

10x Phase 3 (\$500k) Funding Request — May 2021

# Equity-centered Design with American Indians and Alaska Natives (AI/AN)

Creating a framework for Federal agencies to better engage Tribal governments and communities in more equitable consultation and collaboration.



18F

Austin Hernandez and Ben Peterson

**American Indian / Alaska Native (AI/AN):** A formal term coined by the US government to identify people enrolled in one of the 570+ Federally recognized tribes.

**Tribal sovereignty:** The right of Federally recognized tribes to be recognized as sovereign nations and the authority to self-govern.

**Tribal Consultation:** An official process in which leaders of Federal agencies are required reach out to and consult with leaders of all Tribal nations for input on issues that may have a direct effect on them.

**We ask 10x to invest \$500K in Phase 3 to pilot a co-design process that involves people enrolled in Tribal nations more equitably, to improve nation-to-nation relationships, create better products, and uphold US law.**

**Tribal sovereignty, consultation, and advancing racial equity are administration priorities. There are also a number of executive orders, laws, and international resolutions outlining the importance:**

- Consultation and Coordination With Indian Tribal Governments
- Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- The federal Indian trust responsibility
- 21st Century Integrated Digital Experience Act
- United Nations Declaration on the Rights of Indigenous Peoples

**“It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations...”**

2021 Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships

**“Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change — all of which disproportionately harm Native Americans.”**

2021 Memorandum on Tribal Consultation and Strengthening  
Nation-to-Nation Relationships

**But, it's not always done right.**



United States Government Accountability Office  
Report to Congressional Requesters

March 2019

## TRIBAL CONSULTATION

Additional Federal  
Actions Needed for  
Infrastructure Projects

## **These obligations are not met for a number of reasons**

- Tribal government officials say their input is not seriously considered
- There is a lack of respect and understanding of tribal sovereignty and government-to-government relationship
- Consultation is initiated too late
- There are challenges with interagency coordination
- Resources constraints
- Creating and maintaining relationships and up-to-date contact information



**Respecting Tribal sovereignty,  
advancing racial equity, and engaging  
in consultation also applies to agency  
digital projects.**

**As more Federal policy gets  
implemented digitally, it causes more  
direct and indirect challenges for Tribal  
nations and Federal agencies:**

**Digital solutions don't  
meet offline needs**

**“There’s not a lot of agility in our processes. In tribal communities, there often isn’t a strong Internet. Places where we can’t even upload pictures. Even when people call for services, there are delays.”**

Technologist enrolled in a Federally recognized tribe

**Technology created for  
communities doesn't  
work without their input.**

**“So often what gets produced doesn't  
reflect Tribal communities needs.”**

Designer enrolled in a Federally recognized tribe

**There is a lack of  
follow-up and  
follow-through  
(no feedback loop)**

**“Indian country wants to know ‘What happened to all the things we said? How is reflected in the policies we talked about?’”**

President of National Congress of American Indians

“Federal Consultation Policies: Working towards Consent”

**Currently federal  
agencies damage  
relationships with  
insufficient training and  
understanding**



**Federal officials need to be trained on engaging with Tribal Government and sensitivity training... Federal officials should know our history.**

