

Developing Work Agreements with Tribal Populations

2016 *FRTEP Professional Development Meeting*



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Today's Discussion

- ▶ American Indians and the Federal Relationship.
- ▶ Why would you need a working agreement with an American Indian Tribe?
- ▶ How to develop working agreements
 - ▶ Tribal Resolutions
 - ▶ Memorandum of Understanding (MOU)
 - ▶ Tribal Council Approval
- ▶ Institutional Review Board for your Research on Tribal lands

**561 Federally
Recognized Tribes
in 28 States in the U.S.**

225 Tribes are in Alaska

**Trust
Responsibility**

Definition of Indian Tribe

“Any Indian tribe, band, nation, rancheria, pueblo, colony or community which is recognized by the United States government as eligible for programs and services provided by the Secretary of Interior to Indians because of their status as Indians...”

“The United States government negotiated treaties with the tribes as sovereign nations and promised certain inalienable rights and entitlements in exchange for land cessions...”



Agencies, businesses and schools all operate from established ideals and rules that do not always have an understanding of different cultures.

Rules of Society/Culture:

What are they? How does they impact American Indians?

Do we have rules regarding society/culture and make judgments based on those rules?

- ▶ Are there rules for the economic classes in America?
- ▶ Are there rules on reservations?
- ▶ Are there rules for American Indians?
- ▶ Do different tribes have different rules?

(Payne, 1996)

Kinds of Rules – What are they on reservations?

▶ Generational Rules

- ▶ *Being in a particular environment two generations or more.*

▶ Situational Rules

- ▶ *Being in a particular environment for a short time due to circumstance (i.e. Death, illness, divorce, budget cuts, politics etc.)*

▶ Tribal Rules

- ▶ *A particular tribe operates a certain way, which can be based on written rules, unwritten rules or both.*

Society and Culture Rules

▶ Society/Culture is relative...

- ▶ If everyone around you has similar circumstances, the notion of all these rules is vague.
- ▶ Rules only exist in relationships to known quantities or expectations.



Apply to
The Tribe you work with
Let's talk about examples.

Your World View/Finding a Balance

(Payne, 1996)

KEEP IN MIND:

Our history and culture is our most precious and valuable resource.

What may seem a very workable solution from one point of view may be impossible due to the resources available and impacts to the individual from another point of view.

Finding a Balance/Reaching for Understanding

The Seven Habits of Highly Effective People by Stephen Covey.

Creating Relationships

Positive Relationship

Seek first to understand

Keeping Promises

Kindness, courtesies

Clarifying expectations

Loyalty to the absent

Apologies

Open to feedback

Negative Relationship

Seek first to be understood

Breaking Promises

Unkindnesses, discourtesies

Violating expectations

Disloyalty, duplicity

Pride, conceit, arrogance

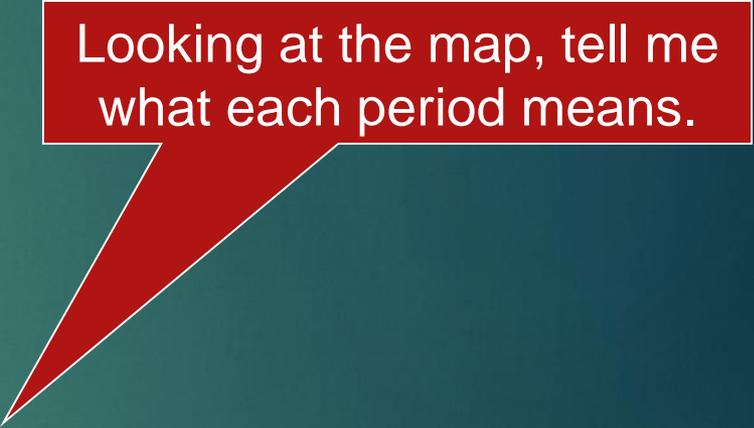
Rejecting feedback

Try to avoid the concepts that create a negative relationship.

Work toward positive relationships in everything you do.

