

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR



BAKERSFIELD

January 24, 2025

CHANNEL ISLANDS

Dear Tribal Leaders,

CHICO

My name is Samantha Cypret, and I am Mountain Maidu from the Taylorsville Rancheria. I am honored to serve as the first Executive Director of the Office of Tribal Relations within the Office of the Chancellor of the California State University (CSU). As you may be aware, the CSU is in the process of developing a systemwide policy to ensure that each of our universities fully, respectfully, and promptly complies with the Native American Graves Protection and Repatriation Act (NAGPRA) and the California Native American Graves Protection and Repatriation Act (CalNAGPRA). This letter serves as a follow-up to previous communications regarding the development of this policy.

DOMINGUEZ HILLS

EAST BAY

FRESNO

FULLERTON

HUMBOLDT

LONG BEACH

The CSU remains deeply committed to authentic and meaningful consultation and collaboration with California Tribes and the Native American Heritage Commission throughout the policy development process. We are sincerely grateful to the Tribes and individuals who participated during our initial 90-day consultation period last year. The comments and feedback shared have been invaluable in shaping the next draft of the policy, which is enclosed with this letter.

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

In the coming weeks, the CSU will be hosting four in-person Tribal outreach sessions across the state, as well as two virtual outreach sessions. Additional information regarding the outreach sessions, a digital version of the draft policy, and an online feedback form can be found on our website at nagpra.calstate.edu. If you have any questions or would like to schedule a consultation session, please feel free to contact us at nagpra@calstate.edu.

POMONA

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

The CSU respectfully requests that feedback on the draft policy be submitted by March 31, 2025, so it may be incorporated into the next iteration of the policy. With your guidance and expertise, we look forward to implementing a systemwide policy that ensures the timely and respectful return of Native American ancestors and cultural items. Thank you for your time, consideration, and continued collaboration.

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

Warmly,

SAN MARCOS

SONOMA

Samantha Cypret
Executive Director
Office of Tribal Relations

STANISLAUS


	CALIFORNIA STATE UNIVERSITY SYSTEMWIDE NAGPRA POLICY			
	Status	DRAFT	Owner	Samantha Cypret, Executive Director, Tribal Relations
	Dated	January 16, 2025	Area	External Relations and Communications

Table of Contents

I. Scope and Purpose.....	2
II. Policy Statement.....	3
III. Definitions.....	4
IV. Note on Language.....	5
V. Background.....	5
VI. Guiding Principles.....	7
VII. CSU Systemwide Oversight and Responsibilities.....	8
A. Board of Trustees.....	8
B. Chancellor and the Office of Tribal Relations.....	8
C. Funding Repatriation.....	9
D. Systemwide NAGPRA Committee.....	9
E. Reporting.....	11
F. Training.....	11
VIII. CSU Campus Oversight and Responsibilities.....	12
A. Campus Presidents.....	12
B. NAGPRA Coordinator.....	12
C. Funding Repatriation.....	13
D. Campus NAGPRA Committees.....	14
E. Campus NAGPRA Websites.....	15
IX. Compliance.....	15
A. Responsibilities.....	15
B. Cultural Affiliation and Culturally Unaffiliated Human Remains and Cultural Items.....	17
C. Consultation.....	17
D. Reburial.....	18
E. Tribal Outreach and Communication.....	18
F. Confidentiality.....	19
G. Field Schools.....	20

H. Hazardous Substance Contamination Histories	21
I. Missing Collections, Loans and Split Collections.....	21
J. Inventories and Summaries	21
K. Repatriation and Repatriation Timeframes	24
L. Appeals	25
M. Duty to Safeguard and Protect Native American Human Remains and Cultural Items	26
N. Agency and Private Collections and Holdings	26
O. Campus Searches.....	27
P. Prohibition on Teaching and Research.....	28
Q. Tribal Requests: Research and Testing, Acceptance of Collections or Loans, and Request for Assistance.....	28
R. Deaccession and Voluntary Deaccessioning.....	30
X. Non-Compliance and Enforcement.....	30
XI. Policy History and Updates	30
XII. Appendices.....	31

This policy has several external links embedded throughout. Hyperlinked words are highlighted and underlined.

I. Scope and Purpose

This “Policy” applies to all California State University (“CSU”) employees including administrators, faculty, emeriti faculty, staff and student employees at all CSU locations and properties including campuses, satellite campuses, offices, auxiliaries, and other units controlled and operated by the CSU including field schools.

This policy implements systemwide compliance with the Native American Graves Protection and Repatriation Act (“NAGPRA”) [25 USC §§ 3001-13](#) and its accompanying regulations [43 C.F.R. Part 10](#), and the California Native American Graves Protection and Repatriation Act (“CalNAGPRA”) [California Health & Safety Code \(CHSC\) §§ 8010-30](#) and its supplemental chapters including [AB-275](#) and [AB-389](#) to facilitate the expeditious repatriation of Native American Human Remains and Cultural Items to lineal descendants, Tribes or Native Hawaiian organizations (“NHO”). NAGPRA and CalNAGPRA are jointly referenced as “repatriation laws” throughout this policy and where necessary, the laws are named individually for clarity. Because of the unique nature of this work, we are attempting to accomplish with this policy compliance with the laws while addressing heretofore unseen challenges not contemplated in the law.

As a system in possession or control of Human Remains and Cultural Items that receives federal funds, repatriation must be conducted under federal law. The CSU is lawfully obligated to fulfill NAGPRA requirements and implement the systematic processes for repatriation of Human Remains and Cultural

Items. This policy adheres to the legal requirements, processes, deadlines and timeframes established in the NAGPRA regulations. This policy is intended to promote consistency across the CSU system. The CSU system and its campuses must ensure compliance with this policy at all CSU locations and individuals stated in Scope.

The CSU respects and upholds Tribal sovereignty. Accordingly, nothing in this policy shall be interpreted or construed as a request for, or an implication of, a waiver of Tribal sovereign immunity.

The effects of systematic removals from burial and sacred sites and campus holdings of Human Remains and Cultural Items have caused extensive harm to lineal descendants, Tribes and NHO. These harms include the desecration of cemeteries, the prolonged separation of Human Remains and Cultural Items from their communities, the financial, logistical, and emotional costs of repatriation, the loss of control of sensitive information regarding Human Remains and Cultural Items, the trauma caused to descendants in CSU campus buildings where their Ancestors and Cultural Items are kept, and the inability to control the information that is published about one's history and cultural heritage.

The repatriation process itself has a history of continuing this trauma. This includes museum and agency determinations of Human Remains as "culturally unidentified," not accepting Tribal Knowledge as expert opinion, deeming Cultural Items as ineligible for repatriation without holding consultation with Tribes, and not deferring to Tribal cultural protocols for respectful treatment and handling. These practices are and have been part of a systemic privilege of academic and Western knowledge and practices over Tribal Knowledge that has functioned to avoid or delay repatriation and has failed to acknowledge Tribal sovereignty.

II. Policy Statement

The CSU system and campuses acknowledge the harm and take responsibility for its actions that have contributed to the disruption of burials and burial sites, cultural places, and sacred sites and for withholding Human Remains and Cultural Items from repatriation for purposes of use including research, analysis, study, teaching, exhibition, publication, and curation. The CSU has been subject to NAGPRA compliance since its enactment by Congress in 1990. The CSU understands that its non-compliance with repatriation laws and inconsistent repatriation efforts have affected Tribes and caused distrust of the CSU. These immoral and unethical practices have caused irreparable harm for which the CSU apologizes and commits to full compliance with repatriation laws. The CSU vows to work towards rebuilding trust with Tribes and their communities. The CSU acknowledges that Tribal consultation is a key component in addressing the historic wrongs against California Native Americans and commits to engaging in consistent, transparent and meaningful Tribal consultation with California Indian Tribes.

The CSU system and its campuses do not claim right of possession of Human Remains and/or Cultural Items. Unless there is clear and documented transfer of possession or control as defined in [NAGPRA](#), the CSU system and campuses do not claim a right of possession of Cultural Items. The CSU recognizes

that in most circumstances Human Remains and Cultural Items were obtained without the free, prior, and informed consent of lineal descendants, culturally affiliated Tribes, and NHO. Further, the CSU recognizes its legal and moral obligations to comply with repatriation laws, which are rooted in American Indian and human rights law, not museum practice and academic or scientific inquiry. The CSU will treat all Human Remains and Cultural Items with dignity and respect while in the custody, possession or control of CSU campuses in compliance with NAGPRA [43 CFR 10.1\(d\) Duty of Care](#).

III. Definitions

This policy adopts the definitions of NAGPRA ([25 U.S.C. §§ 3001](#) and [43 C.F.R. § 10.2](#)) and CalNAGPRA ([Cal. Health & Safety Code § 8012](#)) as applicable. In cases where definitions differ, definitions are provided for clarification.

Agency: As defined under [NAGPRA](#) and as defined under [CalNAGPRA § 8012\(a\)](#) a division, department, bureau, commission, board, council, city, county, district, or other political subdivision of the State of California.

California Indian Tribe: As defined under [CalNAGPRA § 8012\(c\)](#).

Consultation: As defined under [NAGPRA](#) and [CalNAGPRA § 8012\(e\)](#).

Consulting Parties: As defined under [NAGPRA](#) and includes California Indian Tribes as defined in [CalNAGPRA § 8012\(c\)](#) with potential cultural affiliation and authorized Tribal representatives.

Cultural Affiliation

Cultural Items: As defined under [NAGPRA](#) and [CalNAGPRA § 8012\(g\)](#).

Custody

Deaccession: The act of permanently removing an accessioned collection or item in the possession or control of a CSU campus.

Duty of Care

Federally Recognized Indian Tribe: An Indian Tribe as defined by [NAGPRA \(25 U.S.C. § 3001\(7\)\)](#).

Holding or Collection

Human Remains (except where lowercase in this policy means they are pending identification).

Inventory

Lineal Descendant

Museum: The CSU meets the definition of a museum under [NAGPRA](#) and [CalNAGPRA § 8012\(j\)](#). Where a “campus museum” is referenced, it means a campus department or unit museum or gallery that is managed, directed and operated by the campus.

Native Hawaiian Organization: As defined under [NAGPRA 25 U.S.C. § 3001\(11\)](#).

Objects of Cultural Patrimony

Possession or Control

Provenience: The geographical location by county or State where the potential Human Remains or Cultural Items were removed.

Provenance: The acquisition history of the potential Human Remains or Cultural Items.

Research: This policy uses the definition under [NAGPRA](#) to mean any study, analysis, examination, or other means of acquiring or preserving information. Research includes any activity to generate new or

additional information beyond the information that is already available, for example, osteological analysis of human remains, physical inspection or review of collections, examination or segregation of comingled material (such as soil or faunal remains) or rehousing of collections. Acquiring or preserving information includes, but is not limited to, measuring and photographing.

[Repatriation](#)

[Right of Possession](#)

[Sacred Objects](#)

State Cultural Affiliation: Per [CalNAGPRA § 8012\(n\)](#), State Cultural Affiliation means that there is a reasonable (as defined in [CalNAGPRA § 8012\(l\)](#)) relationship of shared group identity that can reasonably be traced historically or precontact between members of a present-day California Indian Tribe, as defined in [CalNAGPRA § 8012\(c\)](#), and an identifiable earlier Tribe or group. State Cultural Affiliation must be based on one or more of the following: geography, kinship, biology, archaeology, linguistics, folklore, oral tradition, historical evidence, Tribal Traditional Knowledge, or other information or expert opinion, that reasonably leads to that conclusion.

[Summary](#)

Tribal Knowledge: This policy uses both definitions of [NAGPRA Native American Traditional Knowledge](#) and [CalNAGPRA § 8012\(p\)](#).

Tribal Representative: The principal leaders of a Tribe or the individuals officially designated by the governing body of a Tribe or as otherwise provided by Tribal code, policy, or established procedure as responsible for matters relating to NAGPRA and/or CalNAGPRA under this policy.

Tribe: An Indian Tribe as defined by [NAGPRA](#) or a California Indian Tribe as defined by [CalNAGPRA § 8012\(c\)](#).

IV. Note on Language

The CSU recognizes that the Human Remains referenced throughout this policy are the Ancestors of present-day Native American and Native Hawaiian peoples. The CSU further recognizes that some words used in the repatriation laws and this policy do not convey the magnitude of the significance of sacred cultural belongings such as “human remains,” “item,” “object,” “collection” and “holding.” The CSU intends no disrespect to lineal descendants, Tribes and NHO. These words are used solely for legal precision and clarity.

