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Owner David Wilson:
AVP for Health Research
Area Research & Economic Development

Tribal Consultation

POLICY STATEMENT

The University of North Dakota (UND/University) engages in respectful, timely, and meaningful Consultation with Tribal Nations, Tribal members, Native communities, and Tribal Colleges and Universities (TCUs) when University actions may directly or foreseeably affect Tribal interests.

UND commits to building strong, collaborative, and trust-based relationships with Tribal Nations and to complying with Tribal governance processes, UND policies, and all applicable federal requirements.

REASON FOR POLICY

UND recognizes the inherent sovereignty of Tribal Nations and honors their right to self-govern and the government-to-government relationship with the United States.

This policy establishes a clear Consultation process that respects Tribal sovereignty; supports self-determination; and strengthens partnerships in research, education, and service. It ensures UND communicates early, openly, and in good faith with Tribal Nations regarding proposed initiatives, policies, programs, or research projects that may affect Tribes or Native communities.

The policy also aligns with federal recognition of Tribes through treaties, acts of Congress, Executive Orders, federal administrative agreements and court decisions, recognizing Indian Tribes as sovereign governments and supports international standards, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (see [Related Information](#)).

SCOPE OF POLICY

- President
- Vice Presidents & Associate/Assistant Vice Presidents
- Deans, Directors & Department Heads
- Area Managers & Supervisors
- Faculty
- Staff
- Others: Tribal Nations, Tribal members, Native communities, or Tribal Colleges & Universities

CONTACTS

Specific questions should be directed to the following:

Subject	Contact	Phone	E-Mail / Website
Policy Clarification	Associate Vice President for Health Research	701.777.3472	Research & Economic Development Website vpr@UND.edu
Consultation Tribal Liaison	Director of Tribal Initiatives & Collaborations		
Institutional Review Board (IRB) Processes	Director of Research Assurance & Ethics	701.777.4279	Institutional Review Board Website UND.irb@UND.edu
Ongoing Partnerships	Vice President for Research & Economic Development	701.777.6736	Research & Economic Development Website

DEFINITIONS

Consultation	Involves open, good-faith communication and meaningful exchange of information with the goal of mutual understanding and consensus.
Indian Tribe / Tribal Nation	Any federally recognized American Indian or Alaska Native Tribal government.
Tribal Partners	Collective term used for any number of Tribal Nations, Tribal members, Native communities, and Tribal Colleges and Universities (TCUs) participating in a Consultation.
University of North Dakota (UND/University)	University of North Dakota, including all colleges, schools, departments, units, and employees.

PRINCIPLES

This policy applies to all UND employees who engage in activities, partnerships, research, or

collaborations with Tribal Nations, Tribal members, Native communities, or TCUs.

UND commits to the following:

- **Respect for Tribal Sovereignty:** UND acknowledges Tribal Nations as sovereign governments and acknowledges their laws, codes, regulations, cultures, traditions and beliefs, and governance processes.
- **Early and Ongoing Communication:** UND will communicate with Tribal governments and TCUs early, regularly, and respectfully regarding proposed initiatives with potential Tribal implications.
- **Collaborative Research Practices:** UND acknowledges that individual research protections may not fully protect the interests of Tribal Nations. Research involving one or more Tribes must be co-designed with Tribal partners at the earliest stages.
- **Mutually Agreed Agreements:** When appropriate, UND and the Tribes and/or Tribal partners will establish a memorandum of agreement (MOA) addressing confidentiality, ownership of data, intellectual property, copyrights and trademarks, land and other resources, biological materials, proposed changes in the research, and publication or dissemination of results directly related to the proposed initiative, policy, program, or research project.
- **IRB Compliance:** All research involving Tribal Nations must comply with UND's and applicable Tribal IRB processes and/or approval processes such as research review boards.
- **Support for Existing Relationships:** This policy supports ongoing collaborations and does not limit successful working relationships between UND and Tribal partners.
- **Open Engagement:** UND encourages regular, constructive engagement with Tribal leaders regarding issues of mutual interest.

Consultation Requirements for Specific Activities

Consultation is required when UND engages in activities that may directly involve or affect a Tribal Nation, including but not limited to:

- Research (human or non-human subjects) under Tribal jurisdiction or involving Tribal members where the Tribe or Tribal affiliation is identifiable
- Educational programming designed for Tribal members or communities
- University policies or initiatives with foreseeable Tribal implications at the proposal phase
- Research producing data identifying a Tribe or Tribal members
- Research involving genetic testing or biological materials linked to Tribal affiliation
- Research involving the application of Tribal Traditional Knowledge (e.g., plants, animals, songs, sacred practices)
- Activities involving human remains, funerary objects, sacred objects, or cultural patrimony subject to the Native American Graves Protection and Repatriation Act (NAGPRA)

Ongoing Partnerships

The University recognizes longstanding programs with ongoing, trusting Tribal partnerships established

prior to the development and implementation of this policy. These programs have developed research frameworks agreed upon by each community that are deemed to be in compliance with this policy.

