

INDIGENIZING INTELLECTUAL PROPERTY: TRIBALLY-BASED DEFINITION AND
PROTECTIONS FOR TRADITIONAL KNOWLEDGE AND CULTURAL RESOURCES

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE
UNIVERSITY OF HAWAI'I AT MĀNOA IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN

PSYCHOLOGY

MAY 2018

By

Melodi Wynne

Dissertation Committee:

Ashley Maynard, Chairperson
Dharm Bhawuk
Yiyuan Xu
Chad Hamill
Jonathan Osorio

Keywords: traditional knowledge, Tribally-based, indigenous research methodology,
indigenous analysis

Acknowledgements

With special gratitude I thank the communities, Council, departments, programs, and committees of the Spokane Tribe of Indians. You gifted your time, wisdom, knowledge, and experience in interviews and focus groups to this project. I am honored. *Lémlmtš* (lem-lmtsh; thank you) .

I offer my deep gratitude and appreciation for the patience and tolerance shown to me by my committee. It has been a long journey of community action research on behalf of my people, and each of you supported me in your own unique way. Mahalo/lémlmtš/thank you.

I owe my place on this pathway to the McNair Scholar program. I took a small step in faith and naivety, and the heart of the McNair program and the people there enveloped me on a journey for which I am profoundly grateful. I will always be a McNair Scholar.

I offer everlasting gratitude and appreciation for the Tribal elders that walked the paths of this journey with me. Our elders gave their time to understanding where the Tribe and this project had been, where it was, and where it was headed when they offered their thoughts. With their intuitive influence, my straightforward plan for progression through the steps of this project paused and took unexpected turns at times, but kindness and *nunx^wenemn* (noon-when-eh-mn; belief) waited around every bend. lémlmtš.

The gratitude I extend my children and grandchildren (those born to me and those close enough for me to call my own), and siblings is beyond description. You each supported me in numerous ways and for so long. I owe this entire journey from young motherhood to doctoral research to you. My heart is as full as my mind, and after years of undergrad and graduate studies that is saying a lot. lémlmtš.

Finally, I want to acknowledge those that first saw this journey from this side of human life, and then from the place we go when we are finished here. We experienced many losses in this span of time, and I want to extend what gratitude I can to that other side because my memories of their *nunx^wenemn* in what I did carried me across the finish line of this project: my mother, brother, sister, numerous aunties, other mothers, and uncles; several elders that left their beautiful words of wisdom and encouragement in my memory along with their knowledge and advice for how to interact with data and indigenous methodologies; the young man that came and told me that the right track is cultural identity; and the woman that did the work in the Tribe's archival materials that will guide us toward knowing more about who we were, are, and will be. lémlmtš *šey* (shay; *finality* is implied).

Abstract

This community action research project created a Tribally-based definition and recommendations for protections of the collective intellectual property on behalf of the Spokane Tribe of Indians. Qualitative data was collected from focus groups and interviews with adult Tribal members, close allies, program directors, and Tribal scholars. The qualitative data followed an indigenous research methodology pathway from the inception of the project through the analysis, which incorporated elder co-researchers from the Tribe through every stage. The data suggested a definition for collective intellectual property. The Tribe's dialect of the Interior Salish language provided an effective word, *sʔelkʷmn* (s-elkwhe-mn; inheritance/keepsake), to define the responsibility the people express in relationship to the cultural resources, concepts, and materials contained by the definition. The resulting definition is inclusive of the ideas generated in focus group and interview responses to three sets of questions. The first question set generated lists used to create the definition. The second question set generated concepts that were incorporated into a proposal for the Tribe to consider as a means to safeguard the *sʔelkʷmn* of the people. The third set consisted of one question, "what else?" and followed an informal debrief designed to inform and extend the discussion further toward decolonizing and indigenizing the meaning and practices of Tribal intellectual property. The recommendation for protection of the *sʔelkʷmn* was modeled after community advisory boards and delivers at least three essential functions. First, it provides a way to interact with the collective intellectual inherited practices, materials, and knowledges of the Tribe through meaningful engagement with the Tribal people and programs. Second, it requires workshop study of cultural competency that primarily challenges privilege, entitlement, and fosters a healthy sense of belonging. Finally, it creates space for, and attention to, products of previous, current, and future interactions with the Tribe's collective

intellectual s?elk^wmn. The definition and recommendations were introduced to the Spokane Tribal Business Council, the decision-making body of the Tribal government. This began an ongoing conversation and project for this Tribe as it moves into the future through self-determination in a way that makes sense given its' past, present, and future story.

Table of Contents

Acknowledgements.....	i
Abstract.....	ii
Tables.....	vi
Figures.....	vii
Précis: Listening.....	1
Introduction.....	1
Research Story.....	5
The Task.....	7
Explaining the Culturally Relevant Research Imperative.....	10
Rights versus Responsibility.....	11
Literature Review.....	13
United Nations Declaration on the Rights of Indigenous Peoples.....	13
Article 11.....	14
Article 31.....	15
Article 34.....	16
Article 38.....	16
Article 42.....	16
Historical Politics of Indigenous Representation.....	18
Current Protections and Policies.....	22
Positioning the Researcher.....	24
Research Problem Statement and Questions.....	24
Methods.....	25
Overview.....	25
Methodologies compared and contrasted.....	28
Participants.....	31
Questions.....	32
Materials.....	34
Procedures.....	37
Data analysis.....	42
Data analysis process.....	44

Summary.....	50
Results.....	51
What did this data say is our intellectual property?.....	53
What did this data say about protecting this intellectual property?.....	58
What else needed to be said about a Tribally-based definition and protections for collective intellectual property?.....	70
What is our intellectual property (IP)?.....	73
Tribally-based definition of collective intellectual property.....	74
Recommendations for protection of collective intellectual sʔelkʷmn as defined.....	74
Collective intellectual sʔelkʷmn proposal.....	76
Protocol for engagement with the sʔelkʷmn Office.....	77
Decolonization/indigenization.....	78
Establishment.....	79
Membership.....	80
Mission and function of the sʔelkʷmn Office.....	81
General provisions.....	81
General considerations.....	82
Discussion.....	83
Reciprocal, authentic, meaningful and respectful relationship.....	83
Lessons from Standing Rock.....	87
Limitations.....	90
Indigenous research methodological contributions.....	92
Dissemination.....	96
Cultural identity.....	97
Conclusion.....	99
References.....	101
Appendices.....	105
Supplemental Material.....	112

Tables

Table 1	<i>Answers to the Questions “What do/don’t we have?” and “What do/don’t we know?”</i>	53
Table 2	<i>Answers to the Question “Why were these things given to us?”</i>	58
Table 3	<i>Answers to the Questions “what was/is/should be our relationship/responsibility to these things?”</i>	61
Table 4	<i>Answers to the Questions “Why/who/how/where/when would we share?”</i>	64
Table 5	<i>Answers to the question “what else?”</i>	70

Figures

Figure 1. Photo sample of recorded memory notes for focus groups 40

Figure 2. Graphic representation of members engaged within the
recommended s?elk^wmn Office 80

Précis: Listening

My paternal Auntie Marlene, an author in oral tradition, emphasized listening as a path toward hearing, understanding, and acting as the thing we need to learn, practice, teach, expect, and deliver. Auntie taught this with the authority of an elder on her final journey from this life over to the ancestors, and from a lifetime of experience among our people and Tribal ways. Auntie, in her way, demanded we listen for understanding in order to bring back our Tribal way of empathy, compassion, and taking care of each other. The listening that Auntie expected puts much of the responsibility for communicating onto the listener, which is the kind of listening my participants referred to in focus groups and interviews, the kind of listening I aspired to throughout this project, and the kind of listening I invite from the reader of this dissertation.

Introduction

Telling the story of the journey through this project and the qualitative data it produced actually preceded planning the project and swirls back and forth in time and experience. The reason for this project was a personal and individual loss of access to Tribal archival resources to research cultural identity, which was and is a calling I must answer for many reasons and soon.

This story is difficult in the telling because it also involved the loss of a respected friend, mentor, elder, and language speaker. Think of the deep and layered meaning of the word *respect* from within an indigenous perspective and setting. Think also of what it meant that this woman knew me since birth; that she knew my parents, grandparents, and extended family. Keep in mind her station in relation to the people and the Spokane Tribe that I grew up in and how that means that she was interconnected and interdependent with all the histories, victories and challenges, among the people, families, place, and history of the researcher.

As the researcher, I visited the Tribe's archival department each time I traveled from university to my home community and Tribe. I did my thesis research in collaboration with my friend at the archival program (see previous paragraph). My friend and I shared many talks about the research I wanted to do, why I wanted to do it, how I should do it, and the resources that would be most useful to understand cultural identity on behalf of the Tribe. She challenged my scholarly thinking through our discussions in ways that only she could with her knowledge and experiences. Before I could propose the planned cultural identity dissertation project, she suffered fatal injury in an automobile accident, which shook the community, and my doctoral research project was set aside for a time.

After waiting a respectful time, I tried to find a way back to the materials she had recommended for researching cultural identity, and that is when a long and unsuccessful struggle for access began. At first, I attempted to get to know the new staff in the archives department. When my calls, inquiries, and invitations were unsuccessful, I reached out to those within the broader culture, language and archeological department, and then to the Tribal Council. Those in positions of power over the archival materials expressed that the result of an investigation of cultural identity, using those resources, was the intellectual property of the Tribe, and without protections in place it was not safe to ultimately place those results in the public realm.

Through this stretch of the journey I experienced many barriers between my academic research planned in collaboration with the informed Tribal elder mentioned above, and the needs of the Tribe to be protective of its cultural resources. The reality of layered obstructions at many levels of bureaucracy within, and outside of the Tribe, seemed insurmountable. In the end, given the constraints and pressure of academic research timelines in a doctoral program, and

recognition that the problem of unprotected Tribal knowledge is real, I changed direction away from cultural identity and toward intellectual property.

The change in research topic was disconcerting for three reasons. First, because it meant I had to let go of what I felt called to do. The calling, and affirmation of topic came to me across time and space, from ancient and recent ancestors, and present generations of women and children. Now, that is another story, and my plan is to fulfill that calling upon completion of this project. Second, my friend/mentor and I had put our hearts into those many discussions, and she had spent countless hours working on the data before either of us imagined we would eventually work together. Third, from the completion of my thesis project until that time, I had been reading, writing, and otherwise preparing for doctoral research on cultural identity. The complete topic change meant a whole new literature set and investigation leading to a certain level of expertise that I did not aspire to.

It was during the Tribe's yearly powwow that I sat down to write alternative plans for dissertation research. Being unaware that this pathway was already in front of me at that point I initiated a discussion with my academic adviser who also chairs my committee. With her as a sounding board I decided to focus on the Tribe's struggle with protecting its intellectual property. The rest of this overview of methodology and results describes a journey that brought together a desire to make this an engaging and meaningful project for myself, and a relevant and useful outcome for the Tribe.

Visioning this project as creating a pathway for present and future Tribal scholars to access archival resources for research made this an engaging project. Employing indigenous research methodology, especially in proposing to indigenize analysis of qualitative data, also made the project engaging. Providing a Tribally-based definition of intellectual property and

recommendations for its protections added the sort of relevance I needed to make this a project in which I could devote the time and energy required by doctoral research.

From then on, the direction of this project was to reach back to the remembrances of our pre-colonial collective heart. My goal was to create a Tribally-based definition of intellectual property that would make sense to our previous and current generations, and create a pathway for future generations to be able to ask our own questions, of our own knowledges, for our own reasons, to find our own answers; and recognize, act, and react whenever it makes the world a better place for us, and all our relatives and neighbors. The current legal definition for intellectual property is not enough for our experience, and in many ways, fails to effectively provide protections for our collective and/or ancestral knowledge, ways, customs, literatures, materials, sites, languages, beliefs, practices, and connections to the natural world (Riley & Carpenter, 2017).

The subsequent goal was to make recommendations for protections of our intellectual property based on data from interviews and focus groups regarding our responsibility to, and relationship with our intellectual property, and centered on the Tribally-based definition. The recommendations would also come through my lens as a community and cultural psychologist, and my connection to the Tribe as a member.

I learned as our people talked in interviews and focus groups, as they responded to my prompts, and one another's words (Dukes, Pisolish, & Stephens, 2000). I learned to love our people, our struggle, everything the ancestors held for us, and our hope for the future; the wisdom, the snapshot, the idea, the concept of what we have, what we had, what is not lost, but rather waiting. I learned by listening, listening (see Précis). I learned by feeling with focus group and interview participants as we discussed perceived loss, and insight into our

responsibility in relationship with who we are and what we have, what we know, and what has been collectively entrusted to us as a people.

Previously in this text, and in my proposal, I mentioned engaging with this topic in reaction to losing access to archival data for inquiry into cultural identity. What I found in this project is cultural identity. It is a cultural identity evolved through interaction with the collective and shared experience of our stories, losses, victories, and keepsakes. It is a changed cultural identity that owns agency and narrative. It is a narrative with changed language, owning the power of words. At present, our words are often in the borrowed language, but that is changing, and I found clarity for what I was learning when some of our language emerged through deep interview, focus group, and co-researcher discussions. An example of that can be seen in the shifts from *rights* to *responsibility* when talking about our relationship with our intellectual property; which as the reader will learn, was also ultimately transformed from property to a word that best represents keepsake/inheritance and connotes responsibility and action.

Research Story

I am a storyteller. This is, first and foremost, a story. It is a story of one scholar's journey through the words of the *sqélix*^w (ske-lee-who; human beings) to find our definition for intellectual property and discover how to protect it in this current political setting and global place. It is a necessary story for this time, given the imperative for this Tribe, and other indigenous peoples worldwide to increasingly seek their own answers to questions and stories of what they know about themselves, through research by them, for them, and sometimes, for the broader world of knowledges.

From a community and cultural psychology perspective, this project was action research, and it was done on behalf of the Spokane Tribe of Indians to create a Tribally-based definition of

intellectual property, as well as recommendations for protection of intellectual property and other cultural resources. The Tribe retains some of its cultural resources despite, years of historical and recent, misappropriation, misrepresentation, abuse, degradation, and other matters related to proper respect of intellectual property rights.

Naturally, the Tribe is reluctant to grant access to cultural resources, and that has also created a barrier for Tribal member scholars and fundamental academic research. The Tribe must protect against the many assaults on cultural resources, and it can and will do this on its own terms. At the same time, a pathway for Tribal member scholars, and others doing culturally relevant research must be made safe. Protections for cultural resources and intellectual property will generate a safe pathway for the use of valued Tribal assets and research on culturally relevant topics that can reinforce the well-being of the Tribe and community.

In the Tribal context, cultural resources such as archival materials, artifacts, art, language, songs, dances, and stories can be considered intellectual property of the collective. Often, the Tribe's intellectual property is misappropriated through the taking of cultural knowledge by historians, anthropologists and other researchers to write books, chapters, papers, and curricula that are cited as an authority of the Tribe's culture. Although some of these works align with the collective knowledge known to the Tribe, others of these perceived authoritative works can result in misinterpretations, and under-privilege the voice, memory, and experience of living members of the Tribe. Thus, for these and other reasons protections are necessary, the Tribe has displayed the capacity to imagine these protections, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and other allies, assert the basic human right of the Tribe to fulfill this responsibility.

The Task

The task is twofold. First is to define intellectual property in a way that makes sense in the culture and context of the Spokane Tribe. Second is to create recommendations for safeguards that are both protective and responsive to the needs of Tribal members, and certain others as identified by the Tribe, for cultural perpetuation and the relevant research imperative outlined below.

Research is a powerful tool for communities and cultures. Research results provide frameworks for effective interventions, programs and projects aimed at health and wellbeing of individuals, and cultural perpetuation of indigenous peoples. Funding resources are steered toward projects that refer to and make their case from peer-reviewed research. Scientific research methods of data collection and analyses come with their own history, story, narrative and discourse. Those methods and that story are located on a continuum anchored by Euro- and western-centricity with their intimation at superiority at one end, and decolonized/indigenized methodology at the other. To the extent that only a minority of research is done by and for indigenous peoples, research approaching only one anchor of that continuum is exponentially perpetuated.

Auspiciously, we inhabit a time and space where that trend can now be balanced. However, there are organic and interrelated issues that must be solved prior to the indigenous perspective being fully represented among the worldwide body of academic knowledge. Most of those issues come from a place of beneficence, and it is good and right that we spend time and energy exploring the best solutions for moving forward.

One issue is the incorporation of research done by and for indigenous peoples into the existing body of research that historically prohibited and excluded indigenous peoples as experts,

researchers, authors, peer reviewers, and editors. Much research has been done: on indigenous peoples, by others, for the purposes of others; on indigenous peoples, by others, for indigenous peoples; on indigenous peoples, by indigenous people, using others methods; and on and on. This problem alludes to the culturally relevant research imperative of indigenous peoples, which affirms the importance of indigenous peoples examining their own research questions, using their own data, their own methods, their own analyses, and asserting their own conclusions. We, and the world, need and want our added perspective in many academic, scientific, and practical questions and answers.

The second issue that puts constraints on indigenous peoples doing their own research is the absence of their own definition of *intellectual property* and protections for it. The solution to the prior issue has been partially anticipated through the assertion of indigenous rights/responsibilities into the international jurisdiction by the United Nations (i.e., the UNDRIP). The UNDRIP defends indigenous people's right to their own intellectual property, and the definitions and protections of that property. The creation of definitions and formal protections has been a complicated matter in today's political climate, but the work persists to fulfill the culturally relevant research imperative of the very peoples whose rights/responsibilities the UNDRIP seeks to assert.

I added *responsibility* to the discussion of indigenous peoples' rights as a way to qualify and define *rights* from the indigenous perspective that my participants and I bring to this topic and discussion. In other words, the term *rights* has a meaning in the language and discourse of the Euro- western worldview that differs from our experience of the culture and language of the Tribe's worldview. It seems that the word *responsibility* extends the description of what we as

Tribal people can, and should, do with the basic human rights afforded by the UNDRIP. This assertion will be further addressed in subsequent sections.

The third issue contributes heavily to the complicated fulfillment of the culturally relevant research imperative of indigenous peoples and protections for intellectual property. There has been an institutional practice of universities and funders that requires all research data and findings be made available for “full and free dissemination” (UHM 2014/2015 Catalog, n.d.). The honorable motive of such policies is in the interest of advancing scholarship. The unintended consequence can be obstruction of the culturally relevant research by indigenous peoples when they encounter issues of culture as unprotected intellectual property. For example, until Tribal intellectual property is defined and well understood, and protections are in place, accessing archival data for cultural psychological scholarly research for the wellbeing and cultural survival of indigenous peoples is problematic from the perspective of Tribal archival gatekeepers. One alternative is for cultural psychological research to use data that is considered safe in that it has been published or is widely known. The risk in using that *safe* data is continued perpetuation of the Euro- western-centric understanding of cultural psychological concepts, absent the indigenous perspective, which can uniquely come from indigenous peoples.

Consider the increased depth and breadth indigenous knowledges could contribute to the worldwide scholarly work; and here for safety’s sake, I have proposed (see Results section) a way that knowledge can be defined and protected. Presently, this is especially critical given the increasing numbers of graduate level scholars from indigenous backgrounds, and that a bulk of their scholarly work is done at the thesis and dissertation stages of their education. Beyond graduate school, others like myself return to fulfill familial, tribal, cultural or community duties

rather than continuing on academic tracks that grant time and opportunity for formal post-doctoral research.

Currently, the Spokane Tribe has only informal policies for the sharing of cultural resources in its archives. The Tribe has not yet formally exercised its collective right/responsibility to define intellectual property, or place codified protections on the use of it. Conversely, the widely held policy of universities and funders is like that at the University of Hawai‘i at Mānoa (UHM), where

An essential aspect of dissertation research is the free and full dissemination of research results. Moreover, all dissertations must be publicly defended in an oral examination. Therefore, proprietary or classified information is not suitable for a dissertation; data, which cannot be made public at the time of the final defense, should not be incorporated into the student's research (UHM 2014/2015 Catalog, n.d.)

The incompatibility of unprotected indigenous intellectual property with universities' and funders' policies of free and full dissemination prohibits some culturally relevant research. The UNDRIP is an available tool to reconcile or mediate the discrepancies among these types of policies from universities and funders, and the relevant research imperative of indigenous peoples worldwide.

