

96-04

February 28, 1996

**Native American Burial Remains,
Associated and Unassociated Funerary Objects,
Sacred Objects, and Other Cultural Patrimony**

This policy was recommended by the Academic Senate on February 8, 1996
and approved by the President on February 20, 1996.

1.000 Statement of Principles; Committee on Native American Burial Remains and Cultural Patrimony

1.100 California State University, Long Beach recognizes the ethical and legal necessity of preserving the rights of Native American tribes and communities regarding the Native American human remains and artifacts which the University holds or may hold in the future. The University also has as a central part of its mission the obligation to provide education and enlightenment about the past. The University is committed to conducting its scholarly and scientific inquiries in a manner that supports the preservation of the cultural identity of peoples and groups. Research and teaching involving Native American human remains and artifacts will only be conducted with the documented permission of the living descendants or, if unavailable, the tribal authorities (as identified by the California Native American Heritage Commission or the NAGPRA Review Committee established by the National Park Service; see section 1.400) of the Native American communities identified as the rightful owners of those remains and artifacts.

1.200 This policy statement is designed both to assure adherence to the above statement of principle and to ensure compliance with the Federal Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (P.L. 101-601) and related regulations of the U.S. Department of the Interior, regarding collections already housed at California State University, Long Beach, and with pertinent sections of the California Health and Safety Code and Public Resources Code, regarding future investigations or acquisitions.

1.210 If any portion of this policy statement conflicts with, or fails to address the concerns of, the legal documents listed in 1.200, these documents will take precedence over the policy statement

1.300 Compliance with this policy statement shall be overseen by a Committee on Native American Burial Remains and Cultural Patrimony composed of the Director of the American Indian Studies Program (or designee); two probationary or tenured CSULB faculty specializing in archaeology, biological anthropology, or cultural anthropology (or the most closely related specializations available); two additional probationary or tenured CSULB faculty (at least one of whom shall be of Native American heritage); five representatives recommended by tribal authorities (as identified by the NAGPRA Review Committee; see section 1.400) of Native American communities whose heritage is closely associated geographically with Los Angeles and Orange Counties; and the Vice President for Academic Affairs (or designee).

1.310 The nine Committee members not serving ex officio shall be appointed by the Provost and Senior Vice President for Academic Affairs from a list of nominations presented by the Executive Committee of the Academic Senate.

1.320 Committee members not serving ex officio shall serve staggered three-year terms and shall be eligible for reappointment without restriction, in accordance with Paragraph 1.310.

1.330 The Committee shall be responsible for reviewing University compliance with the Native American Graves Protection and Repatriation Act of 1990, reviewing University compliance with the provisions of the Health and Safety Code and the Public Resources Code as they affect archaeological study of Native American resources or the acquisition of Native American archaeological or cultural resources, and assisting in the mediation of any disputes that may arise in connection with this policy statement.

1.340 Apparent violations of this policy statement shall be reported by the Committee to the Vice President for Academic Affairs for formal investigation and possible disciplinary action.

1.400 The term "tribal authorities," as used in this policy, is defined as the governing body of an identified tribal group. Identification of the responsible tribal authorities is the responsibility of the NAGPRA Review Committee of the National Park Service or of such other agency as the Secretary of the Interior may designate by regulation for this purpose.

2.000 Inventory and Repatriation of Native American Burial Remains, Associated and Unassociated Funerary Objects, Sacred Objects, and Other Cultural Patrimony Already in University Collections

2.100 The University shall, by November 16, 1995, complete an inventory of all Native American burial remains, associated and unassociated funerary objects, sacred objects, and other cultural patrimony; the inventory shall also include those other categories of Native American cultural patrimony for which the Native American Graves Protection and Repatriation Act of 1990 requires only a summary.

2.110 The inventory shall, to the extent possible, identify the geographical origin and cultural affiliations of all materials included; it shall be based on the best available academic expertise and consultation with tribal authorities representing the Native American groups thought most likely to have a cultural affiliation with the materials.

2.120 Progress reports on the inventory shall be transmitted to the Committee on Native American Burial Remains and Cultural Patrimony.

2.130 The final inventory shall be transmitted to the Committee on Native American Burial Remains and Cultural Patrimony; it shall also be made available to the University Library, to the Secretary of the Interior (or designee), and to the California Native American Heritage Commission.

2.200 In the case of particular human remains or associated funerary objects to which they have a clear right of possession under the terms of the Native American Graves Protection and Repatriation Act of 1990, the University shall immediately notify identified living descendants or, if living descendants cannot be identified, the appropriate tribal authorities (as defined in section 1.400).

2.300 Within six months after the completion of the inventory provided for in Paragraph 2.100, the University shall notify the appropriate tribal authorities (as defined in section 1.400) of any particular human remains or associated funerary objects for which only the cultural affiliation has been determined.

2.310 To the extent possible, upon the request of a tribal authority (as defined in section 1.400), the University shall make available the documentary evidence upon which the inventory of particular items is based.

2.400 Repatriation shall be carried out in accordance with the following provisions.

2.410 If the cultural affiliation of Native American human remains or associated funerary objects with a particular tribe has been clearly established, the University, upon the written request of a known descendant (as determined by the NAGPRA Review Committee), or in the absence of a known living descendant, upon the written request of the appropriate tribal authority (as defined in section 1.400), shall expeditiously return such remains and associated funerary objects.

2.420 If the cultural affiliation of Native American human remains or associated funerary objects with a particular tribe has not been clearly established, the University, upon the written request of the appropriate tribal authority (as defined in section 1.400), shall expeditiously return such remains and associated funerary objects if the requesting tribal authority shows cultural affiliation by a preponderance of the evidence, as determined by the Committee on Native American Burial Remains and Cultural Patrimony in consultation with the NAGPRA Review Committee.

