

TITLE 1 – GENERAL PROVISIONS

CHAPTER 1-10 RESEARCH REGULATION

1-10-1 Authority

This Regulatory Chapter is established by the Tribal Council under authority contained in the Constitution of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes).

1-10-2 Purpose

The purpose of this Chapter is to regulate studies, surveys, research and service delivery projects on the Tribes' lands in order to preserve and protect the rights of the Tribes and their tribal members, their privacy and integrity and their interests in the results and products of such studies, surveys, research and service delivery projects.

1-10-3 Permit Required

Any individual, corporation, agency or institution, whether public or private wishing to undertake a study, survey or research project for any purpose on the Tribes' land, not specifically requested or contracted for by the Tribes, must first obtain a permit approved by the Tribal Council, or its designate, authorizing the conduct of such study, survey or research project on the Tribe's lands pursuant to provisions of this Chapter.

1-10-4 Written Agreement Required for Issuance of Permit

No permit will be issued for any study, survey or research project, not specifically requested or contracted for by the Tribes, unless and until the individual, corporation, agency or institution wishing to conduct the project has executed a written agreement with the Tribes regarding the manner in which the study, survey or research project is to be conducted, creating a fiduciary relationship and limiting the right of the individual, corporation, agency or institution conducting the study to publish the results or conclusions resulting therefrom without affording the Tribes an opportunity to review and comment upon the intended publication, and including whatever comments are officially made by or on behalf of the Tribes as part of the final published product.

1-10-5 Information Required for Issuance of Permit

No permit shall be issued for the conduct of any study, survey or research project until the following information has been provided to, and approved by the Chairman of the Tribal Council, or his/her designate:

- (a) Name and signature of individual applicant or authorized agent of any corporation, agency or institution desiring to conduct or participate in the conduct of the study, survey or research project.
- (b) Purpose of the study, survey or research, including whether it is being conducted for profit.
- (c) Source of funding and amount of funding for the study, survey or research project.
- (d) Methodology to be used in conducting the project.
- (e) Names of all persons authorized to be involved and/or participate in the conduct of the project, whether or not those persons will actually be present on the Tribes' lands during the term of the project.
- (f) Dates between which the study, survey or research will be conducted on the Tribes' lands and indication of the location of sources of information to be investigated during the term of the project.
- (g) A description of the intended final product of the study, survey or research project, whether or not publication is intended.
- (h) How the individual, agency or institution conducting the study, survey or research project intends to use the results thereof.
- (i) An indication of steps to be taken to insure the protection of the rights of individual tribal members and their families and the rights of the Tribes.
- (j) A performance bond in circumstances deemed appropriate by the Tribes.

1-10-6 Cancellation of Permit

The permit issued pursuant to this Chapter is conditional and may be canceled at any time if it appears that the individual, corporation, agency or institution conducting the study, survey or research project is deviating or has deviated from the study design approved in the granting of the permit, or from provisions of the required underlying agreement upon which issuance of the permit is based.

1-10-7 Refusal to Issue Permit

The Tribes retain the right to refuse to issue a permit if it is deemed that there is insufficient time for appropriate tribal review, evaluation, supervision or participation in the project.

1-10-8 Fee May Be Required

The Tribes reserve the right to charge a fee for issuance of a permit in the event that the subject study, survey or research project is being conducted for profit or if the results of the study, survey or research project or publication thereof, are intended to, or are likely to produce financial benefit to the individual, corporation, agency or institution conducting the study, survey or research project.

1-10-9 Permit Does Not Imply Endorsement

Issuance of a permit to conduct any study, survey or research project pursuant to provisions of this Chapter does not imply endorsement of the results or final product of the study or any publication derived from or based upon the results or final product of the study, survey or research project.

1-10-10 Reports to be Provided

At least one (1) copy of all interim an/or progress reports, and of the final report resulting from the study, survey or research project, shall be furnished to the office of the Tribal Chairman without charge.

1-10-11 Penalties for Tribal Employees

Any employee of the Tribes who provides information from tribal files and records of any kind whatsoever to any individual, corporation, agency or institution conducting research not authorized pursuant to provisions of this Chapter, shall be subject to censure or dismissal from employment.

1-10-12 Penalties Generally

Any person attempting to conduct research not specifically requested or contracted for by the Tribes or permitted pursuant to provisions of this Chapter shall be subject to any and all civil or remedies available pursuant to the Tribal Code of the Tribes and the laws of the State of Oregon.

1-10-13 Effective Date of Chapter

This Chapter shall become effective upon the date of its adoption by the Tribal Council of the Tribes.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

RESEARCH REGULATION

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians enacted the "Research Regulation Code", Resolution 02-010, Ordinance No. 037, at a regular Tribal Council meeting on January 13, 2002. Vote was 7 (for), 0 (against) and 0 (abstaining).