Explaining the Culturally Relevant Research Imperative

As individuals from indigenous groups attain greater levels of scholarship, it is imperative that their scholarly work includes research topics relevant to their people's wellbeing and the survival of their unique cultures. This is the culturally relevant research imperative. Graduate programs are where much of the research by, and for us, is completed because after degree completion, we tend to return to our communities to serve in capacities that align with our

education with combined critical and creative thinking from the academy added to learned indigenous knowledges.

At the least, graduate programs are where many research tracts are formally initiated. Therefore, our research at the graduate level should have a safe pathway through the knowledges (intellectual properties) of our peoples. In this time of increased recognition of basic human rights for indigenous peoples, it is important that indigenous contribution expand the existing knowledge of all research based academic disciplines (Greenfield, 2000; Kovach, 2009). In fact, a time is conceivable when indigenous research fulfills its own paradigm and gains full consideration as *formal* research in its own right.

Rights versus Responsibility

Further addressing the topic of rights, I compare the current political and legal discourse of *rights*, and what the language of the Tribe reveals about the concept of *rights* versus *responsibility*¹. In the legal languages of today's world, the word *rights* signifies a meaning that may not be present in some of the indigenous languages of the world. Languages and cultures are integral, which makes this comparison important, and will eventually dictate focused research. Alfred (2009) asserted that collective responsibility in the indigenous worldview is not easily addressed in the legal discourse of individual rights.

However, at this time and from my limited and expanding knowledge, and the experience of others more knowledgeable in the language of the Interior Salish where *ńpoqínišcn* (npo-kn-eesh-ts-n; the Spokane dialect) is categorized, there may be no concept of rights as legally,

¹ See also: <https://www.youtube.com/watch?v=w43j30S1yDI> (Rights vs Responsibilities - a video by Beyond Boarding "A short film featuring Toghestiy and Mel Bazil. Filmed on stolen Gixtsan and Wet'suwet'en territories.")

politically, and currently defined. In other words, our ancestors may not have talked about rights in that legal and political way; instead they probably recognized certain human individual and collective responsibilities. Therefore, in this research, I will use the term and discourse of responsibility whenever possible, and only use the term *rights* when necessary to convey the current and political meaning.

Recently, two words in *ńpoqíńišcn* came out of discussions with a couple of our language speakers and teachers, which support the assertion that rights, as currently defined in law and politics, may not have been a concept in the worldview of our ancestors. First, an elder fluent speaker and teacher of the language (Orten Ford, personal communication, June 7, 2017) offered the word *nšit'ncutn* (nsheet-n-tsu-tn), which refers to the caretakers of knowledges like stories, beadwork, tool making, etc.; it is also used to reference the elders who teach about practices like stories, beadwork, tools, first kill, first berries, etc. It is also the word for the action of teaching, the responsibility that comes with those knowledges. *Responsibility* is a noun in the English language. However, Salish dialects are verb based, and words like *nšit'ncutn* are not separate from the actions that they require for meaning.

Second, the word *sʔelkʷmn*, which refers to keepsake and/or inheritance/property came out of discussions about the current legal and political definition of *rights* (Barry Moses, personal communication, May 31, 2016). Similar to *nšit'ncutn*, *sʔelkʷmn* also implies action to fulfill responsibility to the keepsake, inheritance/property, and to the *nšit'ncutn* who passed the knowledge forward. (See the Results section for further exploration and usage of the word *sʔelkʷmn*).

Literature Review

United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was created for the purpose of reconnecting indigenous peoples with basic human rights that were taken by colonizers, which are essentially individual and collective responsibility that many indigenous peoples have never really let go from their hearts and minds. Thus, having the right/responsibility to define and protect the Tribe's intellectual property for past, present and future generations is welcomed, and complicated. Appreciate the fact that every article in the UNDRIP begins with "Indigenous peoples have the right to..." granting the power of the pen and privileging indigenous voice in the discussion. This is important for the ancestors and future generations, as well as the sisters and brothers worldwide that fought the battle and won a place for the rights of indigenous people in the international jurisdiction. As indigenous people, we fulfill responsibility when we accept that we have the capacity to define, make recommendations and follow through with basic concepts and principles contained in the UNDRIP. This project was community action research that demonstrated our capacity to this responsibility.

On December 16, 2010, the United States (U.S.) released an Announcement of U.S. Support of the UNDRIP (U.S. Department of State). Words used to describe this action include: support, formally accepted (Echo-Hawk, 2013, p. ix; Dep't of State, 2010, p. 1); and endors[ed] (Echo-Hawk, 2013, p. 35). Support for the UNDRIP cannot be confused with complete ratification by the U.S.; however, the implications of this dynamic situation are intriguing in the imagination of indigenous peoples, and Echo-Hawk asserted "the debate over the legal character of the *Declaration* need not distract implementation of the UN standards" (2013, p. 5).

Indigenous peoples worldwide have unique stories and experiences of cultural oppression and domination, attempted cultural and physical disconnection from the land, forced assimilation, and domestic dependence. This has left many groups reluctant to share remaining cultural resources, and intellectual property that survived years of attempted erasure and turmoil. Articles 11, 31, 34, 38, and 42 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provide leverage for protecting intellectual property and cultural resources from further misuse and/or abuse.

The full texts of Articles 11, 31, 34, 38, and 42 are provided here along with a summary of their potential for defining and protecting the intellectual property of the Spokane Tribe.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

In this project, the principles of Article 11 apply to the Tribe’s responsibility to “maintain, protect and develop...manifestations of their cultures.” Some such manifestations remain in the possession of the cultural archival department, while others are hidden away in private or museum collections that are held locally, nationally and internationally. The principles contained in Article 11 empower Tribal departments and the people to consider future goals of restitution of material and intellectual property currently in the control and/ or possession of non-tribal entities, like universities, researchers, churches, museums, and other collections.

The Native American Graves Protection and Repatriation Act (NAGPRA; 1990) can be invoked in recovery of materials when there is knowledge and proof of items or collections. However, NAGPRA has not been consistently invoked. At a local conference, where I briefly spoke about my research, I was anonymously informed by a retired museum staff that one of our Tribal artifacts is currently in the collections of a world class international museum. We have no memory of how it got there, the knowledge of its placement there is little known, and only discussed in whispered conversation. Additionally, LaDuke upheld that “private institutions without federal funding, for example, are not covered” by NAGPRA (2005, p. 106).

Article 11 provides space for continued dialogue regarding the Tribe’s intellectual property based on the definition created from the data in this project. Continued dialogue among indigenous peoples and allies is important in the political climate at this moment in time, when the present and future of human rights at many levels are at risk of being ignored.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Barelli asserted that Article 31 “represents the reference point for any credible discussion of the interlink between the cultural and intellectual property rights of indigenous peoples” (2015, p. 48). The principles in Article 31 affirmed the right of the Tribe to protect and develop traditional knowledges and intellectual property in this project. Furthermore, it sets the stage for subsequent

collaboration with non-tribal entities if the Tribe chooses, and/or adopts protections as recommended, or in some other form.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 34 makes space for the Tribe to develop the structures that will house the definition and protections of intellectual property and cultural resources. This article also provides for the promotion of protective policies among non-tribal entities such as universities, libraries, museums, clearinghouses and other agencies where intellectual property might currently live, or migrate to as a result of current and future research and cooperation.

Article 38

States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

This article suggests that in a different political climate, federal support can be expected if the protective recommendations call for the promotion of policies among non-tribal entities listed above. Again, the political climate at this time, in this country and abroad, demands patience and perseverance in expecting federal support in matters of rights for indigenous peoples.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 42 lends support for the enforcement of protective policies outside the Tribe's direct influence. At this time in our history as a Tribe, we have the opportunity, responsibility, knowledge, and capacity to establish protections for our cultural resources. Although these

articles in the UNDRIP let us imagine the possibilities, much effort, patience, and perseverance is required.

Per Tribal Council's suggestion, contact with an intra-Tribal project working on other UNDRIP issues, such as Free, Prior and Informed Consent (FPIC) were attempted. Contact was unsuccessful due to busy schedules, but because we are a small Tribe, interaction with other intra-Tribal preservation and protection efforts are inevitable. A Tribally based definition and outline of intellectual property should influence universities, funding agencies, and others to create their own pathways to participate in whatever unique solution devised not only with the Spokane Tribe, but also other indigenous peoples. Policy solutions must incorporate three uniquely indigenous research issues related to cultural resources and intellectual property:

1. University policy regarding "free and full dissemination" of scholarly work
2. Principles found in UNDRIP Article 31, and other places, regarding intellectual property
3. The relevant research imperative and needs of indigenous peoples

In other words, universities, funders, and others must plan for responsible dissemination of indigenous scholarly work, out of respect for the principles expressed in the UNDRIP, and in the interest of relevant research by, and for indigenous peoples.

As suggested above, some limitations on the final result of this community action research project depend on the enforceability of recommendations based on the UNDRIP if adopted by the Tribe or others. As protested by Black Hills Sioux Nation Treaty Council, qualifications within the statement of support could possibly undermine the UNDRIP's influence under law within the U.S. legal system (2011). More criticisms of the integrity of the United Nations relationship with indigenous peoples include the lack of representation in proceedings and structure (Black Hills Sioux Nation Treaty Council, 2011; White Face, 2013). Furthermore, the UNDRIP outlines the way for states to relate to the basic human rights of indigenous peoples,

but excludes reference to national, international, multinational corporations, and non-state entities like universities, libraries, and museum, where we might hope to implement protections.

In the meantime, until the basic human rights outlined in the UNDRIP are fully realized for indigenous peoples worldwide, we behave as if they are legal and binding; which follows the examples of other successful indigenous rights movements such as the fishing rights at Celilo Falls (Dupris, Hill, & Rodgers, 2006), Maori in Aotearoa gaining the full rights of the Treaty of Waitangi, and the Kānaka Maoli exercising Kingdom rights during and following the illegal annexation of their islands.

Historical Politics of Indigenous Representation

Following are examples of misappropriation, misrepresentation, abuse, and degradation of intellectual property and cultural resources specific to the Tribe. It is the responsibility of the Tribe to create protections for its intellectual property at this opportune time in history. The integrity of the stories that we hear, and tell, and live are important because they enable meaning making, which is the task of culture (Simpson, 2014). There are stories about us, not created by us, that we can now critique, we can interrupt and disrupt the narratives, especially when such engagement bolsters our health and wellness.

The first example of ‘misalignment’ was a new experience for me in this research project, but I wanted to make sure it was also covered for possible future investigation. *Misalignment* refers to the idea that words from one language can be difficult to interpret to another language and may cause misunderstanding if speakers do not give intentional effort to fully comprehend that difference. The debate regarding rights versus responsibility is a type of the misalignment that occurs cross-culturally when one culture is being discussed in the language of another culture. Currently, the discourse of *rights* belongs to the legal culture, and the concept of

responsibility (versus rights) in many indigenous cultures has been underprivileged in the discussion of bringing basic human rights to indigenous peoples worldwide. The under-privileging of cultural concepts, like *responsibility* as described here and contained within the archival materials (the Tribe's intellectual property), is no longer satisfactory. However, it is a common struggle in translating and articulating concepts outside the language that is the structure for the culture.

Likewise, misrepresentation of a concept such as cultural identity is not acceptable. *Misrepresentation* refers to the taking of knowledge and practices, the observation and interpretation by a culturally diverse other, and then the re-presentation back to the cultural subjects of the gaze. In the case of cultural identity, misrepresentation can be seen when our identity as unique Tribal members is filtered through anthropological or other knowledge systems, then presented back to us in written or other media form resulting in a Pan Indian identity. Absent a strong healthy sense of cultural identity from our unique history, worldview, and place, our youth lean toward other cultures for a sense of belonging and identity.

Gross misrepresentation specific to the Tribe can be witnessed in an example of the discourse that infected society and legitimized stealing from fellow human beings. In a book published in 1970, a quote from an 1855 newspaper story referred to the Spokane and other tribes as the "hordes that infest the other side of the Cascade mountains" (*Pioneer and Democrat*, November 16, 1855, p. 2, quoted in Ruby & Brown, 1970, p. 97). Besides the fact that this was the established attitude in 1855, it was also acceptable in 1970 for Ruby and Brown to unapologetically use the quote in a book about the Spokane Tribe. In other words, the authors could have interrupted the discourse that represents human beings as "hordes that infest," which

are symbolic and signifying of insects or rodents. Our ancestors in 1855 may not have minded being related to the insect or rodent world, but by 1970 it was widely understood to be an insult.

Appropriation of material goods was, and is, a practice that has resulted in some artifacts sorely misplaced around the globe or hidden away in local collections. In the 1960's and 70's this occurred when our tools and regalia were stolen and sold for cash to collectors that seemed to care not for gaining permission from owners. One such artifact from our Tribe, currently in the collections of a world class international museum, was referred to in the previous section about the limitations of NAGPRA. Appropriation of our materials can cause major problems when the objects are sacred, and not cared for or disposed properly. "Order is important" was a theme in focus group and interview discussions, referring to the intentional and sequential practices dictated in relationship and care with certain items, ceremony, and rituals in our daily and yearly cycles.

Misappropriation is experienced when our cultural knowledges and practices, ceremonies and language are shared and then turned into products or services for economic gain. Some research projects that involved the Tribe have bordered on misappropriation when cultural knowledge was extracted from n̄sit'ncutn (caretakers of knowledge, etc.; elders who teach practices, etc.), shaped to fit and accomplish the goals of the project, and then presented back to our primary students as culture when it was barely recognizable to us. Misappropriation is also witnessed in the use of faux sweatlodge ceremony for profit. Our Salish language is less misappropriated than other indigenous peoples worldwide (e.g., 'ōlelo Hawai'i), but ours is, in small ways, taken and used for market and/or commercial purpose without meaningful engagement with Tribal members.

Cultural meanings “organize and regulate social practices, influence our conduct and consequently have real, practical effects” in daily lived experiences (Hall, 2007, p. 3). It is our responsibility, as Tribal members in this time, to ensure that our culture is perpetuated for future generations in ways that make sense to us. Wilson asserted, “historical consciousness is very closely related to feelings of self-worth and pride and is greatly affected by historical interpretation” (2005, p. 197). Therefore, to safeguard our cultural knowledge, especially when it is so closely linked to wellness and balance, our responsibility to this task is seriously and intentionally fulfilled.

More examples of misappropriation, misrepresentation, abuse, and degradation of intellectual property and cultural resources specific to the Tribe will emerge from interview and focus group data. These examples will be filtered through the current literature and discourse on the politics of indigenous representation. For now, suffice it to say that the UNDRIP “compiles human rights from the corpus of international law and formulates them into minimum standards for protecting the survival, dignity, and well-being of indigenous peoples” (Echo-Hawk, 2013, pp. 3-4). From what I know of us, survival includes cultural thriving, and dignity involves a sense of control over meaning making.

Making meaning is what cultural beings do, but it can be a very complicated task for indigenous peoples that have survived centuries of attempted cultural erasure like the Spokane Tribe. Complications stem from the discrepancies among oral traditions, misrepresentation in the literature and media, state of the Tribal language to facilitate dialogue about cultural concepts, degradation (due to assimilation) of the integrity that cultural values provided, ancestral knowledge, and the dissonance and self-doubt that is felt when practices are constantly questioned by so-called cultural experts within and outside the Tribe. Therefore, the usual task

of culture (making meaning) from ancestral knowledge is complicated by the disrupted connections wrought by attempted erasure of cultural practices, traditions, materials, spirituality, and ceremony. The integrity of meaning making can be mended through encounters with cultural materials and resources in authentic and safe ways, as well as healing of connections to ancestors' knowledge, beliefs and practices.

Linking culture and representation, and reconciling representation with cultural knowledges is important in making meaning in our lives. The language used in re-presentations of our images, stories, narratives, and discourse can make sense or make crazy in ways that are sometimes subtle, felt at the heart and gut level. Our people have shown the strength and capacity to define what our intellectual properties are, and from that I have recommended pathways for integral representations that align with what we know about ourselves as “grounded, steadfast, and sure” (Hamill, 2012, p. 138) identities, individuals, and collectives.

Current Protections and Policies

Current protections and policies of cultural resources within the jurisdiction of the Spokane Tribe were alluded to in interviews and focus groups especially within the Cultural Preservation program. The Tribe's Language program also commented on unique protections for the resources housed in that department. Informally, the Tribe has many gatekeepers – individuals who bare heavy responsibility to act as protectors of Tribal materials and cultural knowledges in their care.

A review of the literature regarding protections, policies, acts and laws outside the Spokane Tribe that protect cultural resources was attempted (Greaves, 1994). My inexperience with law and law literature was a limitation. My goal to privilege the voices of the sqélix^w (the people; Tribal members) in this research permitted me to bound my attempt to fully unpack the

complicated and tangled state of intellectual property law from a community psychology perspective in relationship to indigenous peoples worldwide and nationally.

Ultimately, the literature revealed that from local relationships to federal and international policy and law, the current methods are complicated and inadequate (Riley & Carpenter, 2017) to meet the desires and needs of indigenous people, such as the Spokane Tribe as a whole and its members as individuals.

The ongoing struggles to protect the Tribe's cultural knowledges in interactions with grant funded projects reveal that local relationships can be problematic. Local is used here to refer to regional entities, cities, academic institutions and the like. Moreover, in the United States the treatment of tribes as sovereign nations inhibits local or state policy and laws that might clarify relationships among tribes and local entities.

As evidenced by rumors of artifacts in private and museum collections the federal policies such as NAGPRA and Indian Arts and Crafts Act (IACA) of 1990 have not delivered adequate protections. For example, one participant of this research project reported ongoing struggles surrounding his work as an artisan, cultural practitioner, and scholarly activities in relationship to appropriation, cooptation, and other such battles.

This research project leaned heavily on the UNDRIP for legitimacy, and the liberal political climate of 2015 for timeliness. The national political climate has since taken a conservative turn, which provides time now to build a base from the ground up for the work of protecting collective intellectual property in order to create foundations for future actions. The UNDRIP was not a perfect solution in and of itself (White Face, 2013), although it brought hope and space for action. The UNDRIP continues to offer hope, especially as our world will eventually swing back to liberal political structures. Likewise, social movements like the Water

Protectors staged at Standing Rock, North Dakota in 2016-17 reveal an encouraging level of support for indigenous peoples' issues worldwide.

Positioning the Researcher

I am a member of the Spokane Tribe, and my life work must align with and benefit the Tribe. My whole life I have heard our Tribal elders talk about the power of our cultural practices to combat current social issues that have confronted us since the encounter with colonialism, the criminalization of language and cultural practices, attempted forced assimilation and modernization. I feel particularly called to research cultural identity on behalf of the Tribe. However, Tribal and non-tribal gatekeepers of the Tribe's intellectual property strongly opposed dissertation research of that topic. That, and other cultural issues in the community, prompted me to find ways to work around or within those concerns, and ultimately brought me to postpone cultural identity as a research topic in favor of working within the Tribe to define and protect intellectual property on behalf of the Tribe.

I am not a lawyer. However, in conversations with Walter Echo-Hawk and Angelique EagleWoman, whom are both lawyers and scholars, I was assured that in relation to the UNDRIP, this sort of groundwork must be done prior to lawyers testing cases in courts (personal communications, September 17-18, 2014). I had the full endorsement of the Spokane Tribal Business Council, the decision-making governmental body for the Tribe. With their support, and with the capacity of the Tribe to engage in this dialogue, I am proud and grateful for our people and this project.

Research Problem Statement and Questions

Tribal cultural resources and intellectual property need to be protected, and at the same time, should be accessible for perpetuation of the culture and research on culturally relevant

topics. This dissertation project demonstrated the Spokane Tribe's capacity to define intellectual property and imagine protections and solutions to create a safe pathway for access to cultural resources for the culturally relevant research imperative, which can promote well-being of the Tribe, and the goal of cultural perpetuation.

The questions posed to participants in this project were: What is our intellectual property (IP)? How do we define IP from our Tribal perspective? What are our recommendations for protections of IP and cultural resources that our definition encompasses? What Tribally-based concepts do we want included in the definition and protections of our intellectual property?