Federal Relationship

- ▶ American Indian History Timeline
 - ▶ Colonial Period
 - ▶ Removal
 - ▶ Reservation Era
 - ▶ Allotment & Assimilation
 - ▶ Indian Reorganization
 - ▶ Termination Era
 - ▶ Self Determination
 - ▶ True Sovereignty



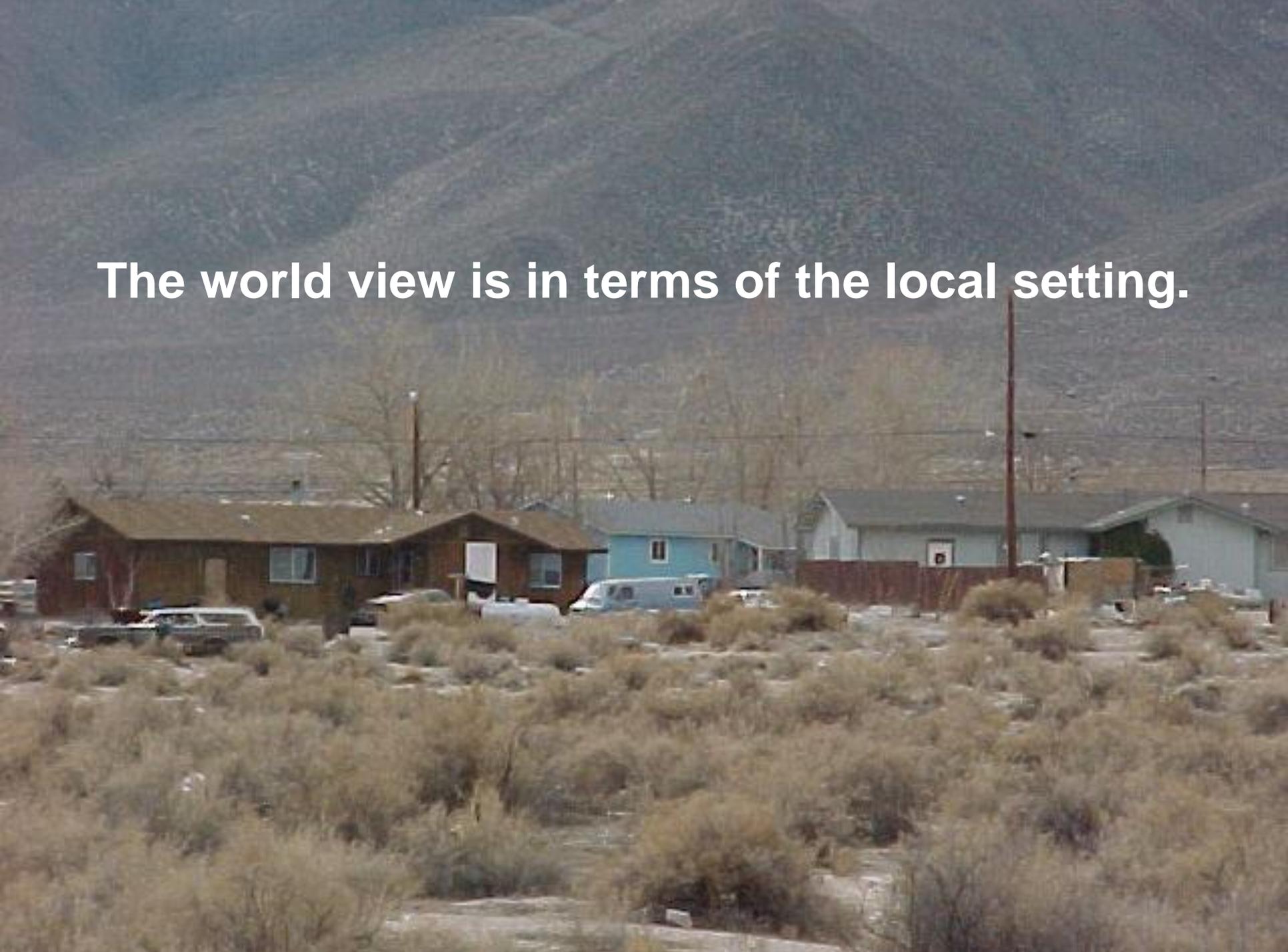
Looking at the map, tell me what each period means.

Self Determination

- ▶ 1975

- ▶ The Indian Self-Determination and Education Act is passed which recognized the right of Indian tribes to self-government “as domestic dependent nation”.
- ▶ Tribes now have the ability to compact and contract Department of Interior programs.

The world view is in terms of the local setting.





Why do we need working agreements?

