

## Natural History Museum of Utah (UMNH) NAGPRA Policy

The Natural History Museum of Utah (UMNH) at the University of Utah is a facility designed for curation, scholarly research and public education. It is the policy of the UMNH to assure the respectful and dignified treatment of Native American human remains and cultural items that are housed in the UMNH collections while also fulfilling our mission through lawful study. 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 UMNH policy, national NAGPRA regulations, and after good faith effort has been made to solicit meaningful input from the tribes. In this manner, the UMNH aims to engage tribal communities in a transparent and proactive way.

### I. Compliance

The UMNH complies with all legal requirements of the Native American Graves Protection and Repatriation Act ([NAGPRA; 25 U.S.C. 3001 et seq.](#)) to repatriate human remains and cultural items to lineal descendants or Native American tribes. The UMNH does not hold any individuals of Native Hawaiian descent. The UMNH 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 UMNH. 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 UMNH 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 UMNH NAGPRA manager. Any inquiries regarding unassociated funerary objects, objects of cultural patrimony, or sacred objects may be directed to the UMNH NAGPRA manager.

The UMNH 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 U.S.C 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. Tribal communities who wish to have culturally affiliated human remains, associated funerary objects, unassociated funerary objects, objects of cultural patrimony, and sacred objects retained at the UMNH should contact the UMNH NAGPRA manager.

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 Native American 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 Native American 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 Native American tribe or Native Hawaiian organization and the earlier group. Evidence to support this requirement must establish that a present-day Native American tribe has been identified from prehistoric or historic times to the present as descending from the earlier group.

In accordance with NAGPRA, human remains and cultural items that cannot be identified as affiliated with a particular lineal descendent or federally-recognized Native American tribe are classified in inventories as culturally unidentifiable.

Tribal authorities shall be permitted reasonable access to examine items in the UMNH 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 UMNH 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 UMNH 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 Native American tribes 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 Native American tribes from whose aboriginal lands the human remains and associated funerary objects originated. The UMNH will also consider reasonable claims from non-federally recognized Native American 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 UMNH and a Notice of Inventory Completion posted in the Federal Register. Until a formal request for repatriation is initiated by a tribal claimant, the UMNH 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 UMNH 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 UMNH for future research.

If a culturally-affiliated Native American tribe 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 storage 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**

When considering access to NAGPRA collections (human remains, funerary objects, sacred objects, and objects of cultural patrimony) for education and/or research purposes, the UMNH respects the concerns of Native American communities as well as the values inherent in science and education. Tribal engagement is fundamental to the research process and, therefore, the UMNH has developed policies around education and research in collaboration with Utah tribes. When considering research requests, the UMNH will offer to assist researchers by providing appropriate tribal and land agency contacts, but we expect the researcher to contact tribes and/or agencies to explain their proposed study. Researchers are also expected to share resulting data, unpublished summaries, and publications with tribal communities and UMNH to ensure a transparent process and balanced dialog.

- A) Culturally affiliated human remains or funerary objects
  - a. Researchers must obtain written consent from the affiliated Native American tribe, as well as the appropriate land managing agency. Researchers shall provide Native communities with a reasonable response period (at least 30 days). If consent is granted, the request must then be approved by the UMNH Collections Committee. If a tribe does not respond in the established response period, and a good faith effort to contact has been made, review, evaluation, and approval of research requests can proceed. This applies to both destructive<sup>1</sup> and non-destructive<sup>2</sup> research requests.
  
- B) Culturally unidentifiable human remains or funerary objects
  - a. Researchers must obtain written consent from the Native American tribes for destructive analysis research requests only. Tribal representatives will be identified based on geographic relationship with the human remains or funerary objects as defined in [43CFR10.11\(Subpart B\)](#). Researchers shall provide Native communities with a reasonable response period (at least 30 days). If consent is granted, the request must be approved by the UMNH Collections Committee. If a tribe does not respond in the established response period, and a good faith effort to contact has been made, review, evaluation, and approval of research requests can proceed. For non-destructive analysis, the UMNH will notify the tribal representatives based on

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<sup>1</sup> Destructive analysis refers to analytical sampling that is consumptive in nature, such as radiocarbon dating, genetic research, and isotopic analysis.

<sup>2</sup> Non-destructive analysis refers to visual observations or measurements.

geographic relationship, as defined in [43CFR10.11\(Subpart B\)](#), before research commences.

All NAGPRA collections will be photographed and catalogued for archival and research purposes. All documentation will be maintained by the UMNH in perpetuity regardless of determination of affiliation. Images will not be used for exhibition/display purposes nor will they be used in any context without the permission of the tribes, regardless of whether they are culturally affiliated or not. Culturally unidentifiable remains will be associated with tribes based on [43CFR10.11\(Subpart B\)](#).

Exhibition of Native American human remains and/or 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 prohibited.