

Indigenous Citizenship Declaration (ICD) Policy

University Policy No.: GV0810

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Approving Authority: Board of Governors

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Associated Procedures: Indigenous Citizenship Declaration (ICD) Procedures

Preamble

- 1.00 Through engagement with members of səlxʷéyn sqʷél | SELWÁN SKÁL | Elders' Voices and Indigenous communities at the University of Victoria, this Policy formalizes a process for providing reasonable assurance that Indigenous-specific Opportunities resulting in Material Gain are accessed and held by Indigenous Peoples.
- 2.00 The University recognizes the critical importance of Indigenous-specific Opportunities that are intended to: (i) achieve diverse and equitable representation in an occupation, unit or program; (ii) strengthen Indigenous ways of knowing and being in teaching, governance and service; and/or (iii) otherwise enrich the ways we accomplish the university's academic mission and serve our community. The goal of this policy is to ensure that these intentions are honoured and respected.
- 3.00 Foundationally, this policy strives to enact key institutional commitments and strategic plans to align the University with Indigenous Laws and protocols. UVic respects and affirms the distinct and inherent rights of Indigenous Peoples to determine their Citizenship in accordance with their own Indigenous Legal Orders, governance structures, customs and traditions.
- 4.00 The University holds the responsibility to ensure that the eligibility requirements for Indigenous-specific Opportunities administered by the University are carefully designed to recognize the authority of Indigenous Nations, Peoples and Communities to determine and verify their Citizenship.
- 5.00 The University understands that Indigenous Citizenship, belonging and identity reflects dynamic and distinct social, political, and legal formations and expressions that exceed the focus and scope of this Policy. In no way does this Policy intend to attenuate, restrict or reduce these meanings and expressions.

- 6.00 This Policy, and its careful and compassionate implementation, is a tool to assist the University through areas of inevitable uncertainty, especially where colonial legislation has continued to disrupt Indigenous Citizenship and where Indigenous Nations rebuild and strengthen their distinct Indigenous Legal Orders.
- 7.00 Etalewtx^w | ÁTOL,ÁUTW (the Office of the Vice-President Indigenous, hereafter OVPI) will continue to monitor and assess best practices related to Indigenous Citizenship and will review and update the Policy and its Associated Procedures in accordance with the Policy on University Policies and Procedures (GV0100).

Purpose

- 8.00 This policy establishes an eligibility process for Indigenous-specific Opportunities that result in Material Gain. Eligibility for these opportunities is conditional on an Affirmation Process that is responsive to the ways that distinct Indigenous Nations, Peoples and Communities determine and verify their Citizenship.

Definitions

- 9.00 For the purposes of this policy, the following definitions apply:

“Agreement” refers to a distinct protocol and requirement for the University’s implementation of this Policy with respect to specified Declarations of Indigenous Citizenship, confirmed in writing by a representative of an Indigenous Nation authorized to determine and/or communicate determinations of their Citizenship Laws, membership codes, and/or methods for recognizing belonging/kinship.

“Applicant” means a person seeking to meet the eligibility requirements to access Indigenous-specific Opportunities that result in Material Gain.

“Application” refers wholistically to an Applicant’s (1) Declaration of Indigenous Citizenship and (2) Supporting Information.

“Affirmation Process / Affirming / Affirm” refers to the extent of the University’s role and responsibility to recognize and accept the distinct ways that Indigenous Nations, Peoples and Communities determine and verify their Citizenship. The University is accountable to a process of confirming that an Applicant deemed eligible for Indigenous-specific Opportunities provides the Supporting Information as outlined in an Agreement or in this Policy’s Associated Procedures.

“Citizenship / Indigenous Citizenship” is an expression of Indigenous Laws, recognizing the authority of Indigenous Nations and Communities to determine the legal requirements for Citizenship and the parameters of citizens’ rights and duties. Within the scope of this policy, Indigenous Citizenship is a political status and deliberate kinship process conferred by an Indigenous political community, Nation or

governing body, inclusive of alternative terms or designations of belonging applied in different geographical contexts

“Declaration” refers to a claim, assertion and/or statement of an Applicant’s Indigenous Citizenship with a specific and recognized Indigenous Nation, People or Community (singular or plural). On a case-by-case basis, and recognizing complex circumstances, additional, verifiable information may be required to provide an Extended Declaration, as described in Section 15.00.

“Indigenous Laws” refer to the principles and processes that Indigenous Nations, Peoples and Communities use and have always used to govern themselves. Separate from western laws, Indigenous Laws are derived from Indigenous Peoples’ societies and their distinct sources of authorities.