Why do we need working agreements?

- ▶ Tribal Government Structure
 - ▶ Every tribe is unique in its government structure and Tribal leadership is almost always dynamic...
- ▶ A working agreement specifically states what is expected of each party and is entered into on a specific date.
- ▶ A working agreement can be nullified by either party within a specific time frame...usually stated in the agreement.
- ▶ There are different types of working agreements that are used in specific situations.

Working Agreement: Memorandum of Understanding (MOU)

- ▶ A MOU is a perfect way to identify the responsibilities of each party when implementing a specific program.
 - ▶ It will state specifically what each party is to provide and/or do.
 - ▶ It can specifically identify who is paying for what if it is needed.
 - ▶ There can be a specific time frame that a MOU is in place.
 - ▶ See example: Veggies for Kids with School District

Working Agreement:

Memorandum of Understanding (MOU)

MEMORANDUM OF UNDERSTANDING (MOU)

Between

**Board of Regents, Nevada System of Higher Education, on behalf
of University of Nevada Cooperative Extension, Mineral County,
314 5th Street, Hawthorne Nevada 89415**

And

**Mineral County School District
P.O. Box 1540, Hawthorne, Nevada 89415**

The purpose of this MOU is to identify the responsibilities of University of Nevada Cooperative Extension (UNCE) AND Mineral County School District (MCSD) as they relate to the nutrition program: Veggies for Kids. This MOU can be revoked by either party without cause with a 30 day written notice of revocation. This MOU does not include any exchange of funds between the two parties.

Working Agreement: Memorandum of Understanding (MOU)

Cooperative Extension Veggies for Kids(VFK) project's responsibilities:

- ▶ **Provide** a nutrition curriculum linked to the state/county education standards.
- ▶ **Purchase** curriculum materials, food and supplies.
- ▶ **Provide** classroom instruction on the VFK lessons to elementary (preferably 2nd and/or 3rd grade) students.
- ▶ **Provide** and serve food as specified in the VFK lessons for food tasting events.
- ▶ **Complete** all required reports for the Veggies for Kids program.

Working Agreement: Memorandum of Understanding (MOU)

MCSD responsibilities:

- ▶ **Allow** communication between the Cooperative Extension project team and MCSD staff and students before, during, and after the project.
- ▶ **Allow** students to seek parental permission to participate in a survey (given before and after classroom instruction).
- ▶ **Allow** the curriculum to be delivered to the students.
- ▶ **Allow** Cooperative Extension to bring and serve food for the classroom lessons and food tasting events.
- ▶ **Allow** data collection by the Cooperative Extension project team before and after the project.
- ▶ **Provide** waste receptacles during the food tasting events.
- ▶ **Provide** supervision of the students during the lessons and food tasting events.



Working Agreement: Memorandum of Understanding (MOU)

This Memorandum of Understanding shall be effective upon the signatures of authorized officials. It shall be in force from October 1, 2009 to September 30, 2012, contingent upon funding.

Mineral County School District
P.O. Box 1540
Hawthorne Nevada 89415

Date

The Nevada System of Higher Education
On behalf of the University of Nevada Cooperative Extension

Date

Working Agreement: Tribal Resolution to Approve MOU

A tribal resolution is a way to approve a Memorandum of Understanding for a particular program.

- ▶ Depending on the leadership of the tribe, they may want to get a tribal resolution to approve a program.
 - ▶ This can happen if it is a program specific MOU that is not necessary designed for the tribe or a specific program.
 - ▶ This can happen if the tribal government requires it for a MOU to be approved.
- ▶ See example: Mineral County Cooperative Weed Management Area

Working Agreement: Tribal Resolution to Approve MOU

RESOLUTION OF THE GOVERNING BODY OF THE WALKER RIVER PAIUTE TRIBE RESOLUTION WR- -07

WHEREAS, the governing body of the Walker River Paiute Tribe is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, to exercise certain rights of the home rule and be responsible for the promotion of the economic and social welfare of its member; and

WHEREAS, there are noxious and nuisance weeds on the Walker River Paiute Tribal lands and partnerships and cross jurisdictions are needed for weed control; and

WHEREAS, the State of Nevada Department of Agriculture suggest and supports the establishment of a Cooperative Weed Management Area in Mineral County including the Walker River River Paiute Tribe for weed control and management, weed mapping, revegetation/restoration activities, education, and early detection/rapid response and prevention.