V. Background

NAGPRA was enacted to protect and restore the rights of lineal descendants, Indian Tribes, and NHO to the Human Remains, Associated and Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony in the control, custody, or possession of museums. NAGPRA applies to federally recognized Tribes. Current regulations do not provide a direct path to repatriate or transfer Human Remains and Associated Funerary Objects to Tribes without federal recognition. California Indian Tribes without federal recognition can work with federally recognized Tribes as part of a joint claim for a joint request for repatriation.¹

¹ <https://www.federalregister.gov/d/2023-27040/p-55>.

In 2001, the California Legislature passed CalNAGPRA requiring all state agencies and museums that receive state funding and have possession or control over collections of Human Remains or Cultural Items to provide a process for the identification and repatriation to the appropriate Tribes. The bill also established a Repatriation Oversight Commission (California Native American Heritage Commission) with oversight authority. The legislation intends to cover the gaps in NAGPRA specific to the State of California and requires the inclusion of California Indian Tribes without federal recognition in the consultation and repatriation claim processes. Further, CalNAGPRA prioritizes and defers to Tribal Knowledge as expert opinion and requires the minimization of handling of Human Remains and Cultural Items.

As a system that receives both state and federal funding, the CSU must follow federal law in situations where pursuant to the requirements of NAGPRA:

- Human Remains and Associated Funerary Objects must be made available to federally recognized Tribes for repatriation.
- Unassociated Funerary Objects, Sacred Objects or Objects of Cultural Patrimony must be made available to federally recognized Tribes for repatriation.

Pursuant to CalNAGPRA [AB-389](#) the CSU must:

- Establish systemwide and campus-based NAGPRA implementation committees.
- Adopt and implement a systemwide NAGPRA policy in consultation with California Indian Tribes.
- Prohibit the use of all Human Remains and Cultural Items for purposes of research and teaching.
- Ensure CSU campuses have the necessary funding to support repatriation activities.
- Annually report systemwide progress in reviewing campus holding or collection of Human Remains and Cultural Items to the State Legislature.

In 2022, the Joint Legislative Audit Committee announced the CSU systemwide audit of its compliance with repatriation laws. After an extensive review, the report was released in June 2023. Results showed overall extremely low percentage of repatriations across the campuses since the enactment of repatriation laws, non-compliance with legal processes and timeframes, insufficient staffing and funding, and lack of policies and systemwide oversight. All but one of the State Auditor's recommendations were directed at the CSU system. The recommendations are as follows:

- 1) Monitor campus efforts to review their collections and require the completion of their inventories by December 2024.
- 2) Ensure that campuses properly consult with Tribes by engaging in meaningful, timely discussions in a manner respectful of Tribal sovereignty regarding protocols for handling and identifying Human Remains and Cultural Items.
- 3) To provide campuses with the guidance and best practices necessary for effectively complying with NAGPRA and CalNAGPRA, the Chancellor's Office should issue a systemwide NAGPRA policy

establishing consistent repatriation processes and training requirements, in consultation with California Tribes and the California Native American Heritage Commission (herein “NAHC”).

- 4) To ensure that it adequately oversees campus repatriation activity, the Chancellor’s Office should establish a systemwide NAGPRA oversight committee by December 2023. By this same date, the Chancellor’s Office should implement a process for campuses to periodically report their repatriation activity to the systemwide oversight committee. Further, it should require that campuses with more than 100 Human Remains and Cultural Items also establish NAGPRA committees.
- 5) To ensure that campuses proactively pursue timely repatriation, the Chancellor’s Office should require campuses with more than 100 sets of Human Remains or Cultural Items to have full-time, experienced repatriation coordinators by June 2024.
- 6) To ensure that repatriation is a systemwide priority and that campuses have access to clear and consistent leadership related to NAGPRA and CalNAGPRA, the Chancellor’s Office should, by December 2023, formalize its administrative structure, such as by assigning a position within its office the responsibility of directly overseeing the work of the systemwide CalNAGPRA project manager.
- 7) To ensure that campuses have the funding necessary to comply with NAGPRA and CalNAGPRA, the Chancellor’s Office should do the following:
 - a. Require each campus with NAGPRA collections to identify and estimate, by January 2024, the funding and other resources they need to complete repatriation in an appropriate and timely manner.
 - b. After evaluating the reasonableness of campuses’ estimates, either identify and provide the required funding from existing systemwide or campus resources or seek additional funding from the Legislature, to ensure that campuses have adequate funding to support their NAGPRA and CalNAGPRA activities.

VI. Guiding Principles

In acknowledging past harms, the system and campuses strive in earnest to discontinue harmful practices and develop and promote a new trajectory with the following principles:

1. **Recognize and Honor Tribal Sovereignty**
 - a. Federally recognized Tribes are each individual sovereign Nations; thus, this policy is consistently flexible in deference to Tribal sovereignty.
 - b. Tribes are the caretakers, owners, and interpreters of their historical and contemporary cultural heritage.
 - c. Each Tribe is unique and has different priorities.
 - d. Understand and prioritize the specific concerns and issues facing California Indian Tribes.
 - e. Tribal requests consistent with repatriation laws will be given deference and priority.
 - f. Develop and maintain respectful Tribal engagement to establish strong government-to-government relationships.
2. **Build and Nurture Relationships with Tribes**

- a. Establish and maintain foundational relationships outside of repatriation laws.
 - b. Commit to building trust through open and transparent communication.
 - c. Conduct respectful and meaningful engagement.
3. **Commit to Consultation and Repatriation**
- a. Fully and timely comply with legal requirements to repatriate all Human Remains and Cultural Items.
 - b. Defer and refer to Tribal Knowledge as expert opinion.
 - c. Eliminate barriers that prevent or delay repatriation progress.
 - d. Respect Tribal capacities throughout the repatriation process.
4. **Protection of Native American Human Remains and Cultural Items**
- a. Enforce prohibition on the use of Human Remains and Cultural Items in research, teaching or display.
 - b. Uphold NAGPRA [Duty of Care](#) throughout the repatriation process and while in CSU facilities.
 - c. Secure Human Remains and Cultural Items in restricted, clean and environmentally stable facilities.
 - d. Ensure confidentiality of private and sensitive information shared during consultation.
5. **Demonstrate Accountability and Transparency**
- a. Monitor and report campus repatriation progress and systemwide oversight efforts.
 - b. Provide access to relevant information pertaining to the Human Remains and Cultural Items as requested by lineal descendants, Tribes and NHO to advance repatriation outcomes.
 - c. Develop, apply and enforce consequences of non-compliance with repatriation laws and this policy.

VII. CSU Systemwide Oversight and Responsibilities

A. Board of Trustees

The CSU system comprises twenty-three campuses throughout the state. The system is governed by the Board of Trustees (“Trustees”). The Trustees adopt rules, regulations, and policies governing the CSU. Trustees meet six times a year and receive updates on the system and campus NAGPRA and CalNAGPRA compliance efforts and state audit status. Trustees’ meetings, agendas, and past meeting archives are available on the [CSU NAGPRA website](#).

B. Chancellor and the Office of Tribal Relations

Designated by the Trustees, the Chancellor directs and oversees systemwide affairs and operations including implementing system policies and procedures. The Office of Tribal Relations (“OTR”) within the External Relations and Communications Division of the Chancellor’s Office was established to provide oversight of the system and campus NAGPRA and CalNAGPRA compliance efforts, and compliance with this policy, and ensure sufficient funding is provided to each campus to fulfill the duties and responsibilities described in this policy. An official within OTR shall be designated as the NAGPRA Coordinator for these purposes and to supervise the systemwide NAGPRA compliance. The Coordinator responds to campus requests for support, guidance and resources to comply with repatriation laws,

convenes monthly campus NAGPRA Coordinator meetings, initiates systemwide training opportunities, assists with system policy development, works collaboratively with NAHC staff, and provides support for the Systemwide NAGPRA Committee. For simplicity, this policy uses “Chancellor” rather than “Chancellor, Chancellor’s designee, or OTR” throughout this policy. The External Relations and Communications Division organizational chart is available in Appendix #1.

All Chancellor’s Office staff must operate in compliance with all repatriation laws (e.g., NAGPRA, CalNAGPRA, *Duty of Care* standard, etc.) and applicable state and federal laws.

C. Funding Repatriation

To ensure that each campus has the funding necessary to comply with repatriation laws, campuses with Human Remains and Cultural Items must identify and estimate the funding and other resources needed to complete repatriations. Campus Presidents or their designees must report their estimated budgets in a Campus Repatriation Implementation Plan (section VII.E), which is due annually and submitted to the OTR. Upon evaluation of the reasonableness of campus estimates, the Chancellor will work with campuses to identify and provide funding from existing system or campus-based resources or seek additional funding from the State Legislature or other sources, to ensure that campuses have sufficient funding to support their repatriation activities and achieve repatriation outcomes.²

The OTR staff will assist campuses in seeking grant funding opportunities to fund campus repatriation efforts including, but not limited to, grants made available by the Department of the Interior ([25 U.S.C. § 3008](#)) and other potential cultural heritage preservation grants.

D. Systemwide NAGPRA Committee

Pursuant to [CalNAGPRA § 8028.71\(a\)\(1-4\)](#), the CSU will establish a Systemwide NAGPRA Committee (herein “Systemwide Committee”). At least a majority of voting members shall be from California Indian Tribes. The Chancellor shall appoint members upon nomination by the NAHC. The priority for filling committee positions is for those who have experience with NAGPRA and CalNAGPRA. Furthermore, committee members are not subject to term limits. The Systemwide Committee once filled will determine its organizational administrative structure and organizational procedures. In support of the Systemwide Committee, and under the direction of the committee chair or other designee, the OTR staff will be responsible for the following support to the Systemwide Committee:

- Schedule dates, times and locations for meetings; ensure meetings are called and held in accordance with this policy;
- Establish and confirm an agenda for each meeting, and ensure the meeting agenda and relevant documents are circulated to committee members in advance of the meeting to ensure sufficient time for the members to review the materials and arrange logistics, travel or telecommunication capability;
- Officiate and conduct meetings;

² 8028.72(c)

- Ensure there is sufficient time during the meeting to fully discuss agenda items; and
- Ensure meeting notes (e.g., minutes, action items, etc.) are complete, accurate, retained and reviewed at the next meeting.

1. Committee Role and Responsibilities

The role of the Systemwide Committee is to provide the CSU system expertise concerning the repatriation of Human Remains and Cultural Items in accordance with repatriation laws and make recommendations to the Chancellor on matters of compliance and best practices. The Systemwide Committee responsibilities will include providing guidance and support for the individual campus NAGPRA committees (Section VIII.D) and reviewing and promoting the implementation of this policy. The Systemwide Committee will review disputes and appeals brought under [CaINAGPRA 8028.7 \(a\) \(7\)](#). The Systemwide Committee may participate in developing and implementing the broader repatriation infrastructure within the system, such as campuswide searches or contamination policies. The Systemwide Committee may also propose procedures to create a more respectful and timely repatriation process within the system. Such procedures may not conflict nor be inconsistent with this policy. The Systemwide Committee may seek the advice of subject matter experts as needed.

All committee members must operate in compliance with all repatriation laws (e.g., NAGPRA, CaINAGPRA, *Duty of Care* standard, etc.) and applicable state and federal laws.

The OTR will reimburse Systemwide Committee members' travel costs for in-person meetings. Expenses must be consistent with the CSU [Travel and Business Expense Payments Policy](#). Stipends for Tribal representatives for any additional work that rises to the level of professional services will be provided, including attending committee meetings. Any cost shall be identified and approved in advance by the Chancellor.

2. Frequency of Meetings

The Systemwide Committee will meet no less than three times per academic year and may be in-person as agreed upon by the committee members or at the request of the Chancellor. Additional meetings may be necessary based on the need and urgency of a repatriation matter.

3. Conflicts of Interest

All CSU members serving on the Systemwide Committee must recuse themselves on any repatriation matter on which they had any involvement. Further, CSU committee members must comply with the CSU [Conflict of Interest Code](#).

The CSU recognizes California Indian Tribes may maintain applicable Tribal government policies and/or procedures. As such, Systemwide Committee members who are representing their Tribal governments are encouraged to abide by their respective Tribe's applicable policies and/or procedures.

