

## **Policy on Substantiation of Indigenous Identity for TUFA Faculty**

Category:	Human Resources
Approval:	TUFA Joint Committee
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For Information:	Faculty Board, Senate, and Board of Governors
Responsibility:	Provost & Vice President Academic
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### **Preamble**

Trent University is committed to being a place where Indigenous identity is honoured and supported. We work to remove barriers to education and employment for Indigenous Peoples. In this context, this policy has been developed to ensure that benefits intended for Indigenous Peoples are received by Indigenous Peoples.

### **Trent Statement of Affirmation and Support, 2006**

Trent University honours the land upon which it is built and its traditional occupants. It celebrates the imaginations of Indigenous peoples, their survival throughout the centuries, their knowledge developed over generations and their strength to endure.

Trent University has a long and distinguished history of educating Indigenous peoples and others about Indigenous peoples. Since its founding, Trent's efforts and initiatives have demonstrated leadership and commitment to creating places of dignity and respect for Indigenous peoples and their knowledge and fostering dialogue and discussion about Indigenous issues.

Trent intends to continue to lead by example and remain at the forefront of higher education regarding Indigenous peoples by fostering their development, cultures, and knowledge within the University and in society.

Trent expresses pride in the achievements of Indigenous graduates. It seeks to attract Indigenous students, staff and faculty, supporting them in their studies and their paths to their chosen careers. The University acknowledges their contributions to their communities, Canada, and the world.

### **1.0 Background**

The past practice of acceptance of Indigenous self-identification has proven to be inadequate in the 21st-century world of contested identities and the provision of benefits based on Indigenous identities.

The Tri-Agency (CIHR, NSERC, SSHRC) Ad Hoc Working Group on Indigenous Citizenship and Membership (2024) states:

"[S]elf-identification alone is now insufficient to support claims to Indigenous citizenship/ membership where such claims result in material advantage, either financially or, in some cases through engagement, reputationally."

North American settler states have established rules for determining Indigenous identities in the past. However, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous Peoples are developing their definitions and regulations for determining their members and citizens. Presenting falsified identity substantiation documents is an act of misconduct and should be treated as such in organizational policies.

The University does not determine Indigenous identity but requires a policy and process to ensure that benefits are granted to Indigenous individuals who meet the organizational evidential criteria necessary to substantiate their claim.

## 2.0 Purpose

This policy ensures that individuals claiming benefits from the University based on Indigenous identity provide evidence to substantiate their claims. By doing so, the University supports the integrity of individuals, Indigenous Peoples, communities, and organizations. It seeks to prevent harm arising from fraudulent Indigenous identity claims. Welfare and well-being improve when the evidence requirements and review process are well-established, clear, and easy to navigate. These processes, designed to be fair and equitable, should not burden Indigenous individuals more than others required to present identity evidence.

## 3.0 Scope

This policy applies to all TUFA members of the University community and candidates for TUFA positions.

## 4.0 Definition

The term "Indigenous" in this document aligns with the definition provided in The United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)):

"Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic, and political characteristics that are distinct from those of the dominant societies in which they live."

Further, UNDRIP describes the right of Indigenous communities to determine their membership following their customs and traditions.

The *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act, 2021* clarifies the definition within Canada:

***Indigenous peoples*** has the meaning assigned by the definition *aboriginal peoples of Canada* in subsection 35(2) of the *Constitution Act, 1982*.

## 5.0 Principles

As Trent University is located and operates in Anishinaabeg territory, the seven grandfather teachings guide the conduct of relationships to these lands, waters, and the people residing on these lands.

The teachings that ground this policy are:

- a. **Zaagidwin (Love):** The process should be based on the notion that it supports a wide range of Indigenous identities.
- b. **Aawa'ode'ewin (Bravery):** The process must acknowledge that for some, it requires courage to identify as Indigenous individuals following a long history of assault, and that embracing Indigenous identity is both a healing act and a step toward decolonization.
- c. **Gwekwaadziwin (Honesty):** The process should be internally consistent and effectively balance reason and passion.
- d. **Mnaadendimowin (Respect):** The process must honour the truths of the individual and the organization, seeking a way to acknowledge each.
- e. **Dbaadendiziwin (Humility):** The process should recognize the complexity of Indigenous identities and take due care to ensure that these complexities are addressed compassionately and humanely.
- f. **Nbwaakaawin (Wisdom):** The process should recognize that Indigenous identities have been profoundly affected by colonization, that the assumption of Indigenous identity is a turbulent journey for some, and that Indigenous identities are always becoming.
- g. **Debwewin (Truth):** The process should encourage everyone to be honest and reflect each person's experience.

