

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Affirming the Nation's Research Code, 17 Tohono O'odham Code Chapter 8, and Supporting
the Implementation of the Research Code by the Nation's Institutional Review Board)

RESOLUTION NO. 23-455

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2 Legislative Council with the authority to "promote, protect and provide for public
3 health, peace, morals, education and general welfare of the Tohono O'odham
4 Nation and its members" and to "exercise the inherent powers of the Tohono
5 O'odham Nation by providing laws, ordinances or resolutions . . . (8) to preserve
6 and cultivate native arts, crafts and traditions" (Constitution, Article VI, Section
7 1(c)(2)) and Section 1(c)(8)); and

8 **WHEREAS,** by Resolution No. 13-165, the Legislative Council enacted the Research Code of the
9 Tohono O'odham Nation as 17 Tohono O'odham Code Chapter 8, which seeks to
10 balance allowing beneficial research and protecting the Nation's members and
11 their rights; and

12 **WHEREAS,** the Research Code functions to protect Nation's members, himdag, and natural
13 and cultural resources from appropriation, exploitation, misuse, and harm; and

14 **WHEREAS,** the Research Code establishes a permit requirement for any researcher seeking
15 to conduct research on the Nation and a requirement that researchers enter into
16 a research agreement with the Nation (17 T.O.C. Chapter 8); and

17 **WHEREAS,** the definition of "research" is purposely broad to include: community based
18 participatory research, cultural or historical research, and research on plants,
19 animals, water, land, air, or weather (17 T.O.C. Chapter 8, Section 8101); and

20 **WHEREAS,** the Research Code further establishes the Nation's Institutional Review Board
21 ("IRB"), an independent entity consisting of five Nation's enrolled members with
22 relevant experience and expertise, to review and consider whether a proposed
23 research proposal should be granted, denied, withheld, or approved on a
24 modified basis (17 T.O.C. Chapter 8); and

25 **WHEREAS,** the IRB's decisions are not subject to review by, or appeal to, the Nation's elected
26 officials or any court; and

27 **WHEREAS,** under the Research Code's enforcement provisions, "[n]o research shall be
28 performed within the jurisdiction of the Nation or otherwise subject to [the
29 Research Code] unless the researcher has first received review, approval, and a
30 permit from the Nation's IRB" (17 T.O.C. Chapter 8, Section 81010(A)); and
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1 **WHEREAS, the Human Resources Development and Cultural Preservation Committees**
2 **recommend affirming the Nation's Research Code and supporting the IRB's**
3 **efforts to independently implement the provisions of the Research Code.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council affirms the**
5 **Nation's Research Code, 17 Tohono O'odham Code Chapter 8, and supports the**
6 **efforts of the Nation's Institutional Review Board to independently implement**
7 **the provisions of the Research Code.**


8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH**
9 **day of DECEMBER 2023 at a meeting at which a quorum was present with a vote of 2,815.15 FOR;**
10 **448.15 AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council**
11 **by Article VI, Section 1(c)(2) and (c)(8) of the Constitution of the Tohono O'odham Nation,**
12 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
13 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
14 **Act of June 18, 1934 (48 Stat.984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 **Wavalene M. Saunders, Legislative Chairwoman**

22 5th day of December, 2023

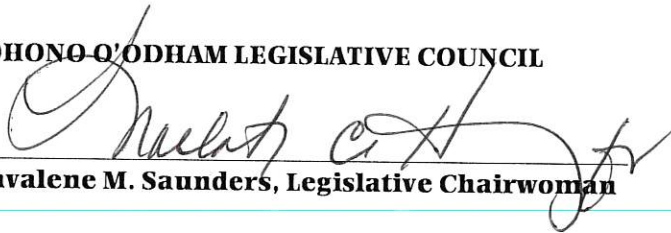
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25 **ATTEST:**

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28 **Evonne Wilson, Legislative Secretary**

29 5 day of December, 2023

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32 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
33 **O'odham Nation on the 5th day of December, 2023 at 4:42 o'clock, 4 .m.,**
34 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
35 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
36 **hours of submittal.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 **Wavalene M. Saunders, Legislative Chairwoman**

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APPROVED

on the _____ day of _____, 2023

DISAPPROVED

at _____ o'clock, _____ .m.

EXCEEDED 48 HOURS

DEC 11 2023

VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Legislative Secretary's Office

Returned to the Legislative Secretary on the 11 day of

December, 2023, at 2:01 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: AFFIRMING THE NATION'S RESEARCH CODE, 17 TOHONO O'ODHAM CODE CHAPTER 8, AND SUPPORTING THE IMPLEMENTATION OF THE RESEARCH CODE BY THE NATION'S INSTITUTIONAL REVIEW BOARD

MOVED: COUNCILMAN TIMOTHY L. JOAQUIN

SECOND: COUNCILWOMAN LUCINDA ALLEN

DATE: DECEMBER 05, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X	X		
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (<i>Absent</i>) (Cornelius Antone) (<i>Present</i>) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (<i>Absent</i>) (Grace Manuel) (<i>Present</i>)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8 128.8	X	X		
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X	X		
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (<i>Absent</i>) (Mary Lopez) (<i>Present</i>)	123.55 123.55	X X			
TOTAL		3,263.30	2,815.15	448.15	-0-	-0-