

The UC Davis NAGPRA Advisory Committee

Overview:

The Provost and Executive Vice Chancellor hereby reactivates and reconstitutes the campus's NAGPRA committee—now called the UC Davis NAGPRA Advisory Committee—in order to glean advice and recommendations in light of new regulations of the Native American Graves Protection and Repatriation Act (NAGPRA).

Rationale:

The campus's NAGPRA committee, originally called the UC Davis Ad Hoc Committee on the Treatment of Skeletal Remains, has a long history at UC Davis. Initiated in 1992, it has been reactivated many times since then to respond to changes in the legislation. In May 2010, new regulations related to the transfer of culturally unidentifiable (CUI) remains made it necessary to regroup the committee.

The new CUI rules. In May 2010, new regulations were promulgated requiring institutions unable to prove a right of possession to offer to transfer CUI remains in their collections to the federally recognized tribe from whose tribal lands the remains were originally removed, or (if no tribe in the first category claims the remains) to tribes recognized as aboriginal to the area from which the remains were removed. Prior to May 2010, NAGPRA required repatriating remains and cultural items only when direct cultural affiliation with a present day tribe(s) could be demonstrated. The large majority of remains and cultural items reviewed and inventoried under NAGPRA have been designated CUI and repatriation has not been required.

- As under the previous regulations, the new regulation includes the requirement for the museums to initiate consultation with Native American Tribes.
- Tribes can request a transfer, and the campus must initiate consultation within 90 days.

The UC Policy on NAGPRA, adopted in May 2001, has not been revised to reflect the new CUI regulations, but a guidance memo was sent to the campuses in April 2010. This memo indicates that the consultation requirement under the new CUI regulation is not a new one and may be satisfied if consultation was done previously.

Charge:

The UC Davis NAGPRA Advisory Committee (referred to below also as the “Advisory Committee”) will advise the Provost in determining how to effectively implement NAGPRA, including the CUI rules. The Advisory Committee’s efforts will focus on implementing a proactive consultation effort with Native American tribes to ensure effective implementation of NAGPRA. It will also advise the Provost on how to formulate recommendations from the Davis campus to the systemwide UC NAGPRA Advisory Group.

The Advisory Committee’s responsibilities may be further specified as follows:

- While the Anthropology Museum within the UC Davis Department of Anthropology will remain responsible for day-to-day NAGPRA compliance—with museum staff continuing to carry out all requisite research, paperwork, and official contacts—the UC Davis NAGPRA Advisory Committee will be responsible for making recommendations to the Provost on the implementation of NAGPRA at UC Davis. Guided by the Advisory Committee’s recommendations and all relevant information, the Provost will then formulate and pass on his own recommendations to the systemwide NAGPRA Advisory Group. In the event that the Advisory Committee cannot reach consensus on recommendations, the Provost’s recommendations to the systemwide Advisory Group may include majority and minority opinions.
- The Provost will select the UC Davis representative to the UC NAGPRA Advisory Group from among the faculty on the UC Davis NAGPRA Advisory Committee. In the event that the UC Office of the President delegates NAGPRA-related decisions to the campus, the Advisory Committee will assume those responsibilities, with the Provost making final decisions. At UC Davis, NAGPRA implementation will be consistent with the UC Policy on NAGPRA, which states in part:

The University’s collections of human remains and cultural items serve valuable educational and research purposes important to the enhancement of knowledge in various disciplines. The University maintains these collections as a public trust and is responsible for preserving them according to the highest standards while fulfilling its mission to provide education and understanding about the past and present through continued teaching, research and public service.

(The complete UC Policy on NAGPRA can be found at <http://www.ucop.edu/ucophome/coordrev/policy/5-01-01att.pdf>. See also: http://www.universityofcalifornia.edu/senate/reports/DS_MGYreNAGPRA_FIN AL.pdf.)

- The primary focus of the UC Davis NAGPRA Advisory Committee will be to advise the Provost on implementing a proactive consultation effort with Native American tribes to ensure effective implementation of NAGPRA, including the CUI rules. The Committee will advise on the resources, organizational structure, and campus policies needed to effectively implement this effort.
- The scope of oversight exercised by the UC Davis NAGPRA Advisory Committee does not extend beyond cultural items covered by NAGPRA (i.e., Native American and Native Hawaiian skeletal remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony), and any and all oversight exercised by either committee or administration is not to infringe on the rights of UC Academic Senate members to pursue research on remains and associated artifacts that does not violate federal or state law or UC policy.