E. Reporting

The Chancellor monitors campus repatriation progress by requiring campuses with holdings or collections subject to repatriation laws to report their activities in bi-monthly reports. Additional or supplemental reports may be requested by the Chancellor as needed. At a minimum, reports will include the status of the following components:

- Tribal consultation and proactive outreach efforts,
- Campuswide searches of unreported holdings or collections, and
- Pending or posted federal notices, and transfers of legal control and physical custody.

Pursuant to [CalNAGPRA § 8028.7\(a\)\(9\)](#), on or before each December 31 the Chancellor will submit an annual report to the State Legislature on the CSU systemwide progress in reviewing its collections of Human Remains and Cultural Items.

All campuses with holdings or collections subject to repatriation laws are required to develop a Campus Repatriation Implementation Plan (herein “Repatriation Plan”). The purpose of the Repatriation Plan is to annually track campus repatriation progress and provide estimated repatriation budgets and timelines. The Repatriation Plan must be developed in consultation with Tribes with cultural affiliation or potential cultural affiliation to the campus holdings or collections. Further, Repatriation Plans must be reviewed and completed in coordination with campus NAGPRA committees (Section VIII.D) and submitted annually to the OTR and made available as requested by Tribes. See Appendix #2 for a sample Repatriation Plan.

F. Training

Compliance with repatriation laws requires regular systemwide and campuswide awareness and education. System and campus individuals charged with repatriation oversight, responsibilities and/or duties as outlined in this policy are required to obtain training and remain current with repatriation laws and culturally appropriate best practices. Training must be taken at least once a year and reported in the campus’s Repatriation Plan.

The OTR will develop systemwide training opportunities in partnership with Tribes, their representatives and other subject matter experts. Campuses are encouraged to develop campus-based training in consultation with Tribes and Tribal representatives to address local circumstances, issues and concerns within campus service areas. Such training must not conflict or be inconsistent with this policy.

All CSU employees may access the NAGPRA Bundle in the CSU Learn Library which provides a general overview of repatriation laws and generates awareness of the CSU’s obligation to comply with repatriation laws. The Bundle is a compilation of existing resources including links to training seminars such as the National NAGPRA Program in-depth training videos, recorded discussions and presentations by Tribal repatriation experts, and the State Auditor report on CSU NAGPRA compliance. The Bundle must be assigned to all new CSU staff with NAGPRA responsibilities as part of onboarding. The OTR manages and oversees the CSU Learn Bundle content and makes updates to include updated or

additional existing content.

VIII. CSU Campus Oversight and Responsibilities

A. Campus Presidents

Presidents serve as the chief executive officers of their respective institutions, as the primary liaison between the university and the greater community, and as the public face of the institution. The Presidents maintain a close working relationship with the CSU's systemwide office, reporting to the Chancellor and representing the campus on the systemwide Senior Leadership Council. Presidents are responsible for overseeing compliance with repatriation laws, this policy and fulfilling the responsibilities of the campus NAGPRA committees as described in Section VIII.D of this policy. Presidents must identify and appoint one or more authorized individuals responsible for carrying out the legal requirements of NAGPRA. Presidents must monitor repatriation activities, report progress to the OTR and identify and provide necessary and sufficient resources to support repatriation outcomes. Presidents may appoint a designee for these purposes. For simplicity, this policy uses "President" rather than "President or President's designee" throughout this policy.

Presidents will ensure the continuity of staff and leadership to prevent delays in responses to requests and inquiries about campus holdings or collections and to comply with NAGPRA and CalNAGPRA repatriation deadlines and timeframes as described in this policy. Presidents will work collaboratively with the campus NAGPRA Coordinators to fulfill the duties in this policy including supporting Coordinators' requests for information from campus departments and units and ensure departments and units are responsive and cooperative. Contact information for [Offices of the President](#), President designees, and/or NAGPRA Coordinators are listed on the CSU system [NAGPRA website](#).

All Presidents' office staff must operate in compliance with all repatriation laws (e.g., NAGPRA, CalNAGPRA, *Duty of Care* standard, etc.) and applicable state and federal laws.

B. NAGPRA Coordinator

Pursuant to [CalNAGPRA 8028.7\(a\)\(8\)](#), each campus with Human Remains and Cultural Items in its collections or holdings must have experienced full-time coordinators. NAGPRA Coordinators (herein "Coordinators") must have demonstrated experience working successfully and respectfully with Tribal leaders, members and representatives. Coordinator positions must either report directly to the President or have direct, regular access to the President or the President's designee. Coordinators are the individuals appointed by the President at each campus with collections or holdings subject to repatriation laws to carry out the primary responsibility of accomplishing the requirements in repatriation laws and in this policy including, but not limited to:

- Conducting proactive outreach to Tribes and NHO;
- Timely responding to inquiries and requests from lineal descendants, Tribes and NHO;
- Facilitating and engaging in consultation with lineal descendants, Tribes and NHO;
- Providing access to relevant information associated with Human Remains and Cultural Items to consulting parties;

- Managing spaces that hold Human Remains and Cultural Items to control/restrict access; and
- Providing information for reports to the President and NAGPRA Committee including the Repatriation Plan.

Coordinators must be authorized to access or request any existing information pertaining to the collections or holdings from a campus department or unit including, but not limited to, collection and library databases, archives, catalogs and ledgers, accession and loan documentation, archaeological site records and maps, contracts and agreements, images, recordings (film and audio), course curriculum histories, past and present faculty and student research, publications, and testing and analysis reports. Coordinators may assist in Campus Committee meeting preparations and may be requested or required to attend committee meetings to provide reports and updates on campus repatriation efforts and activities.

All Coordinators must operate in compliance with all repatriation laws (e.g., NAGPRA, CaINAGPRA, *Duty of Care* standard, etc.) and applicable state and federal laws.

C. Funding Repatriation

Presidents and Coordinators must identify and estimate the funding and resources needed to cover all expenses related to repatriation and prepare annual estimated budgets. Estimates must include travel costs for lineal descendants, Tribal representatives, NHO representatives, and their required travel companions to attend consultations or other repatriation-related meetings. Estimated travel expenses may include flight, hotel, car rental or personal car mileage, and per diem. Additional expenses may include but are not limited to:

- Rehousing materials
- Tribal monitor fees
- Reburial costs
- Rental services (i.e., equipment, transportation)
- Specialist services (i.e., contamination testing and analysis, human and non-human bone verifications, removal of hazardous substances)
- Information center fees (archaeological site reports)

All expenses must be identified in consultation with consulting parties and reviewed and approved by the Campus Committee and President before submission to the OTR as part of the Repatriation Plan (Section VII.E). Expenses must be consistent with individual campus policies. Reimbursements or payments may be through invoices, stipends, or other mechanisms agreed in consultation and allowed under campus travel or payment policies. Campuses must develop and implement an efficient system for reimbursements or stipends. Campuses may seek grant funding opportunities to support campus repatriation efforts including, but not limited to, grants made available by the Department of the Interior ([NAGPRA 25 U.S.C. § 3008](#)) and other cultural heritage preservation grants.

D. Campus NAGPRA Committees

Pursuant to [CalNAGPRA § 8028.71\(b\)\(1-5\)](#), each campus with holdings or collections subject to repatriation laws will establish a campus-based NAGPRA Implementation Committee (herein “Campus Committee”). At least a majority of voting members shall be from California Indian Tribes. The Chancellor shall appoint members upon nomination by the NAHC. The priority for filling committee positions is for those who have experience with NAGPRA and CalNAGPRA. Furthermore, committee members are not subject to term limits. Each respective Campus Committee, once filled, will determine its organizational administrative structure and organizational procedures. In support of the Campus Committee, and under the direction of the committee chair or other designee, the President’s designee will be responsible for the following support to the Campus Committee:

- Schedule dates, times and locations for meetings; ensure meetings are called and held in accordance with this policy;
- Establish and confirm an agenda for each meeting, and ensure the meeting agenda and relevant documents are circulated to committee members in advance of the meeting to ensure sufficient time for the members to review the materials and arrange logistics, travel or telecommunication capability;
- Officiate and conduct meetings;
- Ensure there is sufficient time during the meeting to fully discuss agenda items; and
- Ensure meeting notes (e.g., minutes, action items, etc.) are complete, accurate, retained and reviewed at the next meeting.

1. Committee Role and Responsibilities

Campus Committees will advise Presidents on all matters related to campus efforts to comply with repatriation laws and provide expert guidance and recommendations to ensure timely repatriation outcomes. The President’s designee shall be the liaison between the Campus Committee and the President. As such, the President’s designee must attend all committee meetings.

[CalNAGPRA 8028.71\(b\)\(4\)](#) requires all claims for repatriation and any alleged claims of violation of the policies and procedures adopted pursuant to [Section 8025](#) be submitted to Campus Committees for determination. In addition to implementing this policy, Campus Committees will review the campus’s Repatriation Plan before submission to the OTR and provide reports of Campus Committee activities and decisions to the President and Systemwide Committee via the OTR annually at minimum. Committee members may provide advice or recommendations in development and implementation of broader repatriation infrastructure within the campus, such as campuswide collection searches and surveys or contamination policies. These recommendations may not conflict nor be inconsistent with this policy.

All committee members must operate in compliance with all repatriation laws (e.g., NAGPRA, CalNAGPRA, *Duty of Care* standard, etc.) and applicable state and federal laws.

2. Frequency of Meetings

Campus Committees will meet no less than three times per academic year and may be in-person as agreed upon by the committee members or at the request of the campus President.

Additional meetings may be necessary based on the need and urgency of a repatriation matter.

3. Conflicts of Interest

All CSU members serving on a Campus Committee must recuse themselves on any repatriation matter on which they had any involvement. Further, CSU committee members must comply with the CSU [Conflict of Interest Code](#).

The CSU recognizes California Indian Tribes may maintain applicable Tribal government policies and/or procedures. As such, Campus Committee members who are representing their Tribal governments are encouraged to abide by their respective Tribe's applicable policies and/or procedures.

E. Campus NAGPRA Websites

Each campus will host a NAGPRA website that includes, at minimum:

- Current contact information for the Coordinator and President's designee.
- Links to publicly available information such as *Federal Register* notices submitted by the campus.
- Links to the NAHC and National NAGPRA inventories and summaries databases.
- Instructions to submit a Tribal request.
- Instructions on how to report concerns about campus personnel.
- Instructions on how to report alleged violations of repatriation laws or this policy.
- Instructions on how to appeal a campus determination regarding identification, repatriation or transfer of Human Remains or Cultural Items.
- A link to the CSU system NAGPRA website.

Campuses must update their staff contact information for posting on the National Park Services NAGPRA [Consultation Resources website](#). Changes in campus staff assigned to the duties and responsibilities as outlined in this policy must be reported immediately to the OTR and reported in the annual Repatriation Plan.

IX. Compliance

A. Responsibilities

NAGPRA provides a systematic process for repatriation of Human Remains, Associated and Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony to lineal descendants, Indian Tribes, or NHO. CalNAGPRA compliance requires the fulfillment of NAGPRA; therefore, Coordinators must follow NAGPRA requirements and processes in the federal regulations referenced in this policy and abide by the established timeframes and deadlines associated with each requirement. Throughout the repatriation processes, campuses must comply with and uphold the CalNAGPRA prohibition on teaching and research (Section IX.P), and *Duty of Care*. CalNAGPRA requires the inclusion of California Indian

Tribes in consultation and repatriation claim processes. Throughout the repatriation process, campuses will uphold California Indian Tribes' rights and cultural protocols as stated in [CalNAGPRA SEC 1 \(k\)\(5\):CalNAGPRA § 8012\(c\)](#), in consultation and repatriation claim processes. Throughout the repatriation process, campuses will uphold California Indian Tribes' rights and cultural protocols as stated in [CalNAGPRA SEC 1 \(k\)\(5\)](#):

“Recognize that California Indian Tribes have expertise with regard to their tribal history and practices that concern the Native American human remains, cultural items, and tribal cultural resources with which they are traditionally and culturally affiliated and, because the federal and state repatriation processes call for a sufficient degree of analysis, include tribal traditional knowledge about the land and resources at issue in all decisions related to repatriation processes. This includes treating tribal traditional knowledge as the authority with respect to determining cultural affiliation and the identification of cultural items so that it is given deferential weight to other lines of evidence. Tribal traditional knowledge meets the “reasonable” standard that is identified in the California Native American Graves Protection and Repatriation Act of 2001.”