Federally recognized Tribal leader, agency consultation

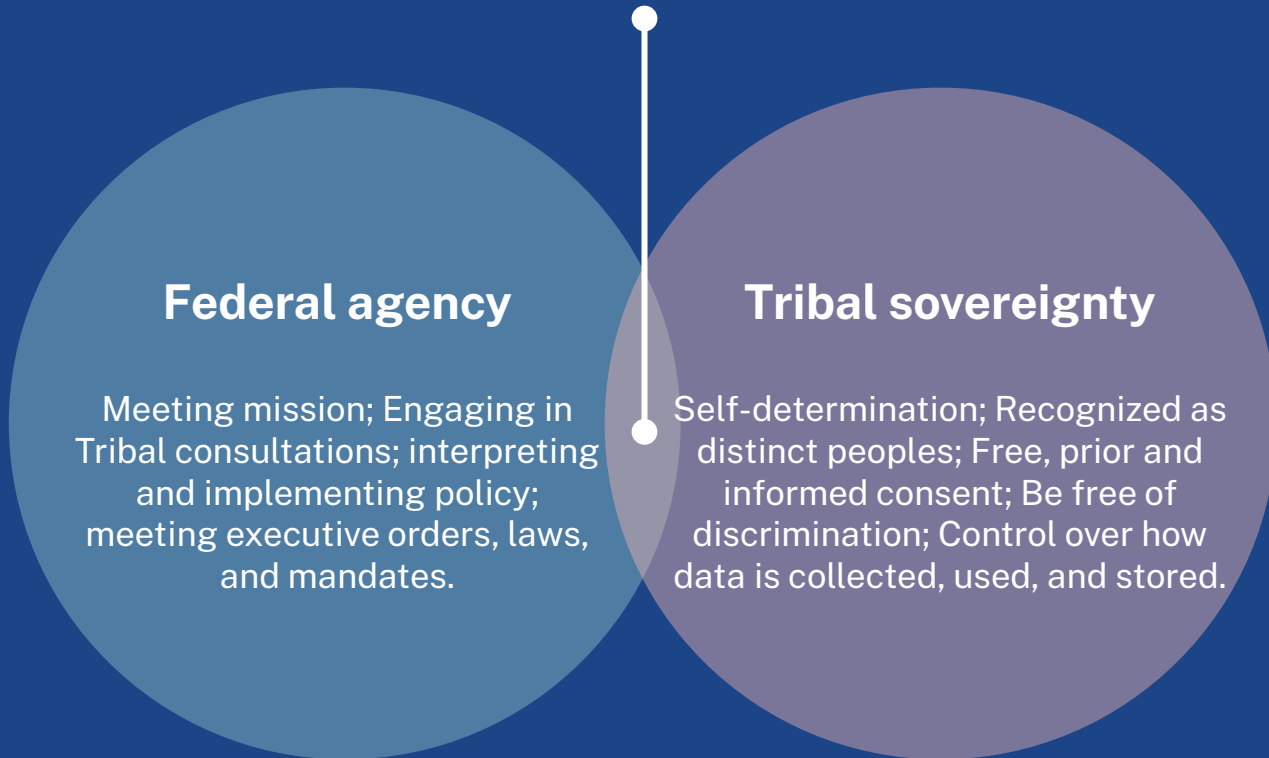
**Fortuitously, this 10x comes at the same time GSA started working with the Domestic Policy Council on improving official tribal consultations.**

**Through 20 interviews and workshops we found overlaps and similar challenges between how agencies and vendors engage with tribes — either through official tribal consultations or conducting UX design research.**

**Currently the practices that Federal agencies use to consult on digitally implemented policy **do not do enough to uphold our commitment to Tribal sovereignty or advancing racial equity.** Designers and Federal employees usually fail to:**

- Consult with Tribal communities
- Respect informed consent or Tribal research safety protocols
- Measure inequity or attempt to address it
- Compensate people for their time and expertise
- Contextualize history or understand culture
- Let people know what their data will be used for
- Invest in relationship building or trust-building

# An equity-centered design framework can help address overlapping needs



**Equity-Centered Design is a co-design framework for working directly with communities.**

# Equity-centered design engages communities from problem statements to solution development and is focused on meeting the needs of both parties

- **Building better relationships through respect**
  - Culture, sovereignty, and historical context
  - Data sovereignty (ie transparency and control of collected information)
  - Compensation for time and expertise
- **Better products and services**
  - Direct input into Federal products and services
  - Reduced bias in design and research

# Phase 3

# Piloting a new way

## Equity-centered design (ECD) facilitation practice guide V.1

A series of guides to help federal teams shift the relationship and power dynamics between themselves and community they seek to serve and create the conditions for participants to become collaborators in the design process.

Phase 3 is essential to prove out the research that informed the guide and to make sure the process works for and is informed by the community.

### Equity centered design (ECD) principles and practice for the federal government

"In government, good design serves everyone within an agency's mandate. To do this, we promote diversity and inclusion throughout our research and design processes by accounting for everyone our decisions affect. Having a team with varied life experience — particularly around issues of accessibility and technology usage — helps us create more accessible, usable products and services." - from the 18F ux guide

#### What is Equity Centered Design?

Equity Centered Design applies the methods of inquiry (see 18F Method cards) with users of a service informing what is updated or changed through participating in a design activity. This practice is generally called User Centered Design or Human Centered design or User Research. Through usability testing, interviews, and information gathering activities, User Centered Design gives project teams a rough understanding of potential impacts of a change without the people who will be impacted by the change able to be involved in the decision making process on what becomes implemented. Equity Centered Design improves upon this practice by shifting the relationship and power dynamics between the designer and community they seek to serve by inviting the user community to move from participants in the process, to collaborators in that process.