Activities and methodologies:

Office of Environmental Stewardship and Sustainability will provide analytical staff support

- The Office of Environmental Stewardship and Sustainability will provide staff support for the Advisory Committee and make detailed background information and analysis available to members.

Office of Provost and EVC will provide administrative staff support and work with Advisory Committee

- The Office of the Provost and Executive Vice Chancellor will provide administrative staff support and work with the Advisory Committee to identify best practices from our sister campuses and peer institutions nationally.

Advisory Committee will promote transparency

- To promote transparency, the Advisory Committee will publish the agendas of meetings in advance and publish summaries of the deliberations after the meetings.

Timeline:

Summer 2011: Establishment of Advisory Committee
 September 2012: Committee charged and operational

Membership:

The UC Davis NAGPRA Advisory Committee is appointed biennially by the Provost and Executive Vice Chancellor, who serves as chair. In keeping with NAGPRA committees at other major research universities, the UC Davis Committee is designed to have broad representation with respect to appropriate academic disciplines, the campus community, and the off-campus Native American community. (Descriptions of the UCLA NAGPRA Advisory Committee and the University of Michigan Advisory Committee on Culturally Unidentifiable Human Remains are appended below.)

The UC Davis NAGPRA Advisory Committee has been reconstituted as follows:

Ralph Hexter, *Provost and Executive Vice Chancellor* (chair)
Robert Bettinger, *Director, Anthropology Museum, ex officio*
Brook Colley, *Doctoral Candidate/Native American Studies*
Christyann Darwent, *Associate Professor, Department of Anthropology*
Jelmer Eerkens, *Associate Professor, Department of Anthropology*
Sid England, *Assistant Vice Chancellor, Environmental Stewardship and Sustainability, ex officio*
Katherine Florey, *Professor, School of Law*
Reno Keoni Franklin, *THPO, Yocha Dehe Wintun Nation*
Marcos Guerrero, *RPA, THPO, United Auburn Indian Community of the Auburn Rancheria*
Ines Hernandez-Avila, *Professor, Department of Native American Studies*
Martha Macri, *Professor, Department of Native American Studies*
Michelle Peters, *Undergraduate Student / Neurobiology, Physiology and Behavior*
Rahim Reed, *Associate Executive Vice Chancellor, Campus Community Relations*
Sheryl Soucy-Lubell, *Editor and Coordinator, Office of Research*
Howard Spero, *Professor, Department of Geology*
Alan Taylor, *Distinguished Professor, Department of History*

Contact:

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*Office of the Provost and Executive Vice Chancellor
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The UCLA NAGPRA Advisory Committee

- The UCLA representative to the UC Advisory Group is appointed yearly by the Vice Chancellor of Research.
- The Vice Chancellor of Research, as the Chancellor's designee on NAGPRA issues, annually appoints the UCLA NAGPRA Advisory Committee. The call for membership includes staff, faculty and student representatives concerned with NAGPRA compliance. Their input is considered important because NAGPRA affects interactions between many departments as well as the Native American and larger academic communities. Decisions reflect the campus and therefore require a broad range of opinions and expertise to form better policy and notice decisions.
- Membership of the UCLA NAGPRA Advisory Committee 2010–11:

Jeanne Arnold, *Professor of Anthropology*

Marla Berns, *Director, Fowler Museum*

Mishuana Goeman, *Assistant Professor of Women's Studies and Associate Director, American Indian Studies Center*

Carole Goldberg, *Professor of Law and Representative to the UC NAGPRA Advisory Group (chair)*

Rebecca Hernandez Rosser, *Assistant Director, American Indian Studies Center*

Felicia Hodge, *Professor of Nursing and Public Health*

Anthony Madrigal, *Director of Policy and Cultural Resources Management, San Manuel Band of Mission Indians*

Gregory Schachner, *Professor of Anthropology*

David Shorter, *Associate Professor of World Arts and Cultures*

DeAnna Rivera, *Director, Tribal Learning Community and Educational Exchange Program*

Wendy Teeter, *Curator of Archaeology, Fowler Museum, ex officio*

Cindi Alvitre, *NAGPRA consultant, ex officio*

- The Curator of Archaeology for the UCLA Fowler Museum is the designated campus NAGPRA coordinator. This person responds to tribal requests for information and consultation, ensures that collections are reviewed for NAGPRA eligible materials, writes grants for NAGPRA support, meets with tribes, and finds expert testimony and additional types of support as needed to ensure compliance and a full understanding of the breadth of UCLA's collections.
- The UCLA NAGPRA coordinator prepares documentation for Notices of Inventory Completion, Requests for Repatriation, or any other NAGPRA matters, then requests review by the UCLA representative to the UC NAGPRA Advisory Group.