Working Agreement: Tribal Resolution to Approve MOU

NOW, THEREFORE, BE IT RESOLVED, that the Walker River Paiute Tribe hereby approves to enter into a Memorandum of Understanding and Cooperative Agreement to become a partner in the Mineral County Cooperative Weed Management Area for weed control and programs on the Walker River Indian Reservation.

NOW THEREFORE BE IT RESOLVED, that the Walker River Paiute Tribal Council does authorize the Chairman, Vice-Chairman or designated representative to enter into, negotiate and execute agreements to become a partner in the Mineral County Cooperative Weed Management Area, and any amendments thereto, and that the authorities of the resolution remain in effect until such time that agreements are closed, renegotiated, or amended.

CERTIFICATION

It is hereby certified that the foregoing Resolution of the Walker River Paiute Tribal Council composed of seven members, of whom ___ constituting a quorum were present at a Tribal Council meeting on the 10th day of May, 2007, and that the foregoing Resolution was adopted by the affirmative vote ___ FOR, ___ AGAINST, ___ Abstentions, pursuant to the Walker River Paiute Tribe of Nevada, approved on March 26. 1937.

Tribal Council Secretary

Working Agreement: Tribal Resolution to Approve Research

A tribal resolution is a way to approve research protocols that will be done on tribal lands.

- ▶ Depending on the tribe, a resolution must be obtained to conduct research on the reservation under the tribal jurisdiction.
 - ▶ This includes surveys to identify programming such as a needs assessment.
 - ▶ This can include anything under the tribes research policies.
 - ▶ Some tribes have research policies that include IRB.
 - ▶ IRB = Institutional Review Board
- ▶ See example: People of the Land – Navajo Nation

Working Agreement: Tribal Resolution to Approve Research

What is Institution Review Board or Human Subject Research?

Every university has an office that deals with research protocols. At the University of Nevada, Reno it is call the Research Integrity Office. It's task is the following:

“The University's Institutional Review Board (IRB), through the Research Integrity Office, is responsible for protecting the rights and welfare of human research participants for all research activities conducted by, or under the supervision of University and Affiliate faculty, staff and students regardless of the funding and the location of the project.”

An IRB is a committee that has been formally designated to review, approve, and monitor research involving humans as subjects. The intent of the IRB is to protect the rights and welfare of the research subjects.

What is Research?

"Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." [45 CFR 46.102(d)]

Consider:

- ▶ Is the project designed to produce generalizable knowledge? (see policy manual definitions page)
- ▶ Will information be collected in a systematic way?
- ▶ Systematic means the project is conducted using step-by-step procedures organized according to a set of interrelated ideas or principles.

What is Research?

Two Possibilities:

1. If the project does not satisfy the definition of research, the project may be excluded from human research protection oversight. At the University of Nevada, Reno the IRB office will document by letter any exclusion determination by request.

Example: Evaluation of Veggies for Kids program.

2. If the project does satisfy the definition of research, then a second question needs to be asked: "Does the project involve human subjects?"

Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains (1) Data through intervention or interaction with the individual, or (2) Identifiable private information." [45 CFR 46.102(f)]

Example: People of the Land

Working Agreement: Tribal Resolution to Approve Research

NORTHERN NAVAJO AGENCY COUNCIL RESOLUTION

NNAC – 34-12

SUPPORTING THE REQUEST OF THE UNIVERSITY OF NEVADA, RENO, TO CONDUCT A RESEARCH STUDY: PEOPLE OF THE LAND, ON THE NAVAJO NATION

WHEREAS:

1. Pursuant to Navajo Nation, Title 26, Chapter 1, Section 18: the Northern Navajo Agency Council is a political subdivision of the Navajo Nation, has the authority to advocate for twenty (20) chapters of the Northern Navajo Agency and make appropriate actions; and
2. The Northern Navajo Agency Council has been informed that the University of Nevada, Reno is interested in conducting a research study utilizing a survey questionnaire with human subjects.
3. That this survey will be collected at the Agency Council meetings reservation-wide on the Navajo Nation with chapter officials being the targeted audiences.

