Penobscot Nation | Supporting Education in Intellectual Property and Tribal Governance For Negotiating With Cultural Institutions

IMLS Enhancement Grant 2018

Abstract

The Penobscot Nation is applying for an IMLS Native American Enhancement Grant, Educational Programming, to support the education and training of other Native American tribes around intellectual property law and assisting in the development of tribal governance that forward the agenda of negotiating control over Native American collections held in cultural institutions. This education and training is for tribal archivists, libraries and museum staff who are at the interface between the tribe and an institution who holds this valuable cultural heritage. Drawing from our own experiences in crafting deliberate strategies to address problems of legal control over collections, and establishing meaningful relationships of collaboration with cultural institutions, the Penobscot Nation is seeking funding to run intensive workshops to 16 other tribes over the course of this two year grant. The Penobscot Nation is committed to enhancing other tribes' capacity to address critical legal and governance issues in the ongoing management and preservation of Native American collections that reside in cultural institutions across the United States.

The legal ownership of Penobscot cultural heritage collections held in cultural institutions throughout the United States is a critical issue that the Penobscot Nation has been developing strategies to address for the last three decades. In 2012 through an Administration for Native Americans (ANA) grant, the Penobscot Nation extended and developed its initiatives around the legal ownership and cultural authority over its collections in new ways. As a result, the Penobscot Nation now has a multi-directional strategy to address and negotiate the legal and cultural control over its cultural heritage. This includes identifying and inventorying collections in museums and archives, drafting and negotiating memorandums of understanding about conditions for future access conditions with these cultural institutions, legal research on the ownership of specific collections and developing internal tribal documents, protocols and policy to help support the digital return of collections as well as establishing processes for assessing future research on tribal lands. The Penobscot Nation has actively taken on this problem of legal exclusion to culture and continues to build a Nation-wide strategy to address the explicit and implicit problems that have come from losing control over valuable cultural heritage. Alongside this work, the Penobscot Nation has actively engaged the TK Labels delivered through the Local Contexts platform and Mukurtu CMS as key digital tools to support Penobscot control over our collections.

Through this grant and partnering with the Local Contexts team, we will support other Native American tribes develop their capacity to engage with intellectual property law and to assist in developing tribal infrastructure to support these activities. Our intensive workshops for tribal librarians, archivists and museum staff are designed to:
- Providing accessible information about intellectual property law;
- Assist in identifying IP issues within a tribal library and museum context;
- Provide exemplar initiatives from Penobscot, Passamaquoddy and Hopi work on IP strategies;
- Support the development of internal tribal strategies for engaging with IP issues;
- Enhance negotiations between tribes and cultural institutions over access, ownership and control of collections.

This project is part of a decolonial agenda. It is also about supporting other tribal communities develop their own frameworks internally for negotiating around the legal and cultural complexities woven into the internal infrastructures of cultural institutions that hold the heritage of Native American communities.

Narrative

1. Statement of Need

The Penobscot Nation is applying for an IMLS Native American Library Services Enhancement Grant (Educational Programming) to support the education and training of other Native American tribes around intellectual property law. Through a series of intensive three-day workshops we will offer support in the development of tribal governance that increases knowledge about intellectual property and supports the negotiation of control over Native American collections held in cultural institutions. This education and training is for tribal archivists, librarians and museum staff working at the interface between their tribal library/museum and a cultural institution that holds their valuable cultural heritage. Drawing from our own experiences in crafting deliberate strategies to address problems of legal control over collections, and establishing meaningful relationships of collaboration with cultural institutions, the Penobscot Nation is seeking funding to run three (3) intensive workshops for twelve (12) other tribes over two (2) years. With each tribe bringing 2 participants for each workshop, we expect to support increased education on IP issues for 24 tribal archivists, library and museum staff. Participants will receive increased education and training in the following areas – 1) general IP law; 2) identifying IP issues within a community context; 3) negotiations and agreement making with institutions that hold Native American heritage; 4) developing tribal decision-making and governance around IP; and 5) creating strategies and using digital tools for protecting cultural heritage.

The Penobscot Nation is committed to enhancing other tribes' capacity to address important legal and governance issues in the ongoing management and preservation of Native American collections that reside in cultural institutions across the United States. For this grant we are partnering with the Local Contexts team who will assist in delivering the IP components of our workshops. Two Native American scholars with legal backgrounds will also assist with these workshops: Darren Ranco (Penobscot) and Trevor Reed (Hopi). These workshops will be held at the Penobscot Nation and the Abbe Museum in Maine.