## 6.0 Policy Statement

6.1 This policy is based on the principle of self-identification, supported by the relevant documentation.

6.2 Trent acknowledges the diversity of Indigenous Peoples, as there are thousands of distinct Indigenous cultures worldwide. The fact that an Indigenous individual does not fall within the scope of this policy does not imply that they are not Indigenous, nor does it hinder their ability to self-identify as Indigenous following their respective protocols.

6.3 This policy does not detract from or supersede the principle of Academic Freedom outlined in the TUFA Collective Agreement. Therefore, it does not prevent any member of the University's academic community from engaging with topics related to Indigenous issues, irrespective of their identity.

6.4 Requesting identity documentation is part of regular operating processes for substantiating identities for those claiming material benefits based on their identities.

6.5 Intentional misrepresentation to gain a material advantage is misconduct, regardless of the claim in question. It can be, and is, addressed through the University's existing policies and the TUFA Collective Agreement.

## **7.0 Hiring**

7.1 A person who applies for a TUFA position at the University that requires or gives preference to Indigenous membership or citizenship must provide documentation as set out in Appendix 1. This documentation should be included as part of their application file. The relevant Dean will review the documentation for those short-listed in consultation with the Provost and, as necessary, a review panel to determine if it meets the requirements of this policy.

7.2 Candidates whose documentation does not meet these requirements to the satisfaction of the University will be disqualified from consideration for the designated opportunity.

7.3 If a successful candidate is later proven to have falsely claimed an Indigenous identity, their opportunity will be reviewed by the process outlined in this policy and in accordance with the applicable laws, collective agreements, and policies.

## **8.0 Other Material Advantages**

8.1 A member who receives a material advantage from the University that requires or gives preference to Indigenous membership or citizenship must provide documentation as set out in Appendix 1. Examples may include a research grant, certain appointment types, and other benefits. A candidate whose documentation does not meet the requirements under this policy may be denied the designated opportunity. If the individual is proven to have falsely claimed an Indigenous identity to access this advantage, the claim shall be considered misconduct and shall be referred to the Provost and shall be subject to the processes in the Collective Agreement.

## **9.0 International Indigenous Peoples**

9.1 The identity substantiation process should also consider the substantiation requirements for international Indigenous Peoples, recognizing that these may differ from Canadian documentary standards. Documentation shall come from Indigenous or state-recognized governing bodies.

## **10.0 Personnel Files**

10.1 A copy of the substantiated documentation and a notation that the individual has met the requirement will be placed in the personnel file.

10.2 The identity documentation is confidential and protected by privacy legislation.

10.3 The University will not create a public list of 'Indigenous persons whose identities have been substantiated.'

10.4 Aggregate statistics on employees with verified Indigenous identities can be developed and shared.

## **11.0 External Agencies**

11.1 If an external body (CIHR, NSERC, SSHRC, or other) requires substantiation of Indigenous identity

for an individual claiming a material benefit, Trent may issue a statement that the individual has met its substantiation standards if the individual has met the substantiation standards.

## **12.0 Complaints**

12.1 Falsification of an Indigenous Identity claim is regarded as an instance of misconduct and is subject to the appropriate consequences set out by the TUFA Collective Agreement.

12.2. Individuals or Indigenous organizations should report what they perceive to be an invalid claim of Indigenous identity to the Provost. Complaints must be made in writing or orally in the practice of oral tradition and should be made in good faith. They shall not be anonymous and may be subject to penalty if proven to be vexatious or false.

12.3. Complaints received by the Provost in accordance with section 12.2 will be treated confidentially. The Respondent and TUFA will receive a written or transcribed copy of the complaint within ten (10) days of receipt. The Respondent shall have the right to provide a written response to the complaint within ten (10) days of being notified of the referral.

12.4 Should the Provost determine that there is insufficient evidence based on the complaint and response, the Provost will advise the Respondent and TUFA that there is insufficient evidence to warrant an investigation and the complaint is dismissed.

