



First Nations University of Canada/ University of Regina

MEMORANDUM OF UNDERSTANDING

2023

BACKGROUND

In 1976, the Saskatchewan Indian Federated College (SIFC) was established at the University of Regina (U of R) as a federated college. Since this time, a unique post-secondary educational partnership has existed between SIFC and the U of R. In 2003, the SIFC became the First Nations University of Canada (FNUniv).

In post-Truth and Reconciliation Commission of Canada (TRC) Canada, the nature of all relationships formed around colonial/decolonial shared spaces are quickly changing. Given these changes, there is an opportunity to reinforce this unique partnership to promote the tenets of reconciliation.

OBJECTIVES

The objectives of the First Nations University of Canada/ University of Regina Memorandum of Understanding (FNUniv/UR MOU) include:

1. Strengthen Relationships—FNUniv and U of R have an existing, unique partnership that can, as the TRC demonstrates, be strengthened through relationship-building and maintaining.
2. Support Communication— The FNUniv/UR MOU will be used to support communication on matters of mutual interest.
3. Strengthen Collaboration – The FNUniv/UR MOU will be used to frame collaboration efforts. FNUniv and U of R both have governance models, research and shared programs, curriculum and courses, that intersect with Indigenous peoples. The strengths of each institution can be harnessed to better support one another through increased collaboration.
4. Sustain Commitment—FNUniv and U of R sustain their commitment to continue to serve Indigenous students the communities they are from, and anyone seeking to better understand Indigenous ways of knowing.
5. Enhance Efficiencies— The FNUniv/UR MOU will be used to build collaboration, support communication, and strengthen relationships for the broader purpose of enhancing efficiencies to reduce duplications, gaps, and conflicting mandates that relate to Indigenous peoples and ways of knowing within these institutions.

PRINCIPLES

The FNUniv/UR MOU principles are based on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as inspired by the TRC's use of UNDRIP to form the 10 principles of reconciliation.

1. Access and Control of Knowledge:
 - a. The right to education: Both FNUniv and the U of R recognize and understand that Indigenous peoples have the right to establish and control education systems, including Indigenous traditional knowledge systems or Indigenous ways of knowing (Article 14). Both FNUniv and the U of R recognize the need while respecting the organizational model of the federated college/university, to foster and not circumvent Indigenous peoples control over Indigenous-centred educational practices.
 - b. Control over intellectual property: Both FNUniv and the U of R recognize and understand that Indigenous peoples have the right to maintain, control, and protect Indigenous traditional knowledge systems or the intellectual property of Indigenous cultures, languages, and ways of knowing (Article 31). Both FNUniv and the U of R recognize, while respecting the organizational model of the federated college/university, the need to support access to and control over intellectual property of Indigenous ways of knowing.
2. Communication and consultation:
 - a. Duty to Consult: Both FNUniv and the U of R recognize the need to communicate inter-institutionally. Indigenous peoples are employed at both institutions. In these post-secondary environments, Indigenous peoples are teaching and researching, often relying on traditional knowledge systems and creating new results from these intellectual properties. Inter-institutional communication and consultation on Indigenous-specific program development and course offerings, are imperative to the protection and continued use of Indigenous people's intellectual property (Article 19).
3. Appropriate Uses of Indigenous Knowledge (anti-appropriation):
 - a. Appropriate uses of Indigenous ways of knowing: Indigenous peoples have the right to revitalize and disseminate their ways of knowing. Indigenous peoples have the right to be educated in their Indigenous languages, cultural practices, and teaching and learning methods (Article 13). These are not the rights of non-Indigenous peoples. While non-Indigenous peoples do interface with Indigenous traditional knowledge in respectful and appropriate ways, appropriation of Indigenous traditional knowledge can often result. Both FNUniv and the U of R

discourage such cultural and knowledge appropriation and recognize the rights of Indigenous peoples to transmit their knowledge systems.