The Penobscot Indian Nation is an indigenous Native American tribe of Eastern Maine, occupying some 200+ islands in the Penobscot River. The community's main reservation is located at Indian Island, part of the Greater Bangor Metropolitan Statistical Area. The Penobscot Indian Nation is relatively small, with an enrollment of 2,398 members (2014 Tribal Census). Note, however, that over 1,200 tribal members live in Maine and are within serviceable distance, since many visit the reservation regularly. The Penobscot Nation is governed by a Chief (who also serves as the tribe's chief executive officer), a Vice Chief, and a twelve-person Tribal Council. All of these positions are democratically elected for four-year terms, with the council's terms being staggered by two years. There are also two elected committees responsible for core tribal sovereignty functions (census maintenance and land), and a number of advisory policy committees established by the Council. An annual general meeting of all adult tribal members ensures broad involvement in core policy decisions.

Penobscot Nation has a Library and Museum and we annually receive support from the IMLS to sustain and distribute library services to our community. Our Museum is staffed through the Department of Cultural and Historic Preservation and it serves community members as well as introduces non-tribal members to Penobscot culture and history. Both the Library and the Museum are active sites for engaging in education and promoting Penobscot language and our ongoing relationship to our territories.

1.1 The Penobscot Experience

Who legally owns Penobscot cultural heritage collections held in cultural institutions is a critical issue that the Penobscot Nation has been developing strategies to address for the last three decades and more specifically in the last eight years. As a result, the Penobscot Nation has been building a multi-

directional strategy to address and negotiate the legal and cultural control over its cultural heritage. This work has been time-consuming and challenging, especially bringing the complex issues of intellectual property into an intra-tribal discussion. From the beginning we knew we needed to address our own internal governance and decision-making structures. We had no policy in this area and we had no consensus in who was responsible for making decisions about intellectual property issues when they arose. Examples included when an academic from Arizona came to us to request permission to republish an out of print book about one of ancestors – we didn't have a pathway for making a tribally supported decision. In another example, a researcher who had been working on our language materials for 30 years, without our knowing or consent, received her PhD on this work. In this instance we did not know how we should or how we could, legally respond. We also had no processes in place that could help us make these kinds of decisions. We recognized that we really needed help to build our own internal decision-making capacity.

In 2010, the Penobscot Nation became a collaborator in the Canadian Intellectual Property in Cultural Heritage project. Through this work we were able to initiate tribal policies and a more cohesive internal conversation. One of the outcomes from this project was a summary of our process which was published on the IPinCH website.[1] This document "Developing Policies and Protocols for the Culturally Sensitive Intellectual Properties of the Penobscot Nation of Maine" is found as Attachment E in Supporting Document 5. This grant also introduced us to Dr Jane Anderson (Local Contexts) who we then invited to come and do intellectual property training for us. This training started us more directly on the path that we are on. On May 10, 2018 we will sign a historic Memorandum of Agreement with the President of the University of Maine (Orono). This document is significant for us as it formalized many of our internal governance structures that we have been working on to manage and support Penobscot intellectual property rights.

1.2 Identifying the Needs of Other Tribes for IP Support

The Penobscot Nation has been in various other tribal contexts where needs in relation to IP education and training have been expressed. One recent example of these involved an initial meeting with Mashpee Wampanoag, Wampanoag of Gay Head (Aquinnah), Narragansett, Nipmuc and Massachusett representatives around a CLIR grant on Native American petitions.[2] The IP questions that arose in this meeting quickly moved beyond the available expertise in the room. Concern about IP in the digital copies of the petitions, how these would be shared and by whom and through what platform, as well as IP in any of the translations and transcriptions created by communities themselves or by others, generated concern and anxiety. In the increasing movement of Native collections into digital formats, the new rights that are generated through digitization only compound the problems of adequately responding to Native concerns about ownership and circulation of materials. There are very few resources available for communities to find information about legal and extra-legal solutions as they apply to these kinds of collections.