#### Moving towards Equity Centered Design

Today, the Federal government cannot practice true Equity but it can evolve practices towards it because of a range of limitations that federal service teams, from the difficulty of compensation for research participants and community collaborators, time needed for capacity building and collaboration, the ability to hold ongoing relationships with stakeholders from marginalized groups. As designers in the government, there are limitations on how we can work and what we can change but what we can do is focus



# Educate teams with plain language, open-source resources

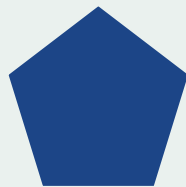
## *V.1 Equity-centered Design Resources*



Definitions  
and context



Facilitation  
Practice guide



Downloadable documents  
(Informed consent,  
code of ethics, etc.)



Links to topical  
articles and papers

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## *V.2 Future resources*



Case studies



List of Federal projects that  
could use AI/AN co-design  
collaboration

# Creating collaboration

1. **Reflect and recruit.** Agency team does Bias and Power mapping workshop. AI/AN recruitment, plan for compensation.
2. **Introduce and align team.** Federal and AI/AN team gets to know each other and align on goals, values, process, success metrics and plan for end of the engagement from the start.
3. **Co-design sprints.** Collaborate closely from all steps of planning, goal settings, co-designing and report out to AI/AN community.
4. **Evaluate and adjust.** Retros and surveys at the end of each sprint the team surfaces what working and what should change to make the collaboration more equitable and on track.
5. **Wind down.** Celebrate success. Identify Agency P.O.C. to maintain AI/AN community relationship,
6. **Launch online V.2 guidance.** Document challenges and incorporate new learning to adjust guidance.

# Phase 3 Roadmap



# Phase 3 team



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## American Indian & Alaska Native partners

Guidance about any particular community should not exist without direct, compensated input from that community.



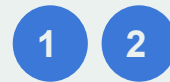
and/or



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## Federal partner(s)

Commitment to try an equitable collaborative design research process on a product or service.



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## 10x team

The 10x project team would be responsible for the heavy lifting on scheduling, facilitating, and documenting learnings.

# How will we know if we are successful?

**Progress made** towards shared goals and project outcomes both benefits the community and agency.

**ECD guidance** has a dedicated owner and material is shared in the open.

**Reduced time** to have participant compensation plan approved.

**Qualitative metrics** from surveys before, during and after collaboration, on:

- Equality of collaboration
- Feeling that time and expertise were valued and respected
- Progress is being made towards the right goals

# Risks

**This work is necessary, but the harms of the past 500+ years can't be undone in one Design sprint.**

If the Federal government is committed to building equity and repairing nation-to-nation relationships, they will have to invest time and resources.

**Equity is a long term goal**

**There are 570+ Federally recognized tribes and growing — we cannot meet the needs of all their Tribes in one project.**



# **Working with American Indians & Alaska Natives as collaboration partners requires flexibility and support**

Participation shape and schedule will depend upon flexibility needed for the community to participate in an equitable collaboration.

Community support that might be needed:

- Training on digital tools like online whiteboards and video call technology.
- Flexible scheduling to make sure they can participate without detracting from other obligations.
- Access to wifi

**We need approval to compensate the community for their time and experience.**

We have been working with GSA Office of General Counsel to get approval to pay community members for their participation in the design process.

**General Services Administration**  
Federal Acquisition Service  
and  
Federal Citizen Services Fund

Part B - Attachment #2 - User Testing Authorization  
**Interagency Agreement**

**Acknowledgement**

TTS Office of Solutions (TTS/OS) has engaged the Office of Clients and Markets, 18F Division (18F) to perform the work outlined in the {{MOU, Attachment 1}}. As part of these efforts, it is necessary to conduct user-centered design testing to improve the user experience and ensure the prototypes, and other user-focused deliverables are developed in an equitable way and present information in a way that will be most helpful to the end user of this particular effort who are American Indian / Alaska Native (AI/AN) tribes.

TTS/OS has determined that the value of this feedback outweighs any expenditures made to compensate participants. TTS/OS will benefit from feedback from American Indian / Alaska Native (AI/AN) about participation in user experience design using an equity-centered process to gain a detailed understanding about the industry, relationships, problem, product, and market fit. This work will advance the mission of TTS Solutions to help agencies improve delivery of information and services to the public, which includes AI/AN tribes. From past experiences, including 18F's Public Benefits portfolio project with TANF (an ASF funded effort), TTS has tried to do research with this community without incentives, and have been unable to get sufficient participation to succeed in developing useful information about these communities that would have benefited the project. TTS/OS, funded by FCSF, expects to run into the same issue, despite the different funding source. In order for us to include them in our research it is necessary to compensate them for their participation

## ✗ RISKS

*Upfront spend on relationship building — “It’s going to take too long and cost too much money.”*

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*Continued challenges with getting Tribal communities involved — “How can I trust the Federal government after all the harm they’ve caused?”*

.....

