

## Guidance for Campus Searches Required under the UC Native American Cultural Affiliation and Repatriation Policy

### 1. Background

The University of California (UC) is committed to the repatriation of Native American<sup>1</sup> Human Remains and Cultural Items in accordance with the federal [Native American Graves Protection and Repatriation Act](#) (NAGPRA), its [accompanying regulations](#), and the [California Native American Graves Protection and Repatriation Act](#) (CalNAGPRA). The fundamental importance of facilitating the repatriation of Native American and Native Hawaiian Human Remains and Cultural Items undergirds the University's policies and practices.<sup>2</sup>

NAGPRA requires UC to compile summaries and inventories. Inventories must include Human Remains and Associated Funerary Objects in the Possession or Control of the campus. Summaries must describe the collections in the Possession or Control of the campus that *may* contain Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony for the purpose of providing information to Tribes that may wish to submit Requests regarding these items. Campuses must consult with Tribes, and follow a process to repatriate Human Remains, Funerary Objects, Sacred Objects and Objects of Cultural Patrimony.

CalNAGPRA similarly requires the preparation of Summaries and Inventories (including "preliminary" Summaries and Inventories), in consultation with California Indian Tribes. CalNAGPRA specifies that Summaries must include all Native American ethnographic and archaeological collections and objects ("Native American Objects"), as those collections may include Cultural Items subject to repatriation, and such determinations can only be made in consultation with Tribes. Preliminary Inventories and Summaries must be completed by January 1, 2022 and submitted to the California [Native American Heritage Commission](#).

To help accomplish these goals, [UC policy](#) requires campuses to survey all departments/units to conduct an informed initial assessment about whether the unit or its individual faculty, staff, or students hold Native American Human Remains or Native American Objects. After the initial assessment, the campus [Repatriation Coordinator or Point of Contact](#) (in collaboration with tribal representatives, subject matter experts, and other campus officials as needed) will review responses from each department/unit head to determine if additional review is necessary. In addition, Repatriation Coordinators/Points of Contact will review the items in departments historically engaged with Human Remains and Native American Objects.

### 2. What to Include

Human Remains:

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<sup>1</sup> Native American means of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.

<sup>2</sup> This guidance uses the definitions in the [UC Native American Cultural Affiliation and Repatriation Policy](#), NAGPRA ([25 U.S.C. §§ 3001](#) and [43 C.F.R. § 10.2](#)) and CalNAGPRA ([Cal. Health & Safety Code § 8012](#)). See Section 9 of this Guidance.

The physical remains of the body of a person of Native American ancestry must be reported and should include the provenance and/or provenience. Human Remains may include hair, bones (note: human bone fragments are often mistaken for faunal remains), teeth, mummified or preserved soft tissues, and ashes.

This term does not apply to voluntary and consented donations through the University's Anatomical Donation Program. (See [UC Policy on Anatomical Donation/Materials Programs](#).)

The term also does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. However, objects made from human hair may be considered Cultural Items (see below). Although items that are thought to "have been freely given or naturally shed" may ultimately be determined not to be subject to NAGPRA/CalNAGPRA, departments/unit heads should nonetheless include a listing of such items in their responses to this survey for evaluation by the Repatriation Coordinator/Point of Contact.

In addition, department/unit heads should also include human remains that are thought not to be Native American in their responses, but the provenance and/or provenience of such remains should be clearly identified.

#### Native American Objects:

All Cultural Items (including Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, and Objects of Cultural Patrimony (see **9. Definitions**)) are subject to repatriation under NAGPRA/CalNAGPRA. However, as it may not be immediately clear which items are Cultural Items, all Native American ethnographic or archaeological objects ("Native American Objects") held by campus departments/units and their faculty, staff, students, or emeriti/retirees must be identified and reported.

Native American ethnographic or archaeological objects could include whole or broken Native American objects, shards, baskets, or pieces of objects.

Items under UC Control and Loaned Items. Departments should report any human remains or Native American Objects that are:

- a) Under UC's Control (*including* any remains or objects UC may have loaned to other institutions or individuals),
- b) Under the Control of another entity and in the physical care of the University, or
- c) On loan to the University, UC faculty, staff, or students.

**Err on the side of caution and do not try to personally assess whether an object may be subject to NAGPRA/CalNAGPRA. If human remains are identified, include and describe their provenance/provenience, whether or not they are thought to be Native American. If Native American Objects are located, include a description of the items in your report.**

### **3. Which Departments/Units Are Reviewed**

- a. All campus departments/units must be contacted (e.g., libraries, storage facilities, research laboratories, on- or off-campus facilities). Department search/survey requests should be targeted to the department dean, director, unit head, or relevant supervisory staff.
- b. Following the completion of the department/unit surveys, the Repatriation Coordinator/Point of Contact will review the items in:
  - i. All departments historically engaged in studies with Human Remains or Native American Objects (e.g., archaeology, anthropology, biology, dentistry, ethnic studies, geology, history, Native American studies, oceanography, physical sciences, etc.),
  - ii. Departments/units responsible for locations where Human Remains or Native American Objects are likely to be held (e.g., museums, libraries/special collections, storage facilities/physical plant, research/analytical laboratories, medical/dental repositories, other units related to the study or testing of historical remains, etc.), and
  - iii. Other departments/locations whose survey responses indicate they may potentially hold Human Remains or Native American Objects.