Over the last three years, we have been integrally involved in delivering workshops to assist in education around intellectual property and how it affects other Native American communities. These have been co-developed and delivered with Local Contexts and the Sustainable Heritage Network and delivered at ATALM conferences in 2015, 2016 and 2017, and the Native American Museum Studies Institute in Berkeley in 2016. Through these workshops we have learnt four important lessons:

1. The Penobscot Nation is significantly advanced compared to other tribes in dealing with IP issues;

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[1] See: https://www.sfu.ca/ipinch/project-components/community-based-initiatives/developing-policies-and-protocols-culturally-sensitiv/.

[2] https://news.harvard.edu/gazette/story/2016/01/digitizing-native-american-petitions/

2. Other tribes use our experience to help contextualize and think through their own;
3. Each tribe has significant issues around IP and they lack support and infrastructure;
4. Each tribe will develop their own approach if given access to appropriate information and tools.

In these workshops we have experienced a steady increase in participation. In the first year at ATALM we had 8 participants and in the last year we had over 30. Evaluations from these workshops include requests for significantly more time to be spent on these issues. <u>See Appendix F: Pre and Post Workshop Evaluations from ATALM in Supporting Document 6</u>. We have responded to these evaluations by creating a full-day workshop at ATALM in Minnesota in October 2018. Another response to these evaluations has been to develop this IMLS grant to support intensive 3-day workshops where specialized training that meets expressed tribal needs, can be received.

Through this grant the Penobscot Nation is requesting funds to take the lead in supporting increased tribal knowledge and capacity around IP law. We use our experience on our territories to ground this work, but we build from this specificity into a general knowledge base. We are assisted in this process in two ways:

1. Adding the knowledge and experiences of other tribes into the workshops – specifically Hopi around the repatriation of 1930s sound recordings, and Passamaquoddy use of the digital tool the TK Labels in their negotiations with the Library of Congress;
2. The Community IP Ambassadors Board is made up of tribal representatives who will give us feedback on our workshop content and help it meet other tribal needs. The Board also highlights that the Penobscot Nation is not unique in our experiences, other tribes join us in concern for addressing and supporting tribal education around issues of IP.

Through this IMLS Enhancement Grant we will lead a collaborative initiative to enhance tribal ability to engage and negotiate with institutions while also building internal capacity to make decisions and address tribal governance around IP. With this grant we hope to initiate a tribal movement dedicated to assisting tribal archivists, librarians and museum staff in bridging past practices and finding ways for new kinds of reciprocal and collaborative relationships that addresses a collection in its totality, including its past, present and future legal and cultural status.

2. Project Design
For this grant we will continue to partner with the Local Contexts project (www.localcontexts.org), as it offers some of the only resources available to tribes in this area. Developed in 2010 by Jane Anderson (NYU) and Kim Christen (Director of Mukurtu CMS and Director of the Center for Digital Scholarship and Curation at Washington State University), Local Contexts is an online platform that provides educational resources for Indigenous communities seeking to manage and steward digital cultural heritage specifically as they relate to intellectual property rights frameworks. It provides information about IP law as well as a range of template documents to assist communities in building their unique strategies. Through this IMLS grant we are also committed to building new and additional resources for tribes, for sharing experiences and creating an ongoing network of support for dealing with IP within tribal contexts. Using our own Mukurtu CMS instance, Penobscot Collections (www.penbscot-collections.org) we plan on disseminating our template documents, educational modules, worksheets, tables and other resources that we develop as Open Educational Resources. We will work with the Sustainable Heritage Network, Local Contexts, ATALM and NAMSI to increase the potential circulation of these resources. In addition to this public dissemination, we will create a closed tribal workshop cohort forum. As our community CMS functions on Mukurtu, we are able to create a safe and culturally appropriate digital space where

private or senitive conversations and experiences can be shared. We already do this for other community groups and we are excited to develop a specific community IP Hub that allows for sharing of knowledge and advice between tribal members. The forum will allow specific posts, as well as the sharing of digital heritage items that people might want advice about. Owing to the capacity to share media alongside text, community members will be able to share more than just text-based content, and this will increase digital community building.

2.1 Goals and Objectives

Our goals and objectives are the delivery of tailored workshops that increase the knowledge and capacity for tribal representatives to engage with IP law. Through case studies and examples, we are aiming to share experiences that open possibilities for new approaches to IP. Each tribe is different and will develop a different kind of plan and approach. Through our workshops, our objective is to: a) create a shared level of knowledge about IP; b) provide specific resources that assist these inter-tribal conversations; and c) offer examples that tribes can draw from and modify for their own purposes. Our plan is to build a network of online community representatives that can support each other into the future, and can maintain tribal pathways of advice and engagement. So many tribes feel overwhelmed by this work. We want to assist in providing some of our tools and support so that other tribes can also get to where we have. This work continues for us, and we will also share our experiences in the next phases of this work.