Working Agreement: Tribal Resolution to Approve Research

NOW, THEREFORE, BE IT RESOLVED THAT:

The Northern Navajo Agency Council Supports the request of the University of Nevada, Reno to conduct the research study: “People of the Land: Sustaining Agriculture of American Indian Lands” on the Navajo Nation. This research study will include focus group questions about USDA and how tribal members identify with the programs, and a survey to identify reservation agriculture and natural resource priorities.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Northern Navajo Agency Council at a duly called meeting in _____ Chapter, NM/AZ at which a quorum was present and the same was passed by a vote of ____ in favor and ____ opposed, this ____ day of _____, 2014.

Motion: _____

Second: _____



Questions?

Your 2017 FRTEP Application



- ▶ It is going to require a Memorandum of Understanding with the Tribe or tribes you are serving.
- ▶ Have you been discussing what your tribe would like to do the next 4 years...to submit in your FRTEP application?

FRTEP Priorities



The purpose of the FRTEP program is to support Extension Agents who establish Extension education programs on the Indian Reservations and Tribal jurisdictions of Federally-Recognized Tribes. National Institute of Food and Agriculture (NIFA) FRTEP program priorities are related to:

- ▶ Food and agricultural productions, processing and farm management;
- ▶ Natural resource conservation, and remediation and adaptation to climate change on tribal lands;
- ▶ Tribal youth development and 4-H Programming;
- ▶ Traditional foods, nutrition education and reduction in childhood and adolescent obesity;
- ▶ Cultural and language preservation and education; and
- ▶ Tribal food security and food safety.

FRTEP Draft MOU

MEMORANDUM OF UNDERSTANDING (MOU)

Between

Board of Regents, Nevada System of Higher Education, on behalf of University of Nevada Cooperative Extension, Washoe County, 4955 Energy Way, Reno, NV 89502

And

**Duck Valley Shoshone Paiute Tribe
107450 Station Rd, Owyhee, NV 89832**

The purpose of this MOU is to identify the responsibilities of University of Nevada Cooperative Extension (UNCE) AND Duck Valley Shoshone Paiute Tribe as they relate to the Federally Recognized Tribes Extension Program (FRTEP) on the Duck Valley Reservation. The purpose of the FRTEP program is to support Extension Agents who establish Extension education programs on the Indian Reservations and Tribal jurisdictions of Federally-Recognized Tribes. National Institute of Food and Agriculture (NIFA) FRTEP program priorities are related to:

- Food and agricultural productions, processing and farm management;
- Natural resource conservation, and remediation and adaptation to climate change on tribal lands;
- Tribal youth development and 4-H Programming;
- Traditional foods, nutrition education and reduction in childhood and adolescent obesity;
- Cultural and language preservation and education; and
- Tribal food security and food safety.

FRTEP Draft MOU

This MOU can be revoked by either party without cause with a 30 day written notice of revocation. This MOU does not include any exchange of funds between the two parties.

University of Nevada, Reno Cooperative Extension Responsibilities under the FRTEP Program

Provide computer and office supplies for the FRTEP agent and/or staff.

Provide education to reservation farmers and ranchers through educational workshops, field days, and one-on-one mentorship for food security and food safety.

Implement a 4-H youth development program on the reservation.

Collaborate with the tribal diabetes program on a traditional food program and childhood/adolescent obesity.

Provide assistance on economic development with comprehensive economic development strategy (CEDS) so that the tribe can apply for economic development funding for the reservation.

Complete all required reports for the FRTEP program.

FRTEP Draft MOU

Duck Valley Shoshone Paiute Tribe Responsibilities:

Allow communication between the University of Nevada Cooperative Extension and tribal leadership, tribal staff and youth before, during, and after the project.

Allow educational programs to be held on the reservation in a tribal facility.

Provide office space for a Cooperative Extension FRTEP office which includes power, internet access, desk and phone.

Allow data collection for program impact before and after the project.

Provide recommendations to the FRTEP agent and University of Nevada Cooperative Extension on current programs and impacts of reservation programming.

This Memorandum of Understanding shall be effective upon the signatures of authorized officials. It shall be in force from October 1, 2017 to September 30, 2021, contingent upon funding.

Duck Valley Shoshone Paiute Tribe
107450 Station Road
Owyhee, NV 89832

Date

Nevada System of Higher Education
On behalf of the University of Nevada Cooperative Extension

Date

Create your FRTEP MOU...

- ▶ Handout and Exercise