Methods

Overview

This was an indigenous research project that incorporated methods from western graduate studies in community and cultural psychologies. Community psychology provided the framework of participatory action research (Creswell, 2007). Kovach identified "common ground for Indigenous and non-Indigenous" (2009, p. 25) understanding of methodologies like participatory action research that emphasize relationality. Kovach also explored the distinctions among Indigenous and western methodologies (2009). The methodology for this project leaned heavily on lessons from both community psychology and indigenous perspectives.

Focus group and interview participants were Spokane Tribal members, and close non-tribal allies. Action will follow when/if the Spokane Tribe adopts recommendation for protections of intellectual property. This was an indigenous research project, as the researcher and participants were indigenous. The topic was indigenous. The methodology, from design to data analysis and interpretation, was filtered through indigenous ways of inquiry and knowing.

The process was informed and guided through consultation with Tribal elders, family, and cultural mentors (scholars, practitioners, apprentices, and novices).

Methodology for research has existed in the indigenous world since time immemorial. Indigenous research methodology persisted through the years, and through the higher education of colonized and marginalized peoples throughout the world. From her predecessors up to Linda Tuhiwai Smith (1999) and her successors, Indigenous research methodologies have emerged in the research world, and created space and place among social sciences like community and cultural psychology. Indigenous methodology will be as varied as the peoples of the world that occupy ancestral space and place. Indigenous methodology has been theorized (Smith, 1999; see also Chilisa, 2012; Kovach, 2009; Wilson, 2008) and has gained recognition in the scientific community. However, it is still in the process of being articulated, and this project seeks to add to that growing body of literature.

In psychology, there are challenges and critical questions about the ability of research to create valid knowledge through indigenous methodologies (Gone)². I have not challenged any of the assertions made by Gone at the 2014 American Indigenous Research Association conference, and I may have affirmed some. Moreover, neither have I violated assumptions or challenged the tenets of western research by utilizing indigenous methodologies in this project.

However, I may in future work spend time to fully understand Gone's challenges, and investigate practice-based community and cultural, and indigenous psychologies support for the validity of indigenous methodologies in asking questions, seeking answers, and creating indigenous-based knowledges especially when it will bolster our health and wellness.

² https://www.youtube.com/watch?v=w_VI-27J4LE ("Dr. Joseph P. Gone's plenary keynote lecture at the annual conference of the American Indigenous Research Association, 2014")

Furthermore, I have, and will continue to advocate for space in the academy for our methodologies to create knowledges that will expand what is already given space in research-based literature, best-practices, curricula, and individual and community interventions for improved health and wellness.

Meanwhile, the cultural value continuum of uncertainty avoidance (Hofstede, Hofstede, & Minkov, 2010), anchored on the other end with tolerance for ambiguity, which I assert is a deep cultural value of the Tribe, allowed alignment among the questions, methodology, and practices I proposed and used in this project. Given the exploratory nature of this project on the fronts of methodology, the politics of intellectual property, and the desire to create action on behalf of my community, I persevered with the help of Kimmerer's metaphorical word picture, which made sense of the *two world* idea in reference to knowledge systems:

I teetered precariously with an awkward foot in each of two worlds—the scientific and the indigenous. But then I learned to fly. Or at least try. It was the bees that showed me how to move between different flowers—to drink the nectar and gather pollen from both. It is this dance of cross-pollination that can produce a new species of knowledge, a new way of being in the world. (2013, p. 47)

Kimmerer's solution is neither divisive nor crazy making. Rather, she described a way to show respect and access what is useful from two differing perspectives.

Research is mainly a search for knowledge. This research project was a search for a Tribally-based definition of intellectual property (IP) for a specific Tribe, and recommendations for protections of the IP as defined. The definition was found through the data collection process, analysis, and accessing ancestral, elder, and collective wisdom. Recommendations are offered for the protections of the IP as defined.

First, I will compare and contrast what I know of this Tribe's method of inquiry with the western research methodologies I learned through graduate studies in community psychology.

Then I will describe the participants, materials, procedures, qualitative data, and data analysis of this doctoral research project.

Methodologies compared and contrasted

This is what I know about this Tribe's inquiry process, and how it relates to western research methodology. One Tribal practice described by an elder was a method to teach children to actively observe – essentially, being prompted to observe. The elder described how a very young pre-verbal child first learns to observe nature in the arms of her/his grandmothers who will halt and say, “eh!” when a bird or insect or other sound is heard. The child sees and feels the grandmother react to an environmental stimulus. Then the child must use short term memory to register the stimuli that preceded the grandmother's prompt. As a child grows and develops, and it becomes expected he or she can begin to learn a skill, she or he will have to carefully and passively observe a skilled practitioner. One of the phrases a learner might hear at this stage is, “I'll show you once,” which affirms that passive observation is a tool for understanding prior to asking questions. Western research methodology can also begin with observation, as well as with reviewing literature on extant findings.

Prompted, passive, or active observations like those described above can lead to questions. Western methodology essentially demands that a research question or problem be the result of observation or literature review. From what I heard in focus groups and interviews and experienced in my own life, questions in this Tribal context are neither encouraged nor readily accepted. Until a generation ago, and even now in some settings, excessive questioning is discouraged and socially sanctioned. Excessive questioning can feel extractive in some contexts, especially when not preceded by active attempts to understand the problem through observation or trial. The expectation for learners in this Tribal context, is that observation, trial, error, and

time will be given to a task or problem prior to asking questions. Only after such attention is given to a task will the right question, if there is still need for an answer, begin to form, take shape, and words will be given to it.

Throughout the Tribally-based learning process described above, the learner has time to consider who to ask, and when the time will be right to seek an answer. Timing is a matter of respect between inquirer and mentor. Respectful consideration is given to the mentor's time and space. When the time is right a visit is planned. By *visit* I mean an audience with the mentor that is void of time constraint, structure, expectations of getting answers, or expectation of the form in which an answer will be given. Then the inquirer waits a little longer for an opening to pose the question. If an opening is not perceived, then the question must wait, which happens at times.

After the question is asked, time is given for the answer to follow. Wait time for the answer varies for a couple reasons. First, the responder will want to understand the question. Second, if the question is important, and the assumption is that the answer will place responsibility on the inquirer, then the responder will reciprocate respect through a carefully considered answer. The method of answer can vary too. Answers can come in direct verbal response, or through story, example, or any other communicative form.

This Tribe's inquiry process carefully uses questions as a learning tool. Western scientific methodology unapologetically relies on the use of questions in the learning process. As a result, there is a difference in the expectation of an answer. Western research methodology demands hypotheses, whereas, in this Tribal context, it might be considered disrespectful to ask a question with an expected answer in mind.

Finally, in this Tribe, after an answer is given, action is required. Action for us is very important, and some of the research related disappointments the people have experienced come from focus groups, interviews, or community input meetings when issues are discussed ad nauseam and then no action results. Most assuredly, I will be held accountable for the research results of this project. In western research, action as a result of research can be an expectation of publication, longitudinal studies, further research or activism, or no form of action or follow-up may be required at all.

In discussing unrelated and general research results, I was told by an elder that when we get answers, or when thoughts come to us as a result of answers to questions, then we must ask ourselves why they came to us. Implied was the expectation that they must be acted upon. This is a responsibility not easily dismissed for the indigenous researcher. The responsibility is fulfilled by the researcher when it is enacted through connectedness across generations, in relationship with the sqélix^w (human beings/people) and aligned with the needs of the community.

Research as relationship has been identified as one criteria for indigenous research. Cajete asserted “relationships become the means, method, and context for learning” (2015, p. 197; see also Kovach, 2009; Wilson, 2008). This manifested in several ways in this project. Identifying my first interviewee was a result of relational interconnectedness and knowing that (s)he was interested in Tribal issues, a college student familiar with research, articulate in discussing research and the Tribe, and soon departing the community to attend the next academic year of college. From that first interview I employed the snowball method to identify further interviewees and groups for focus groups. The snowball method, which asks participants “who

else should I talk to?” acts upon relationality and aligns with what I know of how we expand our reach for answers and seek knowledge within the Tribe.

There are similarities and differences when comparing and contrasting this Tribe’s method of inquiry with western research methodology. Similarities are found in the careful consideration and forethought given to the research question(s), and who to ask or what population to sample. Differences begin to emerge in timing considerations. For example, how long can a researcher wait for answers, and in what form are they expected to be given. A hypothesis and expected results, especially as in quantitative western methodology, provides a stark contrast to Tribal values of respect in asking questions, and not assuming answers. However, western qualitative research methodologies provide some space for truly exploratory inquiry. Finally, what follows the attainment of answers to inquiry differs between western research methodology and this Tribe’s expectation of responsibility to act.

Participants

Participants were overwhelmingly members of the Tribe, with a few exceptions that made sense given their knowledge, history and experience, and invitation by hosts or members of the focus groups. All participants were adult Tribal members, or in some cases adult non-tribal community members that were invited or included by tribal members and were respected and recognized for their knowledge of tribal history, present realities, materials, and visions for the future. Departmental focus group participants were employees of the Tribe or its entities. Community and departmental focus group members were likewise tribal members or close allies. They were elders, youngers, male and female, cultural practitioners, college students, environmental and political activists, skilled craftspeople and artists, relevant department

directors, speakers and students of the tribal language, relatives, teachers, serious, humorous, and traditional and contemporary.

The initial interview was with an accomplished undergrad college student familiar with research. Following that interview we were able to dialogue (*visit* in our Tribal context; *talkstory* in Hawai‘i Nei context) about the experience and direction. The feedback this participant gave was that the initial interview questions were difficult. Briefly, the difficulty at first engagement with the questions was related to the deliberate ambiguity of what exactly I was asking. The questions, and the reason for the chosen wording, are further discussed in the Materials section. After discussing the reason for the ambiguously worded questions, we agreed that they were appropriate to get at what I was reaching for and preceded deep and layered thinking through subsequent questions and answers. Then using the snowball method, I took recommendations of who I should talk to next, eventually, and where I should go for answers for this research question.

Questions

The questions were intentionally designed to meet a couple goals. The first goal was to make no mention of intellectual property (IP). This decision was made in consultation with Dharm Bhawuk (personal communication, May 11, 2015), who made a case for helping participants to set aside preconceived ideas from knowledge of the western concept of IP in order to achieve as Tribal a definition as possible. I wholeheartedly agreed with the sentiment, but being from the Tribe and community, I had to modify this idea because many potential participants already knew what I was aiming to do with this doctoral research project. That is the nature of small Tribal communities.

Modifications consisted of three steps. First, I fully disclosed the purpose of the project to create a Tribally-based definition of intellectual property (IP). Second, I led interview and focus group participants through a visualization exercise designed to help situate prior knowledge of the western codified and legalized concept of IP into a box. Finally, I asserted that this would enable themselves and others to come into our space and discussion from an ancestral, Tribal, and indigenous perspective. I provided an illustrated figure as a visual aid for this request and talked about decolonizing and indigenizing IP in order to reverse the assimilation of our thinking about our Tribal and familial knowledge especially when that reversal would promote our health, wellness, balance, and connectedness.

The goal of decolonizing and indigenizing the Tribally-based definition of intellectual property and the design of a method to protect it required that the well-established western idea of IP stay in a box for now. Data from interviews and focus groups, and field notes from this research indicate the efficacy of this approach (putting the western concept of IP in a box) with this population (see Participants section) for the purpose of creating space and time for a Tribally-based definition to emerge. Two visuals were provided for this exercise (see Appendix A for Interview and focus group introductory materials).

The wording of the questions deliberately accounted for two things. First the wording considered this Tribe's recognition of the power of words. The initial set of questions was kept simple and focused on one idea. The second set of questions were more complex in that they asked participants to think at once about "what was/is/should be our responsibility" and then the same wording to ask about "relationship" to the answers from the first question set. All questions were open ended, which aligns with indigenous and western qualitative methods.

The next deliberate consideration given to the questions aimed to get all the possible answers to what we might call intellectual property (IP). Thus, I asked “what do we have” and “what don’t we have” as well as “what do we know” and “what don’t we know”. Because if we at least have a memory of a thing, then it can possibly be within our reach through recovery, remembering, and research. Also, expanding questions to what we do not have/know, allowed for answers to reach back into what had been already systematically take from us through deliberate attempts to completely culturally assimilate us away from our ways of being in the world.

Then I included follow up questions to guide the discussion toward knowledge of how and where we might go to recover, remember, and/or research knowledge that became less accessible to us through criminalization or neglect. This will be helpful if and when the resulting definition and recommendations for protections are adopted by the Tribe. Additionally, the discussion resulting from the follow-up questions gave hope in a difficult discussion that recognized the loss these present generations shoulder responsibility for, but had little recourse to mitigate. (See Appendix B for a list of Interview and focus group questions).

Materials

Materials for focus groups and interviews were similar and included consent forms, introductory information consisting of three Tribal value-based terms that provided ground rules for participation, prompts to refer to throughout questioning, facilitator note taking materials (large sheets for focus groups, regular notebook size for interviews and, felt tip markers in various colors), and debriefing information.

Oral consent information (see Appendix C for Consent to participate in research project) was given to each focus group participant and reviewed aloud by me as the group facilitator and

primary researcher. Many focus group participants returned the information sheets to me before departing at the end of the session as an expression of trust and familiarity. Written consent for audio recording the interview sessions was reviewed with the participant in the same way, and then signed forms were collected.

Introductory information (see Appendix A for Interview and focus group introductory materials) for focus groups was written on large sheets of paper and displayed for visibility by all participants. Interview introductory information was printed on notebook size paper, held in clear plastic sheet protectors, and displayed in such a way that it was accessible throughout the interview.

Tribal value-based terms for participation started with participants putting *in a box* what they already knew about intellectual property. Second, Smith's concept of indigenous knowledge as collectively held³ was discussed. The goal of discussing indigenous knowledge as collectively held was to remind participants that each one had something to offer, that it was permissible to be prompted by and add to what others shared. It was meant to empower the sharing of even the slightest memory or knowledge in answer to the questions that followed.

Finally, I reminded participants of the cultural value of tolerance for ambiguity. Hofstede et al. (2010) outlined the cultural value of "uncertainty avoidance," which is the dimensional opposite of tolerance for ambiguity. Tolerance for ambiguity was expected to be culturally familiar to Tribal members because we all heard the teachings as we grew up in the Tribe. Familiar teachings went something like: "give respect and honor to others practices and beliefs; you are not the final judge of who or what is right or wrong; it won't hurt you to give respect

³ <https://www.youtube.com/watch?v=7lb7edhWghY> (2013), see 1:02:22-1:08:45.

whether differing beliefs are right or wrong; if someone from a different belief system stands (or kneels) when they offer prayers or teaching, then you stand too; you are not the judge of others words, you just listen then make up your own mind; etc.”

The purpose of the discussion about tolerance for ambiguity was to avoid conflicts within focus groups when questions might be answered from varying family-based cultural knowledge. Family knowledge is unique at this time in our story, and sometimes differs in slight to considerable ways. Unique family knowledge is a known and accepted phenomenon in the Tribe. This is a topic for further research if the Tribe is interested, and if a scholar chooses. At present, I will assert one possible hypothesis: As a result of historical federal, state, education and church policies that criminalized, forbade, and marginalized the practice of culture, especially deep culture, knowledge was often hidden away in family structures to preserve and yet avoid trouble with those authorities. Since the American Indian Religious Freedom Act of 1978 information regarding our cultural practices are increasingly shared, and that knowledge comes through individuals from extended family groups that treasured what they could through dark times.

Questioning prompts (see Appendix A for Interview and focus group introductory materials) were provided to ease participants into answering questions that were intentionally and ambiguously worded. The purpose for ambiguously wording of questions was discussed previously in this section. However, I will assert here that my goal was to, as much as possible, avoid leading the discussion and rather allow participants to reach within their own knowledge and ancestral memory for information regarding our Tribal intellectual property.

Debriefing information was provided to expand the dialogue regarding decolonizing systems, extend the discussion from this project to the community, and build a base within the

Tribe to actively pursue protections for our intellectual property with an indigenizing charge. In the debrief I shared information about the UNDRIP, its limitations, and how it might be used by us for our goals. We talked more about decolonizing and indigenizing in the context of reversing assimilation especially when can benefit our health, wellness, balance, and connectedness. We talked about the western concept of *rights*, and whether from a Tribal perspective the concept of *responsibility* might provide additional meaning in the discussion. I explained what was meant by the cultural research imperative and how that might align with Tribal, familial, and individual goals of cultural perpetuation.

Procedures

I formally initiated the project with an invitation in the Tribal newspaper (Rawhide Press, October, 2015). I submitted another invitation in January, 2016. I included multiple contact options in the invitations but received no inquiries as a result.

I conducted the first interview in August of 2015. Once the first interview was accomplished, the snowball method was used by asking participants, who in their knowledge, needed to be interviewed or included in focus groups.

Data were collected from facilitated focus groups and individual interviews. Focus groups and interviews followed a consistent format. First, I disclosed to participants that this was a research project. I detailed an oral consent form and handed out copies to each participant. Interview participants gave permission to be recorded for transcription, and signed consent forms. Then I led participants through three terms for participation for interview and focus group discussions (Dukes et al., 2000).

The first term for participation was putting previous conceptions of IP in a box. The second term for participation came from Smith's idea that indigenous knowledge is collectively

held (see footnote 4 for link to video where Smith discussed this concept), where she asserted that each of us has some cultural and ancestral knowledge, and our knowledge is incomplete until everyone contributes. The importance of this idea for this discussion is in encouraging dialogue from participants that think they know very little, and acceptance of information provided no matter how seemingly small, or insignificant.

Finally, the last term for participation in the subsequent dialogue consisted of a reminder of this Tribe's ancestral teaching of tolerance for ambiguity. Tolerance for ambiguity is an anchor on the opposite end of Hofstede et al. cultural value continuum of Uncertainty Avoidance (2010). This reminder was important because of recent comments in discussions of cultural knowledge where absolute truth is sought, whereas cultural teachings heard by many in the Tribe and community diverge from that pursuit. Rather, we are taught that no one of us knows everything, and therefore, cannot be the ultimate judge of truth, right, good, etc. We are taught to be patient and listen, to allow others their own beliefs, to honor concepts of others, knowing that it detracts nothing from our own knowing. This reminder kept the interview, and especially the focus group dialogue on track toward receiving all ideas and answers without getting stalled by debates that come as a consequence of the colonial and assimilated concepts of *truth* and *right* answers sometimes embedded in western education, dogma, politics, and experience. (See Appendix A for Interview and focus group introductory materials, which were used for discussion ground rules).

Then questions were presented in three sections led by those that would provide data to create a Tribally based definition of intellectual property. Second were those questions that would inform the recommendations for protections of the Tribe's IP as defined. Finally, there was a set of debrief topics and a final question of "what else, what did I miss". The qualitative

answers were collected from interview and focus group participants. The format for interviews and focus groups was identical and followed a consistent protocol (see Appendix B for a list of Interview and focus group questions).

Interviews were primarily one-on-one and held at convenient locations selected or negotiated with the participant. Interview participants gave consent to be recorded for later transcription. One interview was mildly interrupted by a Tribal elder whose dining room table was used for the interview. The elder asked permission to listen for a time, and the participant gave oral consent, which was her/his expected response to an elder's request. The elder quietly sat and listened for several minutes and then got up and excused himself to go back to his daily routine. All subsequent interviews were held without interruption. The researcher transcribed most of the interview recordings. A neutral assistant transcribed half a particularly long interview.

The researcher facilitated all focus groups, which were held at convenient locations selected through communication with the host or main point of contact. Focus group data was recorded on large sheets of paper with one exception. Each sheet was hung around the room as it was filled or as the replies to a single question notably slowed. Hanging the filled and completed sheets in plain sight of participants served as group memory throughout the series of data prompts. The exception to using large sheets happened when one focus group was scheduled as an interview, but then turned into a focus group when the scheduled interviewee asked his/her entire department to participate. Interview materials brought to that site did not include the tablets of large paper so data for that group was recorded on legal size paper and situated on the table to try to accommodate all participants views.