2.2 Work plan

In order to provide the most appropriate education for tribes, we are utilizing an intensive workshop format. This will consist of three days of focused education and training. We are also including a specialized cultural learning component that helps connect our tribal governance and decision making with our territory. We will run three (3) intensive workshops over the course of the grant. Each workshop will be delivered to four (4) communities with two (2) tribal representatives participating. We are asking for funding from IMLS to support the tribal travel costs to come to the workshops and as well as the workshop delivery. For the first workshop we believe it is integral to support our Wabanaki brothers and sisters – the Passamaquoddy Tribes, Houlton Band of the Maliseet Indians and the Aroostook Band of Micmacs. This is our responsibility to our ongoing community cultural relationships. Recruitment for the other workshops will be done by Francis (PI) and the Local Contexts partner (Anderson) and in recruitment we will also be supported by: the Association of Tribal Archives, Libraries and Museums, Native American Museum Studies Institute; United South and Eastern Tribes; the Sustainable Heritage Network and a specialized advertisements in Indian Country Today.

Phase I: Planning and Identifying Participants	
December 2019 – May 2019 Participants: James Francis (PI) and Jane Anderson (Local Contexts)	Project planning: refine project roadmap, establish timeframe for workshops
	Refine training and educational modules
	Participation in United South and Eastern Tribes for recruitment
	Invite Wabanaki communities for first workshop
	Begin development of portal for the delivery of online resources through the Mukurtu CMS: Penobscot Collections
	Convene the Community IP Ambassadors (CIPA) Board
	Begin recruitment for workshops 2 & 3
Phase II: Workshop One	
May 2019 Participants: James Francis, Jane	Delivery of first 3 day workshop with Wabanaki communities at the Abbe Museum (Passamaquoddy, Mi'kmaq, Maliseet)

Anderson, Donald Soctomah, Darren Ranco and Trevor Reed	Conduct interviews with workshop participants for online resources
Phase III: Development, Evaluation, Planning	
June – August 2019 Participants: James Francis and Jane Anderson	Post workshop follow-up, assessment and evaluation
	Refining educational and training module development
	Creation of digital resources portal on Penobscot Collections (Mukurtu CMS)
	Community outreach and confirmation of workshop 2 participants
	Presentations and workshops at ATALM & NAMSI for recruitment
	Review workshop content and evaluations with CIPA Board
Phase IV: Workshop Two	
September 2019 Participants: James Francis, Jane Anderson, Donald Soctomah, Darren Ranco and Trevor Reed	Delivery of second 3-day workshop
	Conduct interviews with workshop participants for online resources
Phase V: Assessment, Evaluation, Planning	
October 2019 – April 2020 Participants: James Francis, Jane Anderson, Donald Soctomah, Darren Ranco and Trevor Reed	Post workshop follow-up, assessment and evaluations
	Educational and training module development
	Build out of digital resource portal on Penobscot Collections (Mukurtu CMS)
	Community outreach and confirmation of workshop 3 participants
	Presentations and additional workshop at ATALM for recruitment
	Review workshop content and evaluations with CIPA Board
Phase VI: Workshop Three	
May 2020 Participants: James Francis, Jane Anderson, Donald Soctomah, Darren Ranco and Trevor Reed	Delivery of second 3-day workshop
	Conduct interviews with workshop participants for online resources
	Discuss and review workshop content with CIPA Board
Phase VII: Assessment, Evaluation, Planning	
June – September 2020 Participants: James Francis, Jane Anderson	Post workshop follow-up, assessment and evaluation
	Refine and assess educational and training module development
	Populate the digital resource portal on Penobscot Collections (Mukurtu CMS)
	Community outreach and confirmation of workshop 3 participants
	Presentations and workshops at NAMSI for recruitment
	Discuss future tribal IP work with CIPA Board
Phase VIII: Evaluation and Release	
September – December 2020 Participants: James Francis, Jane Anderson	Post workshop follow-ups and evaluation
	Public release of all online resources including interviews, training modules and associated educational materials produced over the course of the grant

The workshop format will be as follows (see also Appendix G: Workshop Agenda in Supporting Document 7):

Day One

I - Introducing IP

The first half of the first day of the workshop will introduce the problems of intellectual property that the Penobscot Nation has encountered. It will discuss the different issues that these have generated within a community context. It will provide an accessible overview of intellectual property law as well as offer several worksheets to assist participants identify their own IP issues as well as

start identifying what support exists within their own community context. It will also initiate a conversation about what internal community work needs to be done in order to support a whole of community approach to dealing with IP issues. For an example from ATALM see <u>Appendix H in Supporting Document 8.</u> Also see: <u>Appendix I: Intellectual Property Lesson Plan in Supporting Document 9</u>.

