaging communities, researchers should ensure, to the extent possible, that they take into consideration the views of all relevant sectors, including communities of interest who may not have a voice in the formal leadership of a geographical or organizational community. Vulnerable groups or individuals may need or desire special measures to ensure their safety or inclusion.</p> <p>Critical Inquiry</p> <p>Article 9.7 Research that critically examines the conduct of public institutions or persons in authority may do so ethically, notwithstanding the usual requirement, in research involving Aboriginal peoples, of engaging representative leaders.</p>
<p>Participatory Research Article 3: Communities should be given the option of a participatory-research approach</p>	<p>Collaborative Research</p> <p>Article 9.12 While community engagement is appropriate in any research that affects Aboriginal communities, researchers should consider applying a collaborative or participatory approach as appropriate to the nature of the research and the level of engagement desired by the community.</p>

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<p>Community and Individual Consent Article 4: A researcher, who proposes to carry out research that touches on traditional or sacred knowledge of an Aboriginal community, or on community members as Aboriginal people, should consult the community leaders to obtain their consent before approaching community members individually. Once community consent has been obtained, the researcher will still need the free, prior and informed consent of the individual participants.</p> <p>(See also Article 2 Above)</p>	<p>Forms of Engagement</p> <p>Article 9.2 The nature and extent of community engagement in a project shall be determined jointly by the researcher and the relevant community and shall be appropriate to community characteristics and the nature of the research.</p> <p>See detail above on:</p> <p>Article 9.3 Respect for First Nation, Inuit and Métis Governing Authorities</p> <p>Article 9.4 Engagement with Organizations and Communities of Interest</p> <p>Article 9.5 Complex Authority Structures</p> <p>Article 9.6 Recognizing Diverse Interests Within Communities</p> <p>Article 9.7 Critical Inquiry</p>
<p>Confidentiality and Privacy Article 5: Concerns of individual participants and their community regarding anonymity, privacy and confidentiality should be respected, and should be addressed in a research agreement.</p>	<p>Research Agreements</p> <p>Article 9.11 Where a community has formally engaged with a researcher or research team through a designated representative, the terms and undertakings of both the researcher and the community should be set out in a research agreement before participants are recruited.</p> <p>Privacy and Confidentiality</p> <p>Article 9.16 Where research agreements provide that community partners will have limited or full access to identifiable personal data, the consent of participants to such disclosure shall form part of the individual consent procedure. (See also Chapter 5: Privacy and Confidentiality)</p>
<p>Inclusion and protection of cultural knowledge in research Article 6: The research agreement should, with the guidance of community knowledge holders, address</p>	<p>Article 9.11 – Research Agreements</p>

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<p>the use of the community's cultural knowledge and sacred knowledge.</p> <p>Inclusion and protection of cultural knowledge in research Article 7: Aboriginal people and their communities retain their inherent rights to any cultural knowledge, sacred knowledge, and cultural practices and traditions, which are shared with the researcher. The researcher should also support mechanisms for the protection of such knowledge, practices and traditions</p>	<p>Respect for Community Customs and Codes of Practice</p> <p>Article 9.8 Researchers have an obligation to become informed about and to respect the relevant customs and codes of research practice that apply in the particular community or communities affected by their research. Inconsistencies between community custom and this Policy should be identified and addressed, where possible, in advance of initiating the research.</p>
<p>Intellectual Property Rights and Indigenous Knowledge Article 8: Community and individual concerns over, and claims to, intellectual property should be explicitly acknowledged and addressed in the negotiation with the community prior to starting the research project. Expectations regarding intellectual property rights of all parties involved in the research should be stated in the research agreement.</p>	<p>Intellectual Property</p> <p>Article 9.18 In collaborative research, intellectual property rights including copyright should be discussed by researchers, communities and institutions and the assignment of rights or the grant of licences and interests in copyrighted material that may flow from the research should be specified in advance of the research in a research agreement, as appropriate.</p>
<p>Benefit Sharing Article 9: Research should be of benefit to the community as well as to the researcher.</p>	<p>Mutual Benefits in Collaborative Research</p> <p>Article 9.13 Collaborative research should be relevant to community needs and priorities and should benefit the participating community as well as extend the boundaries of societal knowledge.</p>
<p>Empowerment and Research Capacity Development Article 10: A researcher should support education and training of Aboriginal people in the community, including training in research methods and ethics.</p>	<p>Strengthening Research Capacity</p> <p>Article 9.14 Research projects should support the enhancement of the skills of community personnel in research methods, project management and ethical review and oversight.</p>
<p>Cultural Protocol, Language and Communication Article 11.1 A researcher has an obligation to learn about, and apply, Aboriginal cultural protocols relevant to the Aboriginal Community involved in the research</p> <p>Article 11.2 A researcher should , to the extent reasonably possible, translate all publications, reports and other relevant documents into the language of the community.</p>	<p>Respect for Community Customs and Codes of Practice</p> <p>Article 9.8 Researchers have an obligation to become informed about and to respect the relevant customs and codes of research practice that apply in the particular community or communities affected by their research. Inconsistencies between community custom and this Policy should be identified and addressed, where possible, in advance of initiating the research.</p> <p>Interpretation and Dissemination of Research Results</p> <p>Article 9.17 Researchers should afford community representatives engaged in collaborative</p>

