



Tribal Approval Process Guide for SD Tribes

Tribes have inherent sovereignty, which is the ability to govern themselves. This makes many federal and state laws unenforceable. Each Tribal government has its own unique process for governing, but there are some similarities between the nine tribes in South Dakota. There are two main reasons a Tobacco Coalition may need to navigate the tribal approval process: (1) commercial tobacco policies, or (2) collecting data in a tribal community. Local data is a powerful tool to advocate for policy change.

“The essence of Tribal sovereignty is the ability govern and protect the health, safety, and welfare of Tribal citizens within Tribal territory.”
~National Congress of American Indians

The goal of this guide is to give users a general understanding of when to use the Tribal approval process and how to navigate it. No matter what, make sure that your commercial tobacco policy and/or data collection plan meets the needs and interests of the grassroots members from the Tribal community.

Commercial tobacco policies

- Gather ideas and make a plan for the policy using [Policy Writing 101](#).
- Determine the approval process for the Tribal government you’re seeking approval from (box to right).
- [Engage stakeholders](#) by identifying who they are, listen do their thoughts on the policy, and discuss their questions or concerns.
- [Share community support](#) by providing examples that the tribal community supports the policy (ex. letters, signatures, testimony, or data).
- Present your policy to Tribal decision makers. Be prepared for [before](#), [during & after](#) the presentation.
- If your policy is passed by Tribal Council, [celebrate publicly](#), give [regular reminders](#), and [monitor compliance & threats](#).

Collection of data in a tribal community

- Gather ideas and make a plan for data collection and sharing using the [Collect Local Surveys](#) and [Sharing Data in a Meaningful Way](#) resources.
- Determine if the data collection can be done without tribal and Institutional Review Board (IRB) approval (refer to yellow boxes on next page). If you need approval, refer to the blue box for suggested steps.

Most tribal policies or data collection plans are approved using the following steps.

1. Recommendation for approval from a Tribal Council committee or a district board.
2. Legal review from a tribal attorney.
3. Approval by the full governing body.

If you have questions about the approval process, reach out to the [tribal government offices](#).

*Working with local tribal community members is critical to the success of navigating the tribal approval process.

Tribal Approval Decision Tool:

Approval should ***not*** be needed for data collection meeting the following criteria.

- a. In an educational setting using normal practices, like an anonymous school tobacco use survey.
- b. Observations of public behavior, like data on people smoking or vaping in public places, or data from tobacco retailers about tobacco products sold in your community.
- c. Anonymous public surveys, like an online survey to get data on the public's opinions about a tobacco policy.

Approval ***should*** be obtained for data collection that meets the definition of human subjects research.

- a. Data from living people that is identifiable (name, date of birth, etc.) or includes private information.

*If the tribe doesn't have their own IRB, approval should be obtained from the tribal government ***and*** the Great Plains Area Indian Health Service IRB.

Great Plains Area: IRB00000635

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Estimated Cost:

Cost varies based on the scale of the policy or data collection plan.

- Possible policy expenses: paper copies of policy and facts supporting it, advertising/promotion, mileage, postage, and staff time.
- Possible data collection expenses: paper copies of survey, online survey collection instrument (example – Survey Monkey, QuestionPro, SurveyLegend, and others), electronic device for survey collection, mileage to collect surveys, postage, staff time (to develop, collect and enter data, data analysis, and share results).

Timeline:

Time expectations varies based on the scale of the policy or data collection plan.

Resources:

1. American Indian Law Center. www.ailc-inc.org
2. O'Leary, R. and Huber, C. (2021). Tribal Tobacco Advocacy Toolkit. www.findyourpowersd.com/toolkit/
3. Public Health Law Center: Tribal Public Health. <https://www.publichealthlawcenter.org/topics/tribal-public-health>
4. Public Health Law Center: Tools for Advancing Tribal Public Health Policies. https://www.nihb.org/docs/07182017_tphs/thursday/Tools%20for%20Advancing%20Tribal%20Public%20Health%20Policies.pdf
5. National Native Network: Keep It Sacred. <https://keepitsacred.itcni.org/>
6. NAU Office for Native American Initiatives: Tribal Consultation and Approval Flowchart. <https://nau.edu/wp-content/uploads/sites/26/Tribal-Consultation-Flowchart.pdf>