II - Other Tribal Initiatives

In the second half of day, we will highlight begin with two initiatives that have been developed in other tribal contexts. These are the role of IP and sound recordings within a Hopi context and the implementation of the Passamaquoddy TK Labels into the Library of Congress. This will help participants see a variety of IP issues and help familiarize them with the different kinds of approaches that other communities are taking.

Specific content to be delivered includes:
- Introduction to Intellectual Property Law
- Introduction to Copyright
- Copyright and Digitization
- Protection of Sound-recordings and Photographs
- Public Domain and Orphan Works
- Identification of IP within a Tribal Context
- TK Labels Introduction

Day Two

I - Tribal Governance, Models and Tools

Day two begins by returning to how the Penobscot Nation developed their strategies and what was required at a tribal level to make these feasible and sustainable. The focus here will be on tribal IP policy, the development of the Penobscot Tribal Resources and Research Protection Board and the negotiations leading to the MOU with the University of Maine. For an example see <u>Appendix J: Intellectual Property and Tribal Governance Lesson Plan in Supporting Document 10</u>.

II - Negotiations and Tools

Part two focuses on negotiating with institutions and how to take steps to support productive and engaging relationships over the management of collections. We will also detail the digital tools that provide practical options for resituating, repatriating and integrating tribal voice into museums, libraries and archives.

Specific content to be delivered includes:
- Developing Policy and Protocols
- Institutional Review Boards for Research
- Memorandums of Understanding
- Other Agreements
- TK Labels Advanced

Day Three - IP and Penobscot Cultural Landscapes

Day three provides an alternative space for understanding IP within cultural contexts. It involves an immersive experience along the Penobscot River connecting tribal strategies, governance and decision making to land and place. In this way, Penobscot epistemology, which is integrally related to the Penobscot River, will be integrated into our educational framing. Our work on this day will be to develop positive and productive 'whole of community' possibilities for the management of IP

within tribal archive, library and museum contexts, as well as capacity for negotiating with institutions that hold valuable cultural heritage.

Specific content to be delivered includes:
- Community-based strategies
- Available digital tools
- Protocols and agreements with researchers

3. Impact

In our day-to-day work engaging with other tribes informally, the question of IP and internal management comes up regularly. We know there is a need out in Indian Country that is not being served. Connecting IP to the important work that tribal archivists, librarians and museum staff do is an important first step. Often these tribal representatives are at the front line of making decisions where IP is involved. This could be in making decisions about digitizing and accessing our own cultural heritage collections, or it could be when they engage with institutions that hold our material.

We understand that by providing these workshops we are assisting the next generation of tribal library, archive and museum professionals gain new education and skills. We also see the impact in bringing tribes out of isolation in relation to such complex issues. We often begin our workshops saying 'you are not alone', 'these are issues that we have been dealing with too' and the relief that is felt in the room, and the stories and experiences and questions that then start illustrates a key need. We want to be part of starting a more substantive conversation about IP and create connection between tribes so we can help answer each other's questions and provide examples of possible solutions and strategies. We are committed to enhancing other tribes' capacity to engage with IP law. Through enhancing others, we also enhance ourselves.