Eleven focus groups were held, which reached up to 90 individuals, who were mostly Tribal members. I did five individual interviews. Seven focus groups were held in Tribal departments. Four focus groups were in major Tribal communities consisting of two rural reservation settings and two in an urban setting within the ancestral territory of the Spokane Tribe. Focus groups spanned two to three hours, and most included the sharing of food. All interviews except one were less than one-hour long. The exceptional interview was 1.5 hours, attributable to the respondents' vast knowledge of the Tribe's recent government, archival materials, and vast reading of historical literature about the Tribe. All interviewees were Tribal members.

I recorded focus group notes (see Figure 1) in the style of facilitated group notes on big sheets of paper that were filled and taped to the wall for group participant memory and verification. This skill was learned in the Conflict Resolution Graduate Certificate program at UHM, and extensively practiced within 100 practicum hours, and additional community work. Most participants had seen me use this method in meetings throughout the community so were familiar with the technique.

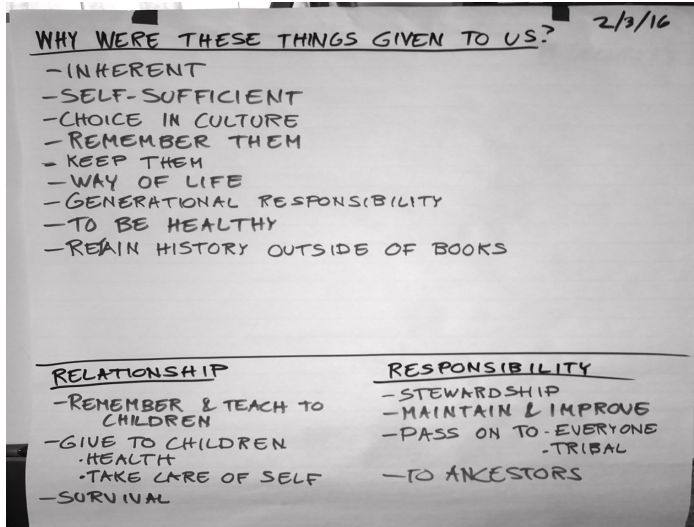


Figure 1. Photo sample of recorded memory notes for focus groups

In each of the interviews and focus groups, questions (see Appendix B for a list of Interview and focus group questions) were asked, then time was given, sometimes through extended silence, until answers began to flow. If initial silence became too awkward, then I would explain that each group, and each interviewee had experienced a similar challenge and delay, and offer reassurance that the dialogue would advance and become easier if we could just get started. The delayed start in each setting, although uncomfortable to some participants, was acceptable to the researcher, especially after in-depth exploration of the initial difficulty with the first interviewee. In debrief, the first interviewee recognized the power of that difficult silence to deepen the search for answers to the questions. The initial silence was true across all groups and interviews. However, once the dialogue started to flow, then many ideas and answers followed, and participants quickly got ahead of the query by providing answers before subsequent question were posed.

After gaining signed consent, interviews followed the same format of questions as focus groups, and were audio recorded. Recordings were transcribed within 24 hours of the interview, with the exception of the longest interview. That recording took some time to transcribe. Brief field notes were entered into a research notebook that described the setting, context, attendance numbers, successes and challenges among focus group and subject, relationships among researcher and participants, and other information that I thought might be useful at some point.

Research relationships (Wilson, 2008) emerged through requesting individual participants to host focus groups and asking them to invite members. The only parameters I gave were that participants needed to be adult, tribal, or have knowledge of the topics that would be discussed. That was one way that non-tribal members were sprinkled throughout the focus groups. Non-tribal participation was not problematic because as the data shows, we are

inclusive, easily recognize others when they have gained experience in a respectful way and know some things about our experience and knowledge.

The focus group format is synonymous with what Cajete (2015) called *community dialogue*, and Picq (2017) called *national debate* (2017). Focus groups were community dialogues through interaction of participant discussions regarding what is our remaining intellectual property, and what is our responsibility to that set of knowledge, artifacts, and practices for the previous and future generations.

National debate (Picq, 2017) was used in Guatemala as a group of indigenous weavers asserted protections for collective designs as their intellectual property. Similar to the national debate in the Guatemala setting, the dialogue experienced in the focus groups of this project might resemble debate, depending on the popular definition of the word. The back and forth of relatives with lifetimes, and generations of lifetimes of shared experience, or outsiders that are close enough to have earned a seat at the dialogue, can resemble debate. To an insider though, it is more of a friendly visit, animated dialogue, or quiet contemplation to seek understanding of what another has said or implied. I was the facilitator that kept the conversation moving. The introductory work on setting ground rules which included the reminder of tolerance for ambiguity, set the stage for seeking understanding as opposed to debate as implied by the political definition of the word.

Data analysis

This was an indigenous research project aligned with a specific set of Tribally-based shared values and beliefs, with the goal of articulating a Tribally-based definition of intellectual property and creating recommendations for protections as defined. Shared values and beliefs related to the analysis of this data are: listening for understanding and action, tolerance for

ambiguity, recognition of family-based and collectively held knowledge, and knowing we are capable and responsible to safeguard and perpetuate our culture for future generations as a way to honor previous generations. I am a citizen of the Tribe, the project is for the Tribe, and the definition and recommendations for protections belongs to the Tribe. Therefore, data from interviews and focus groups was primarily analyzed through an indigenous lens drawing from a combination of tools that privilege and align with indigenous research methodologies.

Although methods for conducting indigenous research are emerging into scholarly and academic literature (Smith, 1999; see also Chilisa, 2012; Kovach, 2009; Wilson, 2008), specific models for indigenous analysis of focus group and interview data are particularly absent. However, some conceptualizations of processes can be found in the literature such as Chilisa's assertion for the inclusion of community in the process of data analysis in indigenous research (2012). Analyzing data through an indigenous lens in this project did require meaningful participation from the community, which was facilitated by engaging Tribal elders in dialogue through the concept of indigenous analysis of this data, and then following their lead through the process.

At the time of the original proposal for this project I was working with Tribal elders engaged in civic and Tribal action to apply traditional Tribal ways into solutions for elders, youth, justice, education, resources and other issues facing the Tribe and community. These particular elders had gathered in response to my paternal Auntie (see Précis), who called their group together. I held a volunteer position in their efforts, and their interests in this research project provided the opportunity to seek their involvement in data analysis.

Two western data analysis methodologies that aligned with the research questions, resulting data, and Tribally-based shared values were grounded theory (Creswell, 2007) theme

sorting and connecting, and the consideration of context and power critique in critical discourse analysis (Gee, 2011a). The concepts and processes associated with these models were shared with the elder co-researchers in the analysis of the data.

The rewards for involving this Tribal elder group in data analysis were manifold and ongoing. Their positive affirmations provided fuel for my perseverance in this project. Their concern for the topic and belief in the project and my ability to complete the work was motivating. Articulating the details of grounded theory and critical discourse analysis to Tribal elders was challenging. In order to specifically identify those challenges further research is required, but for now I assert two reasons. The first reason is that the elders are close, in generational proximity, to the recognition of the power held by words. Therefore, they expressed frustration at the thought of asking further critical discourse related inquiry of the words (i.e., data) provided in answer to direct questions I had asked in interviews and focus groups. Their initial and persistent advice was that I ask the same questions of the data that I had asked of the participants.

Second, sorting the data into grounded theory themes, and making the connections among the themes, seemed like such a common sense move to the elders that they had a good laugh at me and my efforts to explain its rationale from an academic perspective. They expressed that of course that is what one does with information that is extracted from others for reasons like those of this project. After a good laugh, they advised that yes, I should sort, and connect the ideas from participants in order to create the definition and make recommendations for protections of our intellectual property as defined.

Data analysis process

The data analysis steps in protocol list form are:

1. Listened to interview and focus group participants to hear, understand, and act (see Précis).
2. Entered field notes that recorded information about the numbers, setting, challenges, and other perceptions about context of interviews and groups.
3. Transcribed interviews and created electronic files of individual focus group data.
4. Color coded interview transcriptions to highlight answers to specific questions.
5. Compiled interview and focus group data under specific questions.
6. Shared the data with Tribal elders that had agreed to work with me in data analysis and asked them to look at data for a week or two and then talk with me about how to proceed.
7. Dialogued with the elder group regarding indigenous analysis, grounded theory, and critical discourse analysis.
8. Began initial sorting of data under categorical headings (spreadsheet).
9. Initiated attempts to manage myriad connections among data themes, categorical concepts, what I heard from participants responses, and what I know from experience and relationality to and with our shared history, families, struggles, and values.
10. Sorted data again (categorically in document format; see Appendix D for Sample of 1 of 31 pages of data sort).
11. Shared re-sorted data with elder group and used their input to create critical discourse questions.
12. Rearranged data to answer critical discourse questions.

The first step was listening to participants' words, concepts, narratives, and the shared meaning within our context in those moments of our shared space. Their words also stayed with me as I moved from one interviewee or focus group to the next, and through the subsequent steps of data analysis. The concepts and narratives they shared became my responsibility to represent, analyze (Wilson, 2008) and carry forward to a conclusion aligned with the goals of this project, and that might contribute to our collective wellbeing.

The second step was through the processing that followed soon after each interview and focus group by entering field notes describing the context of interviews and groups, the range of attendance in numbers, observational information about the settings, challenges faced, and other perceptual information to aid in recall as time progressed. Field notes were usually entered

immediately after time spent with participants, and always within 24 hours of focus groups or interviews. A spiral notebook and pencil were used for entering field notes.

The third, fourth, and fifth steps were done by the researcher on a laptop computer, backed up by an external hard drive every week, and occasionally loaded on a small portable USB drive. Interview recordings were transcribed within one week, with one exception, which is referred to in the Procedures section. All focus group notes from large sheets of paper were entered into separate electronic files within 48 hours. This task was performed by me, the researcher, except in the case of the longest interview denoted above.

Then the sixth and seventh step of data analysis was an iterative process in which I engaged a group of Tribal elders in the data analysis. Engaging elders in data analysis was successful in a couple ways and to a point. First was in recognizing the limitations of articulating a process that has yet to be outlined, in terms and concepts that are familiar enough to make sense between western scientific methodology and indigenous ways of knowing. I spent time explaining the concept of research data and making this data available to the elders and asked them to review and simply comment on their reactions, thoughts, and aversions to what they saw. While they were reviewing the data, I attempted to gather it into themes thinking that the next step for the elders would be to make connections among the themes. However, over time, when I asked for the elders' reactions to the data, they informed me that they "guess[ed] we did not understand the instructions because we [did] not know what to say." Neither was I successful at that time in creating themes with the data because it emerged too interconnected, holistic, and altogether resistant to fit into separate, unique, or standalone categories (Kovach, 2009).

Second was in recognizing that these elders had limited energy and focus away from much more salient issues in the Tribe and community that drew their attention. Naturally, I reached out to politically savvy elders. Of course, that meant that they were also involved in the many issues facing the Tribe, Tribal leadership and programs, and deeply caring for, and involved with, the perpetuation and preservation of the culture for future generations. They were busy and gave my project what time and energy they could, which helped toward meeting the project goal of creating a Tribally-based definition of intellectual property in spite of not meeting proposal expectations.

Third was in accepting their affirmation of my capacity to handle the data on my own given their understanding from listening to what I had done (reading, proposing project to academic committee, Tribal Council, data collecting), what I was doing (sorting, connecting, questioning, observing, listening to data), and what I planned to do (assert a Tribally-based definition and offer recommendations for protections). At that point, when pressed to help create questions for the data as recommended by Gee (2011b), the elders told me to ask the data “the same questions [you] asked the people.”

As a result of those collaborations with that set of elders, I came to believe that they developed a deep understanding of the goals to create Tribal definition of IP (decolonize and indigenize the meaning for this Tribe) and make recommendations for protections (preserve what we have and make a pathway to what we had). I also saw in the elders a deep understanding and appreciation for the goals of this project to honor our way and privilege our Tribal and community people in the generation of researched knowledge and trusting that our way of inquiry can find ground in academic settings.

Eighth, I created a spreadsheet with sorted focus group and interview data into initial themes for grounded theory (Creswell, 2007) analysis. At this stage, this exercise was limited in usefulness for a few reasons. First, given the holistic and circular thinking and knowing of our people (Wilson, 2008), data were extremely interconnected, and almost every item could be inserted into, or intersected with every theme I created.

Second and thus, it felt pretentious and forced to continue trying to isolate the materials, concepts, ideas and knowledges into themes that seemingly and exclusively could not contain them. Third, in persisting with the goal to sort data into themes, data points became increasingly disconnected, which detracted from their initial connectedness. Nevertheless, I persisted and tried a couple different tools to create themes. I continued to try the spreadsheet, followed by paper and pencil, and ultimately following Tribal elders' leadership, I simply sorted into categories according to similarity (see Tables 1-5).

Ninth, I attempted to manage myriad connections among data themes and categorical concepts (Creswell, 2007) from participants responses, and what I know from experience and relationality to and with our shared history, families, struggles, and values. For instance, our language in its current stage of recovery is related to everything and inserted into every domain possible as it resurges in our collective imagination and interest. Songs and dances are integral with spiritual concepts related to prayer, gathering, values of gratitude, ceremonies, and on and on. At that time, the themes, connections, and relatedness of all things themselves danced out of my grasp just like the movement of Interior Salish dancers, drummers, singers, and spectators individually performed create a collective offering (Allen, 1992) understood and received by all things. I am not sure a single scholar, whether Tribal or not, has the capacity to engage in

making and holding thematic connection of this type of data individually. This requires further exploration beyond the scope of this project.

Therefore, as a tenth step I re-sorted the interview and focus group data again. This time I closely followed the elder group's advice and did a simple categorical sort in a document format (see Appendix D for Sample of 1 of 31 pages of data sort). I say *translation* because this group of elders never came right out and told me to do this, but rather gave partial hints embedded in statements like, "why would you do it that way? Well, if that makes sense to you." That is one way they expressed trust in my ability to engage in this part of the process.

The re-sorted document proved useful for the elders' increased understanding of data. The resulting format expedited the eleventh step with the elders, which was to create critical discourse analysis questions adapting Gee's description of critical discourse analysis (CDA) as "the study of language in use" (2011a, p. 8). By this time, I was able to articulate to the elders group the purpose of connecting what is said, with what is done, and what is revealed about the identity of a speaker. The speaker in this case is the Tribe as a collective so we employed CDA to reveal information from this data about the Tribe's identity. Given the direction from elders and Gee's CDA methodology, the questions I asked of the data were:

1. What did this data say is our intellectual property?
2. What did this data say about protecting this intellectual property?
3. What do we need to do to protect these intellectual properties?
 - a. What can we expect from ourselves?
 - b. What can we expect from others?
4. CDA's identity questions of:
 - a. Who were we?
 - b. Who are we?
 - c. Who should we be in relationship to what we have (IP)?

As stated above, the categorical data format that emerged from the tenth step readily lent itself to the twelfth and final step, which was placement of the data under the CDA questions.

This final arrangement of the data led me to the Tribally-based definition of collective intellectual property and the recommendations for its protections I have asserted in the subsequent Results section.

The process of critical discourse analysis aligns with what I know as our Tribe's tradition of communication where the listener is responsible to make meaning of language in use. In other words, from a Tribal perspective, when a question is asked, the inquirer must accept the answer whether it is spoken plainly, or hidden in a story, or personified in action or experience. Since the responder to this inquiry is the Tribe, the answers for the CDA questions, by design, needed to extract meaning, reveal actions, and describe the identity of the Tribe in relation to its' definition of, and responsibility for its collective intellectual property.

Summary

In reality, the data analysis process listed above was a nonlinear, circular and iterative journey (Kovach, 2009; see also Wilson, 2008). Consequently, a circular analysis model emerged. Because this is a new/old model, it will have to be tested for duplication/replication value. This will most likely, but not necessarily, have to happen among the Interior Salish peoples of the Columbia Plateau. Again, because this is a new/old model for indigenous data analysis, and a circular model, it lacks a definitive starting point, or final end result (Wilson, 2008). Rather, the process and results can be expected to evolve across time, place, relationship among sqélix^w and naturally and politically constructed worlds.

Indigenous data analysis is not new, but now is finding a place in the scholarly world. Descriptions of indigenous data analysis worldwide will be as varied as the place-based connections the various people have with their lands. My Tribe is lucky to occupy space within our original territory. That facilitated an accessible connection of data and its analysis

interdependent and interconnected with the land and ways of our ancestors. This happened organically, in relationship with the sqélix^w (human beings), and over time as I sat with, consumed, digested, night and day dreamed about, prayed, and felt about, and came to understand the data (Kovach, 2009; Wilson, 2008). Throughout that time, I grew closer to some of my peers, our elders, and our young people. Some of these sqélix^w have since entered full-time into the spirit world and now through memory guide as ancestors.

Results

The data collected from focus groups and interviews resulted in a Tribally-based definition of *collective intellectual property*. It was an unexpected result to define collective intellectual property as opposed to individual intellectual property as is more often brought to mind in discussions of the subject. This makes sense because as a collective culture, we would think of and speak of what we have as shared among the group. As the researcher, I expected an absence of a sense of individual ownership, but not to the extent that I heard comments that indicated shared ownership. Rather the ownership of our collective intellectual property is not bounded by time in that it is owned/embodied in ancestors, current, and future generations.

The collective knowledges, including materials and practices, are also thought to reside here in this place. They are interconnected among the people, animals, plants, terrain, spirit, water, air, sky, earth, etc. All these entities are intertwined spiritually, physically, psychologically, etc. An inquiry, different from the kind of academic research attempted and articulated here, will have to be imagined in order to untangle the interconnections and interwoven relationships among the concepts and experiential/ancestral/intuitive knowledges that emerged from these interviews and focus groups.

Not all answers that were provided can be thought of as intellectual property. Some of the answers located in this category are:

- People and places
 - Access issues
 - Animals and plants
- Results of federal, state, and local policy of attempted forced assimilation
- Foods (plant and animal)
- Modern and traditional gatherings
- Modern items (fabrics, etc.)
- Expectations of modern, dominate, and other minority societies
- Natural resources
- Land
- Historical and present sites
- Ethnographies

However, these also need varying levels and forms of protections if our culture is to be perpetuated according to our objectives, ways, and timeline. Moreover, the knowledges, relationships, interconnections, and interdependencies among the list, and among the people and other ideas from the interview and focus group discussions can be considered collective intellectual property and are included in this Tribally-based definition of collective intellectual property.

None of the definitions or assertions within this research prevent an individual Tribal member from accessing current patent or copyright law for the protections they afford individual intellectual property outside the definition of collective intellectual property as defined here.

As a reminder, here are the questions asked of the data in order to make the assertions that follow.

1. What did this data say is our intellectual property?
2. What did this data say about protecting this intellectual property?
3. What do we need to do to protect these intellectual properties?
 - a. What can we expect from ourselves?
 - b. What can we expect from others?
4. Critical discourse analysis (CDA) identity questions of:

- a. Who were we?
- b. Who are we?
- c. Who should we be in relationship to what we have (IP)?

What did this data say is our intellectual property?

The list that formed in answer to the questions “what do/don’t we have?” and “what do/don’t we know?” (not included in the list above) sorted into the items listed in Table 1.

Table 1

Answers to the Questions “What do/don’t we have?” and “What do/don’t we know?”

What did the data say is our intellectual property?		
Items	Related items	Narrative
Language		We have/know; don't have/know our language.
	Need for language	We (our culture) needs our language like the tipi skin needs tipi poles.
	State of language	Our language is in the recovery state, albeit precarious.
	Hope for language	We have/know hope for language recovery, especially with immersion programs, printed materials, recorded materials, spoken by sqélix ^w , etc.
	Power of language	We know the power of our language to contain deep and wide meaning for us in this place.
	Place names	Our places have meaningful names in our language.
Songs		Our songs are here. We have/know some. We have memory of some. They come to us as needed and when we can LISTEN for them. They can be familial.