Each campus must assess whether the campus has custody, possession or control of holdings or collections that contain or may contain Human Remains and/or Cultural Items. Campuses must determine whether they have sufficient interest in a holding or collection to constitute possession or control to identify the legal ownership of the holding or collection on a case-by-case basis. Campuses with custody of holdings or collections for agencies and private entities must not include such holdings or collections in inventories or summaries (Section IX.J). However, campuses must report federal agency holdings or collections and holdings or collections without clear possession or control according to NAGPRA [43 C.F.R. § 10.8](#) and in the Repatriation Plan (Section VII.E). Additionally, each campus must:

- Search campus departments, buildings, units, facilities, and off-campus locations for potential holdings or collections that contain or may contain items of Native American origin (Section IX.O);
- Seek and gather all relevant information on holdings or collections including the circumstances surrounding their acquisition. Information may be obtained from, but not be limited to, collection and library databases, catalogs, archives, accession and loan records, archaeological site records, maps, field notes, contracts and agreements, images, recordings (film and audio), course curriculum histories, faculty and student research, publications, testing, and analysis reports. Information may also be obtained from interviewing current and retired faculty, former and current students, principal investigators, and other possible individuals with a connection to the campus holdings or collections histories.
- Identify holdings or collections that are not in the campus' possession or control and report them to the authorized representative.

Campuses that do not have custody, possession or control of Human Remains or Cultural Items must submit a formal letter stating as such to the National NAGPRA Program Manager, NAHC, and the OTR. These campuses are also required to conduct annual campuswide searches for any possible holdings or

collections that may contain Human Remains or Cultural Items and report search results to the OTR annually using the Repatriation Plan.

B. Cultural Affiliation and Culturally Unaffiliated Human Remains and Cultural Items

Campuses must determine if cultural affiliation can be established for Human Remains and Cultural Items. Pursuant to NAGPRA [43 C.F.R. § 10.3](#) cultural affiliation applies to federally recognized Tribes and NHO. Cultural affiliation:

- Ensures repatriation of Human Remains and Cultural Items is based on a reasonable connection with federally recognized Tribe(s);
- Must be determined by the information available, including information provided by federally recognized Tribes or NHO;
- Does not require exhaustive studies, additional research, or continuity through time; and,
- Not precluded solely because of reasonable gaps in the information available.

Human Remains and/or Cultural Items that campuses deemed as culturally unaffiliated or “culturally unidentified” and not listed in a notice of inventory completion or notice of intended repatriation must be re-evaluated through acquisition histories and geographic origins from which they were removed and initiate consultation with all potentially culturally affiliated Tribes and NHO. Coordinators are encouraged to refer to published notices in the *Federal Register* for Human Remains and/or Cultural Items from the state of origin to identify consulting parties that other museums or agencies consulted.

C. Consultation

Consultation is imperative for regaining trust and building lasting positive working relationships between CSU, lineal descendants, Tribes and NHO. Consultation is a legal requirement and a cornerstone of successfully implementing this policy. CalNAGPRA requires consultation with Tribes without federal recognition. However, this consultation cannot impede deadlines or timeframes under NAGPRA. Consultation occurs early and often throughout the various stages of compliance with repatriation laws. Consultation is always foundational to all aspects of the repatriation process and guides how the consulting parties will proceed. NAGPRA [43 C.F.R. § 10.2](#) defines consultation as:

“The exchange of information, open discussion, and joint deliberations made between all parties in good-faith and in order to:

- (1) Seek, discuss, and consider the views of all parties;
- (2) Strive for consensus, agreement, or mutually acceptable alternatives; and
- (3) Enable meaningful consideration of the Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations.”

[CalNAGPRA § 8012\(e\)](#) defines consultation as:

“The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, achieving agreement. Consultation between agencies or museums and California Indian Tribes

shall be conducted in a manner that is respectful of tribal sovereignty. Consultation also shall recognize the tribes' potential need for confidentiality with respect to tribal traditional knowledge and all tribal information shared during the consultation."

D. Reburial

Discussions on possible reburial of repatriated Human Remains and/or Cultural Items on campus land are conducted in consultation with the lineal descendant or the culturally affiliated Tribe(s). If requested by the lineal descendant or Tribe(s), the campus will facilitate conversations including the identification of potential land for reburial.

E. Tribal Outreach and Communication

Coordinators are responsible for proactive outreach to culturally affiliated and potentially culturally affiliated Tribes and NHO to initiate and facilitate consultation. Coordinators must establish connections with the designated representative(s) such as Tribal Historic Preservation Officers (THPOs), Tribal Chairs, NAGPRA staff and/or other representatives authorized by the Tribal Government or NHO to consult on behalf of the Tribe or NHO. Coordinators must engage in meaningful consultation that reflects the Guiding Principles in Section VI of this policy and conduct the following actions to initiate and facilitate consultation:

- Utilize the most current Tribal Contact List obtained from the NAHC and/or the NPS NAGPRA [Consultation Resources](#) to contact culturally affiliated and potentially culturally affiliated Tribes that have or may have a cultural or geographical interest in the holdings or collections in the possession or control of the campus;
- Initiate consultation using telephone, US mail, and electronic mail and conduct multiple attempts using a variety of these methods. Multiple attempts must at minimum consist of two phone calls and two emails within 20 business days of the initial correspondence and once every two months thereafter. Coordinators must seek other avenues to make connections including, but not limited to, in-person networking opportunities, reaching or seeking assistance from others including colleagues, fellow CSU Coordinators, OTR staff and searching the Tribe's website for current contact information;
- Respond to requests for consultation within five business days;
- Provide access to relevant information on the holdings or collections of interest to consulting parties upon request. The Coordinator will either provide the requested information within five business days or acknowledge the request and provide a status of the work being done to provide the requested information within five business days;
- Consult individually with each Tribe unless the Tribe request joint consultation meetings;
- Offer options to conduct consultation using a variety of methods such as in-person meetings either on campus or at a location of the Tribe's choosing, phone calls, and/or remote conferencing;
- Provide appropriate and respectful consultation accommodations such as designated private spaces;

- Provide funding to cover all travel costs including transportation, accommodations, meals, parking, travel assistants, and other expenses identified by consulting parties (Section VIII.C);
- Maintain scheduling flexibility and develop agendas and timelines with consulting parties;
- Document consultation efforts to include dates of contact, methods of contact, consulting parties, action items, expectations and outcomes;
- For verbal communications, a follow-up email or letter must be sent within five business days to the consulting party to ensure that agreed-upon decisions and next steps are accurate;
- Protect from disclosure any private or sensitive information shared in conversation and during consultation (Section IX.F);
- Disclose contamination information to consulting parties to determine next steps and proper protective physical and cultural protocols (Section IX.H);
- Make reasonable accommodations for Tribal cultural protocols pertaining to access, treatment and handling of Human Remains and Cultural Items as determined by the lineal descendant, culturally affiliated Tribe(s) or NHO;
- Ensure the accuracy of meeting notes with consulting parties before they are included in a consultation record within five business days following the meeting.

F. Confidentiality

Campuses must recognize the duty to maintain confidentiality throughout NAGPRA and CalNAGPRA processes. CSU staff must address the topic of confidentiality during Tribal consultation, emphasizing the Tribe's need for confidentiality regarding Tribal Knowledge and any other shared information. Campuses are required to protect private and sensitive information as determined by the lineal descendants, Tribes and NHO. Information obtained during consultation including, but not limited to, details of a repatriation request, transfer or reburial shall be considered confidential unless otherwise advised in writing by the consulting party. Information such as transcribed, reproduced or copied, photographed or digitally imaged, and/or audio or video recordings will be kept confidential unless the contributing consulting party provides express authorized consent in writing to share such information. Posting information shared during consultation, images and/or descriptions of holdings or collections, location of facilities housing holdings or collections, and images of housings containing Human Remains or Cultural Items on social media are strictly prohibited.

Information may be disclosed as required by repatriation laws to support the repatriation of Human Remains and Cultural Items, for the purpose of legal review or mediation, or an audit requirement. The scope of this disclosure must be kept as narrow as possible to comply with the law. Further, prior to releasing such information for these purposes, the consulting parties must be notified in writing. Campuses must take preventative measures to ensure that private and sensitive information does not become part of the public record by limiting all requests, collection or recordings of such information. Physical/hard files containing confidential information will be kept secured in locked cabinets, and electronic data must be password-protected, managed, and maintained in accordance with the [CSU Information Security Responsible Use Policy](#), which includes, but is not limited to:

- Controlling access to information;

- Responding to and addressing information security incidents;
- Complying with laws and regulations; and
- Ensuring the logical and physical security of the underlying technology used to store and transmit information.

Should the CSU or any campus receive a request under the Public Records Act for which there are responsive documents or records, any applicable exemption will be used to prevent disclosure. These exemptions may include, but are not limited to, California Government Code sections [7927.000](#), [7927.005](#), [7927.705](#) and [Evidence Code section 1040](#).

G. Field Schools

The CSU recognizes that many of the current holdings and collections are a result of field school and related cultural resource management activities. While it is the goal of the CSU to minimize the creation of new holdings or collections, the CSU acknowledges that field schools have the potential to create new holdings or collections. The CSU will comply with repatriation laws, [Public Resources Code section 5097.98](#) (the Most Likely Descendant statute), and other applicable federal, Tribal, state or local laws.

Campuses must engage in meaningful consultation with Tribes prior to initiating field schools or conducting any activities related to field schools that involve a Tribe(s) ancestral territory, cultural resources or areas of potential Tribal significance. This consultation ensures that Tribal perspectives, concerns and cultural protocols are respected and incorporated into the planning and execution of such activities. Campuses shall not initiate any field school or conduct any activities related to field schools on any site identified on the NAHC's Sacred Lands File.

As part of this process, campuses are required to document the consultation with Tribes. Documentation may take the form of a formal letter or statement from the Tribe, explicitly acknowledging their awareness of and support for the proposed field school activities. This documentation must clearly demonstrate that the Tribe has been adequately consulted and has had the opportunity to provide input regarding the activities. This could also be in the form of a Tribal request if the field school originates from the Tribe (Section IX.Q).

Failure to consult with Tribes and provide proper documentation may result in the suspension or cancellation of field school activities to ensure compliance with NAGPRA and related legal obligations.

In accordance with [Health and Safety Code §7050.5](#), should there be a discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has made their determination. Should the coroner determine that the human remains are not subject to their authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the NAHC must be contacted under the guidelines outlined in [Public Resources Code §5097.98](#).

H. Hazardous Substance Contamination Histories

NAGPRA [43 CFR 10.9\(a\)\(1\)\(v\)](#) and [43 CFR 10.10\(a\)\(6\)](#) requires campuses to report known hazardous substances used to treat or preserve Human Remains and Cultural Items. A lineal descendant, culturally affiliated Tribe or NHO may request the campus to test for hazardous substances (Section IX.H).

Coordinators must:

- Compile comprehensive contamination histories as part of the information provided to lineal descendants, culturally affiliated or potentially culturally affiliated Tribes, and NHO. Identification of application or exposure to harmful substances may include pesticides (e.g., DDT), mercury, arsenic and any other preservation substances;
- Gather documentation regarding the type, method, date of each application, purpose or reason for application or exposure, and any previous testing or treatments. Reports must include exposures to mold and any other risks to human health through handling or inhalation;
- Disclose contamination information early in the consultation process to all consulting parties to determine next steps and proper protective physical and cultural protocols. At the request of the consulting parties, Coordinators will obtain information for testing or removal of contaminants, which will be funded by the campus. Options will include methods that minimize handling and destructive treatments.

I. Missing Collections, Loans and Split Collections

Coordinators must conduct ongoing efforts to locate missing collections or portions of collections. Missing and loaned collections or portions of collections must be disclosed during consultation and included in inventories and summaries (Section IX.J). Discovery of unknown or previously missing Human Remains or Cultural Items must be reported to the President and the Campus Committee within 48 hours of discovery. Coordinators will notify the culturally affiliated or potentially affiliated Tribe(s) or NHO within 48 hours of discovery to initiate consultation and compile and submit NAGPRA and CalNAGPRA inventories or summaries according to the respective timeframes (Section IX.J).