3.1 Evaluation

Through our participation in other IP workshops, we recognize the importance of both front-end and formative modes of evaluation and feedback. For instance in our participation in the ATALM 2017 IP Workshop with Local Contexts we contributed to the development a very specific pre-workshop survey that helped workshop participants identify their interests and expectations as well as to share a particular IP issue that had come up within their own context. We were then able to directly address some of these issues within the workshop and these "real life cases" helped orient discussion is practical ways. Pre-workshop surveys have given us important output and outcome-based evaluations necessary for forwarding this plan to deliver specific and more intensive IP and Tribal Governance workshops. In addition, over the last year, we have been contacting various tribal historians and tribal culture offices to ascertain the need for these kinds of specialized workshops. Through this grass-roots outreach we have been able to confirm the high level of support that exists for these kinds of workshops at a community level. Our evaluation plans for this project will continue and extend these already existing types of evaluation. In particular we will include:

Formal Surveys: Participants in the workshops will be asked to respond to formal surveys assessing the benefits and utility of the training workshops. We will also conduct specific interviews with institutional participants to share with others on our website. In addition, we will use our online survey tool to follow up with workshop participants twice in the year following their initial workshop.

Community IP Ambassador Board: An important part of the evaluation process will be through the Community IP Ambassador Board. This Board will be made up of tribal representatives who will be able to advise on content and the development of workshops, including engaging with our post-workshop evaluations. The advisory board will give us a variety of tribal perspectives in the

development of content and have a central role in assessing the materials including worksheets and lesson plans for the workshops. The Board will also help assess and select material to be made available online materials. See Appendix D: Letters for Community IP Ambassador Board in Supporting Document 4.

Roundtable Discussions: Roundtable discussions of intellectual property issues and stewardship will be held in conjunction with the workshops as well as with our presentations at the Association of Tribal Archives, Libraries and Museums as well as in other contexts including United South and Eastern Tribes, the Sustainable Heritage Network and the Native American Museum Studies Institute.

4. Communications Plan

We will be using the Penobscot Nation's digital instance of Mukurtu CMS to create a portal for disseminating information, providing templates and guides as well as creating an ongoing network of workshop participants that can continue to support each other in this isolating work. We will be supported in this digital resource development by the Mukurtu team at Washington State University's Center for Digital Scholarship and Curation. We will provide a selection of our workshop education modules as Open Education Resources (OER) and we will also create a closed workshop participants group that allows people to remain in contact, to share their challenges and their successes, and to maintain engagement in a complex legal and cultural environment where there are limited support networks in place.

The project PI James Francis and Local Contexts partner, Jane Anderson, will continue to deliver papers and disseminate this work in other contexts, including within classrooms and professional forums. Francis and Anderson have also recently produced a key publication in this field which will be published in an American Philosophical Society publication. See: Anderson, J. and Francis, J (in press) 'Decolonial Futures of Sharing: Protecting Our Voice, Intellectual Property and Penobscot Language Materials' with James Eric Francis Snr (Penobscot Nation). In Patrick Spiro, Abigail Shelton and Adrianna Link, (eds). *Translating Across Time and Space: Endangered Languages, Cultural Revitalization and the Work of History*, Nebraska: University of Nebraska Press.

5. Sustainability

Sustainability for this project is ensured by four key components:
1. Increased education around IP by tribal librarians, archivists and museum staff;
2. Development of new decision-making capabilities and pathways within a community context;
3. Increased capacity to negotiate with institutions over access and ownership of collections; and
4. Online resources being made available as OER resources.

Each community that participates in our workshops gains the capacity to make different decisions in relation to how they navigate the legal, cultural and political dimensions of cultural heritage management and preservation. Our workshops are also designed to provide horizontal knowledge sharing – sharing activities that are happening across tribal contexts that people might not otherwise know about. Our goal is to create and widen the network of tribes who are engaged in this work and that are able to support each other. This network will be initiated through these workshops, as well as others that we will continue to deliver in other contexts. Through this grant we will also test out our curricula and modules with the intention of building and delivering these kinds of workshops regionally into the future.

Schedule of Completion

	18-Dec	19-Jan	19-Feb	19-Mar	19-Apr	19-May	19-Jun	19-Jul	19-Aug	19-Sep	19-Oct	19-Nov	19-Dec	20-Jan	20-Feb	20-Mar	20-Apr	20-May	20-Jun	20-Jul	20-Aug	20-Sep	20-Oct	20-Nov	20-Dec
Phase I	█	█	█	█	█	█																			
Phase II						█																			
Phase III							█	█	█																
Phase IV										█															
Phase V											█	█	█	█	█	█									
Phase VI																	█								
Phase VII																		█	█	█	█				
Phase VIII																						█	█	█	█

DIGITAL PRODUCT FORM

Introduction
The Institute of Museum and Library Services (IMLS) is committed to expanding public access to federally funded digital products (i.e., digital content, resources, assets, software, and datasets). The products you create with IMLS funding require careful stewardship to protect and enhance their value, and they should be freely and readily available for use and re-use by libraries, archives, museums, and the public. However, applying these principles to the development and management of digital products can be challenging. Because technology is dynamic and because we do not want to inhibit innovation, we do not want to prescribe set standards and practices that could become quickly outdated. Instead, we ask that you answer questions that address specific aspects of creating and managing digital products. Like all components of your IMLS application, your answers will be used by IMLS staff and by expert peer reviewers to evaluate your application, and they will be important in determining whether your project will be funded.