“Indigenous Legal Orders” are constellations of Indigenous Laws and legal traditions that structure political communities and contain the social, economic and spiritual institutions of Indigenous Nations, Peoples and Communities.

“Indigenous Nation(s), People(s) and Community(/ies)” refers to distinct societies that hold ancestral and kinship ties and, through their Nation’s histories and laws, collectively share relationships to the lands where they still live, or from which they have been displaced. For example, within the Canadian context, there are three distinct (and internally diverse) groups of Indigenous Peoples with unique histories, laws, languages, cultural practices and spiritual beliefs, that is: First Nations, Inuit and Métis.

“Indigenous-specific Opportunities” refer to programs, procedures, competitions and nominations (e.g. Special Hiring Programs, designated funds, reserved seats & etc.) administered by the University, or administered by employees representing the University, intended to: (a) achieve diverse and equitable representation in an occupation, unit or program; (b) strengthen Indigenous ways of knowing and being in teaching, governance and service; and/or (c) otherwise enrich the ways we accomplish the University’s academic mission and serve our community.

“Material Gain” refers to financial, professional and/or tangible benefit or advantages including, but not limited to: employment, awards, grants, and preferential or limited access to programs and services as specified in the Associated Procedures.

“Special Hiring Programs” in alignment with University Policy No. HR6110, refers both to job competitions that give preference to one or more of the designated groups (preferential hiring) and to job competitions that are limited to one or more of the designated groups (limited hiring) eligible under the BC *Human Rights Code*.

The university obtains approval from the BC Human Rights Tribunal for its preferential and limited hiring programs.

“Supporting Information” refers to materials and/or evidence that (1) meets the requirements for Indigenous Citizenship as communicated by the Applicant’s Nation(s), People(s) or Community(ies) in an agreement with the University, and/or (2) demonstrates the truth and accuracy of an Applicant’s Declaration in alignment with the Associated Procedures.

Scope

- 10.00 This policy applies to the eligibility criteria for Indigenous-specific Opportunities that result in Material Gain. The Indigenous Citizenship Declaration (ICD) Process is activated by an application process where an Applicant’s eligibility or special consideration is conditional on an assertion of being Indigenous. This policy interacts with and expands upon the University’s approved Special Hiring Programs and other equity- or distinctions-based eligibility procedures, as further defined in the Associated Procedures.

Policy

- 11.00 Candidates, applicants or nominees for Indigenous-specific Opportunities that may result in Material Gain are required to confirm their eligibility through the Indigenous Citizenship Declaration (ICD) Process by providing: (i) a Declaration of Indigenous Citizenship and (ii) Supporting Information.

11.01 Only Applicants with Declarations Affirmed or Conditionally Affirmed will be eligible for Indigenous-specific Opportunities that result in Material Gain.

11.02 Applicants with Incomplete or Unaffirmable Declarations of Indigenous Citizenship will, at that time, be considered ineligible to access Indigenous-specific Opportunities that result in Material Gain and/or continue in application or nomination processes for such opportunities.

- 12.00 The implementation of this policy will respect and uphold distinct protocols and requirements for Citizenship (or equivalent understandings) as determined and expressed by an Indigenous Nation, People or Community in an Agreement with the University (or a partnered institution).

Indigenous Citizenship Declaration (ICD) Process

- 13.00 To participate in the ICD Process, an Applicant is required to follow the Associated Procedures to provide for review:

- (a) a Declaration of one’s Citizenship with an Indigenous Nation, People or community (singular or plural); and

- (b) relevant Supporting Information Affirming the truth and accuracy of the Declaration.

Declaration Requirements

- 14.00 Applicants may provide a specific Declaration of one or more of the following:
 - (a) Indigenous Citizenship through a recognized First Nation;
 - (b) Indigenous Citizenship through a recognized Métis Nation representative organization;
 - (c) Indigenous Citizenship through a recognized Inuit rights-bearing collective;
 - (d) Indigenous Citizenship with a federally-recognized or state-recognized Tribe (In the United States); or
 - (e) Indigenous Citizenship with a recognized Native Hawaiian representative organization.
- 15.00 In recognition of the following circumstances and complexities, Applicants may provide an Extended Declaration of at least one of the following:
 - (a) Indigenous Citizenship with a recognized Indigenous Nation or representative organization inclusive of Indigenous Peoples outside Canada and the United States;
 - (b) Indigenous Citizenship with multiple communities;
 - (c) Indigenous Citizenship with an Indigenous Nation that has negotiated (or is in the process of negotiating) comprehensive land claims and/or self-government agreements;
 - (d) Indigenous Citizenship with an Indigenous Nation (outside Canada and the United States) that exercises its own Citizenship Laws but is not recognized by state government(s); or
 - (e) Verifiable circumstances and/or process resulting in the dispossession of Citizenship and barriers to the Applicant's recognition.