*Budget approval for paying community collaborators — “It’s not easy to pay participants.”*

.....

*Toolkits and guidance for equity-centered design already exist — “Why is this guidance just for AI/AN and not other communities?”*

## ✓ RESPONSE

Not as costly or time intensive as having things that spends on technology that don’t work for people and be in litigation with Tribal Nations.

.....

Due to harms perpetuated by the Federal government, mistrust is to be expected. This history should be contextualized and Federal agencies need to do better. We hope that this framework will better recognize tribal sovereignty by providing compensation, more context for consent,, transparency in data usage, and feedback loops.

.....

Federal employees are paid for their part of the work. Everyone should be compensated for labor.

.....

This is talking about the specific nation-to-nation relationship, which does not exist. It is also not guidance on how to talk to Native American or Indigenous peoples, but the framework can be used to structure teams outside of these communities.

**Why this is important**

**“I don't know that we did things correctly or what the process was so I'm excited that you all are working on this.”**

Designer working with Tribal communities

**Agencies and designers  
are excited about this and  
are looking for direction**

**“We have a long history of people  
telling our story that aren’t Native.”**

Federal employee enrolled in Federally recognized tribe

**Traditional UX design  
does not support  
communities to directly  
speak for themselves**



“If you think about what [Tribal communities] are used to: Being ignored. Being lumped into a monolith. Being lied to, Being taken advantage of...

**There are remedies for all those things, politeness and transparency and time.”**

IT professional enrolled in a Federally recognized tribe

**Equity-centered design will  
help create better products,  
stronger Nation-to-Nation  
relations and rebuild trust.**

# Thank you!

Questions?

# Appendix



**Austin Hernandez:** Product Design; UX design; Research; Institutional DE&I leadership and strategy for government organization; professional experience working with and in minoritized communities.



**Ben Peterson:** UX design/research. Co-leads TTS' research guild. Interested in equity-centered design practices and pushing on the bureaucratic barriers for compensating research participants in government.

# Two huge problems

## Federal & Tribal relationships

Building and maintaining nation-to-nation relationships with 570+ sovereign Tribal governments.

## Equity-centered design

Building equity-centered design capacity at agencies who might not even be doing any outreach.

## **Advancing Racial Equity and Support for Underserved Communities Through the Federal Government**

“The Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.”

## **Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships**

“Charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications. Tribal consultation under this order strengthens the Nation-to-Nation relationship between the United States and Tribal Nations.”



## **21st Century Integrated Digital Experience Act**

“REQUIREMENTS FOR NEW WEBSITES AND DIGITAL SERVICES.... designed around user needs with data-driven analysis influencing management and development decisions, using qualitative and quantitative data to determine user goals needs, and behaviors, and continually test the website, web based form, web-based application, or digital service to ensure that user needs are addressed.

## **Federal Trust Responsibility**

Tribal nations ceded millions of acres of land that made the United States what it is today and, in return, received the guarantee of ongoing self-government on their own lands. The treaties and laws create what is known as the federal “trust responsibility,” to protect both tribal lands and tribal self-government, and to provide for federal assistance to ensure the success of tribal communities. [NCAI]

The federal Indian trust responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes (*Seminole Nation v. United States*, 1942). Over the years, the trust doctrine has been at the center of numerous other Supreme Court cases, thus making it one of the most important principles in federal Indian law. [BIA]

**Framework for other governments to work with Indigenous peoples and nations focusing on principles from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):**

- 1. Self-determination;**
- 2. Recognized as distinct peoples;**
- 3. Free, prior and informed consent;**
- 4. Be free of discrimination.**

Cost savings working directly with community

**“Research has shown that over the past 10 years, 94% of large federal information technology projects were unsuccessful, more than 50% were delayed, over budget, or didn’t meet expectations and a total of 41.4% were judged to be complete failures.”**

— Harvard Business School, The Failed Launch Of [www.HealthCare.gov](http://www.HealthCare.gov)

## **Systems and technology are not neutral**

Systems and technology produce what they are designed to do. The assumptions, perspectives and biases that go into design and decisions of the team determine who benefits more or less from what is created.