Instructions

☐ Please check here if you have reviewed Parts I, II, III, and IV below and you have determined that your proposal does NOT involve the creation of digital products (i.e., digital content, resources, assets, software, or datasets). You must still submit this Digital Product Form with your proposal even if you check this box, because this Digital Product Form is a Required Document.

If you ARE creating digital products, you must provide answers to the questions in Part I. In addition, you must also complete at least one of the subsequent sections. If you intend to create or collect digital content, resources, or assets, complete Part II. If you intend to develop software, complete Part III. If you intend to create a dataset, complete Part IV.

Part I: Intellectual Property Rights and Permissions

A.1 What will be the intellectual property status of the digital products (content, resources, assets, software, or datasets) you intend to create? Who will hold the copyright(s)? How will you explain property rights and permissions to potential users (for example, by assigning a non-restrictive license such as BSD, GNU, MIT, or Creative Commons to the product)? Explain and justify your licensing selections.

A.2 What ownership rights will your organization assert over the new digital products and what conditions will you impose on access and use? Explain and justify any terms of access and conditions of use and detail how you will notify potential users about relevant terms or conditions.

A.3 If you will create any products that may involve privacy concerns, require obtaining permissions or rights, or raise any cultural sensitivities, describe the issues and how you plan to address them.

Part II: Projects Creating or Collecting Digital Content, Resources, or Assets

A. Creating or Collecting New Digital Content, Resources, or Assets

A.1 Describe the digital content, resources, or assets you will create or collect, the quantities of each type, and format you will use.

A.2 List the equipment, software, and supplies that you will use to create the content, resources, or assets, or the name of the service provider that will perform the work.

A.3 List all the digital file formats (e.g., XML, TIFF, MPEG) you plan to use, along with the relevant information about the appropriate quality standards (e.g., resolution, sampling rate, or pixel dimensions).

B. Workflow and Asset Maintenance/Preservation

B.1 Describe your quality control plan (i.e., how you will monitor and evaluate your workflow and products).

B.2 Describe your plan for preserving and maintaining digital assets during and after the award period of performance. Your plan may address storage systems, shared repositories, technical documentation, migration planning, and commitment of organizational funding for these purposes. Please note: You may charge the federal award before closeout for the costs of publication or sharing of research results if the costs are not incurred during the period of performance of the federal award (see 2 C.F.R. § 200.461).

C. Metadata

C.1 Describe how you will produce any and all technical, descriptive, administrative, or preservation metadata. Specify which standards you will use for the metadata structure (e.g., MARC, Dublin Core, Encoded Archival Description, PBCore, PREMIS) and metadata content (e.g., thesauri).

C.2 Explain your strategy for preserving and maintaining metadata created or collected during and after the award period of performance.

C.3 Explain what metadata sharing and/or other strategies you will use to facilitate widespread discovery and use of the digital content, resources, or assets created during your project (e.g., an API [Application Programming Interface], contributions to a digital platform, or other ways you might enable batch queries and retrieval of metadata).

D. Access and Use

D.1 Describe how you will make the digital content, resources, or assets available to the public. Include details such as the delivery strategy (e.g., openly available online, available to specified audiences) and underlying hardware/software platforms and infrastructure (e.g., specific digital repository software or leased services, accessibility via standard web browsers, requirements for special software tools in order to use the content).

D.2 Provide the name(s) and URL(s) (Uniform Resource Locator) for any examples of previous digital content, resources, or assets your organization has created.

Part III. Projects Developing Software

A. General Information

A.1 Describe the software you intend to create, including a summary of the major functions it will perform and the intended primary audience(s) it will serve.

A.2 List other existing software that wholly or partially performs the same functions, and explain how the software you intend to create is different, and justify why those differences are significant and necessary.

B. Technical Information

B.1 List the programming languages, platforms, software, or other applications you will use to create your software and explain why you chose them.