Coordinators must actively work together with other CSU Coordinators to locate any holdings or collections that were excavated from similar or proximate archaeological sites and/or accessions. Findings of split holdings or collections will be shared with consulting parties to discuss and determine possible next steps. Further, Coordinators will actively collaborate with other institutions and agencies that may have split holdings or collections and work towards any reunification and/or joint repatriation efforts if requested by the lineal descendant, Tribe or NHO (Section IX.Q).

J. Inventories and Summaries

Repatriation laws require each campus with possession or control of holdings or collections that contain or may contain Human Remains or Cultural Items to create inventories and summaries. Throughout the processes of compiling, updating and completing inventories and summaries, campuses must uphold *Duty of Care*, minimize handling and defer to Tribal Knowledge for cultural protocols and identification of Cultural Items. Inventories and summaries must include Human Remains or Cultural Items that were

previously deemed “culturally unidentified” but have been re-evaluated for cultural or geographical affiliation based on obtained information including consultation and Tribal Knowledge.

While the CSU will strive to minimize the creation of new holdings or collections, the CSU acknowledges that field schools and ground disturbances have the potential to create new holdings or collections. The CSU will comply with repatriation laws, [Public Resources Code 5097.98](#) (the Most Likely Descendant statute), and other applicable federal, Tribal, state or local laws.

CalNAGPRA requires consultation with California Indian Tribes during the creation of preliminary inventories and summaries and after submission to the NAHC. Coordinators must track consultation and repatriation progress in the NAHC [CalNAGPRA Inventories and Summaries Database](#). Per [CalNAGPRA § 8013\(f\)](#), campuses that have completed an inventory or summary as required by NAGPRA shall be deemed to be in compliance, provided the campus provides a copy of the inventory or summary to the NAHC.

1. Inventories

Based on relevant information available, Coordinators must compile a simple itemized list of any Human Remains and Associated Funerary Objects in a holding or collection. The itemized list must be comprehensive and cover all holdings or collections. The required contents of itemized lists are detailed in NAGPRA [43 C.F.R. § 10.10\(a\)](#). Prior to completing an inventory or preliminary inventory and conducting new or additional inventory work, Coordinators must consult with lineal descendants, culturally affiliated and potentially culturally affiliated Tribes or NHO.

In accordance with [CalNAGPRA § 8013\(b\)\(C\)\(i\)](#), Coordinators will first list in preliminary inventories the Human Remains and Associated Funerary Objects that are clearly identifiable as to State Cultural Affiliation with California Indian Tribes to expedite repatriation of those Human Remains and Associated Funerary Objects. Coordinators must follow and complete the *Steps to Repatriation of Human Remains and/or Associated Funerary Objects*. See Repatriation Procedures in Appendix #3.

2. Inventory Timeframes:

Campus Action	Inventory Requirement
Pursuant to NAGPRA § 10.10 (d)(2)	
If a campus acquires possession or control of Human Remains or Associated Funerary Objects	An inventory must be submitted two years after acquiring possession or control of Human Remains or Associated Funerary Objects to all consulting parties and the National NAGPRA Program Manager.
If a campus locates previously lost or unknown Human Remains or Associated Funerary Objects	An inventory must be submitted two years after locating the Human Remains or Associated Funerary Objects to all consulting parties and the National NAGPRA Program Manager.
Pursuant to CalNAGPRA § 8013	

If a campus completes a preliminary inventory of the Human Remains or Cultural Items	A preliminary inventory must be submitted within 90 days to the NAHC (8013(d)).
If a campus updates an inventory	The inventory must be updated within 90 days of receiving possession or control of Human Remains or Cultural Items that were not included in the preliminary inventory to the NAHC (8013(i)).
OTR Requirement	
If a campus locates previously lost or discovers unknown Human Remains or Associated Funerary Objects	Notification must be sent within 48 hours report the Human Remains or Associated Funerary Objects to the potentially culturally affiliated Tribe(s), President and the Campus Committee.
Campuses must report a visual volume assessment of the boxes/containers containing Human Remains or Associated Funerary Objects	The assessment must be completed within six months of implementation of this policy and annually thereafter in their Repatriation Plan.

3. Pursuant to NAGPRA [43 CFR 10.10\(d\)\(3\)](#), no later than January 10, 2029, for any Human Remains or Associated Funerary Objects listed in an inventory but not published in a notice of inventory completion in the *Federal Register* prior to January 12, 2024, campuses must:

- 1) Initiate consultation;
- 2) Consult with consulting parties;
- 3) Update its inventory and ensure the inventory is comprehensive and covers all holdings or collections; and
- 4) Submit an updated inventory to all consulting parties and the National NAGPRA Program Manager.

4. Summaries

Based on relevant information available, Coordinators must compile a comprehensive summary that generally describes the Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony in a holding or collection. The required contents of summaries are detailed in NAGPRA [43 C.F.R. § 10.9\(a\)](#). Updates to summaries are not required by NAGPRA provided the summary adequately describes the holding or collection.

In accordance with [CalNAGPRA § 8013\(c\)\(1\)](#), a preliminary summary shall be in lieu of an object-by-object inventory to limit unnecessary handling and damage to the objects and must include all Native American ethnographic or archaeological objects in a holding or collection because it may not be clear whether objects are Cultural Items. Identifications and determinations of Cultural Items are made in consultation with lineal descendants, culturally affiliated and potentially culturally affiliated Tribes or NHO.

Coordinators must follow and complete the *Steps to Repatriation of Unassociated Funerary Objects, Sacred Objects, and/or Objects of Cultural Patrimony*. See Repatriation Procedures in Appendix #3.

5. Summary Timeframes:

Campus Action	Summary Requirement
Pursuant to NAGPRA § 10.9 (a)(2)	
If a campus acquires possession or control of Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony	A summary must be submitted six months after acquiring possession or control of Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony to the National NAGPRA Program Manager.
If a campus locates previously lost or unknown Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony	A summary must be submitted six months after locating the Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony to the National NAGPRA Program Manager.
Pursuant to CalNAGPRA § 8013	
If a campus completes a preliminary summary of the Human Remains or Cultural Items	A preliminary summary must be submitted within 90 days to the NAHC (8013(d)).
If a campus updates a summary	The summary must be updated within 90 days of receiving possession or control of Human Remains or Cultural Items that were not included in the preliminary summary to the NAHC (8013(i)).
OTR Requirement	
If a campus locates previously lost or discovers unknown Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony	Notification must be sent within 48 hours report the Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony to the potentially culturally affiliated Tribe(s), President and the Campus Committee.
Campuses must report a visual volume assessment of the boxes/containers containing Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony	The assessment must be completed within six months of implementation of this policy and annually thereafter in their Repatriation Plan.

K. Repatriation and Repatriation Timeframes

Coordinators must follow the *Steps to Repatriation* detailed in [NAGPRA § 10.9](#) and [NAGPRA § 10.10](#) to ensure lineal descendant, Tribal, and NHO preferences are incorporated throughout the repatriation processes. See Repatriation Procedures in Appendix #3 and the National NAGPRA Program’s *Steps to Repatriation* guidance document in Appendix #4.

Campuses must abide by and uphold *Duty of Care* and make every effort to minimize handling of the holdings or collections throughout these Steps. Campuses may receive a request for repatriation at any time. All requests for repatriation must be reviewed by the Campus Committee (section VIII.D) for

determination per [CalNAGPRA § 8028.71\(b\)\(4\)](#).

Campuses will work towards completing repatriation no later than 90 days after completing all the *Steps to Repatriation* and according to the timeframes for responding to repatriation requests below:

Initiating Action/Request	Campus Action	Timeframe	Applicable Statute
Receives competing requests for repatriation	Send a written determination	180 days	§ 10.9(h)(4) ; § 10.10(i)(3)
Receives a request for repatriation	Respond to Request	90 days	§ 10.9(e) ; § 10.10(g)
Has completed all other repatriation requirements	Send a Repatriation Statement	90 days	§ 10.9(g) ; § 10.10(h)
Agrees to a request for repatriation of Cultural Items	Submit a Notice of Intended Repatriation	30 days	§ 10.9(f)
Receives competing requests for repatriation	Inform all requestors	14 days	§ 10.9(h)(3) ; 10.10(i)(2)
Receives a returned notice	Resubmit a notice	14 days	§ 10.9(f)(3) ; 10.10(e)(3)

L. Appeals

A lineal descendant, Tribe, or NHO may appeal a campus decision or determination regarding identification or repatriation of Human Remains or Cultural Items. Instructions to file an appeal must be posted on each campus's NAGPRA website. An appeal may be initiated by either or both options:

Submitted to the President ([CSU Presidents contact list](#)) and/or the [President's designee](#)

- A receipt of an appeal will be sent within five business days.
- Within 20 business days of receipt of an appeal, the President will make the decision to uphold, reverse, or modify the determination provided that all applicable legal and policy requirements are met, and provide the appealing lineal descendant, Tribe, or NHO with a written explanation and basis for approving or denying the appeal.
- The President may decide to elevate an appeal to the Campus Committee for review and recommendation at the next committee meeting. The President will send a follow-up communication to the appealing lineal descendant, Tribe, or NHO to provide a status and if applicable, an invitation to attend the committee meeting.
- If the appealing lineal descendant, Tribe, or NHO decides the matter is still unresolved, the appeal may be sent directly to the Systemwide Committee or to the National NAGPRA Program Manager as addressed below.

Submitted to the Systemwide Committee at nagpra@calstate.edu

- A receipt of an appeal will be sent within five business days with a copy to the President.
- The Systemwide Committee will review the appeal at their next committee meeting but no later than 45 business days from receipt of the appeal.
- Depending on the nature of the appeal, the Systemwide Committee may request the associated information pertaining to the matter of the appeal from the President and/or request the appealing lineal descendant, Tribe or NHO to attend a committee meeting.
- Within 20 business days after the committee meeting, the Systemwide Committee will provide a recommendation to the President who will make the decision to uphold, reverse, or modify the initial determination, provided that such decision is based on a determination that all applicable legal and policy requirements are met, and provide the appealing Tribe(s) with a written explanation and basis for approving or denying the appeal.

If a resolution of the matter cannot be made at the campus or system level, third party mediation services may be sought. Pursuant to NAGPRA [43 C.F.R. § 10.12](#), a lineal descendant, Indian Tribe, or NHO with potential cultural affiliation to the Human Remains or Cultural Items may request the assistance of the National NAGPRA Program Manager or the Review Committee.

M. Duty to Safeguard and Protect Native American Human Remains and Cultural Items

Campuses must provide appropriate care for all Human Remains and Cultural Items. The Coordinator will ensure restricted and controlled access to campus facilities that house Human Remains and Cultural Items. Unless a situation poses an immediate threat to the holdings or collections, handling or relocating Human Remains and Cultural Items without the explicit consent of the lineal descendant, culturally affiliated Tribe(s) or NHO is strictly prohibited. Campus facilities housing Human Remains and Cultural Items must meet operational and management standards of [36 C.F.R. § 79.9\(b\)\(3\)](#), except as approved by the President to accommodate a request for traditional care protocols and preferences of the culturally affiliated Tribe. Consistent with those standards, Coordinators must:

- Limit and control access to the facilities housing Human Remains and Cultural Items including physical keys and electronic authorizations;
- Inspect facilities for possible security weaknesses and environmental control problems and take necessary and immediate actions to maintain security;
- Notify the lineal descendant, culturally affiliated Tribe(s), and/or NHO within 48 hours of emergency response actions taken to secure Human Remains and/or Cultural Items and determine appropriate next steps; and
- Utilize a proper collections management system to catalog and track campus holdings or collections and repatriation activities.

N. Agency and Private Collections and Holdings

Generally, if a holding or collection is from federal land even under a permit, and perhaps under a

curation agreement the holding or collection is the responsibility of the agency to comply with repatriation laws. Per NAGPRA [43 C.F.R. § 10.8](#), campuses were required to report federal agency holdings or collections to the authorized agency representative and the National NAGPRA Program Manager no later than January 13, 2025. Campuses were required by the OTR to send similar statements to state and local agencies, and private individuals with possession or control of holdings or collections in campus custody one day following the NAGPRA deadline. Copies of all statements must be sent to the OTR. Coordinators must establish and maintain active communications with each agency or individual, and work with campus legal counsel representatives to update or renew agreements with clear responsibilities of compliance with repatriation laws. Campuses must report these holdings or collections in their annual Repatriation Plan.