Dances		We have/know old and new dance styles. All are important. They have and will stay the same and evolve.
Values		We have/know Tribal values through relationship with elders/aunties/uncles, our language, our practices, etc. They have and will stay the same and evolve.
Knowledges/interests		Our knowledge stems from and reaches for that which will contribute to our individual and collective health and wellness. Our interests follow our knowledge.
	Food knowledges	Most of us know some or much about our food: where/when to find it; how to use it; the patterns of its' cycles and availability; medicinal uses; how to gather, clean, and preserve it; how to respect it.
	Seasonal	Much of our interests are seasonally dictated. Our ancestral cycle was seasonal rather than clock and calendar based.
	Family-based	Our knowledge and interests can be familial.
	Age-related	Our knowledge and interests can be related to age and role. Age can be individual or historical era. Each era should be considered.
	Experience-related	Our knowledge and interests can be related to our experiences.
	Cultural	Our knowledge and interests connect to our culture in that we recognize and assert that our ways (knowledge and interest) are: unique and integral; dimensional (depth, breadth, order, etc.); exist on continuums of cultural preservation/adaptation/assimilation; must be preserved and perpetuated; have power to individually and collectively heal; and are linked to our identity.

	How/what should be	We know and are interested in: how and what should be in our world and life experience; the limitations in our world to what we know and practice, and what we should know and practice; how to hunt, fish, pray, plan, tan, weave, bead, make use, make regalia, etc.; the purpose attached to some of our knowledge and practice; our original/ancestral territory.
	Why (deep cultural understanding)	In order to complete our knowledge and reach for collective cultural maturity we must learn why we need to know, take interest, and practice these things.
	We exist	We know we exist, have always existed, and will continue to exist. We know this despite colonial attempts to erase us and assimilate us away from our cultural ways. We know where we came from. Our deep and abiding hunger (interest) to learn, keep, and share our knowledge indicates and assures our presence and existence.
	Locations of resources	We know where to find our knowledges and where/how to follow our interests.
Actions/doings		These are the things we have always and should always do. Doings is the old way of indicating actions and naming events. For example, "There's a doings down by the creek" to indicate something happening down there, you should go, let's go, I'm going, etc.
	Gatherings	We gather for many reasons, events, ceremonies, celebrations, etc.
	Visiting (protocols, etc.)	We visit. We have a way of visiting that could be called protocol, but we know it as just what we do.
	Sweatlodge	Sweat is a ceremony that deserves its place on this list because of its relevance in our collective past, present, and future experience.

Stories		Like the sweat, story is known to us and persists in our lives.
	Traditional	Traditional stories come to us from across time and space. We have varying amounts of these stories, and we value them.
	Memorial	Stories from memories of real or learned lessons are valued, told, cherished, and used as honoring and teaching tools.
	Family stories	Each family has varying memory of familial traditional stories. Each family has its own biographical story that interconnects with other families' stories.
	His[her]story	We have the history of our Tribe from our perspective. We have the history of our Tribe from the perspective of settlers, militaries, colonial powers, etc.
	Stories will change/evolve with us	Stories have always changed and evolved in reaction to collective needs and individual storytellers. They also keep core elements across time and space.
	Stories will carry relevant lessons for us	Stories have power to teach us what we need to know, when we need to know it.
Family/ancestral connections		We are connected to our families and ancestors.
Ancestral knowledges		Our knowledge: exists in this place; always has and always will; waits for us to see and LISTEN; stays the same and evolves.
Connectedness of all things		All things are connected. This is an ancestral worldview.

	Circular connectedness	Connections go around and circle back from the end to the beginning.
Place attachment		We know that we were made for this place. This place is from where we can safely and securely explore the world. It was and should be so.
Material items (regalia, drums, stickgame sets, canoes, jewelry, etc.)		We have the items we need to participate in ceremony, fellowship, customs, etc.
Roles and identities		We have an identity that is related to the roles we fulfill and visa versa. These are multi-faceted.
	Age-related	The roles we fulfill are age-related and generational (infant, child, adult, elder, ancestor, etc.). Our identities contain those roles (maternal/paternal grandparent, maternal/paternal auntie/uncle, parent, sibling/cousin, etc.).
	Purpose	We each bring a purpose into this people to fulfill a need. There are more distractions to knowing that purpose now than there were in the past.
Spirituality/religion		Our spirituality/religion endured through colonial persecution. It exists in this place as a vital piece of our knowledge, language, songs, stories, etc.
Ceremonies		Our ceremonies endured through colonial persecution. We have much to learn.
	Personal	Some ceremonies are personally known and practiced.
	Family	Like other knowledges, many ceremonies are family-based, and can differ between families.
	Tribal	Some ceremonies are practiced Tribal wide.
	Inter-tribal	Some ceremonies occur among Tribes. This requires mutual agreement.

How to teach our young, each other, how to learn, etc.		We know how to teach one another. We do this in big and small ways. We do this in many settings and within relationship to one another.
Contemporary manifestations of materials, tools, practices, etc.		We unapologetically use tools and materials at hand to do what we do, especially when they contribute to our individual and collective health and wellness.

Note: The narrative column provides context.

These are the items, knowledges and concepts that will be enveloped into this Tribally-based definition of collective intellectual property.

What did this data say about protecting this intellectual property?

The reasons for protections given in answer to the questions “why were these things given to us?” were sorted into the groupings found in Table 2.

Table 2

Answers to the Question “Why were these things given to us?”

Why were these things given to us?		
Items	Related items	Narrative
Know how to live		The items on the prior list have information for us regarding how to live within our culture.
Know how to care for people, plants, animals, land, water, air (as one)		It is our responsibility to give care to the people, plants, animals, land, water, air, etc.
Know connections to all things (past, present, future)		Our stories, songs, language, etc., connect us across time, space, generations, etc. Connection is important.
Perpetuate values		These knowledges and practices provide means and motivation to live and teach our ancestral values. The following is not an exhaustive list of Tribal values. That is the

		work of future research.
	Know gratitude	We are grateful for all the relationships and things provided to us through time, space, and across generations.
	Know balance/happiness	It is important to live in balance. Balance is integral to happiness.
	Patience and observation	Patience is modeled, taught, and learned in relationship and through tasks such as beadwork, tool making, etc.
	Show respect for what we take	Showing respect when taking food or materials for objects means that you take only what you need, use all that you take, leave some, and share.
Identity “It’s who we are”		These knowledges and practices are given to us because of who we are. We are the sqélix ^w (human beings) of this place.
	Remain sqélix ^w	These knowledges and practices are given to us so we can remain the sqélix ^w (human beings).
	Appreciate/respect who we are	We are grateful for who we are and what we have been given. What we know and do helps us have self-respect, which allows us to give respect. It is our responsibility to respect what we have been given.
To remember		These things were given to us so we can remember...
	How it was	We remember how it was for our ancestors and previous generations, and the experiences they lived.
	Keep memories alive	These things were given to us to keep the memories alive.
Understand the culture, the people,		Understanding the culture, the people, and the story requires the practices, knowledges,

the his[her]story		and everything on these lists.
Survive		These things were given to us so that we survive.
	Use knowledges	We use what we know from our collective intellectual sʔelkʷmn (inheritance/keepsake) to remain who we are as a people.
	Health/wellness	We use what we know from our sʔelkʷmn when it will contribute to our collective and individual health and wellness.
	Acknowledge ancestral sacrifices	We are still here because of the sacrifices of those that came before us, and we know that.
	Know limitations and adapt	Our stories, songs, language, etc, help us know our limits in this life, and we adapt when our survival as a people depends on it. We also adapt when it contributes to our collective and individual health and wellness.
Learn		We learn old/new lessons from our collective intellectual sʔelkʷmn (inheritance/keepsake).
Teach to		We were given these things to teach them. We do not force learning on others, but when a learner is recognized we teach.
Place/land based (because we are here – on this little piece of the world)		We were given these things because we are here, in this place and time. Place is important.

Note: “Things” refers to the items in Table 1. The narrative column provides context.

Knowing why we have retained this collective intellectual property provided the rationale for protections.

Further motivation, and the foundations for means and devices of protections came in answer to the questions “what was/is/should be our relationship/responsibility to these things?” and were sorted into the items listed in Table 3.

Table 3

Answers to the Questions “what was/is/should be our relationship/responsibility to these things?”

What was/is/should be our relationship/responsibility to these things?		
Items	Related items	Narrative
Know these things		We are responsible to know these things.
	For understanding	These things bring understanding to our life in this place.
	For cultural and identity survival	We are related to these things through our cultural survival and identity as sqélix ^w .
	To teach/learn	We are responsible to learn and teach these things.
	Value cultural diversity/place/land-based knowledge	The more we relate to these things the more we value them. Every response to these things reveals our value-base.
	Accept/appreciate them	As we learn these things we accept them. We appreciate what we know and learn.
Make strong relationship/connection with these things		It is our responsibility to connect with these things.
	Be the voice	We speak for these things. We are the voice.
	Hold them sacred	Our relationship with these things is sacred. We have a sacred responsibility to these things.
	Look to future generations	Future generations are an important motivation to hold strong to these things.
	Accept reality and longitude of relationship/connection to them	If we do these things we have these things. We have a connection to these things that spans time.
Let them define us		Our relationship and responsibility to these things collectively and individually define us.
	Live them	We prove our existence through continued

		practice of these things.
	Fulfill our role	We each have a role that we are responsible to fill within our family, community, and Tribe.
	Health and wellness (sobriety, etc.)	Health and wellness manifests in our individual and collective experience when we fulfill our relationship and responsibility to these things.
Not to own them		We do not own these things. Rather they are here for us and we for them.
Give respect to them		Every one of these things deserves our respectful interaction.
Hold it within/among/outside ourselves with empathy		The relationship and responsibility to these things resides within each of us, among all of us, and outside of us. These things exist whether we do or not. We relate to other learners and human beings as they reach for understanding of what it means to belong here in this place.
	Pride/humility	Because we have an understanding we feel pride, and because we have empathy we stay humble.
	Share if asked	A teacher gauges when, what, how to teach, but (s)he always teaches.
	Seek, find, learn	We are responsible to seek knowledge until we are faced with it, and then we must learn what it teaches us.
	“Get out and do them...gather, learn, use, with our whole heart”	We are responsible to give our whole effort in relationship to these things.
	Pay attention	Our whole effort includes attention. Attention can be focused, visceral, or casual.
	Approachability	We each have something to teach and we should be individually and collectively approachable to potential students.

	Do our best	We are not individually or collectively perfect. Nonetheless, we remain responsible to do our best.
	Wait for them	Empathy for ourselves allows us to be patient as we learn to engage with these things. Empathy for others allows us to be patient as we share and teach.
Family responsibility		Family is valued. We each have a role to fulfill.
	Teach	We are responsible to teach within our families.
	Lead	We are responsible to lead our families in knowing and caring for our sʔelkʷmn (inheritance/keepsake).
	Give care	We are responsible to give care and leave our sʔelkʷmn better than what we found it.
Use them		We are responsible to these things. When we access and interact with these things, they thrive.
	Language	We must speak out loud what parts of the language we know and/or can learn.
	Teach	We must teach what we know to others.
	Share	We must share what we know because of all these things.
	Respectfully	We must use these things respectfully.
Guard/protect		We are responsible to guard these things and protect their integrity.
	Pray	Prayer is protective.
	Steward	Stewardship means remembering interdependent relationships of all things as decisions are made over all these things.
	Preserve, maintain, improve	We are responsible to preserve our sʔelkʷmn, protect its' integrity, and leave it better than what we found it.

Unify		Our relationship to these things, and our responsibility to them, unify, rather than divide us.
	Put differences aside when recovering collective intellectual property such as language	As long as our s?elk ^w mn is in recovery we must work together from our shared interest of preservation.
	Respect diversity of family-based knowledges	We know that our knowledges are familial.
	Respect all beliefs	Tolerate ambiguity because no one of us is the ultimate judge. No one of us knows everything. We are all learners.
	“We need each other in order to survive”	Collective survival demands unity.

Note: “Things” refers to the items in Table 1. The narrative column provides context.

Identifying how we are to hold, carry, and care for our collective intellectual property provides the foundation for protections for it.

The blueprint and framework for protections of the collective intellectual property is provided through answers to the “why/who/how/where/when would we share?” questions, which are listed in Table 4.

Table 4

Answers to the Questions “Why/who/how/where/when would we share?”

Why/who/how/where/when would we share?			
Question	Items	Related items	Narrative
Why share?	Identity		It's who we are, it's what we do. When we have excess, we share. We are not greedy people.
		Restore purpose	We each are born with a purpose, a role to fulfill for the people.

	Healing		It heals us and restores wholeness and purpose when we share. Our knowledges approach wholeness when we share what we know with one another.
		Helps others	Healing extends to others when we share.
	Recognize the importance		Sharing perpetuates our culture and values.
		Reach Tribal and personal goals	Working toward our Tribal and personal goals requires that we share what we know with one another.
	Future generations		Future generations need to know where they came from.
		To remain in this place	Sharing what we know and have will help future generations should they struggle to remain in this place.
		Walk good in life	The perpetuation of our culture and values will help the future generations to walk good in life.
	Stay connected to all things (each other, ancestors, food, spirit)		Maintaining connections to all things requires knowing those connections. Making those connections is made possible through sharing with one another.
			Staying connected to all things allows us to "get back some of our ancestral ways in a contemporary setting."
		Build allies	In today's world, staying connected to all things naturally means building allyship with our neighbors.
	Educate		Share to educate others regarding our story, ways, skills, arts, etc.
		Learn from her[his]story	Sharing in education facilitates learning from our history, and not repeating historical errors.

		Teach why things are done that way	Sharing what we know and facilitates our responsibility to learn and teach why things are done a given way.
		Correct ignorance	Sharing in education can correct the misperceptions of who we are that currently exist.
		Can't take it with you	We share what we know because when we leave this life, then what we knew can remain and be helpful to others,
Who share with?	Kids/youth, adults		We share what we know and what we have with: Tribal youth, students from neighbor schools and communities, elders, children, and with one another as the generations progress. We all need to share and be shared with.
	Family		We share within our family.
	Anybody		Our ancestors worried less about sharing what we know. We worry more about it because of all those problems described in the literature review section of this paper. Nevertheless, we feel obligated to share with anyone that asks, but now must also worry about misappropriation, etc.
		Those that want to learn	There are those that want to learn and we should share with them...responsibly.
		Those that care and LISTEN	There are those that care and listen, and we worry less about sharing with them.
	Tribal departments and other Tribes		Sharing what we know and what we have with fellow Tribal departments and other Tribes helps us work toward our goals.

	Ally/ accomplices		When others become allies or accomplices we worry less about sharing what we know and what we have with them.
		Those that are respectful, sensitive to our cause, etc. - Non-indian/non-tribal; Those that want/need to access our resources should know how, when, why, etc.	We feel especially obligated to share when others are accessing our individual and collective s?elk ^{wmn} (inheritance/keepsake), and maybe not knowing how, when, why, etc.
		Good friends	Good friendships are reciprocal relationships, and it's very easy to share within them.
		Not to make experts	We do not share to create experts, and when we are honest and humble in ourselves we recognize our own limitations. We can only share what we know, and that has limits.
How share?	Carefully, selectively – “if something is given to you and you share it [wrongly] that can leave you just as quick as it came to you”		Loss is a part of this world. There are dimensions to receiving, knowing, and giving that are important enough to be considered, or risk loss. Be cautious if you are not sure.
		Prevent exploitation	Share carefully because we all know our materials and knowledges have been exploited.
		Generic, esoteric	Sometimes sharing generic information is enough. Sometimes sharing in confidence serves the purpose.

		Teach deep culture	Share to teach deep culture when that level is reached.
	Respectfully, humbly “This is what I know”		When we are honest and humble in ourselves we recognize our own limitations. We can only share what we know, and that has limits.
		Share and LISTEN	Respectful sharing can be reciprocal to always listen.
		Take advantage of all opportunities	Practice learning and you will never stop. There is always more to learn.
	Oral teaching		Sometime it is appropriate to share by talking.
		Tell stories	Telling stories is a time honored and effective way to share.
		At gatherings	Speaking at gatherings is a time-honored way to share.
		Con conversationally	This is visiting/sharing/talking story.
	Observational		Practice and expect observational learning and sharing. Stay alert. There is more to learn that goes beyond the spoken or written word.
		Demonstration (sit, watch, listen)	Much can be taught and learned through observation.
		Stories, examples, show what and how (No testing!)	Give the lesson and then let the learning belong to the student. There is an element of trust and respect in that practice.
		Videos, music, books, electronic apps	Be creative in sharing.
		Everyday life - Hunt, fish, gather, etc.; Sports	Everyday life settings are some of the best opportunities to share what you know with those that want to learn.

	Minimize distractions		It is worth it to minimize distractions when sharing the Tribe's collective sʔelkʷmn. Some places this works well are: workshops, camps, on site, small groups. Be strategic and focused in identifying when the learner can/will listen. Sometimes phones/electronics are counter to focus.
	Participatory		Letting learners engage and participate in language, story, history and the process of learning can increase retention of information. Hands on interaction with physical/material artifacts related to who we are is participatory sharing and learning. Choose settings to maximize reaching learners (pithouse, etc.). Listening and patience take time to learn. Give that time as sharing occurs.
Where share?			Share wherever distractions are minimized and there is opportunity: in homes, on site, in the woods, gathering sites, ancestral/sacred sites, workplaces (Congress, natural resource department, museums, Tribal systems and programs, leadership circles, workplace orientations, etc.)
	Community gatherings and sites		Sharing at community gatherings, sites, and large group settings can increase reach of information: powwows, present day gathering sites (trading post, bar, club, etc.), extended family gatherings, and ceremonies.
	Online/ internet		Share online when appropriate. Be sure to heed the <i>how</i> of sharing our collective sʔelkʷmn (see above).
		Social media	Facebook is a site of much sharing of knowledge.

		Video games	Some Tribes are making good use of video games to share collective knowledges.
	Schools		Schools are a convenient place to share when appropriate.
		Classrooms	Classrooms provide smaller group setting for sharing.
		After school	After school the dynamics of sharing change for the learners, and this is a good time to teach in ways that differ from classroom or school settings.

Note: “Things, etc.” refers to the items in Table 1. The narrative column provides context.

These responses are considered and accounted for in the recommendation for protections of collective intellectual property as Tribally-defined and as a result of focus groups and interviews in this project.

What else needed to be said about a Tribally-based definition and protections for collective intellectual property?

The final question, asked after each focus group and interview was completed and some time was spent debriefing key concepts underlying this project, revealed some unique and additional comments that are considered in Table 5.

Table 5
Answers to the question “what else?”

What else?		
Items	Related-items	Considerations
“As Indian people, we see, we like, we take/change/add to/use” ideas, tools, foods, technologies, etc.		This was an admission that we have always been an industrious people, observant for new and more effective ways to do the things that helped us meet our needs. Until patent, copyright, and intellectual property law this was not a problem.

	Respect everything across traditions, knowledge, etc.	Although we are observant for more efficient ways to meet our needs, respect is always given to where new technologies come from, how modified, what is ours and what is someone else's. Ownership, when/if it is/was considered, carries much responsibility.
	We know we are unique in a secret kind of way	We have a unique culture, similar to some others, and vastly different from some. We feel like we are unique in ways some others do not comprehend.
“Believe” - nunx ^w enemn		This is a word in our language that was translated into English, but one single English word does not contain the entire meaning. It was a response from an elder focus group participant who asked us to remember the deep meaning contained in our language, and how that might relate to how we want to move into future generations with our collective intellectual s?elk ^w mn and the responsibility it affords.
“Our way” is		We have a way of being in the world. Not only was this repeatedly asserted, but it was specifically pointed out in response to the questions in this section.
	To share – this is what we learned is our way (as a result “we are proud of who we are”)	It was re- asserted that we share. That's who we are.
	Or not – this is what we sometime choose to do instead when our knowledge is exploited, appropriated, co-opted, etc. (we experience guilt as a result)	Who we are not is who we have had to be in response to imposed concepts like ownership, theft, etc.
	Two (or more) ways to think – “living in two worlds”	Our way currently demands we walk/live in two worlds. The more we remain who we are, or return to who we are, the more absurd this

		distinction becomes.
What do we want? How do we get it?		These questions were posed in debriefing, and once the goals of this project were clarified and the participants had been immersed in the conversation of defining and protecting our sʔelkʷmn.
	Physical protections of artifacts	Yes, we want layered and physical protections of our artifacts.
	Advisory to local museums	We want to be part of dialogues at local museums, especially those that house our artifacts.
	Collective “obligation” “responsibility”	We have collective “obligation” and “responsibility” to our sʔelkʷmn.
		The dialogue about rights vs. responsibility was engaging for interview and focus group participants. Most asserted that our ancestors probably thought more aligned with responsibility. Some thought very deeply about it, and still pursue deeper learning through the language, memories of the elders, and ethnographies written about us.
		The "giveaway" is/was a traditional practice of giving material items away to others. Anthropology sometimes talk about this as a way to redistribute wealth, but the meaning is more complicated than that. The benefits go further than mere redistribution of material wealth. That is the subject of further and possible future research.
		(sʔelkʷmn = responsibility; keep sake (same campsite)) In the past, individuals and families knew what families were responsible to camp/gather/occupy/etc. what space during the yearly cycle of life. The word sʔelkʷmn is also used to signify that space and

		responsibility.
Sovereignty will/must be respected/expected		Because we are a sovereign Nation, we will assert those rights (and responsibilities), and we will demand that our sovereignty be expected and respected.