B.2 Describe how the software you intend to create will extend or interoperate with relevant existing software.

B.3 Describe any underlying additional software or system dependencies necessary to run the software you intend to create.

B.4 Describe the processes you will use for development, documentation, and for maintaining and updating documentation for users of the software.

B.5 Provide the name(s) and URL(s) for examples of any previous software your organization has created.

C. Access and Use

C.1 We expect applicants seeking federal funds for software to develop and release these products under open-source licenses to maximize access and promote reuse. What ownership rights will your organization assert over the software you intend to create, and what conditions will you impose on its access and use? Identify and explain the license under which you will release source code for the software you develop (e.g., BSD, GNU, or MIT software licenses). Explain and justify any prohibitive terms or conditions of use or access and detail how you will notify potential users about relevant terms and conditions.

C.2 Describe how you will make the software and source code available to the public and/or its intended users.

C.3 Identify where you will deposit the source code for the software you intend to develop:

Name of publicly accessible source code repository:

URL:

Part IV: Projects Creating Datasets

A.1 Identify the type of data you plan to collect or generate, and the purpose or intended use to which you expect it to be put. Describe the method(s) you will use and the approximate dates or intervals at which you will collect or generate it.

A.2 Does the proposed data collection or research activity require approval by any internal review panel or institutional review board (IRB)? If so, has the proposed research activity been approved? If not, what is your plan for securing approval?

A.3 Will you collect any personally identifiable information (PII), confidential information (e.g., trade secrets), or proprietary information? If so, detail the specific steps you will take to protect such information while you prepare the data files for public release (e.g., data anonymization, data suppression PII, or synthetic data).

A.4 If you will collect additional documentation, such as consent agreements, along with the data, describe plans for preserving the documentation and ensuring that its relationship to the collected data is maintained.

A.5 What methods will you use to collect or generate the data? Provide details about any technical requirements or dependencies that would be necessary for understanding, retrieving, displaying, or processing the dataset(s).

A.6 What documentation (e.g., data documentation, codebooks) will you capture or create along with the dataset(s)? Where will the documentation be stored and in what format(s)? How will you permanently associate and manage the documentation with the dataset(s) it describes?

A.7 What is your plan for archiving, managing, and disseminating data after the completion of the award-funded project?

A.8 Identify where you will deposit the dataset(s):

Name of repository:

URL:

A.9 When and how frequently will you review this data management plan? How will the implementation be monitored?

Digital Product Form

Please note only Part I and Part II (A and D) are relevant to the digital products we will produce through this grant.

Part I
A.1 – The Penobscot Nation and the Local Contexts project will hold joint copyright in the digital educational and training products produced through this grant. These will be made available through a Creative Commons (Attribution, Non-Commercial, Share Alike) License. These products will be collaboratively developed and this is the most appropriate license available for sharing joint-authored material as Open Education Resources, which allow for no-cost access, use and adaption by others.

A2. Copyright is the only 'ownership' that the Penobscot Nation and Local Contexts will assert. No other property rights will be asserted over these materials.

The Penobscot Nation will also add their own TK Labels (probably Attribution and Outreach Labels) that will further assist other users understand Penobscot values and expectations in the circulation of these materials. Users will be notified about these TK Labels through the attachment of the Label to the digital content, and the accompanying label text which clearly explains the Penobscot values of attribution and outreach.

A3. There will be no 'products' produced that are culturally sensitive in this grant.

Part II
A.1 We will be producing additional curricula, lesson plans, worksheets, supporting documents and tables as part of these workshops. Format will range from word documents to excel spreadsheets for workshop participants to take home and utilize within their own contexts.

A.2 We will be making these resources available through the Penobscot Mukurtu CMS instance – www.penobscot-collections.org This instance is currently hosted by Reclaim Hosting, but our plans are to move this hosting onto our local Penobscot webserver.

D.1 We will be making these resources available through the Penobscot Mukurtu CMS instance Penobscot Collections and the Local Contexts platform. On Penobscot Collections, these materials will be available to the public and there will be a closed community forum available only to workshop participants. We will also make all templates, lesson plans and workshop worksheets available on Local Contexts as publicly accessible OER resources. We will advertise the delivery of these new resources through the Sustainable Heritage Network, ATALM and NAMSI.

D.2
See: www.penobscot-collections.org
See: www.localcontexts.org