Campuses must not acquire or accept holdings or collections that contain or may contain Human Remains or Cultural Items unless explicitly requested or approved in writing from the culturally affiliated Tribe(s). See Section IX.Q of this policy.

O. Campus Searches

All campuses are required to conduct campuswide searches for any holdings or collections that may be subject to repatriation laws. The purpose of campuswide searches includes, but is not limited to, the thorough reporting of holdings or collections to avoid missed collections or items and partial repatriations, which cause further harm and negatively impact reburial timelines. Conducting campus searches for possible holdings or collections is a continuous effort for all campuses including those campuses that reported having no holdings or collections. Campuses will implement searches annually and report the status of searches in their bi-monthly reports and annual Repatriation Plan.

Campuses must:

- Uphold and enforce *Duty of Care* throughout the search process;
- Systematically search for Human Remains and Cultural Items that are in the possession or control of a campus, but are undocumented or believed to be missing;
- Search locations including, but not limited to, classrooms and labs, storage facilities, mobile containers, satellite/remote facilities, and any other facilities under the management of the campus or its auxiliaries;
- Prioritize high-risk departments such as Anthropology and Biology classrooms and labs, and campus museums;
- Comply with repatriation laws and this policy for reporting newly discovered Human Remains or Cultural Items;
- Provide a process for anonymous reports of suspected custody or knowledge of locales of Human Remains and/or Cultural Items on their campus NAGPRA websites. See Section X of this policy for reporting suspected allegations of non-compliance with repatriation laws and/or this policy;
- Require staff, students, retirees or emeriti who have removed Human Remains or Cultural Items from campus premises to immediately return them;

- Report human remains that do not have clear identification, provenance or provenience.

Presidents will implement campus searches (i.e., campuswide memorandum) and provide the necessary support for Coordinators who will oversee and manage campus search activities.

Coordinators will:

- Include Tribes in the planning and reporting process for campus searches;
- Develop a survey and timeline in consultation with Tribes. See Appendix #5 for the Campus Search and Survey Process and Appendix #6 for the Campus Search Survey Template;
- Serve as the primary point of contact to receive and document survey responses and track findings;
- Consult with Tribes and defer to Tribal Knowledge for the identification and determination of Cultural Items;
- Notify potentially culturally affiliated Tribes, President, and the Campus Committee within 48 hours of locating previously lost or discovers unknown holdings or collections;
- Report findings of previously lost or discovered unknown holdings or collections according to the Inventory and Summary Timeframes in Section IX.J of this policy; and
- Report search status, findings and efforts to the Campus Committee, NAHC and potentially culturally affiliated Tribes.

P. Prohibition on Teaching and Research

All campuses in the custody, possession or control of Human Remains and Cultural Items are prohibited from using Human Remains and/or Cultural Items for purposes of teaching or research. Per NAGPRA *Duty of Care*, campuses must:

“Obtain free, prior, and informed consent from lineal descendants, Indian Tribes, or Native Hawaiian organizations prior to allowing any exhibition of, access to, or research on human remains or cultural items. Research includes, but is not limited to, any study, analysis, examination, or other means of acquiring or preserving information about human remains or cultural items. Research of any kind on human remains or cultural items is not required by the Act or these regulations.”

For the purpose of this policy, free, prior and informed consent from all culturally affiliated Tribes must be obtained. Additionally, human remains that do not have clear identification or have unclear provenance or provenience information must not be used for teaching or research until identification is made. As best practice, campuses shall not use, reproduce or distribute images of Human Remains and/or Cultural Items that are or were previously in campus holdings or collections, without prior explicit permission in writing from the culturally affiliated Tribe.

Q. Tribal Requests: Research and Testing, Acceptance of Collections or Loans, and Request for Assistance

Additional or new research or testing of Human Remains or Cultural Items in the possession or control of the campus may be conducted if explicitly initiated and approved by the lineal descendant, culturally

affiliated Tribe(s) or NHO. Any new or additional research or testing should be conducted after repatriation is completed and transfer of control to the lineal descendent, Tribe or NHO has occurred. Tribal requests may include testing Human Remains or Cultural Items for hazardous substances, or the creation of reproductions including, but not limited to, photography, film, recording, 3-D imaging or printing, or plaster cast creations.

As stated in Section IX.N of this policy, campuses must not accept or acquire holdings or collections that contain or may contain Human Remains or Cultural Items unless the request or approval is received from the culturally affiliated Tribe for any of the following purposes:

- Temporary custody pending repatriation
- Reunification of accessions or sites
- Testing, analysis and/or research
- Education or training purposes
- Other temporary custodial purposes

Such collections or loans may be from agencies, private sources, and institutions including other CSU campuses. The receiving campus must secure written agreements among all parties before taking physical custody. Agreements must identify the respective roles, responsibilities, expectations, terms, conditions, and if applicable, timelines. Campuses will consider Tribal requests to accept legal control transferred from an agency, institution or private individual on a case-by-case basis. Campuses must consider several factors including the campus's ability to provide sufficient funding and appropriate facilities as defined in Section IX.M of this policy to safeguard collections or loans including, but not limited to, adequate staffing, the ability to restrict access to authorized individuals as approved by the Tribe, the ability provide Tribal access and use as requested by the Tribe, and reasonable accommodations for Tribal cultural care and protocols.

A lineal descendant, Tribe or NHO may request the assistance of additional or multiple CSU campuses in any repatriation matter. The assisting campus may assist with reunification of collections, preparing notices, providing reburial space, reburial preparation, reburial assistance, and coordination of the transfer of collections. The assisting campus may support good faith repatriation for collections not currently in a campus's possession or control but in the possession or control of other CSU campuses. All campuses involved must defer to NAGPRA *Duty of Care*. The campus with possession or control must retain full compliance responsibilities and cover all related costs. An assisting campus may decline to assist for any reason. Requests may be submitted to the campus President and/or OTR.

Tribal Requests must be submitted in writing by the authorized Tribal representative(s) and submitted to the campus Coordinator. The Coordinator will confirm receipt of the request within five business days. Unless the collection or loan is owned by the lineal descendant, Tribe or NHO, all Tribal requests to accept collections or loans will be reviewed by the Campus Committee at their next meeting and make a recommendation to the campus President to accept or deny the request. A written response from the campus President will be issued to the requestor(s) within 20 business days following the committee

meeting. If an immediate response is needed due to an urgent circumstance, timelines may be expedited.

R. Deaccession and Voluntary Deaccessioning

This policy covers the requirements and processes for repatriation of Human Remains and Cultural Items subject to repatriation laws and this policy. Further, this policy serves as the system's museum deaccession policy to explicitly provide procedures for the deaccession of campus museum collections containing Human Remains and Cultural Items. This policy supersedes the [CSU Policy on Art Collection Management](#) and any campus museum deaccession policies and procedures regarding compliance with repatriation laws. Campuses are required to review and align such policies and procedures with this policy within one year of implementation of this policy.

Campuses are encouraged to consider requests from lineal descendants, Tribes or NHO for voluntary deaccession of items that have been determined not Cultural Items as defined by repatriation laws. The Coordinator must document the steps taken to ensure they have fully complied with NAGPRA requirements including consultation to determine cultural affiliation and determine whether the item meets the criteria and definition of a Cultural Item. In making these decisions, campuses should consider the requestor's relationship to such item, if the item is related to or associated with any Human Remains or Cultural Items, campus museum deaccessioning policies of items not subject to repatriation laws and other applicable laws.

X. Non-Compliance and Enforcement

The CSU is committed to working in an open and accountable way that builds trust. The CSU aims to represent itself in a professional and respectful manner. The system and its campuses will strive to expeditiously address concerns and resolve issues. In doing so, each campus must provide a process and/or contact information and methods for submitting a request for review on their campus NAGPRA website and respond within a timely manner. At any time, allegations of non-compliance may be submitted directly to the OTR, NAHC ([CaINAGPRA § 8029](#)) and/or [National NAGPRA Program](#).

Appeals to a campus decision on a repatriation matter such as determinations regarding identification, repatriation, or transfer of Human Remains or Cultural Items is discussed in Section IX.L of this policy.

Procedures for Allegations of Non-Compliance

Any allegation of non-compliance with repatriation laws (e.g., *Duty of Care*) or applicable state and federal laws will be subject to the CSU [Complaint Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety](#).

Any CSU employee in violation of repatriation laws will be subject to disciplinary actions under state and federal law, criminal and civil law, and collective bargaining agreements.

XI. Policy History and Updates

In late 2023, a Policy Working Group consisting of Tribal repatriation practitioners, CSU staff, and state representatives was established by the CSU to draft this policy (see Appendix #7 for a list of members). This policy was developed in consultation with California Native American Tribes. Statewide listening sessions and consultations with California Indian Tribes were held to develop drafts of this policy. Additional Tribal consultations were held before the adoption and implementation of this policy.

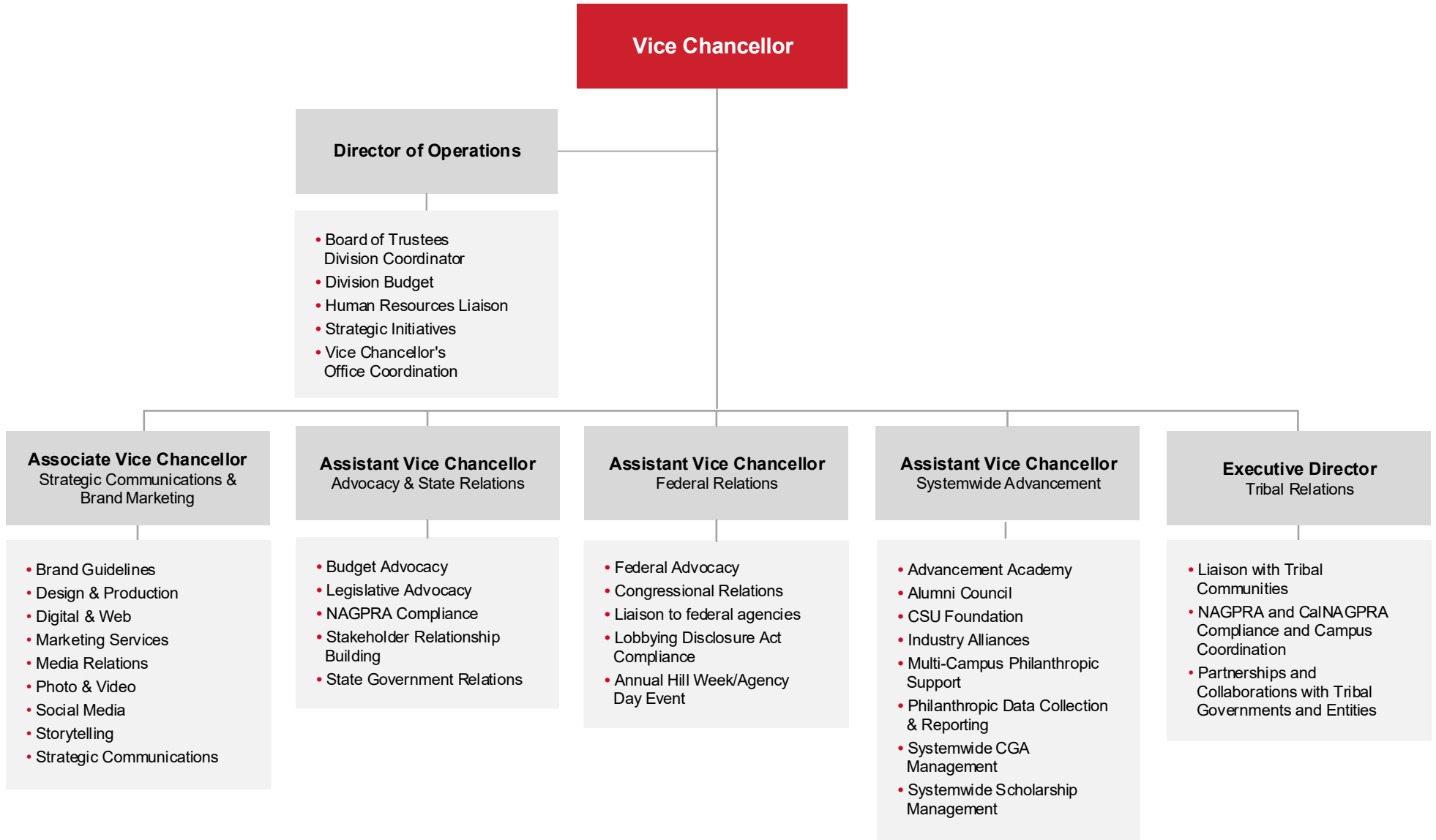
One year after the adoption of this policy the Chancellor and the Systemwide Committee will assess the effectiveness of this policy. This policy will be reviewed when changes to repatriation laws occur, requested or required by the Chancellor and/or internal or external auditors, changes in CSU system infrastructure, or as recommended by the Systemwide Committee. Reviews after that will occur every three years. The CSU will collaborate and consult with California Indian Tribes and the NAHC on drafted revisions before adoption and implementation. Drafted revised policies will include reviews by CSU Academic Senate and Labor Relations.

