



OFFICE OF THE PROVOST AND  
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, California 94607-5200

October 27, 2022

## CHANCELLORS

Dear Chancellors:

After extensive multiple reviews, both internal and external to the University, and with the support of the Academic Senate, the University of California finalized its [Policy on Native American Cultural Affiliation and Repatriation](#) on January 1, 2022. This policy prioritizes repatriation of Native American Cultural Items<sup>1</sup> (*including* Human Remains), in accordance with the federal Native American Graves Protection and Repatriation Act<sup>2</sup> and its accompanying regulations<sup>3</sup> (jointly referred to as NAGPRA), and the California Native American Graves Protection and Repatriation Act<sup>4</sup> (CalNAGPRA). These regulations were enacted to acknowledge the fundamental human right of Native Americans and Native Hawaiians to their ancestral Cultural Items.

This communication highlights the policy restriction on the use of *Identified* or *Potential* Cultural Items in research, instruction, or other use, absent tribal approvals. (See §V.J.4 of the policy.) It is understood that this restriction may impede ongoing or planned research. We recommend Chancellor's Designees or Vice Chancellors for Research disseminate this notice to campus researchers, Museums and Repositories, Anthropology Department Personnel, Graduate Deans, and any other campus unit/department that may be affected by the research restriction described herein.

### Which items are subject to this restriction?

The scope of this restriction applies to all Native American Human Remains and ethnographic or archaeological objects subject to NAGPRA or CalNAGPRA, whether or not cultural affiliation has been established and whether or not the items have been determined to meet the definition of "Cultural Item" under federal/state regulations.

Note that CalNAGPRA § 8013(c) states, "Because it may not be clear whether Native American objects are Cultural Items, all museum collections of Native American ethnographic or archaeological objects shall be included in the preliminary summary." Thus, while some Native American materials housed by UC (e.g., beads, lithics, faunal remains, and baskets) may have

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<sup>1</sup> "Cultural Items" include Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, Sacred Objects, and objects of Cultural Patrimony, all as defined by 43 C.F.R. § 10.2 and 25 U.S.C. § 3001. See Section II of the [policy](#) for further definitions and citations.

<sup>2</sup> [25 U.S.C. §§ 3001-13](#)

<sup>3</sup> [43 C.F.R. §§ 10.1-.17](#)

<sup>4</sup> [California Health & Safety Code \(CHSC\) §§ 8010-30](#)

previously not been included in UC NAGPRA inventories/summaries, CalNAGPRA now requires we include them to ensure determinations are made in consultation with Native American Tribes. Application of the research restriction to all *Identified* or *Potential* Cultural Items likewise ensures protection of items that might be determined to be Cultural Items.

Which Tribes must provide approval?

- If cultural affiliation has been determined, all culturally affiliated Tribes must approve.
- If cultural affiliation has not been determined, all Tribes whose aboriginal lands/aboriginal territory or tribal lands overlap with the location where the materials originate must approve.

How do researchers secure approvals?

Researchers should consult with their campus [Repatriation Coordinator](#) for a list of Tribes that need to provide approval. Requests for tribal authorization must include a clear and easily understood explanation of the duration, type, nature, and extent of research being requested, and the potential impacts on the human remains and cultural items. In reviewing requests, the campus Chancellor's Designee will consider (i) evidence of tribal consultation and authorizations, (ii) tribal input, and (iii) efforts to maintain high standards of care and respect for all human remains and/or cultural items.

Sincerely,



Michael T. Brown, Ph.D.  
Provost and  
Executive Vice President for Academic Affairs

cc: President Drake  
Academic Council Chair Cochran  
Academic Council Vice Chair Steintrager  
Campus Chancellor's Designees for NAGPRA/CALNAGPRA MATTERS  
Vice President Maldonado  
Vice Chancellors for Research  
UCORP Chair Schumann  
Chief Policy Advisor McAuliffe  
Executive Director Lin  
Executive Director Motton  
Director DeMattos  
Principal Committee Analyst Miller