All these statements will be incorporated in definition and recommendations for protections of collective intellectual property, and discussion section of this dissertation.

Interview and focus group responses also resulted in a list of issues for internal use only, and that will be shared within the Tribe. “Tribal use only” was either determined within the statement, within focus group or interview discussion, or deemed so after review by some Tribal reviewers of this dissertation prior to release to committee. These will be the property of the Tribe, and if/when requested should be useful in addressing concerns and health and wellness solutions for the Tribe, especially in cultural vitality programs and projects.

What is our intellectual property (IP)?

The Tribally-based definition of collective intellectual property from analysis of focus group and interview data is: Everything listed in the answer to the question “what did this data say is our intellectual property?” provided in the previous section. As a bulleted list, those answers were:

- Language
- Songs, prayers, dances, ceremonies
- Values
- Knowledges and interests related to food, seasons, Tribal and family culture, identity/existence, Tribal cultural actions/doings/gatherings, resources, ancestral knowledge,

- Stories
- Connections, interdependencies, attachments,
- Material items
- Identity/existence/roles
- Spirituality/religion
- How to teach and learn
- Contemporary manifestations of all of the above

Tribally-based definition of collective intellectual property

This is what I know from processing and analyzing interview and focus group data, and interacting with elder co-researchers regarding this topic.

An essential narrative expansion of the Tribally-based definition of collective intellectual property is also asserted: The language, songs, prayers, dances, ceremonies, values, knowledges and interests, stories, connections, interdependencies, attachments, material items and artifacts, identities, existence, roles, spirituality and religion; remembering, conceptualizing, teaching, learning, perpetuating, appreciating, respecting and/or understanding; ways of individual, familial and/or Tribal relating to/with, thinking about, practicing or displaying any and/or all of the above practices, concepts, ideas, items; hopes, caring for, preserving, thinking about, and/or dreams for and/or about; in this place, on this land...this is our collective intellectual *s?elk^wmn* (inheritance/keepsake; property).

The word *s?elk^wmn* is replacing the word *property* heretofore, because this more descriptive, powerful and meaningful word is needed at this time for this definition. The word *s?elk^wmn* has emerged within this research project and I proposed it as replacement, which changed the last line of the definition to "...this is our collective intellectual *s?elk^wmn*."

Recommendations for protection of collective intellectual *s?elk^wmn* as defined

The concepts to incorporate into recommendations for protections of *s?elk^wmn* came from the answers to the Critical discourse analysis (CDA) questions generated in dialogue with

elder co-researchers. The questions were, “what did this data say about protecting this intellectual property; what do we need to do to protect these intellectual properties;” followed by “what can we expect from ourselves and others,” and the answers are incorporated into the recommendations for protections described in this section.

Collective intellectual sʔelkʷmn, as defined above, necessitates protections, and our responsibility for safeguarding our sʔelkʷmn is equally important to creating the Tribally-based definition outlined above. Here I make a recommendation for fulfilling that responsibility based on the data gifted to me from interview and focus group participants, and from what I heard when I listened, leading up to, and throughout this project.

Several overwhelming responses to prompts provided in focus groups and interviews mandate unique and imaginative solutions that differ from the private and individual nature of patent or copyright laws and policies. Also, as asserted in the introduction section, the United Nations Declaration on the Rights of Indigenous Peoples makes room for expanded and locally derived solutions for the intellectual property of Indigenous peoples (Articles 11, 31, 34, 38, and 42).

Therefore, based on the above definition of collective intellectual sʔelkʷmn, I recommended the creation of a Tribal sʔelkʷmn Office. The structure of the sʔelkʷmn Office would be similar to community advisory boards that other marginalized and persistently researched communities have put in place to protect their members, create meaningful engagement, and cooperation in relationship to outside grant and research projects and programs (National Congress of American Indians Policy Research Center and MSU Center for Native Health Partnerships, 2012).

The sʔelkʷmn Office would engage with our past and present collective intellectual property, as defined, for the purpose of compiling what we know about ourselves, asserting critique of materials and information, and outlining what we want to know about ourselves through culturally relevant research. Critique of past resources should be done with care to avoid revising history, respect through intentional accountability of our own limitations to fully know the context of previous eras in our story, whereas only adding insight and new knowledge gained over the years and shared experiences of the people.

The sʔelkʷmn Office would engage in present and future research and grant projects as if they were Community Based Participatory Research, Community Action Research, and similar models in community psychology and other academic research disciplines. Basically, whenever knowledge or interactions with the Tribe's collective intellectual sʔelkʷmn has been, is being, or will be explored, defined, manipulated, recorded, and/or published, the sʔelkʷmn Office should be engaged.

The following recommendations for a sʔelkʷmn Office are written in language that will be easily adapted as a formal proposal to the Spokane Tribe, and possibly neighboring Tribes as time and invitation permits. It is also written in present tense as if it is reality, but the decisive pathway for protection of our collective intellectual sʔelkʷmn is ultimately up to the Tribe and its' decision-making body and process (see Appendix E for possible future Resolution language for formal proposal to the Spokane Tribal Business Council).

Collective intellectual sʔelkʷmn proposal

The Spokane Tribe of Indians, as a sovereign nation, and in order to protect Tribal Collective Intellectual sʔelkʷmn, as well as support and promote project and research success hereby requires meaningful engagement with the Spokane Tribal sʔelkʷmn Office (the sʔelkʷmn

Office). The intention of the sʔelkʷmn Office is to build meaningful and reciprocal relationships among all entities in order to support success of projects (success as defined by the Spokane Tribe of Indians).

Protocol for engagement with the sʔelkʷmn Office

A protocol for adoption in which any proposed grant or research proposal will be required to engage.

1. At any time that a Tribal program, agency, council, committee, court, board, school, or other representative is approached with any proposal to conduct research or request grant funding from any party and for any reason, referral will be made to the Spokane Tribal sʔelkʷmn Office (the sʔelkʷmn Office).
 - 1.1. No school or other entity may enter an agreement or approve a grant or research project if it includes or affects the Tribe, its members, or its departments without first engaging with the sʔelkʷmn Office.
2. Responsible research principal investigators or lead grant managers/staff will contact the sʔelkʷmn Office and set up a meeting time to discuss proposals and processes prior to submission of proposal if possible, and if prior is not possible due to time constraints, then immediately after submission of proposal.
3. Responsible research principal investigators or grant managers/staff will provide the sʔelkʷmn Office with grant or research prospectus for review as early as possible.
4. Ongoing consultation among the sʔelkʷmn Office and grant project and research staff as proposals are written, edited, and submitted or anticipated.
5. Budget transparency is required unless otherwise agreed upon.
6. The sʔelkʷmn Office will provide grant and research oversight regarding:
 - 6.1. Tribal memory of similar and/or related research and/or grant projects.
 - 6.2. Tribal or community contacts for grant or research personnel to make best use of time and resources while respecting Tribal and community members' time and resources.
 - 6.3. Tribal capacity building through mentorship opportunities between grant and research projects and Tribal and community members (Wendt & Gone, 2012).
 - 6.4. The sʔelkʷmn Office will safeguard and insure respect for elders' right to speak, or remain silent, in settings of their own choosing in alignment with Tribal cultural values.
 - 6.5. The sʔelkʷmn Office will monitor grant and research project proposals for data and data collection that the Tribe wishes to safeguard or does not want others to have knowledge or possession of.

- 6.6. The sʔelkʷmn Office may require Memorandums of Understanding (MOU), or Agreement (MOA), when necessary in order to insure compliance with Tribal and sʔelkʷmn Office standards of research and grant processes or management.
7. If the project is supported by the sʔelkʷmn Office, then all project staff will engage in a decolonizing and indigenizing process designed to cultivate reciprocity.
 - 7.1. The process is outlined below and is a living process that can change with new knowledge and experience.
 - 7.2. Engagement in this process can occur at any stage throughout the life of the grant or research process; however, it is recommended to occur sooner rather than later.
 - 7.3. If staff or individuals have already engaged in the decolonizing/indigenizing process, then the sʔelkʷmn Office may waive this requirement.
 - 7.4. The sʔelkʷmn Office may require reengagement in the decolonizing/indigenizing process at any time.
8. Follow-up meetings will be scheduled for grant and research reporting back to the sʔelkʷmn Office throughout the life of the project.
9. The sʔelkʷmn Office may ask to review any data analyses throughout the life of the project. The Tribe owns or co-owns any data generated from research or grant projects, depending on prior agreement.
10. Materials and plans for dissemination of findings and knowledge are subject to review by the sʔelkʷmn Office.
11. The sʔelkʷmn Office may require that materials and plans for dissemination be subject to community review.
12. The Spokane Tribal Business Council has the final authority to approve or reject grant and research projects while considering recommendations from the sʔelkʷmn Office.

This protocol is not intended as a linear process, but rather an iterative process.

Decolonization/Indigenization

In order to facilitate grant and research staff respectful entrance into the community and respectful behavior while in the community, as self-determined by the Spokane Tribe, a set of decolonizing and indigenizing workshops are offered, which will cultivate reciprocity among all research and grant projects in relationship to the Spokane Tribe of Indians:

- Belonging to a place
- Challenging privilege
- Seeing under-privilege
- Request to proceed

- Hospitality/permission to stay
- Knowing genealogy
- Sharing culture
- Sharing value, purpose, self, identity (i.e., reciprocity)
- Holding governments/systems accountable (i.e., commitment to social justice)

This is a living process that can change with new knowledge and experience. The workshops will be facilitated by Tribal and community members trained in the steps to decolonize/indigenize research and grant staff and projects for the Spokane Tribe and its communities.

This is not a linear process. The workshops typically occur across three weeks to allow time for intra- and inter- personal processing within individuals and among teams/staff. The workshops are delivered in at least three sessions. The first session opens space for team and staff members to consider their own ancestry and cultures, and the values represented in those cultures. The second session addresses belonging and privilege issues. The third session teaches what is expected of grant and research staff and teams as they enter the community with respect, and with shared goals of reciprocal partnership with the Spokane Tribe for the betterment of the Tribe, its entities, and the common good.

Establishment

There is established the Spokane Tribal s?elk^wmn Office (the s?elk^wmn Office) for the protection of, and the benefit of the Spokane Tribe of Indians and any and all current and future research, grant and other project partnerships. The s?elk^wmn Office shall approve, support, and/or sanction, and engage all proposed grant, research, and other projects, which are proposed within, and among the Spokane Tribe of Indians and Spokane Tribal community.

Membership

The Secretary of the Spokane Tribal Business Council shall serve as consult to the sʔelkʷmn Office, which shall also include representation from the Tribal community, and departments and agencies: Elders, language and culture department, cultural preservation department, education, demographic of interest, Tribal programs of interest, Tribal departments of interest, programs or projects that are promoting Tribal workforce development (e.g., service learning, critical service learning, mentorship, Tribal college and High School students, education department, etc.); Tribal members with interest, knowledge of topic, or representative of population of interest, etc. (See Figure 2).

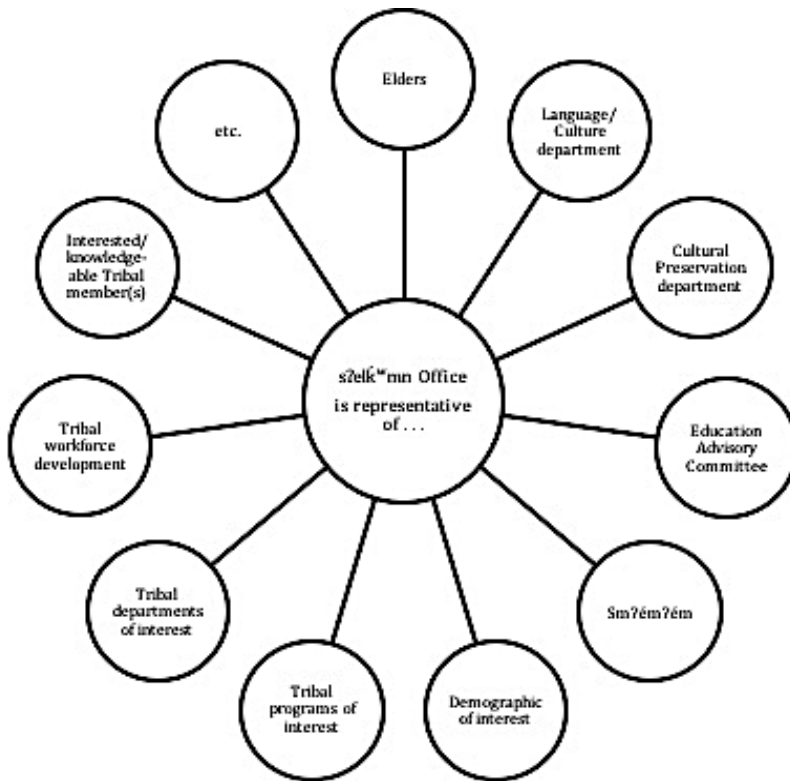


Figure 2. Graphic representation of members engaged within the recommended sʔelkʷmn Office

Mission and Function of the sʔelkʷmn Office

The mission of the sʔelkʷmn Office is to protect the Tribe, the people, the language, culture, land, and community from unwanted and undesirable assimilation, appropriation, oversampling, misrepresentation, erasure; and under-privileging cultural knowledge (ways of knowing), identities (ways of being), practices (ways of doing), or stories and language (ways of thinking; voice). The sʔelkʷmn Office tasks are designed to support and promote good projects in a good way by advising, partnering, and engaging research and grant staffs. If problems emerge between research or grant staff and Tribal entities, then the sʔelkʷmn Office will be available for ongoing problem solving and indigenous conflict resolution throughout research and grant relationships.

The sʔelkʷmn Office functions as an advising, supporting, tracking, and decision-making entity of the Spokane Tribe of Indians. The sʔelkʷmn Office reports to the Spokane Tribal Business Council and the General Council, either of which has oversight of the sʔelkʷmn Office. The sʔelkʷmn Office oversight will not prohibit, but rather will facilitate successful engagement and meaning of grant and research proposals and projects.

General Provisions

The sʔelkʷmn Office services will be inclusive, and representative of the Tribal community, and departments and agencies: Elders, language/culture department, cultural preservation department, education, demographic of interest, Tribal programs of interest, Tribal departments of interest, programs or projects that are promoting Tribal workforce development (e.g., service learning, mentorship, education department, etc.); Tribal members with interest, knowledge of topic, or representative of population of interest, etc..

In the beginning the s?elk'wmn Office may operate on an all voluntary basis or be Tribally or grant funded. In an interim phase, the s?elk'wmn Office will track work, services, and materials to inform budget decisions for a self-sustaining future. In a final phase, funding for the s?elk'wmn Office stipends, materials, and other administrative costs, will be provided through budgetary line items written into proposed grant and research projects. Eventually, a part- or full- time staff may be devoted to management of the s?elk'wmn Office.

If research projects are student projects, or other projects without monetary backing, then the s?elk'wmn Office will operate as proposed, in the interest of service to the community, promoting good projects, and expanding scholarship. As an alternative to monetary support, the s?elk'wmn Office may suggest opportunities for proposing researchers to *give back* in the form of service to the s?elk'wmn Office, Tribe, or community, when such an interest is expressed.

Additionally, and clearly, individual intellectual property is a concept that has use for the individuals such as artisans from all media (draw, paint, sculpt, write, songwriter, etc.). Nothing in the recommendations for protections stemming from this project will, or seeks to, prevent or stop individual Tribal members or affiliates from using the current protections under intellectual property law (patent, copyright, etc.) when desired or needed.

General Considerations

A few general considerations for the Tribe to consider if these recommendations are adopted are:

- Available human resources
- Time requirements
- Protest/contestation process

These considerations will be further discussed at such time as the proposal is formally engaged within the Tribe. This proposal may be adopted, adapted, or simply be a way to continue the

discussion toward creating a pathway for engagement with our collective intellectual s?elk^wmn especially when it contributes to our collective and individual health and wellness.

Discussion

Reciprocal, authentic, meaningful and respectful relationship

Glaringly unique to the outlined recommendation is the demand for reciprocal, authentic, meaningful and respectful participation and engagement among all interests surrounding any and all interactions that involve this Tribe's collective intellectual s?elk^wmn. These demands fulfill the ideas articulated in the focus group and interview discussions and align with the identity and values the participants communicated.

First and foremost, and unanimous among all participants from this Tribe was the express significance placed on sharing as integral to identity. Every focus group and interviewee mentioned sharing as a responsibility in relationship to our collective intellectual s?elk^wmn. Sharing is a two-way expectation. Not only do we share what we have, what we know, who we are, but we also take what we see as useful or needed. We see tools, ideas, foods, technologies, etc. that have potential for our use, and we take them, make changes, add to, and use them. This is coupled with deep and abiding respect and reciprocity among players and competitors. This quality is a source of pride for the identity and possessions of the people. It has endured the test of time, is treasured, and is not easily released to the current world of codes, laws, policies and concepts of ownership embedded in other possible means of protections for collective intellectual s?elk^wmn.

Sovereignty is a Tribal designation in the United States, and the relationship is to be as a nation to nation. This relationship is unique in the United States, and easily unappreciated and/or dismissed at this moment in political time and misunderstood across worldwide indigenous

groups. However, sovereignty will and must be respected and accounted for in the worldview of this Tribal nation. Sovereignty will endure as a concept, goal, and part of the identity of indigenous peoples. This recommended solution to create the sʔelkʷmn Office aligns with the sovereignty of this nation.

The responsibility to the Tribal culture, people (human, plant and animal), place/land, past and present generations, the story(ies), values, and survival is vital and held sacred (with all the meaning, power, and expectations of the word). The recommended sʔelkʷmn Office meets the responsibility of the people to give care to the collective intellectual property of the Tribe. It is a heavy responsibility, and its fulfillment through this recommended method will and does match any effort that will be required of those that will ultimately engage and interact with the Office.

The methods of sharing, the who, why, how, where would we share will unfold, evolve, and live in the processes of the interaction of the sʔelkʷmn Office and those that will engage. The collective response, cooperation, interaction, and growth built into the model should provide and safeguard a living, breathing, growing relationship among ways and knowledges, and requests for outside, or internal, access such as allow integrity, life and growth for the small, but culturally diverse and unique worldview brought by this Tribe.

The recommendation to create the sʔelkʷmn Office has been introduced to the political decision-making branch of the Tribe, the Spokane Tribal Business Council. Naturally, creative action to build the sʔelkʷmn Office will be needed because the Spokane Tribe is small and faces many economic, social, and political challenges common in Indian country. The dialogue progresses though, and the Tribal Council and Tribal departments and programs are aware of the need to take action in fulfilling our responsibility to our collective intellectual sʔelkʷmn. This is

increasingly salient in the face of inquiries within and without the Tribe for access to our cultural resources and traditional knowledges. Also, this research project provided time and space to expand the discussions among our people regarding our s?elk^{wmn}.

Further dialogue in the Tribe and community now have a format in place following the focus group and interview discussions. Focus group and interview discussions were expedited by interconnected Tribal and extended family relationships, and a good level of trust and openness. Focus group and interview participants consistently got ahead of questions once they got going, which further demonstrated the capacity of the sqélix^w to engage in sophisticated and academic dialogue regarding matters close to home. The terms for participation served as effective ground rules to take the dialogue to a depth, all the while avoiding the points of divisiveness that we sometimes encounter when we venture into value-laden territory like our knowledge, beliefs, practices, materials, and traditions (Dukes et al., 2000).

