

CHAPTER 61
TRIBAL RESEARCH REGULATIONS

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61-1.01

Purpose

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

61-2.01

Authority

This regulatory Chapter is established by the Coeur d'Alene Tribal Council under authority contained in the Constitution and By Laws of the Coeur d'Alene Tribe of the Coeur d'Alene Reservation including the Amendments thereto.

61-3.01

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 Coeur d'Alene Reservation, not specifically requested or contracted for by the Coeur d'Alene Tribe, must first obtain a permit approved by the Council, or its designate, authorizing the conduct of such study, survey or research project on the Coeur d'Alene Reservation pursuant to provisions of this Chapter.

61-4.01

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 Coeur d'Alene Tribe, unless and until the individual, corporation, agency or institution wishing to conduct the project has executed a written agreement with the Coeur d'Alene Tribe 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 Coeur d'Alene Tribe an opportunity to review and comment upon the intended publication, and including whatever comments are officially made by or on behalf of the Coeur d'Alene Tribe as part of the final published product.

61-5.01

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 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 Coeur d'Alene Reservation during the term of the project;

(f) Dates between which the study, survey or research will be conducted on the Reservation 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 ensure the protection of the rights of individual tribal members and their families and the rights of the Coeur d'Alene Tribe;

(j) A performance bond in circumstances deemed appropriate by the Coeur d'Alene Tribe.

61-6.01 **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.

61-7.01 **Refusal to Issue Permit**

The Coeur d'Alene 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.

61-8.01 **Fee May Be Required**

The Coeur d'Alene Tribe 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.

61-9.01 **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.

61-10.01 **Mandatory Reporting**

At least one copy of all interim and/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.

61-11.01 **Penalties for Tribal Employees**

Any employee of the Coeur d'Alene 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.

61-12.01 **Penalties Generally**

Any person attempting to conduct research not specifically requested or contracted for by the Coeur d'Alene Tribe or permitted pursuant to provisions of this Chapter shall be subject to any and all civil or criminal remedies available pursuant to the Law and Order Code of the Coeur d'Alene Tribe Reservation and the laws of the State of Idaho, including but not limited to:

- (a) Civil Penalty: If determined, in a civil action under this Chapter, that the research permit holder has violated the Tribal Code and/or conditions of the research permit, the Tribal Court shall impose a civil penalty of no less than \$25.00 and not to exceed \$5,000.00 against the research permit holder.
- (b) Exclusion and/or Removal: All persons, except those authorized by federal law to be present on the Coeur d'Alene Reservation, may be excluded and/or removed from the Coeur d'Alene reservation or parts thereof if found to be in violation of a research permit under this Chapter. Any person having real property interest on the reservation may be excluded from any portion of the reservation as long as he/she is not denied access to, or use of, their property.