To reduce inequity that has been baked into a process requires measuring the inequity and addressing root causes. Reflect on who participates in the work, who decides, who benefits and who might be harmed. This will let you know the perspectives that are necessary to rebalance intended equitable outcomes.

**To build bridges with AI/AN communities, knowledge of and sensitivity to history is important but it's equally important not to ignore their strengths and current experiences.**

# Today

Partnering with a cross section of American Indians & Alaskan Natives (AI/AN) for feedback is something that the Federal government has been doing for years to various levels of success through Tribal Consultations, Advisory Committees, working groups, and listening sessions, but we have heard dissatisfaction in those engagements from the Federal employee and AI/AN side.

From the Federal employee side there is a sense that AI/AN are not that engaged when they are offered program ideas for feedback.

From the AI/AN side, there is a sense that there is no follow up when they give their feedback, not enough notice for them to participate or too many policy and program changes and Tribal Consultations happening all at one that they can't keep up.

# Federal teams want to engage with tribes, but don't know how

"Everyone on our team knows we need to [get feedback from tribes], but we don't know how. We're just guessing a lot of the time. We're looking at analytics. Looking at search results. We need to be able to talk to our end users and understand what's working."

"How could we do outreach to these communities? Not sure how successful we are in reaching this community."

"I'd love to talk to our customers... I don't think it's intentional, we just don't know how to make that shift."



# Current methods for Federal agencies and AI/AN to communicate:

- Listening sessions, Federal Advisory Committee Act (FACA) groups and tribal consultations. They are great but listening sessions don't have the force of having to report back
- FACA takes a lot of time and resources which don't work for technology problems.
- Working groups might be useful, but input is not really valued because this is coming more as a "talking at" vs two-way conversation.

# Writing guidance on what works best for AI/AN, or any, unique and disparate community is not equity-centered.

Neither member of the Phase 2 team has the lived experience of being American Indian or Alaskan Native. We can bring our professional experiences as designers and creative professionals to this work. We can learn from but cannot speak for Indigenous Peoples in the United States.

The phase 3 needs to include people who can speak from the AI/AN experience, in a way that does not tokenize their involvement and respects the diversity and intersectionality of the range of Indigenous experiences in the United States.

# Notes on Equity and Design

# Design Principles for Ethical Government Design

## Community Driven

- “Nothing for us, without us”
- Lead with the needs voiced from the community

## Ethical Engaged

- Work toward equity in the design process
- Practice transparency and integrity
- People and process over outcomes

## Self Aware

- Avoid paternalism and other characteristics of white supremacist culture
- Reflect on your background, role and motivation
- Understand history, context, and power structure

# Questions for teams to answer to move towards equity:

- **who benefits**, from the way a project is structured or from its outcomes, directly or indirectly.
- **who might be harmed?** harm can be direct or indirect. how can we reduce or eliminate the potential to cause harm, for the people we want to learn from and the people we are collaborating with?
- **who is invited**, who is missing? who participates? what perspectives are important to this project that are missing from the discussion? Who can help you understand how to make your solution better for those it's intended to help and least bad for those who might be harmed
- **who decides?** who determines what is done, how, and the criteria for success?

# Agencies need to adjust to better engage and collaborate with communities

- Modification of existing user experience design methods and materials
- Approaches to finding and working with community organizations for participant recruiting
- Normalize discussions about equity, power imbalance, and bias

# American Indian & Alaskan Native collaborator support

## What support might be needed?

- Training on digital tools like online whiteboards and video call technology.
- Flexible scheduling to make sure they can participate without detracting from other obligations.
- Access to wifi

Actually participation schedule will depend upon flexibility needed for the community to participate.

**Quotes from research**



# Demonstrate respect by recognizing the strength of their communities.

"There are examples of Tribes who have been out front (all along) in forest management, same sex marriage, minimum wage increase, social service improvements, restorative justice techniques. Many of these actions have never been celebrated and are kept quiet for fear of getting into trouble by the authorities. Many of these shifts happen because the change/innovation is in alignment with tradition and cultural values not mainstream/academic research, government contracts or western principles of fidelity."

# Lead with transparency about your goals, and your role in the government

**“Building trust is saying what we don’t know, we don’t know your experiences, we are looking to learn more and here’s how you can help us, so we don’t overcompensate with desk research.”**

“Need to define the terms really clearly—here’s what we mean and how we’re going to show up, and then as you consistently show up in the way you said you would, you reinforce. Just saying exactly what it means in the context of the project.”