Pursuant to [CalNAGPRA § 8028.7\(b\)](#), campuses may adopt supplemental policies if the campus determines that individual circumstances are not adequately covered by this policy within one year after the adoption of this policy, but they shall not conflict with this policy. Campuses must demonstrate the extremely unique circumstances that necessitate supplemental policies and obtain approval of such policies from the Systemwide Committee and the Chancellor. Any supplemental policies must be developed in consultation with California Indian Tribes.

XII. Appendices

1. External Relations and Communications Division Organizational Chart
2. Sample Repatriation Plan
3. Repatriation Procedures
4. Steps to Repatriation
5. Campus Search and Survey Process
6. Campus Search Survey Template
7. CSU Policy Working Group members

EXTERNAL RELATIONS & COMMUNICATIONS



CALIFORNIA STATE UNIVERSITY

[Campus Name / Branding]

CAMPUS REPATRIATION IMPLEMENTATION PLAN

PREPARED & SUBMITTED IN FY2025

Written in collaboration between the CSU Office of the Chancellor and CSU Chico Office of Tribal Relations.

Revised August 2024.

Table of Contents

Definition of Terms	3
Purpose and Instructions	5
Scope	7
Status of Collections Review	9
Compliance Overview	10
Campus Points of Contact	13
Budget Estimates	14
Repatriation and Disposition Timelines	15
Appendix	16

Definition of Terms

Accession: Human remains, or cultural items acquired at the same time from a single source constituting a single addition to a collection.

Agency: Any division, department, bureau, commission, board, council, city, county, city and county, district, or other political subdivision of the state, excluding school districts.

Ancestral Remains: are physical remains of the body of a person of Native American ancestry. Although laws such as NAGPRA and CalNAGPRA utilize the term, “human remains,” this is not the language preferred by Tribes. In this Plan, “ancestral remains” will be used where possible to refer to archaeologically recovered Native American relatives.

Campus Committee: An advisory group that regularly meets, discusses, and monitors campus policies, work plans, and projects, to ensure that they are achieving expected results and in compliance with applicable policies, laws, regulations, and ethical standards.

Consultation: For the purpose of this document consultation refers to the CalNAGPRA definition as follows: Meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, achieving agreement. Consultation between agencies or museums and California Indian Tribes shall be conducted in a manner that is respectful of Tribal sovereignty. Consultation also shall recognize the Tribes’ potential need for confidentiality with respect to Tribal traditional knowledge and all Tribal information shared during the consultation. [Section 8012]

Cultural Item(s): For the purpose of this document, cultural items include only the associated funerary objects, unassociated funerary objects, sacred objects, cultural patrimony. An item is not precluded from being a cultural item solely because of its age.

Cultural Affiliation [Culturally Affiliated]: A relationship of shared group identity that can be reasonably traced historically or prehistorically between 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, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion -- reasonably leads to such a conclusion. 43 C.F.R. § 10.2(e).

Disposition means an appropriate official recognizes a lineal descendant, Indian Tribe, or Native Hawaiian organization has ownership or control of human remains or cultural items removed from Federal or Tribal lands.

Inventory(ies): A simple itemized list of any ancestral remains and associated funerary objects in a holding or collection that incorporates the results of Tribal consultation. An inventory must include the names of all consulting parties and dates of consultation and the information, updated as appropriate through consultation, from the itemized list. For each entry in the itemized list, a determination identifying one of the following:

- (1) A known lineal descendant

- (2) The Indian Tribe or Native Hawaiian organization with cultural affiliation that is clearly identified by the information available about the human remains or associated funerary objects.
- (3) The Indian Tribe or Native Hawaiian organization with cultural affiliation that is reasonably identified by the geographical location or acquisition history of the human remains or associated funerary objects; or
- (4) No lineal descendant or any Indian Tribe or Native Hawaiian organization with cultural affiliation can be clearly or reasonably identified. The inventory must briefly describe how the determination was made.

Repatriation: A museum or Federal agency relinquishes possession or control of ancestral remains and/or cultural items in a holding or collection to a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Possession or Control means having a sufficient interest in an object or item to independently direct, manage, oversee, or restrict the use of the object or item. A museum or Federal agency may have possession or control regardless of the physical location of the object or item.
43 CFR 10.2 “Possession or control”

Provenience: The precise location where an ancestral remains or cultural item was recovered archaeologically.

Summary(ies): A document that summarizes collections or holdings of unassociated funerary objects, sacred objects, or objects of cultural patrimony in the possession or control of a federally funded agency or museum. A summary must include the estimated number and a general description of the holding or collection, including any potential cultural items, the geographical location (provenience) by county or State where the potential cultural items originated, the acquisition history (provenience) of the potential cultural items, and other information regarding affiliation and categorization of the object under NAGPRA as well as the presence of any hazardous substances.

Tribe: For the purpose of this document, Tribe shall refer to both Federal NAGPRA and CalNAGPRA definitions as follows: Any Tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. [25 USC 3001]

Non-Federally Recognized Tribes located in California to which either of the following applies:

- (1) It meets the definition of Indian Tribe under the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).
- (2) It is not recognized by the federal government, but is a Native American Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of consultation pursuant to Section 65352.3 of the Government Code.

Purpose and Instructions

The California State University (CSU) is committed to meeting its legal and ethical obligations under the federal and state Native American Graves Protection and Repatriation Acts (NAGPRA and CalNAGPRA), AB 275, and AB 389 that were enacted to restore justice to Native American lineal descendants and Tribes whose ancestral remains and cultural items have been long held within the CSU at individual campuses. It is legally imperative that throughout the repatriation and disposition processes campuses privilege Tribe's rights and cultural protocols as outlined in CalNAGPRA AB 275 Section 1(k)5:

Recognize that California Indian Tribes have expertise with regard to their tribal history and practices that concern the Native American human remains, cultural items, and tribal cultural resources with which they are traditionally and culturally affiliated and, because the federal and state repatriation processes call for a sufficient degree of analysis, include tribal traditional knowledge about the land and resources at issue in all decisions related to repatriation processes. This includes treating tribal traditional knowledge as the authority with respect to determining cultural affiliation and the identification of cultural items so that it is given deferential weight to other lines of evidence. Tribal traditional knowledge meets the "reasonable" standard that is identified in the California Native American Graves Protection and Repatriation Act of 2001.

The CSU Repatriation Implementation Plan (herein as "Plan") was developed to address the requirements under NAGPRA and CalNAGPRA, and their subsequent federal regulations and state legislation. The Plan provides a framework to guide campus's repatriation work including the establishment of timelines and budgets. The Plan pertains to collections subject and/or potentially subject to federal NAGPRA and CalNAGPRA only. All campuses with such collections are required to develop a Plan.

Instructions

The Plan must be developed by the appropriate campus administrators, faculty, and staff to incorporate all levels of activities and responsibilities accordingly. If the campus has an existing campus committee formally nominated by the Native American Heritage Commission (NAHC) and appointed by the Chancellor, the Plan must be developed in cooperation with the committee. Further, budget and timeline development of repatriation activities (e.g. rehousing, travel, reburial etc.) must be done in consultation with the appropriate Tribe. Completion of the Plan must include the following components:

- A. Scope
- B. Status of Collections Review
- C. Compliance Overview
- D. Campus Points of Contact
- E. Budget Estimates
- F. Repatriation and Disposition Timelines

Compile and submit appendix documents with the completed Plan. Insert responses in the green fields as indicated throughout the Plan.

Campus Acknowledgement

**Please insert the name of your campus in the spaces below.*

The _____ acknowledges that the Plan, its timeline, and budget may need adjustments in response to claims and/or newly identified human remains (herein as "ancestral remains") and/or cultural items. The

_____ recognizes that successful repatriation work requires proactive efforts in establishing appropriate documentation, consultation, and repatriation plans, while also being reactive and responsive to Tribal claims, priorities, and requests. The Plan should be a dynamic document that adjusts accordingly to the situation. The _____ will review and update the Plan periodically, or at the request of the Office of the Chancellor or the Office of the Chancellor’s designee. Upon finalization, the _____ will submit a copy of the Plan to the Office of the Chancellor or Office of the Chancellor’s designee by the deadline as specified by the Office of the Chancellor via email at **nagpra@calstate.edu**.

Report Prepared By	Preparer’s Title	Preparer’s Contact Phone & Email

Scope

Identify collections in the possession or control of the campus that contain or may contain Native American ancestral remains and cultural items. **Do not include agency collections in the totals.** Agency collections are addressed in the Compliance Overview section. Collection scope totals must include collections identified in the most recent campuswide assessment/survey. Please attach a copy of the assessment/survey findings as an appendix.

Instructions

Please provide your answers in the green fields. Tab out of the last line in the table to add more lines. If a brief explanation is necessary, include an appendix document with reference to the table number.

Table 1: Repatriation Status

Provide the repatriation status of ancestral remains and cultural items (associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony). Consider all Native American cultural items to be potential cultural items under NAGPRA, and the number of objects that are “not yet repatriated” will increase as Tribes identify items that belong to these four categories. For items in bulk (e.g. midden, dirt, rocks, beads) use lots (e.g. # bags, boxes/containers).

Table 1

	Total # Repatriated	Total # Not Yet Repatriated
Ancestral Remains		
Cultural Items		

Numbers are based on catalog entries not physical items.

Table 2 & 3: Federal Register Notices

Please provide the status of notices **since the last campus progress report submitted to the Chancellor’s Office** in the tables below.

Table 2

Fed Reg Doc Number (NIC)	Notice Due Date	Contested Y or N	Joint Request for Repatriation (Tribes) Y or N	Joint Notice with an Agency Y or N	Repatriated Transfer of Control (recipient, date)	Repatriated Physical Transfer (recipient, date)	What is the NAHC status (Tribal Resources/Preliminary/Final)

Table 3

Fed Reg Doc Number (NIR)	Notice Due Date	Contested Y or N	Joint Request for Repatriation Y or N	Joint Notice with an Agency Y or N	Repatriated Transfer of Control (recipient, date)	Repatriated Physical Transfer (recipient, date)	What is the NAHC status (Tribal Resources/Preliminary/Final)

Table 4: Held-in-trust

List the agreement(s) made between the campus and Tribe(s).

Table 4

Tribe	Date Executed	Expiry Date	Associated Fed Reg Doc Number(s)

Table 5 & 6: Loans

Provide information for collections that are currently loaned or borrowed.

Table 5

Site/Accession/Catalog # or Collection Name	Borrower Name/Institution	Date Loaned	Anticipated Return Date

Table 6

Site or Lender's Accession/Catalog # or Collection Name	Lender Name/Institution	Date of Loan	Anticipated Return Date

Table 7: Missing Collections

Provide information for collections that are known to be missing.

Table 7

Site/Accession/Catalog # or Collection Name	Brief description of the unlocated collection or item	Date of last known location

Subsection C: 10.9(d)

Do you have human remains for which provenience is unknown (formally referred to as culturally unidentifiable)? If yes, how many?

Does your Anthropology Department or any other academic department house a Cultural Resource Management (CRM)?

Status of Collections Review

The 2023 State Auditors report requires the Chancellor’s Office to “monitor campus efforts to review their collections and require the completion of their inventories by December 2024.” Since the completion of inventories is a required step in the federal NAGPRA repatriation process ([Step 4](#)), the Chancellor’s Office is only requiring that campuses complete their campuswide assessments/surveys to account for all potential collections and include the results in the campus collections total; therefore, **the collections review must include the results from the most recent campuswide assessment/survey**. Please attach a copy of the assessment/survey findings as an appendix.

