

Canadian Association of University Teachers
Association canadienne des professeures et professeurs d'université

Indigenous Identity Substantiation Policies

Discussion Paper
April 2024



2705, prom. Queensview Drive, Ottawa (Ontario) K2B 8K2
Tel. 613-820-2270 \ \ Fax 613-820-7244 \ \ Email acppu@caut.ca

www.caut.ca

CAUT Discussion Paper: Indigenous Identity Substantiation Policies

Aboriginal Post-Secondary Education Working Group
April 2024

This paper is to promote discussion within the Canadian Association of University Teachers (CAUT) and does not necessarily reflect the views of CAUT.

There is a robust discussion about the need for Canadian post-secondary educational institutions to develop and implement policies that would enable Indigenous individuals to substantiate their Indigenous identities.

Purpose

The Aboriginal Post-Secondary Education Working Group (APSEWG) has prepared the following background note and set of principles for discussion by Academic Staff Associations as they engage in Indigenous identity substantiation discussions within their institutions. These principles focus on faculty members but may also be used in the discussion of similar processes for staff and students.

We have chosen to use the term substantiate rather than verification. Substantiate implies the offering of evidence to sustain a contention or claim. We are not here to "validate" an individual's identity but rather, assess the evidence that a person submits in order to "sustain" their claim of being Indigenous. For example, in an analogous situation, a person submits their passport as documentary evidence to sustain their claim of being Canadian.

Background

The need for verification of Indigenous identity is based on a growing number of individuals who advance claims of an Indigenous identity which are later discovered to be false. The past practice of acceptance of self-identification has proven to be inadequate in the 21st century world of contested identities and provision of benefits based on Indigenous identities. North American settler states have, in the past, established rules for determining Indigenous identities. These rules are often inconsistent with the rules established by Indigenous peoples. Indigenous nations and communities are reclaiming the process for identifying their citizens and members adding to the complexity of determining the veracity of an Indigenous identity claim. Article 9 of The United Nations Declaration on the Rights of Indigenous Peoples supports these processes:

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in

accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Indigenous peoples have a strong interest in ensuring that individuals who claim to be citizens or members of an Indigenous nation have met the criteria for citizenship or membership. Organizations who employ Indigenous individuals and may provide benefits to them based on their Indigenous identity claim have a strong interest in ensuring that the benefits are provided based on legitimate evidence.

The presentation of identity credentials or evidence that are falsified is regarded by Indigenous leaders as an act of fraud and should be treated as such in organizational policies. The penalties for fraud should be clear and strong. The same should be true for those who report, with malicious intent, individuals who they believe to have presented false credentials.

The welfare and wellbeing of all are improved if the evidence requirements and review process are well established, clear, and easy to follow. These processes should not impose a higher burden on Indigenous individuals than on other individuals who are required to present identity evidence.

Policy Purpose

The purpose of an Indigenous substantiation policy is to ensure that the individual who makes a claim for organizational benefits based on Indigenous identity has the evidence to substantiate the claim. The policy also supports the integrity of the individual, the Indigenous nation and community and the organization. The policy also aims to prevent the harm that arises to all when fraudulent Indigenous identity claims are advanced.

Policy Principles

The process is designed to provide guidance on the evidence and process requirements for an Indigenous identity claim. The policy is not intended to determine Indigenous identity but to describe a process to enable the organization to ensure that benefits go to

an Indigenous individual who has met the organizational evidential criteria necessary to determine the legitimacy of their claim.

1. The process should be informed by and based on the values of Indigenous peoples who reside in the territory the institution is located.

As an example, for a university that operates in Anishinaabe territory, the seven grandfather/grandmother teachings and an organizational interpretation can serve as a guide:

