

Natural History Museum of Utah 2016 NAGPRA Policy

The Natural History Museum of Utah (NHMU) at the University of Utah is a facility designed for curation, scholarly research and public education. It is the policy of the NHMU to assure the respectful and dignified treatment of Native American and Native Hawaiian human remains and cultural items that are housed in the NHMU collections while also fulfilling our mission through lawful study. We believe the collections subject to NAGPRA at the NHMU to be a valuable asset for better understanding the biological, cultural, and adaptive history of humankind. We understand and respect the sensitive nature of the NAGPRA collections; they also serve an important role in teaching and professional research and we encourage use by legitimate researchers when in compliance with NHMU policy and national NAGPRA regulations.

I. Compliance

The NHMU complies with all legal requirements of the Native American Graves Protection and Repatriation Act (NAGPRA; 25U.S.C.3001 et seq.) to repatriate human remains and cultural items to lineal descendants, Native American tribes and Native Hawaiian organizations. The NHMU also complies with NAGPRA's implementing regulations (43CFR10) for all existing and newly discovered collections. Section 5 of the Act and its implementing regulations provide an orderly process for determining the disposition of NAGPRA remains and objects collected prior to November 1990 from any lands in the United States. The disposition of collections made prior to this date from lands owned by the state of Utah, private, or unknown origin is the responsibility of the NHMU. The disposition of collections made prior to this date from lands owned by the federal government or Native American tribes will be the responsibility of the appropriate land managing agency or tribe. Collections made after this date are subject to Section 3 of the Act for non-museum collections.

The NHMU inventory of human remains and associated funerary objects can be found on the NAGPRA website for culturally affiliated and culturally unidentifiable individuals. If possible, please consult these tables before making inquiries to the NHMU NAGPRA manager. A list of tribes that received the NHMU summary of unassociated funerary objects, objects of cultural patrimony, and sacred objects may also be viewed on the NAGPRA webpage. All summary inquiries or copy requests may be directed to the NHMU NAGPRA manager.

The NHMU will continue to partner with federal and state agencies by accepting short-term loans of human remains and associated funerary objects collected from recent excavations and which fall under Section 3 of the Act (25 USC 3002). These loans will be held for the purpose of housing human remains and objects during the NAGPRA consultation process. Loans of NAGPRA collections will not be accepted from private individuals.

The Museum will provide the same degree of long-term curatorial care of its NAGPRA collection as it does for its non-NAGPRA collection, as required under 36CFR79.9

II. Determination of Cultural Affiliation

Cultural affiliation is defined by NAGPRA as *a relationship of shared group identity that can be reasonably traced historically or prehistorically between members of a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group. Cultural affiliation is established when the preponderance of the evidence—based on geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion—reasonably leads to such a conclusion.*

According to NAGPRA, cultural affiliation between a present-day Indian tribe or Native Hawaiian organization and human remains, funerary objects, sacred objects, or objects of cultural patrimony of an earlier group is determined based on the following requirements:

- a. Existence of a federally-recognized, present-day Indian tribe or Native Hawaiian organization;
- b. Existence of an identifiable earlier group; and
- c. Existence of a shared group identity that can be reasonably traced between the present-day Indian tribe or Native Hawaiian organization and the earlier group. Evidence to support this requirement must establish that a present-day Indian tribe or Native Hawaiian organization has been identified from prehistoric or historic times to the present as descending from the earlier group.

In accordance with NAGPRA, remains and cultural items that cannot be identified as affiliated with a particular lineal descendent or federally-recognized Indian tribe or Native Hawaiian organization are to be classified on inventories as culturally unidentifiable.

Tribal authorities shall be permitted reasonable access to examine items in the NHMU collections in order to evaluate the cultural affiliation of items listed in the inventory as culturally unidentifiable. They shall also be given reasonable opportunity, upon request, to present their views orally or in writing to NHMU officials responsible for NAGPRA implementation regarding the identification of any such human remains, funerary objects, sacred objects, or objects of cultural patrimony. The perspectives of such tribal authorities shall be considered in determining cultural affiliation.

Determination of cultural affiliation will follow the consultation process specified in sections 43CFR10.8 and 43CFR10.9. The NHMU will consult with lineal descendants of individuals whose remains and associated funerary objects are likely to be subject to the inventory provisions of these regulations; federally-recognized Indian tribe and Native Hawaiian officials and traditional religious leaders from whose tribal lands the human remains and associated funerary objects originated or are likely to be culturally affiliated with human remains and associated funerary objects; and federally-recognized Indian tribe and Native Hawaiian officials from whose aboriginal lands the human remains and associated funerary objects originated. The NHMU will also consider reasonable claims from non-federally recognized Indian tribes.

III. Requests for Repatriation

The Museum will fulfill legitimate requests for repatriation of culturally affiliated human remains and collections in a manner and within the time frame determined by 43CFR10.10. Each claim must be preceded by a consultation with the NHMU and a Notice of Inventory Completion posted in the Federal

Register. Until a formal request for repatriation is initiated by a tribal claimant, the NHMU will maintain all NAGPRA objects and human remains in trust.

The Museum will review legitimate requests for repatriation of culturally unidentifiable human remains in a manner and within the time frame determined by 43CFR10.11. Each claim will be reviewed on a case by case basis and in accordance with the procedures outlined in the NAGPRA legislation. Until a formal request for repatriation is initiated by a tribal claimant, the NHMU will maintain all NAGPRA objects and human remains in trust.

All associated funerary objects will be repatriated with the associated human remains, when possible, regardless of whether the individual is culturally affiliated or culturally unidentifiable. Associated photographs and records will be maintained by the NHMU for future research.

If a culturally-affiliated Native American tribe or Native Hawaiian organization does not have the ability to store or care for unassociated funerary objects, objects of cultural patrimony or sacred objects they may enter into a long-term loan agreement with the Museum. These objects may be used by the affiliated tribe or organization for ceremonial purposes.

IV. NAGPRA Collections for Education and Research Purposes

All culturally unaffiliated artifacts or culturally unidentified human remains in the NAGPRA collections will be available for scientific study until such time that said artifacts or human remains are determined to be affiliated with a known federally-recognized Native American tribe or Native Hawaiian organization. This includes non-destructive as well as partially destructive analysis. The Museum will only grant permission for scientific analysis of NAGPRA items and culturally unaffiliated human remains from federal lands with written approval from the appropriate land managing agency. The scientific study of culturally affiliated artifacts or human remains is prohibited without the written consent of the affiliated Native American tribe or Native Hawaiian organization.

All NAGPRA collections will be photographed and catalogued for archival and research purposes. All documentation will be maintained by the NHMU in perpetuity regardless of determination of affiliation. Images will not be used for exhibition/display purposes. Images of culturally unidentified individuals may be published or shown in research contexts. Images of culturally affiliated individuals will not be used in any context without the permission of the culturally affiliated tribe.

Exhibition of Native American and Native Hawaiian human remains and/or associated funerary objects is prohibited. Exhibition of culturally affiliated sacred objects, objects of cultural patrimony, or unassociated funerary objects will be permitted with written permission from the affiliated tribe. Exhibition of culturally unaffiliated unassociated funerary objects is permitted only if critical for the exhibition and there is no example in the non-NAGPRA collection that will suffice.

Mold making of human remains or objects will be permitted on culturally unidentifiable human remains, associated funerary objects of culturally unidentifiable individuals, and unassociated funerary objects. Mold making of culturally affiliated individuals, associated funerary objects of culturally affiliated individuals, sacred objects, and objects of cultural patrimony will only be allowed upon receipt of written permission from the culturally affiliated Native American tribe or Native Hawaiian organization.