Likewise, the definition that I have provided will benefit from further dialogue among the Tribe and community. The definition has yet to be vetted by the legal and museum community. As the principal investigator in this project I chose to privilege the voice of the sqélix^w (human beings) at this step in the process. There were Tribal archival and preservation participants in the focus groups and interviews so naturally their voice is included and integral in the data. Regardless, the definition like our culture should be a living breathing entity, open to evolution as we continue working for balance and integrity in our presence and existence as sqélix^w. Here, we have created a solid ground from which to further the dialogue.

Critical discourse analysis (CDA), in particular, provided a way to “speak to, and perhaps, intervene in, social or political issues, problems and controversies in the world” (Gee, 2011a, p. 9). The political nature of the problem of who defines a people’s intellectual property

and how it is protected made CDA an important tool for this project. Critical discourse analysis was summarized for Tribal elders, who helped generate questions to inquire of this data and generate the resulting definition of intellectual property and recommendations for protections.

Reconciling indigenous data analysis with western methods studied at the graduate level was a process similar to Kimmerer's bee metaphor (2013) referred to in the overview of the methods section of this paper. The Western data analysis methods I drew from, Creswell's grounded theory, and Gee's critical discourse analysis can be described as linear processes that take participant input through a series of steps leading to perceived objective results. The objective results can be thought of as separate from the researcher and from the participants. In full disclosure, the indigenous data analysis I employed was a journey through the process, looking for a pathway through the gift of data given to me toward a product that will benefit our Tribe (past, present and future), and others who will know a balanced and connected world (in this place) because our intellectual property (as we understand it) is respected. DeBerry referred to the pathway through qualitative data such as I was gifted, as requiring the "soul of a nomad" (2017, p. 106), and with the elders as co-researchers through the analysis stage of the project it did indeed feel like the work of a nomadic, maybe a scout bee at times.

Neither focus groups or interviews made mention of nomadic travels, but we are travelers, and we go for business, pleasure, and during the era of this project for activism. We are in an era of activism, and this project would not be what it is without the events that occurred at Standing Rock as a result of the Water Protector activism in and around the year 2016. In the interest of reporting research projects for the purpose of duplication, I assert that every era for some time to come, for indigenous peoples, will see their own Standing Rock. Therefore, the

lessons of our activism should be part of our learning as we go forward into a future of our own determination.

Lessons from Standing Rock

Standing Rock was an Indigenous movement that attracted worldwide attention and the heart of the Indigenous world. I followed the movement from the youth led run to Washington DC to the present. The results for this project to create a Tribally-based definition of collective intellectual property were impacted by Standing Rock in many psychological, physical, spiritual, and ancestral ways.

Following the narrative that was from the movement itself, and about the movement by Indigenous and non-Indigenous media, provided a living and present example of who we are, who we think we are, who we want to be, and why our existence and presence matters now and across time. The interaction with the narrative was a motivating factor to continue the work of protecting the sacred, in this case responsibility, knowledges, connections and interdependencies with what remains of our unique Tribal, familial, and indigenous culture.

Seeing the images provided on social media, mainstream news media, and witnessing the effect of those images on fellow Tribal environmental activists, and Tribal youth reminded me, and further woke me to the call to take responsibility and give direction to those representations. Paula Gunn Allen (1992) called on the women to do that, and I saw several examples of how that was manifesting in the movement to protect the sacred.

Building up to the decision to travel to Standing Rock was preceded by desire to support the younger, stronger Tribal members, descendants, and allies. So many people wanted to go and were going. Not all healthy or strong. Many of our elderly, sick, addicted, and recovering people were attracted to the healing and prayer power that happened at Standing Rock. The

young needed guidance to take our Tribal representation to that place in a good way. The suffering needed physical support, and many needed financial support. Those that could not go, had such a desire to help in whatever way they could, that desire needed validation, and those donations needed accepted and delivered.

The call to prayer and presence was answered by many in varying ways and timing, and the effect was profound, visible, and transformative. This dissertation project was also transformed, and I accepted that evolution. Prayer, action, and ceremony have a powerful force that demands inclusion in the service we bring, our purpose. That force is mixed into this project like the water of our streams and lakes were mixed with those of the Cannonball River, and cannot now, nor should not, be unmixed (Kovach, 2009).

I went twice. On the second trip, I served as navigator in a van full of women and donations. The driver was a relative, scholar, colleague, fellow Tribal member, and we discussed this project across time and miles. Her listening and feedback of my story of this project are imprinted on these pages like the van tire tracks in the memory of the blowing and driving Montana and Dakota snow that dangerous night; none of which can be easily forgotten or dismissed.

The first trip saw Tribal members teamwork to set up camp that will forever be home to those that resided and took shelter. In that time and space, I was given the role of elder in camp, and only slightly above one particular younger woman. She was also a relative, scholar, fellow Tribal member, and we talked long and seriously about research, where we were in the movement and in our academic programs and research. Her interactions with my story, and her story in my ears and heart occupy this project as much as any focus group or interview.

Although none of this made it onto the lists or narrative that precede or follow this disclosure, they are part of the entire project. Concrete lessons and conclusions that came from the Standing Rock experience and into this project are:

- Our messaging has been consistent throughout the last 525 years
 - Allies continue to assert a certain level of understanding for that messaging
 - We still work to explain to an audience that struggles to want to hear, and/or know, or believe those messages

These assertions are related to this project by their demand for acceptance, interaction and cooperation in the recommendations for protections that follow. These demands are like the Backwater Bridge on highway 1806. The potential for resolution lays along the distance of that bridge, but so much depends on what is thought, ordered, accepted, and acted out on the north side of it. Anyone that stood on the south side knows that deep in their bones. Everyone else guesses at, struggles with, accepts, or rejects that knowledge, and it seems useless to reach for that resolution, but some try anyway.

Basically, the metaphor represents how Indigenous people in contact, and often conflict, with colonizing forces have known and asserted, over time, that our existence and ways are important, vital to place, and merit preservation, protection, and perpetuation. Others must stand in the presence of the struggle of that assertion in order to move along the continuum of acceptance or rejection of this, our reality. However, anyone may still choose to not see, hear, or feel the violence that occupies that space; or they may never step into that space, and choose rather to not hear, see, or feel even the very existence of the voice, body, spirit, or struggle of an entire culturally and linguistically diverse humanity right before them. In the latter case, the status quo is the only possibility. In the former, resolution is visible and worth sacrifice of time and life.

Limitations

Analysis of interview and focus group data created a Tribally based definition of collective intellectual sʔelkʷmn and informed recommendations for protections of the Spokane Tribe's cultural resources. This was a community action research project, but the result is not yet solidified. The recommendations have been introduced to the Spokane Tribe. Now it is up to the Tribe to move this discussion forward. The work done in focus groups and interviews is affirmed by the UNDRIP, and changes can be anticipated for the way intellectual sʔelkʷmn and cultural resources are handled by researchers, universities, project and program funders, museums, libraries, corporations and local and state governments.

However, the local, state, and national political climate of our time is not conducive to change in favor of our expected protections of much of anything that we have ancestral responsibility to. Therefore, in my presentation to Tribal Council we spoke about how, in times absent political will, it is still possible to build a base of support for eventual and inevitable change. Being indigenous, I assert that this project has prepared a spot to set up camp. There is more work to do, but with this experience and empowerment, it is our responsibility as a Tribe to continue our move into the future in a way that honors our past, makes sense to us, and ensures these sʔelkʷmn (inheritance/keepsakes) for future generations.

As this paper neared completion, it was shared among elder co-researchers who identified some problematic terminology from their perspectives. First, the cultural dimension of uncertainty avoidance (Hofstede et al., 2010), which I employed to talk about tolerance for ambiguity, failed to describe the cultural practice of acceptance for varying ways of knowing that the elders have experienced. Rather, what I tried to describe as ambiguity may be the culture and languages ability to carry multiple and layered meaning all at once. This, as well as the

usefulness of using measures of cultural dimension from western knowledge systems to understand indigenous cultures, requires further investigation.

Second, there is currently a sort of appropriation of the concept *tribal* by certain factions of ultra-conservative political movements. I did not investigate this, but rather trusted the perceptions of the elder. However, I am reporting the elders concern as a matter for possible future attention. What I know from engaging in this project is that we will eventually and soon, most likely return to terms and concepts grounded in our language that will more accurately represent who we are, and how we want to describe ourselves.

Another suggestion that emerged from the academy in reaction to the use of the few terms I have offered in the Tribe's language was the question of when and how to begin replacing the concepts and ideas found in the Tables 1-5 with terms from the Tribe's language. In response to that inquiry I offer three considerations. First, language is the leading concept in the Tribally-based definition of our collective s?elk'wmn. Therefore, it might need solid protections firmly in place, like those I have recommended, prior to substantial placement in public space.

Second, I am a novice learner of the language at this point. Therefore, this task would belong to someone other than me. Our language teachers are very busy in many settings helping us learn the language and time set aside for such a project as this would take their attention away from teaching. Finally, word lists are not the best way to display the depth and connections of the concepts contained by our language. Most elder native speakers and accomplished current teachers of the language, when asked for a word will really dig for broad description of what exactly is being requested. Then, if and when they give a word or phrase, they translate it back to English in story form. That is often their way of explaining to us what the word really means

in context, and capturing the depth and breadth of meaning, and the connection that word or concept reveals with every other thing in our lives, experience, history, relationships, and all things.

Indigenous research methodological contributions

Indigenous research methodology as engaged here is a new old way to ask questions and get answers. Although these methods have experienced increasing respect in recent years there is much to be remembered and learned. According to focus group and interview data, and elder input, remembering and learning starts in our families, and moves through our ancestral parts and paths on its' journey to fulfillment. This way of thinking about our knowledges being based in family and intrinsic in our spirit/heart/soul parts is supported in the literature (Simpson, 2014; see also Wilson, 2008), but we have known it since time immemorial. Of course, the time is always ripe for further exploration, new learning, and our methodologies can be expected to resurface as we reach for them.

Some unique perspectives and practices revealed by this journey to create knowledge in a new old way incorporated generational considerations, meeting Tribal needs through fulfillment of individual and collective purpose, sharing context, and differentiating among data that which is for Tribal use only.

From the perspective of a Tribal scholar aiming to fulfill responsibility to my own people, I eventually yielded individual research plans to meet the Tribe's needs. Being receptive to the needs of the Tribe to the point of making a dramatic shift in dissertation topic was a decision with consequences. Unfortunate consequences were prolonged time to degree because of the pivot to an entire new body of literature and adopting a topic less motivating to me as a scholar.

Rewarding consequences included the time we Tribal members devoted to collective dialogue about important issues facing the Tribe in our time. Sharing context (history, experience, struggles, victories, concern for everything cultural) with study participants and elder co-researchers created a firm setting for a different way of looking at knowledge and its formation. We looked collectively and we created collectively. I was the learner in this collective effort, the one seeking knowledge, and the Tribe was the teacher. The participants as a Tribal collective delivered the lesson. We collectively and capably remembered and reconnected our pathway to the journey of this project, which was to define and protect our intellectual s?elk^wmn on our own terms.

On our own terms stated another way is *on behalf of the Tribe*. Initially, I persevered through the beginning of my higher education journey to this point on behalf of the Tribe. I responded to the Tribe's needs by taking time and giving energy to a topic important to us as a collective. Together, the participants and I acted from our nunx^wenemn (belief) that the knowledge we capably described and created cannot be owned, only shared.

Asserting our responsibility to our collective s?elk^wmn may never align or fit into current legal constraints. If sharing is what we do because of who we are, then solving this problem will come from within our knowledge and ways. In whatever way the Tribe implements to protect our s?elk^wmn, it will filter through the collective. Systems outside of our Tribe will need to shift in order to correct misalignment. Failure to correct this problem will have real consequences. It is our nunx^wenemn that our assertions will bring change about, and if they do not, then we, and those systems will be unable to deny, or act blind or deaf to the consequences. We share. If we do not share, we are not being who we really are. Cultural diversity, which we are, is as

important as biodiversity in the richness of this life, and that realization is more accepted in today's world than ever before.

Accepting responsibility for, not ownership of, our language, songs, stories, ceremony, foods, and everything else our definition contains is a bold move in a world dominated by policy that favors wealthy and perceived powerful multinational corporations and governmental agencies that stand to profit from status quo in relationship to our sʔelkʷmn. It is a reality we cannot ignore if we believe our sʔelkʷmn belong to place and time, not to us. From this perspective our definition stretches the legal and political definition of *intellectual property* and that shift, in and of itself, belongs in indigenous research methodologies. There are things in this world that need to change, and our indigenous knowledges can extend the capacity for new/old solutions.

On behalf of the Tribe, some data led to information for Tribal use only, which was delivered to Tribal Council with the commitment that I will follow up and through with ideas and ways our leaders, with our collective help, can continue to address the needs of the Tribe. Recognizing what is for the Tribe, and what is for the dissertation, which will be placed in the university library, and disclosing this here is a contribution that belongs in indigenous methodology. It is not secret or exclusive material, it is simply information that sorted out of the set goals of this project and into the Tribe's domain.

On behalf of the Tribe, elder knowledge and experience was accessed. Working with elders, the matter of excessive questioning, which can be perceived as offensive in some Tribal contexts needed to be moderated. Therefore, the questions that had to be asked were couched in conversation leading to inquiry and followed by debrief where additional thoughts and understanding could be shared. Moreover, working alongside elders demands attention to past,

current, and future generations. Taking careful steps to honor ancestral legacy and commit to future generations at every juncture throughout the process of this project was natural, essential, and expedited by elder involvement. This will be the case in many indigenous research contexts.

Elder knowledge and experience in relationship with research data from focus groups and interviews, came alongside grounded theory and critical discourse analysis (CDA). The result was informative for indigenous methodologies. Although grounded theory has shown success in many research projects with indigenous groups, I encountered struggles explaining it to elder co-researchers. I described those in the Methods section. Those challenges might be attributed to the shared context (place, history, culture, etc.) among them (elders), me, and focus group and interview participants.

I will continue to look at the power of shared context to deliver meaningful information that is usually discovered through grounded theory methodology. If other indigenous researchers, or scholars working within their own populations and setting do the same, we can begin to identify how shared context among familiar learner (researcher) and teacher (collective population) in projects like ours, decrease the need to engage grounded theory with its methodology of sorting data for themes and then making connections. We may also identify new ways to combine indigenous and western methods when that leads to knowledge we are seeking.

Likewise, critical discourse analysis (CDA) was not an exact fit with our data, but the idea of asking further and political questions of the data eventually made sense to elder co-researchers and facilitated reaching project goals. Once the elders came to understand the foundations of CDA they advised me to ask the same question of the data that I asked the people. That adjustment to CDA methodology is a contribution to indigenous research analysis of data when the goals of CDA align with the search for knowledge within a research project.

Ultimately, in my belief of our ways, I recognize that this project came to me because we are the people to stand up to the challenges of cultural appropriation, misappropriation, misrepresentation, cooptation, commodification, and the like; and I was the person to facilitate the project. That was my purpose for this time. I came from my people, I understood the constraints of western constructs of research in community and cultural psychology, and I had gained much experience in practicum for a graduate certificate in conflict resolution and facilitation for community change.

Anecdotally, but related, when I learned of the requirement to earn a graduate certificate in my program, I polled Tribal members and asked them of the five certificates offered, which should I pursue. Unanimously I was told *Conflict Resolution*. Thus, I came full circle, back to the beginning, aligned with our understanding that all things are connected, we are interdependent among many things, we bring a purpose for our people, and when we belong and attain a certain level of mastery, we deliver on behalf of the Tribe.

Data analysis in indigenous research methodology has gained a place in the literature. The processes from this investigation have been detailed in the Methods section for future use, and when applicable can inform other research efforts with this Tribe and maybe others from the Columbia Plateau. Our languages and cultures have similarities so processes and results of this project may be useful to other plateau peoples. Also, indigenous research in other parts of the world may find some use for the concept of combining methodologies and analyses with local knowledge and expertise to find answers to their questions, their way.

Dissemination

Sharing the process, progress and findings of research with the Tribe and community is an integral responsibility in community action research and indigenous research. The Tribally-

based definition and recommendations for protections of our collective intellectual sʔelkʷmn belong to the Spokane Tribe of Indians. The Tribe, provided the direction and supported this project, and have given their approval. I will continue to consult the Tribal Council, elders, and family in where to go from here. Already suggestions have been offered. Seeking grant funds to initiate the sʔelkʷmn Office and offering the proposal to neighboring Tribes are two ideas that have emerged.

Other indigenous groups where this project might be shared are the National Congress of American Indians (NCAI), the Society for Indian Psychologists (SIP), and The American Indigenous Research Association (AIRA). Community psychology interest in this project might be found in the Society for Community Action and Research (SCRA). These are a few groups where I can share what we have collectively produced, and how we sought to align the work with our ways of producing knowledge. One recommendation that is increasingly heard in our community is the need for a community research conference (Chilisa, 2012), which could be an eventual task for the recommended sʔelkʷmn Office. A Tribal and local community research conference would be a gathering to explore, add to, and guide our learning path toward goals that align with our self-determined journey into our future.

Cultural identity

This project was proposed in reaction to challenges encountered in accessing archival material for an inquiry into cultural identity. However, I found that much of what I learned from listening through dialogue about this subject with sqélixʷ and close allies ultimately revealed a deep and abiding cultural identity. In its way, the data gifted by participants, and sifted through elder co-researchers guided analysis, brought us full circle from cultural identity through intellectual property and back to cultural identity.

First, I heard that we, as sqélix^w share. We are not selfish. When we have abundance, we share. When we have a student, we teach. We tell our children, our families, and each other what we know. Our connections to our land sets the stage for much teaching and sharing. Our connections to each other, and the plant and animal world, provide the relationships to know and value what we have. When we experience exploitation because of this generosity, we recognize the damage to the integrity of the resources and knowledge we are responsible for. Then we reluctantly share only a fraction, and we place limits on our sharing that can misalign with who we are as people.

Our cultural identity is sufficient for each era our generations move through. The narratives we use to define our existence matters and managing that reality is a thing we hold across generations. We value what we have and carry responsibility to past, present, and future generations to preserve and perpetuate our unique way of being in our part of the world. When the threat of exploitation outweighs the responsibility to share, then we may experience cultural dissonance. That is a topic for future research.

We want to share the knowledge of our people and land when the time is right, and the audience is receptive and respectful. We are a learning, resilient, and adaptable people, but we have resisted assimilation when it comes to our cultural identity. It seems it is a challenge to recognize our timeless hold on cultural identity when we live in it every day, but in dialogue with each other in settings like those provided through this project it becomes visible. Critical discourse analysis (CDA) provided a tool from western research methodology to reveal so much about our attachment to our identity, connections, relatedness, and values, but I posit that these qualities were also salient in the dialogue of the people themselves.

Conclusion

This community action research project is another in a growing effort within the Spokane Tribe to build capacity to engage in, rather than be passive participants and receivers of research (Holliday, Wynne, Katz, Ford, & Barbosa-Leiker, 2018). The Tribe has the capacity to fully engage in research and make it ours by decolonizing our thinking and perceptions of inquiry and indigenizing the process through reaching deep into our own *nsux^wn 'e?* (n-sewk-ne; mana'o/understanding) that comes through the heart, mind, memory, and instinct as well as from the ears, eyes, touch, and other senses. Simultaneously, we continue fulfilling our responsibility to protect our collective intellectual *s?elk^wmn* (inheritance/keepsake) that is our knowledge and resources belonging to who we are as a people.

Tribal wellbeing is important, and issues such as culturally relevant research and concepts such as cultural perpetuation were present at all focus groups and interviews. These concepts were further discussed in focus group and interview debriefing as a way to bring this project full circle and back to a place of empowerment for the Spokane people.

Indigenous methodologies are as old as time immemorial. They are currently represented in literature to an extent, yet the diversity of indigenous cultural thought and behavior leaves room for consideration by indigenous scholars into alternative methodologies and analyses that have yet to be written. Engagement with Tribal elders increased this project's capacity to transform the data analysis process into a Spokane way. Advancing the respect for these methodologies is as much a part of this community action research as is building capacity in the Tribe and creating a definition of collective intellectual *s?elk^wmn* and recommendations for protections of our cultural resources that fall within that definition.

