

Agreement Models

In an effort to design a process whereby Traditional Cultural Knowledge (TCK) can be shared and whereby cultural perspectives can be respected, the Maidu Cultural and Development Group (MCDG) has developed several model agreements. These agreements cover the use and ownership of TCK. Holders of TCK can therefore, as in the case of TEK team contributors, feel more empowered and also have some control over use and application of the TCK offered.

TCK Consultation Protocol

Introduction

Many times the Maidu Cultural and Development Group (MCDG) is asked to consult with various agencies and organizations, both public or private, and sometimes with individuals. These consultations or collaborations usually involve Traditional Cultural Knowledge (TCK). This document tries to develop a plan or formula, a Protocol, for acquiring, using, and disseminating TCK. The information gathering entity needs a plan with which to responsibly and responsively interact with the keepers of traditional knowledge. There needs to be better communication and planning to develop better community-based decision making.

Protocol Procedures

- A) When a request for consultation or collaboration is received by the MCDG, the Coordinator, as an initial contact liaison, will determine:
 - 1) What type of information is requested.
 - 2) Why the agency, organization, or individual is requesting the information;
 - a) Focus of their project,
 - b) Objectives or scope of their project,
 - c) What methods do they intend to use to gather information,
 - d) Benefits and risks of the project,
 - e) Specific community concerns and customs of the project.
 - 3) If this should involve the MCDG Board as a whole, a certain committee of the MCDG, individual MCDG members, or individual members or groups in the Maidu community or the whole Maidu community.
 - 4) Refer this request to the proper group or individual.
 - 5) Inform this individual or group of any help with the project that MCDG can provide.

B) It is essential to discuss and resolve issues related to all parts of the project, as much as possible, from inception to completion. This should begin as early in the planning as possible. Collaboration to help the project by the MCDG may include the following:

- 1) MCDG individuals attending meetings to be able to advise individuals, groups or communities who are to be involved in or affected by the project of:
 - a) Purpose, goals, and time-frame of the project
 - b) The proposed techniques to be used.
 - c) Potential positive and negative implications and impacts.
- 2) Obtaining the informed consent of the appropriate governing bodies and of individual participants through signed agreements. (See TCK Use Agreement model)
- 3) Protecting the knowledge and cultural/intellectual property of the people involved.
- 4) Seeking to hire local Native community members as consultants, monitors, research assistants, data recorders, workers, etc. whenever possible.
- 5) Addressing issues of confidentiality of sensitive material.
- 6) Including local viewpoints in the final project results.
- 7) When written input is requested, being sure it is clear and concise and makes any deadlines.
- 8) Acknowledge the contributions of local community members and respondents in any project reports.
- 9) Provide the local community with a summary of the major findings of the project in non-technical language.

C) Agreements may be developed between the project managers and appropriate community organization(s) or individuals. (See TCK Use Agreement model)

- 1) Agreements will consider:
 - a) Nature of the request.
 - b) Form of consent required.
 - c) Need for local assistants.
 - d) Compensation of participants.
 - e) Acknowledgements
 - f) Anonymity and confidentiality of personal and other sensitive information.
 - g) Project oversight.
 - h) Project review.
 - i) Final disposition of data or input.
 - j) Provision of project results.
- 2) Agreements may be binding contracts, memoranda of agreements, letters of agreement, or organizational resolutions approving a plan.
- 3) The responsibility and expectations of the project entity and the community should be explicit in the agreement.

4) Terms and conditions should be clear and understandable to all parties, should not place unreasonable or unfair burdens on the participants, and must be consistent with applicable laws