Programs seeking to be considered an ongoing partnership must meet with UND's Vice President for Research and Economic Development to determine the requirements met or necessary to maintain compliance within this policy. Each program under this clause will incorporate the processes and procedures in the policy where possible.

PROCEDURES

UND employees must participate in Consultation training that details the expectations of this policy. This training is provided by the University. Employees are also encouraged to participate in cultural training specific to the Tribal partners with whom Consultation will take place (see Vector Solutions in [Related Information](#)).

Consultation Process

Identify the Issue & Initiate Consultation

UND employees or Tribal partners can initiate Consultation when a proposed initiative, policy, program, or research project may immediately or foreseeably affect one or more Tribal Nations. UND and Tribal partners may initiate Consultation through UND's tribal liaison unless points of contact with UND have been established through ongoing partnerships and/or prior engagements.

To initiate Consultation, UND will:

- Identify the issue, implications, and timeline.
- Identify affected or potentially affected Tribal Nations.
- Engage in discussion with UND's tribal liaison or an established partnership with a Tribal partner.

Select the Consultation Mechanism

UND and the Tribal Nation(s) will determine the most appropriate method of Consultation, which may include:

- Written communication or email updates
- Teleconference or virtual meetings
- Face-to-face meetings at a Tribal location or UND facility

Communication Requirements

UND will endeavor to provide at least 30 days' notice of a scheduled Consultation session. Notice may be shorter only when circumstances beyond the control of UND or the Tribe require it, and UND will explain the reason for shortened notice in the final Consultation report (see [Reporting Outcomes of Consultation](#)).

Consultation communications identifying a proposed initiative, policy, program, or research project must include:

- A clear description of the topic and its context
- Date, time, and location of Consultation (including virtual access details)
- Deadlines for written comments
- Names and contact information for UND personnel
- Relevant materials or agenda items to support meaningful participation

Reporting Outcomes of Consultation

UND (employee(s), school or department responsible for initiating Consultation) will provide a written report to affected Tribal Nations within 180 days of the Consultation and post it on the UND website no later than six months after the start of the initiative, policy, program, or research project. Reports will summarize the Consultation process, outcomes, and resulting decisions.

Breach of Policy

Failure to adhere to this policy may result in corrective or disciplinary action, up to and including termination of employment, appointment, or other affiliation with the University. UND will address alleged violations through established processes as outlined in applicable University policies, the Faculty Handbook, the Staff Handbook, SBHE policies, and NDUS procedures (see [Related Information](#)).

When a potential breach involves Tribal research, cultural resources, data sovereignty, or agreements with Tribal Nations, the University will collaborate, as appropriate, with relevant Tribal research authorities, review boards, and designated Tribal representatives to review concerns, and assess impacts. UND will determine responsive actions consistent with applicable agreements and laws.

RESPONSIBILITIES

UND Employees	<ul style="list-style-type: none">• Participate in required Tribal Consultation training provided by the University• Initiate Consultation early when their work may affect Tribal Nations• Engage Tribal partners in co-design and review of research projects• Comply with Tribal laws, IRB requirements, MOAs, and UND policies• Follow federal, state, and Tribal laws (as they relate to activities covered in this policy); MOA and IRB requirements, SBHE/NDUS and University policies and procedures• Protect Tribal data, materials, and intellectual
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	property
UND Leadership	<ul style="list-style-type: none"> • Support ongoing relationships with Tribal Nations • Address allegations of policy violations
UND Tribal Liaison	<ul style="list-style-type: none"> • Serve as the University's primary point of contact for Consultation activities • Coordinate outreach, communication, and meeting logistics • Support UND units in understanding Tribal Consultation requirements
UND Vice President for Research & Economic Development	<ul style="list-style-type: none"> • Review ongoing partnership requests

RELATED INFORMATION

- [North Dakota University System Human Resource Policy Manual](#)
- [North Dakota University System Procedures](#)
- [Reporting Hotline](#)
- [State Board of Higher Education Policies](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [UND Faculty Handbook](#)
- [UND Policy Library](#)
- [UND Staff Handbook](#)
- [UND Vector Solutions Training Platform](#)

FORMS

There are no forms associated with this policy.

APPENDICES

There are no appendices associated with this policy.

Approval Signatures

Step Description

Approver

Date

Campus Comment	Jennifer Rogers: Director of University Policy	Pending
Executive Council (1st Reading)	Jennifer Rogers: Director of University Policy	04/2026
Policy Advisory Group	Jennifer Rogers: Director of University Policy	03/2026
Policy Office	Jennifer Rogers: Director of University Policy	02/2026
Policy Owner	David Wilson: AVP for Health Research	02/2026

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