Supporting Information

- 16.00 Applicants must provide information, documentation and/or materials relevant to:
 - (a) Demonstrating that they have met the Citizenship requirements of the Applicant's declared Indigenous Nation, People or Community; or
 - (b) Affirming the truth and accuracy of the Applicant's Declaration in alignment with the Associated Procedures.
- 17.00 Where the Indigenous Nation, People or Community stated in an Applicant's Declaration has expressed and communicated their Citizenship requirements in an Agreement with the University, the Applicant is required to provide for review the Supporting Information as stipulated in that Agreement.
- 18.00 Where an Applicant provides an Extended Declaration (as described in Section 15.00 a-e), the Applicant may be required to provide additional Supporting Information

and/or participate in an extended review process depending on the requirements of the Declaration in alignment with the Associated Procedures.

Determination of Eligibility

- 19.00 Applicants who meet the requirements of the ICD Process will be eligible for Indigenous-specific Opportunities that result in Material Gain. These Applicants will be assigned a designation of Affirmed or Conditionally Affirmed, according to the following definitions and procedures:

19.01 Affirmed: A Declaration is affirmed as truthful and accurate based on the Supporting Information provided in alignment with the Citizenship requirements of the Applicant's Nation, People or Community expressed and communicated in an Agreement with the University.

19.02 Conditionally Affirmed: A Declaration is affirmed as truthful and accurate based on the Supporting Information provided in alignment with the Associated Procedures.

- i. A Conditionally Affirmed designation is applied in circumstances where the Applicant's Nation, People or Community has not entered into an Agreement with the University that confirms or establishes new requirements to Affirm Indigenous Citizenship.
- ii. When a Conditionally Affirmed Applicant's Nation, People or Community enters into an Agreement with the University that confirms or establishes new requirements to Affirm Indigenous Citizenship, the Applicant's Declaration may be reviewed and re-designated in accordance with Sections 19.01 and 20.01.

- 20.00 Applicants who have not met the requirements of the ICD Process will not be eligible for Indigenous-specific Opportunities that result in Material Gain. These applications may receive a designation of Incomplete or Unaffirmable, according to the following definitions and Associated Procedures:

20.01 Incomplete: A Declaration is missing information; or the Supporting Information is insufficient to demonstrate the truth and accuracy of the Declaration; or the Supporting Information does not meet the Citizenship requirements expressed and communicated by the Applicant's Nation, People or Community in an Agreement with the University

20.02 Unaffirmable: A Declaration is beyond the scope of the definitions included in this Policy.

- 21.00 An Applicant may update or revise their Declaration and/or provide additional or new Supporting Information on any occasion and regardless of the current designation assigned to their Application. Revised and resubmitted Applications will be reviewed and (re)designated according to Policy sections 19.00 and 20.00.
- 22.00 In alignment with the Associated Procedures sections 7.00 through 10.00, where an Applicant voluntarily participates in an extended review process, the Procedural Authority has oversight of responsibilities for:
- 22.01 Determining if a decision on eligibility can be made with the existing Supporting Information or if a committee of reviewers is required to interpret and wholistically assess the Application;
 - 22.02 Ensuring that an extended review process involving a committee of reviewers is undertaken with the consent and agreement of the Applicant;
 - 22.03 Ensuring timely and transparent communications with the Applicant on the status of an extended review process;
 - 22.04 Appointing members of a committee of reviewers to assess the Application; and
 - 22.05 Overseeing that a committee of review is adequately knowledgeable, equipped and resourced to assess the Declaration and Supporting Information provided by the Applicant.

Procedural Appeals

- 23.00 An Applicant may request an appeal of the procedures leading to a determination of eligibility. To initiate an Appeal, the Applicant must bring forward information demonstrating:
- (a) The Declaration is within the scope of the Policy;
 - (b) The Supporting Information is provided truthfully and accurately; and
 - (c) Reason(s) for appeal based on errors, conflicts of interest, or other deficiencies in the implementation of the ICD Policy and its Procedures.
- 24.00 The Procedural Authority may decline to initiate a review of an appeal in cases where:
- (a) The Application has not previously moved through an extended review process wherein a decision based on the Associated Procedures has been made;
 - (b) The request and information presented to the Procedural Authority suggests that the matter should be addressed through another University process or policy; or

- (c) The request and information presented to the Procedural Authority suggests that the matter should be addressed through processes beyond the scope and authority of the University.