**“They don’t know anything at all about you or your organization. You don’t want them to make assumptions about your responsibility. You want them to know your limitations. It’s about transparency. don’t set unrealistic expectations, it could erode trust.”**

“If you frame getting opinions of tribes as a problem that exists, that the federal government has this problem and we could use this help, it’s very non-threatening what information would you be comfortable providing”

# Examples of the challenges with the Federal government researching with tribes

From "Feasibility of Tribal Administration of Federal Nutrition Assistance Programs, Final Report"

- short timeline - "Ultimately, the research team had approximately four months to consult with Tribes, design survey instruments, and develop site visit protocols. **The short timeline also affected the survey field period and the ability of the research team to negotiate and schedule site visits.** Typically, research of this magnitude would need significantly more time for consultations, instrument development, and participant input to ensure that it would be as representative of and responsive to the Tribes as possible."
- **Difficulties have arisen when Federal program administrators did not fully understand Tribal sovereignty or recognize differences among Tribes' finances, operations, and governance.** - Tribal leaders and staff repeatedly reiterated the importance of Tribes being recognized as independent and unique nations with the authority to oversee, administer, and operate their programs and services as best meets the cultural and community needs of their members. They also explained that failure to recognize sovereignty had been an impediment to negotiating program administration in the past.

# Tensions between AI/AN and the Federal government

"Why there is a level of mistrust .. I work with people who are non-native and when I work with non-natives they are learning about the boarding schools and cultural genocide and you can understand why they might not want to talk to you."

"Not just boxing these communities in these histories but that showing that contemporary native american experience and their are resilient and successful."

"If you go in knowing any treaties that govern the relationship [between the tribe and the federal government] that can help. A lot of time showing up to a meeting knowing this stuff and ask "how can we honor this treaty obligation?".. "That we're here to honor these treaties" it will go a long way for trust. "

# Trust with communities happen through ongoing relationships

"You just build up that trust and you can't really templates that. Eventually you feel part of the team and practicing allyship appropriately shifting from allies to accomplice. Allyship is super strong patience. It's basic human stuff."

"It should be constant, evolving relationship as tribes identify what is important to them and provide input on all of our undertakings."

"What will they learn and what will you give back? It might hook someone in in a way you didn't think about how it could be adapted."

"Demonstrating something that has a high utility to tribes up front is important because so often what gets produced it doesn't reflect tribal communities needs...communities want something they can pick up and use right away, they are not interested in output, wordy reports that you have to weigh through to find something useful"

# Recruitment Strategies

"Start by doing an inventory of tribal liaison networks. Getting the lay of the land of what the issues are with your agency. If there is one group in your agency who has angered a tribe then you will be seen as part of the same problem."

"If you can, try to go to communities and organizations already working with these people and work backwards."

"Intertribal groups that organize all of the local tribes that come together and talk."

"Go to tribal government directly and go through them is the best way...because they can direct you to the staff and agency to continue the conversation."

# Recruiting community partners

Look for existing relationships within your agency or at another agency that you might be able to potentially leverage the relationship the agency(ies) have with the impacted community who can help you understand more about the existing relationship that group has with the federal government, and any advice to respect their cultural context.

Talk to a Tribal Historic Preservation Officer (THPO) to explain the information you want to collect and follow their guidance

Remove barriers to participation - Look for what perspectives are missing and invite people from your user communities representing these perspectives to participate as a full member of the team. This might mean accommodating barriers to participation that people brought into the team may have, such as lack of time, which might prevent them from participating fully. The team should do all it can to make participation equal. Diversity is not just physical attributes, it's thought diversity that is brought from a variety of lived experiences.

# Recruiting a diversity of tribal experiences

"Alaskan native corporations are not alaskan native villages. There are also village corporations. Work with alaskan native governments to figure out which would be the most important there Alaskan Federation of Natives AFN would be a good org to partner with."

"Tribes interest can be all over the place. You can think tribes are going really interested and they say whatever or if there are things that you think would be minor and they really care about that."

"Some tribes don't have an IRB but they will have an approval process for data access data ownership, tribe by tribe it could be different."

"There are large tribes that are doing economically really well. There are some tribes in Alaska that have 25 people and are remote - so when you are talking to tribes as a whole, you have to break it down. That wide of a range is going to be difficult."