- a. Debwewin (Truth): the process should encourage all to be truthful and reflect the lived reality of the individual.
 - b. Zoongidi'ewin (Courage): the process should recognize that it takes courage for some to identify as an Indigenous individual after the long assault and that the assumption of an Indigenous identity is both an act of healing and an act of decolonization.
 - c. Zaagi'idiwin (Respect): The process should respect the truths of the individual as well as the organization and find a way to recognize both.
 - d. Gwayakwaadiziwin (Integrity): the process should ensure that it is internally consistent and balances both reason and passion.
 - e. Zaagi'idiwin (Love): the process should be based on the notion that it is supportive of a wide range of Indigenous identities.
 - f. Nibwaakaawin (Wisdom): the process should recognize that Indigenous identities have been profoundly affected by colonization and that the assumption of an Indigenous identity is a turbulent journey for some and that Indigenous identities are always becoming.
 - g. Dabaadendiziwin (Humility): the process should recognize the complexity of Indigenous identities and take due care to ensure that these complexities are addressed in a compassionate and humane fashion.
2. The process should also be based on the value of reciprocity. The process should respect and support Indigenous identity processes and endeavour to create confidence in the university's capacity to do so.
 3. The process is based on a notion of self-identification with documentation. Any identity claim needs to have the appropriate evidence to substantiate it.
 4. The process is based on the fundamental notion of respect: that we accept the claim with evidence as valid until there is reason not to.
 5. Indigenous identity claims are treated in the same way as any other national identity claim.
 6. The request for evidence occurs as part of regular operating processes in substantiating identities. Care should be taken in the development of documentation requirements cognizant of the challenges of archival access and retrieval as well as evolving AI processes that can be used to create identity documents.
 7. The process has the potential to recreate the processes that created the Indian registrar and the challenges inherent in this colonial list. The identity documentation should be linked to the individual personnel file and is protected by privacy legislation. The organization should not create a public list of 'verified Indigenous persons'. Aggregate statistics can be developed and shared.
 8. The individual personnel file should include a copy of the verified evidence and a notation that the individual has met the identity requirements.
 9. If an external body (SSHRC, CIHR, another university or college, etc.) requires verification of Indigenous identity, the organization may issue a statement that the individual has met its verification standards.
 10. Organizations should respect and recognize Indigenous identity substantiation statements from other universities and colleges.
 11. Falsification of an Indigenous identity claim should be regarded as an instance of academic fraud and subject to the appropriate consequences as set out by the organization.
 12. The process should include a clear way in which individuals may report what they perceive to be an invalid claim of Indigenous identity. Claims should be made in good faith, not be anonymous and subject to severe penalty if proven to be vexatious or false.

13. There should be a clear process that can be used by the university to review disputed claims of Indigenous identities. This process should be administered by an agreed upon group of Elders and Traditional Persons, Indigenous faculty and senior administrators and members of the Academic Staff Association if the process involves a faculty member. There should be appropriate support provided to all involved in this emotional and difficult process.
 14. The process should also consider the substantiation requirements for international Indigenous peoples recognizing that these may be different from Canadian documentary standards.
 15. The policy, once approved, should be reviewed on a regular basis to ensure that it remains consistent and supportive of evolving Indigenous identity processes.
 16. The process should also respect the complexity of Indigenous identities in the 21st century. It may be useful to speak of an identity journey as a way of framing the discussion, recognizing that the process may be complex and traumatic for some.
 17. The development of Indigenous identity substantiation processes should be guided by Indigenous community members both inside and outside the university.
 18. The process of approval for Indigenous identity substantiation policies should involve Indigenous community members both inside and outside the university.
- A certified copy of a Métis Nation citizenship card from one of the four provincial affiliates (Métis Nation of Ontario including "complete citizenship" confirmation letter from the MNO Registrar, Métis Nation Saskatchewan, Métis Nation of Alberta, Métis Nation British Columbia) of the Métis National Council; or a valid membership card from one of the Métis Settlements of Alberta, the Northwest Territory Métis Nation, or the Manitoba Métis Federation.
 - A certified copy of an Inuit Enrolment card issued by any one of the four Inuit modern treaty bodies—Nunavut, Nunatsiavut, Nunavik, or Inuvialuit.
 - Written confirmation of membership/enrolment from a US or Canadian federally recognized band/tribal authority.
 - Written confirmation of Métis identity by a Métis local, council or education authority within the Métis Nation homeland recognized by the Métis National Council.

Option 2: Candidate Self-Declaration

- If a candidate does not possess proof of the documentation listed in option 1, they must submit a statement about their existing lived experiences and ongoing relationship to a legally recognized and inherent Indigenous community, Nation, or People. This includes specific information about the First Nation, Inuit, or Métis community such as their treaty, scrip, land claim, and territory or region.
- False Indigenous Identity Claim
- Steps will be taken to fully vet a candidate under both option 1 and 2 by the university, in consultation with the Office of Indigenous Initiatives, prior to consideration for candidacy.
- Candidates failing to have their identities confirmed to the satisfaction of the University will be disqualified from consideration for the designated opportunity.

Examples of documentation and requirements

Wilfrid Laurier University

From: <https://www.wlu.ca/about/discover-laurier/indigenization/indigenous-identity-verification-process.html>

Option 1: Written Documentation

- A certified copy of an Indian status card.

- If a successful candidate is later proven to have falsely claimed an Indigenous identity, their opportunity will be immediately terminated in accordance with the applicable laws, collective agreements, and policies.