2.430 If the cultural affiliation of Native American unassociated funerary objects, sacred objects, or other cultural patrimony with a particular tribe has been clearly established, and the University does not have a clear legal right to possession of such objects conveyed by the appropriate tribal authority (as defined in section 1.400), the University, upon the written request of the appropriate tribal authority, shall expeditiously return such objects.

2.440 If the cultural affiliation of Native American unassociated funerary objects, sacred objects, or other cultural patrimony with a particular tribe has not been clearly established, and the University does not have a clear legal right to possession of such objects conveyed by the appropriate tribal authority (as defined in section 1.400), the University, upon the written request of the appropriate tribal authority, shall expeditiously return such objects if the requesting tribal authority shows cultural affiliation by a preponderance of the evidence, as determined by the Committee on Native American Burial Remains and Cultural Patrimony in consultation with the NAGPRA Review Committee.

2.450 Written requests for repatriation under this policy should be addressed to the Provost and

Senior Vice President for Academic Affairs, California State University, Long Beach, Long Beach, California 90840-0118.

2.460 Where there are multiple requests for repatriation of any human remain or cultural item, the University shall retain and preserve the human remain or cultural item until the requesting parties reach agreement on its proper disposition or until the dispute is resolved by mediation, a court of competent jurisdiction, or other appropriate means.

2.500 Where disagreements arise relating to requests for the return of human remains or cultural items, and the requesting parties cannot reach agreement among themselves, the University Committee on Native American Burial Remains and Cultural Patrimony shall encourage mediation by a third party, which may be the NAGPRA Review Committee or another appropriate entity mutually agreeable to the disputants.

3.000 The University recognizes that in future investigations or acquisitions, its concern for scholarly and scientific knowledge must be balanced against its obligation to assist in the preservation of the cultural identity and continuity of Native American communities whose heritage may be represented in the form of archaeological and cultural artifacts.

3.100 The University recognizes that those whose past is embedded in certain places have a legitimate right to express their concerns about how those places and the materials they contain are treated. The University acknowledges that open communication with Native Americans whose heritage may be affected is essential prior to the implementation of archaeological studies. Consciousness of, and sensitivity to, those groups whose past is being explored is required. At the same time, the University must freely communicate its own interest in expanding scholarly and scientific knowledge of specific places and times. The governing premise for all parties in this dialogue must be that each engage in the process in a collaborative frame of mind.

3.110 The University may engage in field studies in places where law and regulations require study, where site destruction through natural processes such as erosion is ongoing, or when requested by the Native American community that has historic jurisdiction over the places. In other situations the University will restrict itself to nondestructive methods of study such as reconnaissance and survey.

3.120 In the event that a case arises in which explicit scholarly goals appear to justify archaeological excavation of a site not covered by the language of Paragraph 3.110, a proposal for study will be made in writing to the community with jurisdiction and the decision of that community will be accepted as final as to whether the University will undertake the project.

3.130 Prior to any archaeological work, the University shall confer with Native American consultants on the action that prompts the work (e.g., course-related teaching, historic preservation, environmental regulations). The Native American consultants shall be persons recognized by their respective communities as scholars of their own cultural traditions. When funding is available, a Native American monitor shall be employed as a consultant during the course of the field work; whether or not funds are available to support such employment, Native American monitors shall be invited to visit the place of study at any time during the project and to make inquiries regarding the work. Native American monitors employed by the University shall be appointed in accordance with the guidelines issued by the California Native American Heritage Commission and shall be free to report to the appropriate Native American communities.

3.140 As part of a pre-work conference, the likelihood of encountering human remains shall be discussed with the Native American monitor or other appropriate tribal representatives and a policy developed for the treatment of such remains in the field. The scientific importance of such remains and associated materials should be explained, not only in general terms but also in the specific context of the project. University personnel may make recommendations regarding the laboratory study of such human remains or associated materials, but they shall then defer to the judgment of the appropriate tribal representatives in the matter. (The California Health and Safety Code requires any individual discovering human remains in any location other than a dedicated cemetery to stop work immediately and notify the County Coroner. If the Coroner determines that the remains are of Native American origin, the Coroner will notify with Native American Heritage Commission of the discovery within 24 hours.)

3.200 Archaeological studies conducted on the campus of the University itself shall be conducted in accordance with all of the policies and principles enumerated in this document, in addition to a study plan drawn up in conformity with NAGPRA and the National Historic Preservation Act as amended through 1992, and with A Cultural Resources Management Plan for California State University, Long Beach, copies of which are available for reference at the University Library, the Office of the Academic Senate, and the Office of

Physical Planning and Facilities Management. This study plan must be approved by the President of the University following a recommendation made by the Committee on Native American Burial Remains and Cultural Patrimony (established in Section 1.300). The provisions of Section 3.000 of this document shall apply to all such studies.

3.300 Any new archaeological discovery made by University personnel shall be reported within 30 days to the appropriate regional archaeological information center. In the case of discoveries made on campus, the appropriate archaeological information center is the one maintained at UCLA.

3.400 Whenever the University is offered any opportunity to obtain items of Native American cultural patrimony, either through gift or by purchase, the University, prior to completing the acquisition, shall determine the cultural affiliation of the items and consult with the appropriate tribal authorities (as defined in section 2.300) to determine that they have no intention of asserting a claim to the items. If the tribal authorities do plan to assert a claim to the items, the University shall not complete the acquisition or accept the gift.

EFFECTIVE: April 1, 1996