- The UCLA NAGPRA Advisory Committee reviews and votes on all UCLA notices sent to the UC Advisory Committee for review.

The University of Michigan Advisory Committee on Culturally Unidentifiable Human Remains

The University of Michigan Advisory Committee on Culturally Unidentifiable Human Remains (CUHR) was formed in October 2009 to advise the Vice President for Research (VPR). According to the Office of the Vice President for Research Web site (<http://research.umich.edu/ovpr/>), the committee currently includes:

Toni Antonucci, Elizabeth M. Douvan Collegiate Professor of Psychology, Research Professor at the Institute for Social Research Survey Research Center, and Associate Vice President for Research (chair)

David Bloom, Jack Lapidus Professor of Urology and Chair, Department of Urology

Francis Blouin, Professor of Information and of History and Director, Bentley Historical Library

Sarah Buss, Associate Professor of Philosophy

John Chamberlin, Professor of Public Policy and of Political Science and Director, Center for Ethics in Public Life

Alicia Davis, Professor of Law

Philip Deloria, Carroll Smith-Rosenberg Collegiate Professor of History, Richard Hudson Research Professor of History, and Professor of American Culture

Raymond De Vries, Professor of Bioethics/Medical Education and of Obstetrics and Gynecology and Adjunct Professor of Sociology

Sharon Herbert, John G. Pedley Collegiate Professor of Classical Archaeology and Curator and Director, Kelsey Museum of Archaeology

Robert Megginson, Arthur F. Thurnau Professor, Professor of Mathematics, and Associate Dean of Undergraduate and Graduate Education, LSA

Kiara Vigil, Graduate Student, Program in American Culture

Steven Wright, Arthur F. Thurnau Professor and Professor of Civil and Environmental Engineering

In September 2010, following adoption of the new NAGPRA regulations concerning CUI disposition, the CUHR Advisory Committee issued an annual report with nine recommendations for implementing NAGPRA under the revised rules. The Vice President for Research released the report to the community for review and comment in September 2010 and asked for comments by the end of October. In mid-November 2010, the VPR released a report replying to the report recommendations and the comments received. All of these reports are available at the OVPR Web site (<http://research.umich.edu/policies/cuhr/>).

A few of the policy decisions made by the VPR in the report include:

- A NAGPRA Project Manager in OVPR was hired, a Museum of Anthropology Assistant Collections Manager was hired, and a Web site established where policies and procedures and relevant information are posted.

- Several comment letters spoke to how the University should interact with Indian tribes, and most advocated a “consultation first” model. Other comments warned that general consultations might delay processing of dispositions.
- OVPR chose to initiate consultation by writing to tribes from whose tribal or aboriginal lands the remains and associated funerary objects in our collections were removed. As the OVPR pursues general consultations, they also are prepared to receive requests for disposition of specific remains and will pursue the disposition process appropriate to that request. The disposition process itself requires consultation and the two activities, general and specific consultations are mutually beneficial. Allowing both models to proceed simultaneously will not slow down the finalization of dispositions.
- Many letters supported the continuation of the CUHR Advisory Committee and recommended including one or more tribal representative. Other letters were not supportive.
- OVPR decided that to properly address future questions that will be put to the committee about policy and other decisions, the membership of the committee would be expanded.
- OVPR is considering multiple options that will result in further expansion of the committee by at least one member who will bring a tribal perspective. OVPR believes it is essential to include a tribal perspective in discussions that relate to the crafting of policies and procedures that affect Native communities. This will provide some insurance that the views of tribal communities are accurately represented during the CUHR committee’s deliberations. Moreover, since tribal consultation is a fundamental aspect of legal compliance, OVPR believes that the inclusion of a tribal representative as a full CUHR Advisory Committee member comports with the letter as well as the spirit of the NAGPRA law and regulations.
- To promote transparency the VPR instructed the CUHR Advisory Committee to publish the agendas of meetings in advance and to publish summaries of the deliberations after the meetings.
- The NAGPRA Program Manager was designated the institutional point of contact for all external communications about NAGPRA-related issues.
- Museum of Anthropology assessments will inform CUHR Advisory Committee discussions and recommendations on specific requests or other actions.
- Museum of Anthropology assessment and CUHR Advisory Committee recommendations will inform but not determine ultimate institutional determinations by the Vice President for Research.