#### **4. Campus Chancellor/Chancellor's Designee Roles and Responsibilities**

The campus Chancellor or Chancellor's Designee must, in collaboration with the Office of the President, establish timelines by which departmental surveys/searches and any subsequent review by the Repatriation Coordinator/Point of Contact must be completed. Requests to campus departments must convey the importance of completing these actions. Department heads should be expected to justify to the Chancellor or Chancellor's Designee any failures to comply with these timelines, and provide an estimated time for completion.

The Chancellor or Chancellor's Designee must assist the Repatriation Coordinator/Point of Contact, as necessary, in gaining compliance from department/unit heads.

#### **5. Repatriation Coordinator/Point of Contact Roles and Responsibilities**

The Repatriation Coordinator/Point of Contact will receive and review department/unit survey/search results to identify department/units that will receive follow-up physical searches.

With the assistance of department/unit heads, and engaging as necessary the assistance of appropriate subject matter experts (e.g., Tribal Representatives, tribal leaders, osteologists, anthropologists, etc.), the Repatriation Coordinator/Point of Contact will conduct independent searches of departments/unit most likely to hold Human Remains or Native American Objects (see **3B** above).

If items potentially subject to NAGPRA/CalNAGPRA are found, as required under NAGPRA/CalNAGPRA, UC must engage in Consultation with Tribes and prepare or update Inventories and Summaries in accordance with this policy.

The Repatriation Coordinator/Point of Contact must monitor compliance with search protocols and maintain copies of all checklists and forms documenting searches. Repatriation

Coordinators/Points of Contact should report search statuses to the campus Chancellor or Chancellor's Designee, who must assist them in gaining compliance.

## **6. Department/Unit Head Roles and Responsibilities**

Department/unit heads must respond to survey requests by the deadline determined by the campus Chancellor or Chancellor's Designee. In fulfilling this requirement, it may be necessary to assemble teams for preliminary visual inspection of rooms and storage areas.

Department/unit heads should make inquiries of all faculty and staff to determine if they are aware of any potentially NAGPRA/CalNAGPRA-eligible Human Remains or Native American Objects, including objects either on University premises, located off-site, or taken from University premises to other locations, including the homes of University faculty, students, and staff.

It is important to keep in mind that Human Remains or Native American Objects may be located anywhere, including for example, libraries, current and former research laboratories, storage rooms, or off-campus facilities.

## **7. Faculty/Staff Roles and Responsibilities**

Department/unit heads must require that all employees under their purview report the existence of items potentially subject to NAGPRA/CalNAGPRA. University faculty, students, and staff are expected to cooperate in the departmental surveys and physical searches. This includes, but is not limited to, allowing physical access to campus laboratory spaces, providing any requested documentation, and identifying any other locations where potentially NAGPRA/CalNAGPRA-eligible Human Remains or Native American Objects may be held and items removed from University premises.

Faculty and staff should identify the provenance and/or provenience of human remains that are thought not to be Native American.

## **8. Reporting Improperly Maintained or Unreported Items**

Anyone who suspects that Native American items are not properly maintained or reported as required by UC policy should contact the campus [Repatriation Coordinator/Point of Contact](#). Alternatively, they can file a report using the [UC Whistleblower Hotline](#).

## **9. Definitions**

Native American: Of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.

Native American Objects: Native American ethnographic and archaeological collections and objects.

Cultural Items: Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, Sacred Objects, and objects of Cultural Patrimony, as defined below. **Note**: because it may not be clear whether objects are Cultural Items, UC is required to report all Native American

ethnographic or archaeological objects or collections (“Native American Objects”) (California Health & Safety Code Sec. 8013(c)(1)).

Human Remains: The physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining Cultural Affiliation, Human Remains incorporated into a Funerary Object, Sacred Object, or Object of Cultural Patrimony must be considered as part of that item.

Associated Funerary Objects: Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain Human Remains shall be considered as associated funerary objects.

Unassociated Funerary Objects: Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual Human Remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known Human Remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe.

Sacred Objects: Specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents.

Objects of Cultural Patrimony: Objects having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such objects shall have been considered inalienable by such Native American group at the time the objects were separated from such group.

Provenance: The chronology of the ownership, custody or location of an artifact or object.

Provenience: The precise location where an artifact or object was recovered archaeologically.