University of Saskatchewan

Deybwewin taapwaywin Tapwewin: Indigenous Truth Policy on Indigenous citizenship/membership

<https://indigenous.usask.ca/indigenous-initiatives/deybwewin-taapwaywin-tapwewin.php>

1. The policy will be guided by the sacred teachings that led the work of the taskforce: **respect, love, truth, humility, courage, honesty**, and bringing these teachings together to create grounded **wisdom**.
2. This policy applies to all members of the university community including, but not limited to, students, researchers, post-doctoral fellows, staff, faculty, institutional leadership, members of governing bodies, Elders, Cultural Advisors, and Knowledge Keepers, and any person participating in university business or activities (e.g., service provider, contractor, volunteer).
3. The term Indigenous reflects The United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) definition: "Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic, and political characteristics that are distinct from those of the dominant societies in which they live." Further, UNDRIP describes the right of Indigenous communities to determine their own membership in accordance with their customs and traditions.
4. The deybwewin | tapwewin | taapwaywin Standing Committee guides and supports the process of sharing and implementing the policy.
5. There is an online verification system for the submission of documentation. Documentation requirements for four groups: Inuit, Métis First Nations and International individuals are outlined. If there is no documentation, a signed and sworn notarized/legal affidavit is required. This affidavit

- provides evidence of a lineage and connection to the community as well as two references who bear witness to the individual community membership.
6. The documentation is securely housed within the Office of Vice Provost, Indigenous Engagement. Access to the documentation is highly restricted.

The Tri-agency Working Group on Indigenous Citizenship and Membership Report: What we heard

Guiding principles informed by the insights of our engagement, include:

- Truth, to acknowledge the harms caused by those benefitting from opportunities on the basis of fraudulent claims;
- Respect, to account for the work already completed or in progress within various Indigenous communities, Nations and research organizations;
- Courage, to undertake the work necessary in the complex space of citizenship and membership and in collaboration with Indigenous Peoples and with Indigenous researchers;
- Rigour, to assert that the development process stems from a clear understanding of the issues, the work accomplished to date, and ongoing engagement with Indigenous scholars and thought leaders on this issue;
- Self-determination, to underscore the rights of Indigenous Peoples to determine their own membership or citizenship including in distinctions-based ways and to acknowledge the importance of Indigenous data sovereignty;
- Justice, to recognize the way in which a just society will respect the principle of the principle of the right of return through a restorative justice lens, which is particularly relevant for those who have been forcibly displaced both physically and notionally in terms of citizenship or membership;
- Connection, to refer to the role of ancestral and/or community connections, including kinship and other connections, when moving beyond self-identification;

- Flexibility, to recognize diversity in communities' determination of citizenship and membership as well as the way in which membership and/or citizenship may change as a result of new legislation or processes underway or in development; and,
- Inclusiveness, to acknowledge the intersectional ways in which colonial structures and processes have worked to disenfranchise rights-holders through policy, legislation and practice and to consider the challenges faced by some in confirming their citizenship or membership, where colonial processes have undermined or severed historical community ties.
- Certified copy of an Inuit Enrolment card, or a beneficiary card/proof of enrolment associated with Land Claim Agreements in the claim regions of Nunatsiavut, Nunavik, Nunavut and Inuvialuit;
- Citizenship identification issued by a First Nation that has a modern Treaty and/or self-government agreement;
- Membership card or other documentation indicating that the person is a member of a First Nation, or who is a Non-Status First Nation person who is a member of an Indigenous organization negotiating a treaty or other agreement with the federal and/or provincial governments.

Centre of Excellence on the Canadian Federation

Alphonsine Lafond – Tom Molloy Memorial Fellowship on Leadership and Innovation in Indigenous Governance

https://centre.irpp.org/lafond-molloy/?utm_source=Lafond&utm_campaign=7f4cd16c67EMAIL_CAMPAIGN_2023_09_22_08_03_COPY_01&utm_medium=email&utm_term=0_053644e9f3-%5BLIST_EMAIL_ID%5D&mc_cid=7f4cd16c67

Citizenship or Kinship Declaration

Please provide a copy of one of the following documents:

- “Certificate of Indian Status” issued by Indigenous Services Canada that is current and not expired;
- Certified copy of a Métis Nation Citizenship card from the Manitoba Métis Federation; or a valid membership card from one of the Métis Settlements of Alberta, the Northwest Territory Métis Nation; or one of the four provincial affiliates of the Métis National Council (Métis Nation of Ontario including “complete citizenship” confirmation letter from the MNO Registrar, Métis Nation Saskatchewan, Métis Nation of Alberta, Métis Nation British Columbia);

If an applicant lacks the necessary documentation listed above, they must provide a signed and dated declaration detailing their current lived experiences and continued connection/kinship with an officially recognized and rights-bearing Indigenous community, Nation, or People. This declaration should encompass specific details about the First Nation, Inuit, or Métis group, including their treaty, scrip, land claims, and geographical territory or area. (Rights bearing pertains to the Indigenous nation or collective holding Constitutional rights under section 35, encompassing Aboriginal or Treaty rights in their territory.)

The Institute might subsequently request references by a member of the community who has personal history with the applicant.