Knowing the genealogy of knowledge is imperative to the integrity of the progression of learning. The knowledge created through this research was conceived by the joining of ancestors' connection to all things and the responsibility to deliver our cultural ways intact to future generations. It was born of necessity and nurtured by the collective voice of the sqélix^w. Then it was brought to maturity through the wisdom of elder co-researchers. I facilitated the process and gave words to what I heard when I listened for understanding. Now that we know who we are in relationship to our s?elk^{wmn}, we can give care to it, and to each other by extension because all things are connected in our worldview.

References

- Alfred, T. (2009). *Wasáse: Indigenous Pathways of Action and Freedom*. North York, ON: University of Toronto Press.
- Allen, Paula G. (1992). *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*. Boston, MA: Beacon Press.
- American Indian Religious Freedom Act of 1978, 42 U.S.C. § 1996 (Public Law 95-341). Retrieved from <https://www.govtrack.us/congress/bills/95/sjres102>
- Barelli, M. (2015). The United Nations Declaration on the Rights of Indigenous Peoples: A Human Rights Framework for Intellectual Property Rights. In M. Rimmer (Ed.) *A Research Handbook on Indigenous Intellectual Property* (pp. 47-63). Northampton, MA: Edward Elgar Publishing, Inc.
- Black Hills Sioux Nation Treaty Council. (2011). Resolution of the Black Hills Sioux Nation Treaty Council Rejection of the United States' Statement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples. Retrieved from <http://www.oweakuinternational.org/blog-updates--press-release/rejection-of-us-statement.html>
- Cajete, G. A. (2015). *Indigenous Community: Rekindling the Teachings of the Seventh Fire*. St. Paul, MN: Living Justice Press.
- Chilisa, B. (2012). *Indigenous Research Methodologies*. Los Angeles, CA: Sage.
- Creswell, J. W. (2007). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (2nd ed.). Thousand Oaks, CA: Sage.

- DeBerry, C. P., (2017). *Empowerment through acculturation: Discourses of success and othering at one land-grant pwi* (Unpublished doctoral dissertation). Washington State University, Pullman, WA.
- Dukes, E. F., Pisolish, M. A., & Stephens, J. B. (2000). *Reaching for Higher Ground in Conflict Resolution: Tools For Powerful Groups and Communities*. San Francisco, CA: Jossey-Bass Inc.
- Dupris, J. C., Hill, K. S., & Rodgers, W. H. (2006). *The Si'lailo Way: Indians, Salmon, and Law on the Columbia River*. Durham, NC: Carolina Academic Press.
- Echo-Hawk, W. R. (2013). *In the Light of Justice: The Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples*. Golden, CO: Fulcrum.
- Gee, J. P. (2011a). *An Introduction to Discourse Analysis: Theory and Method* (3rd ed.). New York: Routledge.
- Gee, J. P. (2011b). *How to do Discourse Analysis: A Toolkit*. New York: Routledge.
- Greaves, T. (1994). *Intellectual property rights for Indigenous Peoples: A sourcebook*. Oklahoma City, OK: Society for Applied Anthropology.
- Greenfield, P. M. (2000). Three approaches to the psychology of culture: Where do they come from? Where can they go? *Asian Journal of Psychology* 3(3), 223-240. doi: 10.1111/1467-839X.00066
- Hall, Stuart, ed. 2007. *Representation: Cultural representations and signifying practices*. Thousand Oaks, CA: SAGE.
- Hamill, C. S. (2012). *Songs of power and prayer in the Columbia Plateau: The Jesuit, the Medicine Man, and the Indian hymn singer*. Corvallis, Oregon: Oregon State University Press.

- Hofstede, G., Hofstede, G. J., & Minkov, M. (2010). *Cultures and Organization: Software of the Mind* (3rd ed.). New York: McGraw Hill.
- Holliday, C.E., Wynne, M., Katz, J., Ford, C., & Barbosa-Leiker, C. (2018). A CBPR Approach to Finding Community Strengths and Challenges to Prevent Youth Suicide and Substance Abuse. *Journal of Transcultural Nursing*, 29(1), 64-73.
doi.org/10.1177/1043659616679234
- Kimmerer, R. W. (2013). *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants*. Minneapolis, MN: Milkweed Editions.
- Kovach, M. (2009). *Indigenous Methodologies: Characteristics, Conversations, and Contexts*. Toronto, ON: University of Toronto Press.
- LaDuke, W. (2005). *Recovering the Sacred: The Power of Naming and Claiming*. Cambridge, MA: South End Press.
- National Congress of American Indians (NCAI) Policy Research Center and MSU Center for Native Health Partnerships. (2012). *'Walk softly and listen carefully': Building research relationships with tribal communities*. Washington, DC, and Bozeman, MT: Authors.
- Native American Graves Protection and Repatriation Act of 1990, Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- Riley, A. R., & Carpenter, K. (2017, May 24). Owning Red: A Theory of Indian (Cultural) Appropriation. *Texas Law Review*, 94(5). Retrieved from osf.io/preprints/lawarxiv/zbnuc. doi: 10.17605/OSF.IO/ZBNUC
- Simpson, L.B. (2014). Land as pedagogy: Nishnaabeg intelligence and rebellious transformation. *Decolonization: Indigeneity, Education & Society*, 3(3), 1-25. Retrieved from www.decolonization.org/index.php/des/article/download/22170/17985

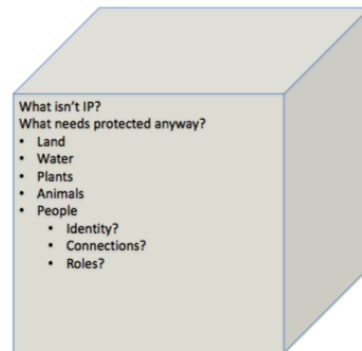
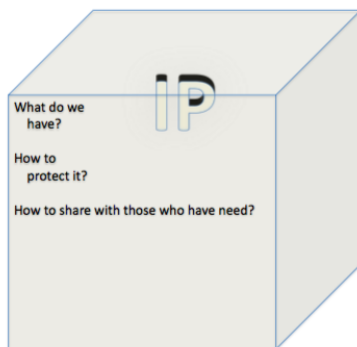
- Smith, L. T. (1999). *Decolonizing Methodologies: Research and Indigenous Peoples*. Dunedin, NZ: University of Otago Press.
- United States Department of State. (2010). *Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples: Initiatives to Promote Government-to-Government Relationship & Improve the Lives of Indigenous Peoples* (Jan. 2010). Available at: <http://www.state.gov/documents/organization/184099.pdf>
- UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, available at: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf [accessed 17 February 2014]
- University of Hawai'i at Mānoa 2014/ 2015 Catalog. (2015, February 17). Requirements and Procedures for Doctoral Degrees. Retrieved from <http://www.catalog.hawaii.edu/grad-ed/require-procdoctoral.htm>
- Wendt, D. C., & Gone, J. P. (2012). Decolonizing psychological inquiry in American Indian communities: The promise of qualitative methods. In D. K. Nagata, L. Kohn-Wood, & L. A. Suzuki (Eds.), *Qualitative strategies for ethnocultural research* (pp. 161-178). Washington, DC: APA.
- White Face, C. (2013). *Indigenous Nations' rights in the balance: An analysis of the Declaration on the Rights of Indigenous Peoples*. St. Paul, MN: Living Justice Press.
- Wilson, S. (2008). *Research is Ceremony: Indigenous Research Methods*. Winnipeg, MB: Fernwood Press.
- Wilson, W. A. (2005). *Remember This! Dakota Decolonization and the Eli Taylor Narratives*. Lincoln, NE: University of Nebraska Press.

Appendices

Appendix A Interview and focus group introductory materials

Terms for interviews and F.G.'s

- IP in a box (decolonize/ indigenize "IP" definition)
- Indigenous collective knowledge
- Tolerance for ambiguity



As a Tribe, considering our . . .

- KNOWLEDGE
- TRADITIONS
- SPIRITUALITY
- CULTURE
- MATERIALS
- CEREMONY
- ETC.

Appendix B Interview and focus group questions

Protocol

Informed consent ← bring handouts to Focus Groups

- Emphasis on this project as research to define and create recommendations for protection of Tribe's intellectual property (IP)

Terms for ground rules in interviews and F.G.'s

- IP in a box ← illustration (decolonize/ indigenize "IP" definition – reversing assimilation when it will benefit our health, wellness, balance, connectedness)
- Indigenous collective knowledge
- Tolerance for ambiguity

Questions for F.G.'s and interviews:

- Question set "IP": As a Tribe, considering our knowledge, traditions, spirituality, culture, material possessions, ceremony, etc. . . .
 - What do we have?
 - How did we get it?
 - Where did we get it?
 - What don't we have?
 - Where is it?
 - How did it get there?
 - What do we know?
 - How do we know it?
 - Where did we learn it?
 - What don't we know?
 - How can we learn it?
 - Where can we learn it?
- Question set "Protections": Considering the things brought up in the previous session . . .
 - Why were these things given to us?
 - What was/is/should be our relationship to them?
 - What was/is/should be our responsibility to them?
 - Why would we share these things?
 - Where would we share these things?
 - How would we share these things?
 - Who would we share with?
- Question set "Debrief"
 - IP definition and recommendations for protections
 - What else? (This is where questions that emerged from all interviews and focus groups can be asked)
 - Debrief
 - UNDRIP
 - Decolonization/ indigenization ← reversing assimilation when it will benefit our health, wellness, balance, connectedness
 - Cultural research imperative
 - What else?

Terms for Debrief

- UNDRIP
- Rights vs. responsibility
- Decolonization/ indigenization ← reversing assimilation when it will benefit our health, wellness, balance, connectedness
- Cultural research imperative
- Cultural perpetuation

Follow-up with those that expressed interest

- Get contact information

Appendix C Consent to participate in research project

University of Hawai'i

Consent to Participate in Research Project:

Indigenizing Intellectual Property: Tribally-based Definition and Protections for Traditional Knowledge and Cultural Resources

My name is Melodi Wynne. I am a graduate student at the University of Hawai'i at Mānoa in the Community and Cultural Concentration in Psychology. As part of the requirements for earning my graduate degree, I am doing a research project. The purpose of my project is to create a Tribally-based definition of intellectual property and recommend some protections for the Tribes intellectual property as defined. I am asking you to participate because you are a Tribal member, employee or interested community member.

Activities and Time Commitment: As a participant in this project, you will either attend a focus group or be interviewed by me at a location and time convenient for you.

- Community focus groups will be three 2-hour meetings over a 3-week time period.
- Program focus groups will be a one time 2-hour meeting.
- Interviews will take 45 minutes to an hour.

I will facilitate a series of 4 community focus groups in four Tribal communities, and a condensed version of those focus groups with about 12 Tribal programs, departments or committees for this study. You are invited to participate in any of the community or applicable program focus groups.

The interview may be individual, or if mutually agreed upon, then in a group. With your (and everyone if applicable) signed consent I will audio-record the interview so that I can later transcribe the interview and analyze the responses. I will interview about 35 people for this study.

Focus groups and interviews will consist of a sampling from 25-30 open ended questions that might include questions like, As a Tribe, considering our knowledge, traditions, spirituality, culture, material possessions, ceremony, etc. . . . What do we have? How did we get it? Where did we get it? Considering the things brought up in the previous session . . . Why were these things given to us? What was/is/should be our relationship to them? What was/is/should be our responsibility to them? Why would we share these things? Who would we share with?

Benefits and Risks: There will be no direct benefit to you for participating in this project. The results of this project may help protect the Tribe's intellectual property to benefit the future of the Tribe's culture. I believe there is little risk to you in participating in this research project. You may become stressed or uncomfortable answering any of the questions or discussion topics during the focus group or interview. If you do become stressed or uncomfortable, you can skip the question or take a break. You can also stop the interview or you can withdraw from the group interview, focus group, or project altogether.

Privacy and Confidentiality: I will keep all information in a safe place. Only my University of Hawaii advisor and I will have access to the information. Other agencies that have legal permission have the right to review research records. The University of Hawaii Human Studies Program has the right to review research records for this study. After I write a copy of the interviews, I will erase or destroy the audio-recordings. When I report the results of my research project, I will not use your name. I will not use any other personal identifying information that can identify you. The definition and recommendations that result from this research will be from the Tribe as a collective, which means no names shall be referenced anywhere. I will report my findings in a way that protects your privacy and confidentiality to the extent allowed by law.

Voluntary Participation: Your participation in this project is completely voluntary. You may stop participating at any time. If you stop being in the study, there will be no penalty or loss to you. Your choice to participate or not participate will not affect your rights to any services anywhere.

Questions: If you have any questions about this study, please call or email me at 509-879-4785 or melodiw@hawaii.edu. You may also contact my adviser, Dr. Ashley Maynard, at 808-956-7343 or amaynard@hawaii.edu. If you have questions about your rights as a research participant, you may contact the UH Human Studies Program at 808-956-5007 or uhirb@hawaii.edu.

Appendix D Sample of 1 of 31 pages of data sort

A. Data analysis

1. What do/don't we have (yellow and turquoise)

a) Language

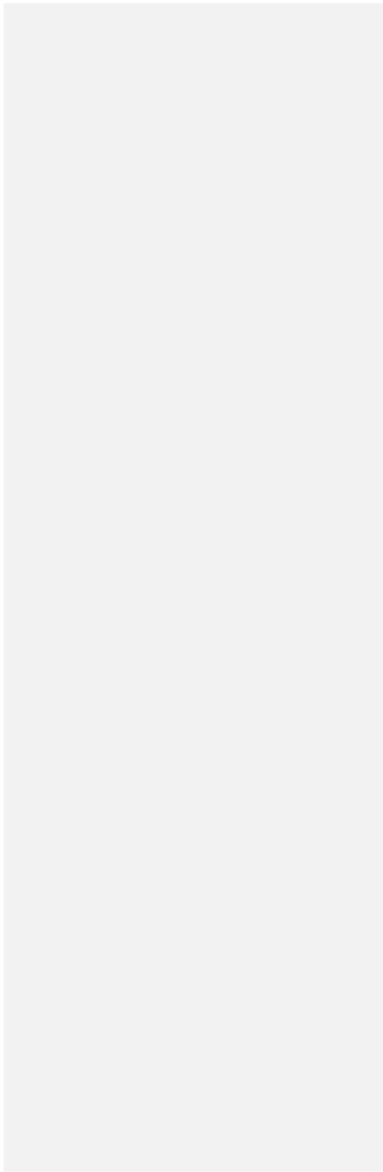
- preservation, reviving, revitalizing
- persistent compassion to teach language
- is here
- start to fluency
- language speakers in numbers
- language
- full scale language
- language website
- dialects (older, newer)
- culture department
 - language
 - preservation
- tribally enrolled teachers
- fluent language in generation
- language
- language
- trade language
- language programs
- language
- language
 - widespread effort to learn
- language
- extensive language
-

b) Songs

- Singing, dancing
- Songs
- Songs
- Songs
- Songs
- Songs
-

c) Values

- respect
- respect
- humor
- communication



Appendix E for Resolution language for formal proposal to the Spokane Tribal Business Council

Resolution language:

Whereas: The Spokane Tribal Business Council recognizes that Institutional Review Boards (IRBs) provide legal protection for institutions, and the Tribe requires its own framework for protection in research and grant oversight.

Whereas: The Spokane Tribal Business Council recognizes that many grant and research projects initiated in collaboration with the Spokane Tribe have not formally “reported back” to the Tribe nor been collected or archived by the Tribe for critique or posterity.

Whereas: The Spokane Tribal Business Council recognizes that concerns about informed consent, “opting-out”, ownership of data, and review for publication are unresolved issues in most of Indian country.

Whereas: The Spokane Tribal Business Council recognizes that memory and record of research and grant projects is beneficial to maximize efficiencies of data, data systems, human resources, financial resources, continuity of, and effective programs and projects, and time. In essence, the ‘story’ of research and grant projects within the Tribe is important.

Whereas: The Spokane Tribal Business Council recognizes that social justice involves the exercise of agency in research and grant projects, and that societies can benefit if they are able to hear the Tribe’s knowledge judiciously shared, and in a good way.

Whereas: The Spokane Tribal Business Council recognizes that Tribal knowledge improves program and research design and delivery, and can positively impact both the Tribe, and research and grant staff.

Whereas: The Spokane Tribal Business Council recognizes that decolonizing and indigenizing grant funded programs and research projects impacts indigenous peoples worldwide.

Whereas: The Spokane Tribal Business Council recognizes that “cultural values are a foundational framework that guide tribal communities as tribes navigate today’s complex research world.”

Whereas: The Spokane Tribal Business Council acts on behalf of the Tribe in self-determining if, and how, research and grant projects are beneficial to the Tribe and its departments.

Be it resolved...

Supplemental Material



Spokane Tribe of Indians

P.O. Box 100 • Wellpinit, WA 99040 • (509) 458-6500 • Fax (509) 458-6575

March 27, 2018

Wynne Dissertation Committee
C/O Dr. Ashley E. Maynard, Committee Chair
University of Hawaii at Manoa, Dept. of Psychology
2530 Dole Street, Sakamaki C-400
Honolulu, HI. 96822

Re: Letter of Recommendation for Melodi Wynne Dissertation

Dear Dr. Maynard:

It is with much pleasure and pride, the Spokane Tribal Business Council provides this letter of recommendation for Melodi Wynne's dissertation.

I have known Melodi since she was a young girl attending the Wellpinit Public School, this school is located on the Spokane Indian Reservation. Melodi is a mother and grandmother who heard the stories of her grandmother (yeye). This experience influenced Melodi to live the ways of her grandmother, the ways of our ancestors.

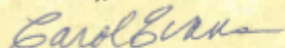
Melodi has donated countless volunteer hours to work amongst her people and with her employment experience these have provided her with the needed experience and knowledge to address the subject of her dissertation from a Tribal and cultural viewpoint. Her efforts have also provided positive impacts on our Tribal citizens such as, but not limited to, our Tribal language program and the eventual development of our language immersion school; eloquently speak of the importance of retaining our language; the importance of language and cultural identity; assisting with the Elder's Cultural Advisory Committee to identify ways to assist elders in need; developing practical approaches to assist the community, grass root groups as well as community driven movements, with culturally appropriate healing methods that can and will impact youth and the community; participated in STEM (Science, Technology, Engineering, Math) programs for youth; white bison focused gatherings and healing groups; and Gathering of Native American (GONA) focused efforts to assist the community heal from the affects of historical trauma. As mentioned the experience and work prepared her well to address the topic of her dissertation.

On February 26, 2018, Melodi met with the Tribal Business Council, the elected leaders of the Spokane Tribe, and provided a summary of her dissertation. Tribal Council was very impressed with the quality of work demonstrated and were very satisfied that she has researched a topic that will directly assist the Tribe now and in the future. She juxtaposed our Tribal method of inquiry with western scientific methodology and aligned her research plan to make the research accessible to our citizens. She successfully privileged the voice of our Tribe in the creation of a definition of collective intellectual property rather than seeking the already existing legal and political definition. It is apparent that she believes that our language, and system can assert and fulfill our responsibility to our past, present and future cultural materials resources, knowledges, practices, and values in a way that makes sense.

In closing, the Spokane Tribal Business Council is honored to provide full support of the culturally appropriate conclusions reached in Melodi's dissertation. Her determination that the closest cultural aspect of intellectual property for our Tribe is s^ʔelkwmn (keepsake) which is one of the most profound spiritually driven cultural practices of our Tribal citizens that was passed down from our ancestors. Melodi has truly honored our ancestors in the development of her dissertation. It is best stated in Melodi's own words, "Our people have imagined the solution. I used heart and shoulders to pull from our wisdom, and create from our words, the space that is both safe for our collective knowledge and open for the perpetuation of our ancestral ways of being in the world; in a way it brings each of us closer to the center of who we are as a people".

Thank you for your attention to our letter of recommendation of Melodi Wynne's dissertation. If you have any questions, please contact me at (509) 458-6504.

Sincerely,



Carol Evans,
Chairwoman
Spokane Tribal Business Council