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<p>Article 11.3: A researcher should ensure that this is ongoing, accessible and understandable communication with the community</p>	<p>research an opportunity to react and respond to research findings before the completion of the final report, in the final report, and in all relevant publications resulting from the research. (Translation and accessible language covered in Application section)</p>
<p>Initial and Secondary Use, Proprietary Interest, and Storage and Transfer of Data and Biological Samples Article 12.1: Researcher should recognize and respect the rights and proprietary interests of individuals and the community in data and biological samples generated or taken in the course of the research.</p>	<p>Prospective Collection of Human Biological Material Involving Aboriginal Peoples Article 9.19 As part of community engagement, researchers shall address and specify in the research agreement the rights and proprietary interests of individuals and communities, to the extent such exists, in human biological materials and data to be collected, stored and used in the course of the research.</p>
<p>Article 12.2: Transfer of data and biological samples from one of the original parties to a research agreement, to a third party, requires consent of the other original party (ies).</p> <p>Article 12.3: Secondary use of data or biological samples requires specific consent from the individual donor and, where appropriate, the community. However, if the research data or biological samples cannot be traced back to the individual donor, then consent for secondary use need not be obtained from the individual. Similarly, if research data or biological samples cannot be traced back to the community, then its consent for secondary use is not required.</p> <p>Article 12.4: Where data or biological samples are known to have originated with Aboriginal people, the researcher should consult with the appropriate Aboriginal organizations before initiating secondary use.</p> <p>Article 12.5: Secondary use requires REB review.</p> <p>Biological Samples on Loan Article 13: Biological samples should be considered “on loan” to the researcher unless otherwise specified in the research agreement.</p>	<p>Consent and Secondary Use of Data or Human Biological Materials Originating from Aboriginal Peoples</p> <p>Article 9.20 Secondary use of data that is identifiable as originating from a specific community, or a segment of the Aboriginal community at large, requires (REB review and may warrant re-consent from individuals, new or renewed agreement with relevant communities, or seeking culturally informed advice about protection of cultural heritage or representations of Indigenous knowledge or society.</p> <p>Article 9.21 Researchers who propose research involving secondary use of human biological materials originating from Aboriginal peoples shall:</p> <ul style="list-style-type: none"> (a) obtain REB approval for the proposed research; and (b) engage the community from which the biological materials originated in accordance with any existing research agreement or the REB’s direction; and (c) obtain consent of individuals from whom the biological materials originated unless: <ul style="list-style-type: none"> (i) an existing research agreement permits secondary use based on individual consent given at the time biological materials were initially collected; or (ii) the REB and the community agree that individual consent may be

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	waived in accordance with Articles 12.3 or 12.4.
<p>Interpretation and Dissemination of Results</p> <p>Article 14: An Aboriginal community should have an opportunity to participate in the interpretation of data and the review of conclusions drawn from the research to ensure accuracy and cultural sensitivity of interpretation.</p> <p>Article 15: An Aboriginal community should at its discretion, be able to decide how its contributions to the research project should be acknowledged. Community members are entitled to due credit and to participate in the dissemination of results. Publications should recognize the contribution of the community and its members as appropriate, and in conformity with confidentiality agreements.</p>	<p>Interpretation and Dissemination of Research Results</p> <p>Article 9.17 Researchers should afford community representatives engaged in collaborative research an opportunity to react and respond to research findings before the completion of the final report, in the final report, and in all relevant publications resulting from the research.</p> <p>Recognition of the Role of Elders</p> <p>Article 9.15 Researchers should engage the community in determining appropriate recognition for the unique advisory role of Elders in the design and execution of research and interpretation of findings in the context of cultural norms and traditional knowledge.</p> <p>Intellectual Property</p> <p>Article 9.18 In collaborative research, intellectual property rights including copyright should be discussed by researchers, communities and institutions and the assignment of rights or the grant of licences and interests in copyrighted material that may flow from the research should be specified in advance of the research in a research agreement, as appropriate.</p>

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	<p>Institutional Ethics Review Required</p> <p>Article 9.9 Ethics review by community REBs or other responsible bodies at the research site will not be a substitute for review by institutional REBs and will not exempt researchers affiliated with an institution from seeking REB approval at their institution, subject to Article 8.1.</p> <p>Requirement to Advise REB on Plan for Community Engagement</p> <p>Article 9.10 When proposing research expected to involve First Nations, Inuit or Métis participants, researchers shall advise their REB how they have engaged or intend to engage the relevant community or, alternatively, present a rationale as to why an exception to the requirement is appropriate.</p>
<p>Memoranda of Understanding and Research Agreements - non-binding MOU leading to binding research agreement</p>	