12.5 If, based on the complaint and response, the Provost believes that there is sufficient evidence to indicate that there is a potential falsification of an Indigenous Identity claim to warrant an investigation, the Provost will refer it to a Review Panel.

12.6 The Review Panel (Panel) shall be chaired by the Vice President of External Relations and Development and shall include an Indigenous TUFA member and 2-3 external members from the broader cultural or ethnic group that the Respondent has identified as their Indigenous Identity. The Chair may request that the Provost expand the Panel membership to ensure appropriate representation. The Panel may also consult external experts such as legal counsel.

12.7 In the event that the Provost refers the complaint to a Review Panel, the Respondent, the Complainant and TUFA will be informed.

12.8 The Respondent shall have the right to provide a written response and/or additional supplementary materials to the Provost to share with the Panel, within ten (10) days of being notified of the referral.

12.9 The Panel will review the complaint and shall, within thirty (30) days, provide advice to the Provost on the validity of the complaint. The Panel shall consider any written response to the complaint provided by the Respondent and may seek additional information as necessary to discharge its responsibilities. The Panel's review will be limited to the substantiation of the respondent's Indigenous identity. In more complex cases, extra time may be required, and in such cases, the Provost will ensure that the Respondent, the Complainant, TUFA, and others involved are apprised accordingly.

12.10 The Provost, upon receipt, will share a copy of the advisory report of the Panel with the Respondent, who will have ten (10) days to provide a response to that report. The Provost will then review the advice of the Panel and any response from the Respondent and decide on the complaint and any associated actions. The Provost will communicate their decision in separate letters to the complainant(s) and Respondent(s) and, where the Respondent is a TUFA member, to the faculty association.

12.11 Respondents who are members of TUFA who seek to contest decisions that result from applying this policy have recourse under the relevant collective agreement.

### **13.0 Review**

13.1 This policy shall be reviewed at five-year intervals or more frequently as required. The review shall be conducted by a working group chaired by the Provost and comprised of the VP External Relations & Development, at least one Elders & Knowledge Keepers Council member, two Indigenous TUFA members, the TUFA President or designate, and the VP People, Culture & Student Services.

13.2 The documentation requirements in Appendix 1 can be updated as necessary.

### **14.0 Related Regulations, Policies & Guidelines**

TUFA Collective Agreement

### **15.0 Policies Superseded by This Policy**

None

## Appendix 1 – Documentation Requirements

### Option 1: Written Documentation

- A true copy of an Indian status card issued by the Government of Canada.
- A true copy of a Métis Nation citizenship card or a complete confirmation letter from one of the Métis provincial governments: Métis Nation of Ontario, Métis Nation Saskatchewan, Métis Nation of Alberta, Métis Nation British Columbia Métis Nation of Alberta, the Northwest Territory Métis Nation, or the Manitoba Métis Federation.
- A true copy of an Inuit enrolment card issued by any one of the four Inuit modern treaty bodies—Nunavut, Nunatsiavut, Nunavik, or Inuvialuit.
- A true copy of the Haudenosaunee Passport or any citizenship document issued by a tribal nation.
- Written confirmation of membership/enrollment from a US or Canadian federally recognized band/tribal authority.
- A true copy of American Indian, Alaskan Native, or Native Hawaiian citizenship document from tribes that are state or federally recognized or recognized by the [National Congress of American Indians](#).
- A letter of "Confirmation of Aboriginal or Torres Strait Islander Descent" provided by an Indigenous Community organization.
- Documentation is required by legitimate Indigenous communities or governments within other countries. These documents must be stamped with the organization's common seal of certification.
- If an individual is not connected with their community (whether by means of being adopted out and/or other reasons), they may submit at least two sworn affidavits from family members (including customary adoptive and legal adoptions) that clearly identify their nation, community, and reason why they are not connected to their Indigenous community.

### Option 2: Self-Declaration

If an individual does not possess proof of the documentation listed in Option 1, they must submit a declaration about their existing lived experiences and ongoing relationship to a legally recognized and rights-bearing Indigenous community, Nation, or People. This declaration must be accompanied by a letter confirming its veracity from a recognized Tribal or Indigenous nation authority. The statement must provide specific information about the First Nation, Inuit, or Métis community, such as their treaty, scrip, land claim, and territory or region. The statement should address the individual's Indigenous community engagement, relationship, and lineage. This statement, or supporting information, may be presented orally and will be transcribed for record-keeping purposes.