

HCPO Policy and Research

Protocol for Research, Publications and Recordings: Motion, visual, sound, multimedia and other mechanical devices

The Hopi Tribe

Policy:

The Hopi people desire to protect their rights to privacy and in and to [Hopi intellectual resources](#). Due to the continued abuse, misrepresentation and exploitation of the rights of the Hopi people, it is necessary that guidelines be established and strictly followed so as to protect the rights of the present and future generations of the Hopi people.

Towards this end, the Hopi Tribe shall be consulted by all projects or activity involving Hopi intellectual resources and that such project or activity be reviewed and approved by the Office of Historic and Cultural Preservation through a permitting process or other contractual agreement.

This Protocol should in no way be construed as being a call for commoditization or commercialization of the intellectual resources of Hopi people, nor is it a justification to bring the Hopi people unwillingly into a commercial relationship. The Hopi Tribe reserves the right to NOT sell, commoditize or have expropriated from them certain domains of knowledge or information.

Definitions:

Research:

Includes, but is not limited to: ethnology, history, biogenetic, medical, behavioral, ethnobotany, agronomy, ecology, anthropology, archaeology, microbiology or orthography. Click on [Research Interests of the HCPO](#) to learn about current research interests.

Hopi Tribe:

Includes Hopi individuals, families, [clans](#), villages, communities, Hopi Tribal Government and the Hopi people as a whole.

Projects or Activity

Includes, but is not limited to: research, publications, recordings - motion, visual, sound, whether oral, written, via multimedia or other mechanical devices discovered or yet to be discovered, by non-Hopis.

Multimedia

Includes any product derived from Hopi intellectual resources of text, sound and images combined into an integrated product that can be transmitted and accessed interactively via digital machine readable form or computerized network.

Procedure:

All projects or activity must be submitted in a proposal format and shall address, at a minimum, the following:

1. Intent and Benefit to the Hopi Tribe:

The proposal should clearly outline and discuss the intent and benefit of the project or activity to the Hopi Tribe. Questions to be considered are:

2. What are the anticipated consequences or outcome of the project?
3. What groups will be affected?
4. What are the plans (pre, duration, post-project) for publication or commercialization of the product or research findings?
5. How will the Hopi Tribe share in future publication or commercialization of the product or research findings?
6. How may the Hopi Tribe have access to the product or research data or findings for their own use?

7. Risks:

Discuss the risks associated with or inherent in the project or activity, including risks to the physical and psychological well-being of individual human subjects, participants and risks of deleterious impact on the cultural, social, economic or political well-being of the community. The assessment of risk will also address the steps that will be taken to minimize, ameliorate, or cure the risks in the event that actual harm is caused to the Hopi Tribe.

8. Tribal Consent:

The proposal should address a mechanism to obtain permission to use the Hopi tradition, culture and people as subject matter. A mechanism for "informed consent" should be outlined in detail. Informed consent may be required from an individual, a family or clan, a village or the Hopi Tribal Government.

9. Right to Privacy:

The proposal should address the issue of privacy and address a mechanism whereby the privacy of the Hopi Tribe will be recognized and protected.

- What issues or subject matter will the project or activity potentially or actually impact?
- What are the limits, parameters or boundaries necessary to complete the project or activity?

10. Confidentiality:

A Confidentiality Agreement may be required to assure confidentiality. The applicant shall provide assurances of confidentiality for the life of the project, if required, indicating how confidentiality will be protected; indicate where raw data or materials will be deposited and stored at the completion of the project; and indicate the circumstances in which the contractual or legal obligations of the applicant will constitute a breach of confidentiality.

11. Use of Recording Devices:

The proposal should outline what recording devices will be used in the project. Recording devices include, but are not limited to: motion picture cameras, audio/video recorders, tape recorders, mechanical, computerized or multimedia technology (CD-ROM), maps and hand drawings. The proposal should address a mechanism whereby the informants or subjects will understand clearly what the project plans to do with the recorded information presently and potential future uses before recording takes place. The proposal should address plans for publication of recorded information in the project or activity and in any other non-research project or activity.

- 12. Fair and Appropriate Return:** The proposal should demonstrate how informants or subjects of the project or activity will be justly compensated. Just compensation or fair return includes but is not limited to: obtaining a copy of the research findings, acknowledgement as author, co-author or contributor, royalties, copyright, patent, trademark, or other forms of compensation. Posting of a bond will be required to ensure compliance with terms of a project or activity which requires a formal contract.

13. Hopi Preference in Employment and Training:

In all phases of the project or activity, including both on and off reservation phases, preference shall be given to qualified Hopi Tribal members in employment and training.

- 14. Review of Product or Research Results/Study:** The proposal should demonstrate a process whereby the Hopi Tribe will have an opportunity to review and have input into the the product or results before publication. The purpose of this step is to assure that sensitive information is not divulged to the public and that misrepresentations can be corrected.

15. Ownership: The Hopi Tribe reserves the right to:

- Assess a permit fee(s).
- Prevent publication of intellectual resources which are unauthorized or sensitive; misrepresentations or stereotypes the Hopi people; will harm the health, safety, or welfare of the Hopi people; or violates customary and traditional laws of the Hopi Tribe.
- Require deposit of raw materials or data, working papers or products in a tribally designated repository, with specific safeguards to preserve confidentiality.
- Deny a licence or permit.

Enforcement of this Protocol requires a cooperative spirit. The Hopi people may share the right to enjoy or use certain elements of Hopi cultural heritage, under its own Hopi laws and procedures, but always reserves the right to determine how shared knowledge and information will be used. The collective right to manage our cultural heritage continues to be a crucial concern.

For more information, please contact:

Terry Morgart

The Hopi Cultural Preservation Office

P.O. Box 123, Kykotsmovi, AZ 86039

(928)734-3767