Implementation

Agreements with Indigenous Nations, Peoples and Communities

- 25.00 An Indigenous Nation, People or Community may communicate and establish in an Agreement with the University (or with a partnered institution) distinct standards, procedures and criteria for determining the eligibility of Applicants who provide a Declaration of Citizenship with that Indigenous collective.
- 26.00 An Agreement must be confirmed in writing by a representative (or representatives) of an Indigenous Nation authorized to determine and/or communicate determinations of their Citizenship laws, membership codes, methods for recognizing belonging/kinship, and/or equivalent understandings.
- 27.00 With respect to implementing and maintaining these Agreements, the Procedural Authority oversees responsibility for:
 - (a) Updating and communicating the Supporting Information required to Affirm Declarations of Indigenous Citizenship where an Agreement exists;
 - (b) Reviewing the processes through which an Agreement with an Indigenous Nation, People or Community has been interpreted and enacted within the context of determinations of eligibility; and
 - (c) Periodically renewing and/or clarifying existing Agreements with Indigenous Nations, Peoples and Communities

Advertisement & Adjudication of Opportunities

- 28.00 Indigenous-specific Opportunities within the scope of this Policy must be advertised and distributed with university-approved language communicating the requirement to demonstrate eligibility through the Indigenous Citizenship Declaration (ICD) Process.
- 29.00 To receive an award or other Material Gain designated for Indigenous Peoples adjudicated through a nomination process, the nominee must confirm their eligibility through the ICD Process.
- 30.00 Hiring, adjudication and special admissions committees may request, independently of this Policy, positionality statements, narratives, essays, community reference letters and other materials from candidates, nominees or applicants relevant to the specific criteria or parameters of an opportunity. These additional requirements from other sectors of the university will not be considered as fulfilling the requirements for eligibility established by this Policy.

- 31.00 By submitting an Application, the Applicant consents to the eligibility determination (Eligible or Ineligible at this time) being shared with individuals and offices responsible for administering the Indigenous-Specific Opportunities pursued by the Applicant. The specific details of the Application will not be shared with third parties, except where the Applicant pursues an opportunity limited to a particular distinction (First Nations, Métis and/or Inuit) or limited to a particular Indigenous Nation, People or Community. In such cases, the name of the Indigenous Nation, People or Community Declared by the Applicant may be shared with the administrative officer(s) of that opportunity.

Privacy and Confidentiality

- 32.00 The information and records created and received to administer this policy are subject to the access to information and protection of privacy provisions of British Columbia's FIPPA legislation, and the Protection of Privacy Policy (GV0235) and Records Management Policy (IM7700). The information and records will be treated as highly confidential, in compliance with FIPPA, and with applicable university policies.
- 33.00 Information and records must be retained and disposed of in accordance with the records retention schedule in the directory of records.

Authorities and Officers

- 34.00 The authorities and officers for this policy are:
- 1.) Approving Authority: The Board of Governors
 - 2.) Executive Officer: Vice-President Indigenous & President
 - 3.) Procedural Authority: Vice-President Indigenous & President
 - 4.) Procedural Officer: Vice-President Indigenous

Relevant Legislation

[Canadian Human Rights Act, R.S.C., 1985 C.H-6](#)
[Declaration on the Rights of Indigenous Peoples Act, SBC 2019 C.44](#)
[Employment Equity Act, S.C. 1995, c.44](#)
[Freedom of Information and Protection of Privacy Act. RSBC 1996 C.165](#)
[Human Rights Code, RSBC 1996 C.210](#)

Related Policies and Documents

[Declaration On the Rights of Indigenous Peoples Act, Action Plan 2022-2017](#)
[Eight Steps to Preferential and Limited Hiring](#)
[Policy on Human Rights, Equity and Fairness \(GV0200\)](#)
[Preferential or Limited Hiring \(HR6110\)](#)
[Truth and Reconciliation Commission of Canada: Calls to Action](#)
[United Nations Declaration on the Rights of Indigenous Peoples](#)
[University of Victoria Employment Equity Plan](#)
[University of Victoria Equity Action Plan](#)

[University of Victoria Xʷkʷənənɪstəl | W̱ENENISTEL | Helping to Move Each Other Forward](#)
[Student Awards \(AC1130\)](#)
[Protection of Privacy Policy \(GV0235\)](#)
[Records Management Policy \(IM7700\)](#)