4. Relationships formed through Mutual Respect

- a. The right to exist: Indigenous peoples have the right and responsibility to establish and control their educational systems and institutions (Article 14), and the right for these to exist free from forced assimilation (Article 8). Both FNUUniv and the U of R recognize that, while having a partnership based on an organizational model of federated college/university, there is a broader need for this relationship to be based on mutual respect and authentic communication.
- b. The right to establish and control their educational systems and institutions: The U of R recognizes and supports FNUUniv's measured transition to academic autonomy. This transition will occur when it is feasible to do so.

5. Representation:

- a. The right to self-determination: Indigenous peoples have the right to participate in decision-making in matters which affect them (Article 18). Both FNUUniv and the U of R recognize the importance of including Indigenous peoples in decisions that impact Indigenous peoples and communities and Indigenous knowledge systems in the academy.

6. Determining Research:

- a. Colonial research: Both FNUUniv and the U of R recognize that the history of academic research concerning Indigenous peoples has been used to reinforce colonial agendas. Today, while colonial-framed research practices continue, there are processes to remedy these harms, such as, but not limited to, the repatriation of sacred objects or the revitalization of knowledge systems that have been taken and used inappropriately without the consent of Indigenous communities by researchers.
- b. The right to revitalization and consent: UNDRIP states that Indigenous peoples have the right to practice, revitalize and maintain cultural laws, customs and traditions free, prior, and informed consent on matters that concern the well-being, repatriation, and revitalization of their laws and cultural traditions and customs (Article 11.1 and 11.2; Article 12.1 and 12.2). Indigenous peoples also have the right to be involved in determining and shaping the programs that affect Indigenous peoples' health, housing, and other socio-economic determinants (Article 23). Indigenous peoples further have the right to free and informed consent prior to the approval of any project that affects their traditional lands and/or its resources (Article 32).

- c. The right to determining research: Both FNUniv and the U of R recognize that research with Indigenous communities ought to be framed by methodologies and practices that ensure free, prior, and informed consent. Indigenous peoples have the right to determine research projects to reflect the realities (needs and interests) of their communities and not to fulfill or support colonial agendas. Several research frameworks are available to ensure and support Indigenous peoples' right to determining research, including the OCAP Principles (First Nations Information Governance Centre, 2014, "Ownership, Control, Access and Possession (OCAP™): The Path to First Nations Information Governance) and the Tri-Council Policy Statement's Chapter 9: Research Involving the First Nations, Inuit and Métis Peoples of Canada (<http://www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/chapter9-chapitre9/>).

ACTIVITIES:

- The FNUniv/UR MOU is formalized through Sweat and Pipe Ceremonies for the Executive Teams of FNUniv and the U of R. The MOU is celebrated, and commitment is renewed in an annual ceremony.
- The FNUniv/UR MOU is circulated publicly and stored on both institution's websites for public access.
- The FNUniv/UR MOU is used to provide a framework for mutually beneficial partnerships.
- The FNUniv/UR MOU is taken into consideration on all matters regarding governance, curriculum, course development, and research that concerns Indigenous peoples, communities, and Indigenous ways of knowing.
- The FNUniv/UR MOU is used to reduce duplications, gaps, and conflicting mandates within these institutions.
- The FNUniv/UR MOU is reviewed annually by the Executive offices of FNUniv and U of R, with support from the Office of Indigenous Engagement for the purposes of renewing our mutual understanding and commitment to the MOU. Additionally, the MOU will be brought forward annually to communicate intention and commitment to the FNUniv's Board of Governors, Elder's Council, and Academic Council and U of R's Board of Governors, Executive of Council, University Senior Leadership team, and Dean's Council.

SIGNATURES:



Dr. Jacqueline Ottmann
President, First Nations University of Canada



Dr. Jeff Keshen
President & Vice-Chancellor, University of Regina

APPENDIX: UNDRIP, Select Articles

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Article 32

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.