

2nd Annual VINHE Leadership Summit

Working Session: Collaborations with Higher Education and Tribes

Universities & Tribal leadership in attendance:

Virginia Tech, James Madison University, Monacan Indian Nation, UVA Health, UVA, University of Mary Washington, Christopher Newport University, Washington and Lee University, University of Richmond, Community Foundation

Summary Notes

Tribal Consultation Policy (TCP)

1. Context for VA Tech process in attempting a TCP
 - a. Consulted with people at University of Arizona who wrote first consultation policies
 - b. Legal problem is related to research but want to include intellectual property
 - c. VT General Counsel replied that trust land is required but this is not true
 - d. One barrier is no one specializing in tribal law at VT
2. Presentation of a TCP to the consortium of VA attorneys
 - a. Attorneys are allegiant to governor
 - i. Dr. Malika Carter-Hoyt, VP of DEI engaged in NAGPRA conversations with this group of attorneys
 1. Could be a prepared document, not a template
 - a. This echoes the approach VINHE hopes to take with letting tribal leadership and chiefs create the TCP they want to present to higher ed institutions and not the other way around
3. Tribes introducing a TCP to legislators
 - a. Utilizing tribal attorneys to create TCP
 - i. Chief Shields recommends VINHE could partner intentionally with tribal attorneys and chiefs
 1. Reiterated that past legal issues must be known and respected
 2. Tribes want to set up a judicial system
 - ii. University lawyers to support tribal attorneys
 1. invite W&L Law School's Community Law Clinic to support tribal attorneys
 - iii. Consultants could support development
 1. Sam Cook can recommend names (Johnny Johns, David Wilkins)
 2. Victoria Ferguson recommended a BIA attorney (Lawrence Dunmore)
 - b. Translating benefits/distinguishments of a TCP

- i. Important for universities to know that tribes can always say no to research and that a TCP provides guidance/best practices/protection to universities too
 - ii. One state-wide consultation policy as opposed to multiple consultation policies for different tribes
 - 1. A blanket policy but different procedures based on different relationships, ie health systems versus higher ed
 - a. Will need to involve Indian Health Services
 - 2. TCP should be the same for state and federally recognized tribes because often state tribes go on to become federally recognized
 - iii. Institutional Review Boards deal with human subject law which is equally important to Indian Law
 - 1. Michael Doran at UVA teaches Indian Law
 - iv. Other laws to reference that are specific to Native Americans
 - 1. Tribal fishing and hunting rights
 - 2. VA allowing tribes to change birth certificates post RIA
- 4. Opportunities for private universities which exist outside of state requirements to implement a TCP
 - a. Tie a TCP to accreditation; SACS COC is accrediting body
 - i. Challenges
 - 1. SACS COC is complicated
 - 2. Good idea but it will take power of collective provosts, as well as VPs of research who use research for enterprise
 - b. Utilize SCHEV consortium of Provosts to affect change with a TCP through SACS COC
 - i. Reaching out to both power houses – Provost’s consortium and SACS COC is a good idea – VINHE can lean on the standing of SCHEV to reinforce the need and value of a TCP to these groups
 - c. Additional challenges
 - i. Anti-intellectualism and anti-DEI efforts are moving forward at the same time
- 5. First step forward for VINHE & closing thoughts
 - a. Reference University of Arizona’s Tribal Peoples’ Service Center; Claudia Nelson wrote several TCP drafts
 - i. Sam Cook will gather additional resources
 - b. Remember state institutions who receive federal funding for museums also have to answer under NAGPRA
 - i. Often a discrepancy between how tribes view cultural items which need to be repatriated versus higher ed; always default to bringing conversation to tribal leadership
 - c. Dr. (Chief) Rosa Holmes Turner actively working with CNU to pull together reps from W&M, ODU to further effort to become state recognized, Warraskoyack people

- i. Chief Shields mention that the state has so many steps for recognition that they would need to work within the state to begin this effort