Instructions:

Please review the [2023 State Auditors report](#). Click the “Appendices” tab at the top. Scroll down to section Table A2 – Summary of Campus Responses to Selected CSU NAGPRA Compliance Audit Questions. Find your campus and input the corresponding data in the “Data from State Auditors 2023 Report” row in the table below. Please input your campus's most current data in the “Current Data” row in the table below.

	Ancestral Remains (In Campus Collections)	Cultural Items (In Campus Collections)	Has Completed Review of Collections (Yes or No)	Has Completed Any Repatriations (Yes or No)
Data from State Auditors 2023 Report	Test	Test	Test	
Current Data 2024	<i>Insert the total from Table 1, 3rd column</i>	<i>Insert the total from Table 1, 3rd column</i>		<i>Include the total from Table 1, 2nd column</i>

Please describe or explain the changes in data from the 2023 report to present.

Compliance Overview

Important Deadlines to Remember

§ 10.10(d)(3) No Later than **January 10, 2029**, for any human remains or associated funerary objects listed in an inventory but not published in a notice of inventory completion prior to January 12, 2024, a museum or Federal agency must:

- (i) Initiate consultation as described under paragraph (b) of this [section](#);
- (ii) Consult with consulting parties as described under paragraph (c) of this [section](#);
- (iii) Update its inventory under paragraph (d)(1) of this section and ensure the inventory is comprehensive and covers all holdings or collections relevant to this section; and
- (iv) Submit an updated inventory to all consulting parties and the Manager, National NAGPRA Program. (click [HERE](#) for the 2024 final rule)

Statements of federal agency holdings or collections must be sent to the federal agency and to the National NAGPRA Program Manager. Statement templates are located [HERE](#).

10.8 (c) *Museums with custody of a Federal agency holding or collection.*

No later than January 13, 2025, each museum that has custody of a Federal agency holding or collection that may contain Native American human remains or cultural items must submit a statement describing that holding or collection to the authorized representatives of the Federal agency most likely to have possession or control and to the Manager, National NAGPRA Program.

The Chancellor’s Office requires similar actions for other entities (state agencies, CRMs, etc.) to prompt and encourage those entities’ repatriation efforts.

Statements of holdings or collections with unidentified possession or control must be sent to the National NAGPRA Program Manager:

10.8 (d) *Museums with custody of other holdings or collections.*

No later than January 13, 2025, each museum that has custody of a holding or collection that may contain Native American human remains or cultural items and for which it cannot identify any person, institution, State or local government agency, or Federal agency with possession or control of the holding or collection, must submit a statement describing that holding or collection to the Manager, National NAGPRA Program.

Copies of the required statements mentioned above must also be sent to the Chancellor’s Office NAGPRA email address, nagpra@calstate.edu by January 14, 2025.

FEDERAL NAGPRA [Summaries](#) Submission Deadlines

Acquires Possession or Control of Cultural Items (unassociated funerary objects, sacred objects, objects of cultural patrimony)	Locates Missing or Unknown Cultural Items (unassociated funerary objects, sacred objects, objects of cultural patrimony)
6 MONTHS AFTER	6 MONTHS AFTER

§ 10.9(a)(2)

FEDERAL NAGPRA Inventories Submission Deadlines

Acquires Possession or Control of Ancestral Remains or Associated Funerary Objects	Locates Missing or Unknown Ancestral Remains or Associated Funerary Objects
2 YEARS AFTER	2 YEARS AFTER

§ 10.10(d)(2)

CALNAGPRA Inventories and Summaries Submission Deadline

Receives Possession or Control of Ancestral Remains or Cultural Items
WITHIN 90 DAYS

8013(i)

Has your campus submitted Federal NAGPRA Inventories for all ancestral remains and associated funerary objects in the campus possession or control?

Has your campus submitted Federal Summaries describing collections in the campus possession or control?

Has your campus submitted CalNAGPRA Inventories for all ancestral remains and associated funerary objects in the campus possession or control?

Has your campus submitted CalNAGPRA Summaries describing collections in the campus possession or control?

How does the campus determine which potentially culturally affiliated Tribe(s) to contact?

How does the campus determine cultural affiliation?

List the Tribe(s) your campus is currently in consultation with or have consulted with since the last campus progress report submitted to the Chancellor’s Office . For example, “Consultation [is underway or has occurred] with [Tribe] on [#] of ancestral remains and/or cultural items.”

[Redacted]

Do you anticipate or are you experiencing any barriers to initiating or conducting consultations? If so, please describe them here.

[Redacted]

Campus Points of Contact

List the campus administrators, faculty, and staff, including their positions and roles within the campus structure, that have the authority to conduct, oversee, and perform NAGPRA duties and activities. At a minimum, the list must include your NAGPRA presidential designee and your full-time, experienced coordinator.

Do you have a campus committee(s) overseeing NAGPRA activities? (e.g., collections committee, approval committee, campus advisory committee)?

Is the committee nominated by the NAHC and appointed by the Chancellor?

How do you plan to utilize your campus committee?

Does your campus have a public facing NAGPRA website? If yes, please provide the website link(s). If no, please provide the expected development date or timeline to launch your site.

Please describe the campus process to receive and respond to complaints from Tribal members or representatives and the campus individuals responsible for responses.

Budget Estimates

A general operational budget must be created for the campus's and/or foundation's allocated funds and resources including staff, curation of collections, materials, housing facilities, operating expenses, etc.

Budgets should also specify the financial assistance available or needed to consulting Tribes, such as stipends, travel assistance, and/or reburial assistance. **These expenses must be discussed and developed with consulting parties to ensure adequate funding is included and forecasted.**

On August 5, 2024 the [2024-25 Final Budget Allocations Memo](#) was shared with campuses. Funds were allocated to campuses based on the size of their collections. Those funds were to augment existing campus resources. Campus budgets are not to be limited to only those funds.

Please use the attached budget template provided and modify as needed. Attach the budget as an appendix.

Repatriation and Disposition Timelines

Develop an estimated three (3) year timeline of repatriation and disposition activities. **Timeline estimations must be discussed and developed with consulting parties to ensure repatriation and disposition goals and benchmarks are mutually agreeable.**

An example timeline is included below but you may use a preferred template and attach it as an appendix.

Example:

Year	Description of NAGPRA Activities
1. 2024 - 2025	Fill Coordinator position; Coordinator Training; Meet January 2025 Deadline;
2. 2025 – 2026	Establish a relationship with Tribes for potential consultation;
3. 2026 – 2027

CAMPUS NAME

Year	Description of NAGPRA Activities
1. 2024 - 2025	
2. 2025 – 2026	
3. 2026 – 2027	

Appendix

Please list the name of the attachment(s) submitted with the Plan below:

APPENDIX #3

Repatriation Procedures

Step headers are hyperlinked to the specific Step within the NAGPRA regulations. Additional requirements are added under each Step. Several templates and guidance documents are available under Resources for reference and use.

Coordinators must abide by and uphold NAGPRA 43 CFR 10.1(d) [Duty of Care](#) and make every effort to minimize handling of the holdings or collections throughout these Steps. Campuses may receive a request for repatriation at any time. All requests for repatriation must be reviewed by the Campus Committee for determination per CalNAGPRA § 8028.71(b)(4).

CalNAGPRA requires the creation of NAHC Preliminary Inventories and Summaries. Coordinators may manually add entries or use the [NAHC Inventories and Summaries Template](#) to compile Inventories and Summaries and upload into the [CalNAGPRA Database](#).

Steps to Repatriation of Human Remains and/or Associated Funerary Objects

Step 1—Compile an itemized list of any Human Remains and Associated Funerary Objects.

A guidance document created by the National NAGPRA Program, and an itemized list template is included under Resources.

What is **not** required in an inventory is:

1. Any information other than for the limited purpose of determining geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession.
2. Information does not mean and shall not be construed to be an authorization for the initiation of new scientific studies or other means of acquiring or preserving information.

Step 2—Initiate consultation.

Coordinators must obtain the most current Tribal contacts list from the NAHC and/or from the NPS NAGPRA [Consultation Resources](#) website. A template of a letter to initiate consultation is included under Resources. The Coordinator must continue outreaching efforts through multiple attempts and promptly respond to requests to consult and ensure compliance with *Duty of Care* while safeguarding holdings or collections.

Coordinators must track their outreach attempts to document and describe the concurrence, disagreement, or nonresponse of the consulting parties. A template consultation record is available under Resources.

Step 3—Consult on Human Remains or Associated Funerary Objects.

The Coordinator,

1. may provide a template Tribal designee letter (available under Resources) to establish a point of contact including the name, phone number, email address, or mailing address of Tribal representative(s) authorized to participate in consultations. This can ensure that processes will be as efficient as possible while safeguarding sensitive confidential information.

Repatriation Procedures

2. will prepare a consultation record that describes the concurrence, disagreement, or nonresponse of the consulting parties.
3. The Coordinator will engage in consultation as part of the completion of inventories and must defer to Tribal recommendations for appropriate handling, treatment, and storage as required in *Duty of Care*. The Coordinator will record any identifications of Associated Funerary Objects made by consulting parties.
4. will provide access to any additional information as requested by consulting parties. Consulting parties may determine actions to be taken such as redaction of sensitive information, access mitigation, storage adjustments, handling requirements, and/or return of collections or items determined in consultation not subject to repatriation laws.

Requests for consultation will be acknowledged by the Coordinator within five (5) business days. Requests for information must be acknowledged within five (5) business days. Within fifteen (15) business days of the receipt of the request for information, the Coordinator will provide the requested information or the status of the work being done on the request. The Coordinator must defer to Tribal cultural protocols for appropriate handling and treatment and record identifications of Associated Funerary Objects made during consultation.

Step 4 – Complete an inventory of Human Remains or Associated Funerary Objects.

The Coordinator will establish through consultation how the Human Remains and/or Associated Funerary Objects are to be inventoried, documented, and reported to the National NAGPRA Program Manager. Draft inventories will be submitted to all consulting parties to review the contents and to concur or disagree with the information in the draft inventory.

CalNAGPRA Compliance: Information submitted to the National NAGPRA Program Manager should also be uploaded to the Preliminary Inventory on the [CalNAGPRA Database](#).

Step 5—Submit a notice of inventory completion.

The Coordinator will document the Human Remains and Associated Funerary Objects according to the consulting parties' preferences and draft the Notice of Inventory Completion-Cultural Affiliation (Resources). If the request for repatriation is from a known lineal descendant the Notice of Inventory Completion-Lineal Descendant (Resources) will be utilized. The campus contacts information provided in the notice must be the Coordinator. The drafted notice will be sent to all consulting parties listed in the notice for review. Once the notice is approved it will be submitted to the National NAGPRA Program Manager. Copies of any Notice of Intended Repatriation-Lineal Descendant must be sent to the OTR. Once published to the *Federal Register*, the Coordinator must notify all consulting parties that the notice has been published.

CalNAGPRA Compliance: After publication in the Federal Register, update the Inventory in the CalNAGPRA database to Final Status. Provide Federal Register Number in the notes section of the database.

Repatriation Procedures

Step 6—Receive and consider a request for repatriation.

Repatriation requests must be received or confirmed in writing. A verbal request is permitted provided the Coordinator records the request and documents the date of the request and confirms the request with the requestor(s). Documentation of the date of the request begins the timeline for the following actions to occur in the next steps.

All requests for repatriation must be reviewed by the Campus Committee for determination per CalNAGPRA § 8028.71(b)(4). California Indian Tribes submitting a request for repatriation of Human Remains and Cultural Items with which they have State Cultural Affiliation must file a claim with the NAHC and with the campus, as specified in CalNAGPRA § 8014(b). Per CalNAGPRA § 8014(a), for lineal descendants claiming a relationship with, and requesting return of, Native American Human Remains or Cultural Items must also file a claim with the NAHC and with the campus and “Demonstrate that the claimant can trace their ancestry directly and without interruption by means of the traditional kinship or village system of the appropriate California Indian Tribe, or by the common law system of descendency, to a known individual whose human remains or cultural items are being claimed (§ 8014(a)(2)).”

Campuses may receive competing requests for repatriation of Human Remains and/or Associated Funerary Objects at any time. Campuses must determine the most appropriate requestor pursuant to NAGPRA [43 C.F.R. § 10.10\(i\)](#).

Step 7—Respond to a request for repatriation.

NAGPRA timeframes for responding to requests for repatriation:

If a campus it must no later than . . .	See
Receives competing requests for repatriation	Send a written determination	180 days	§ 10.10(i)(3)
Receives a Request for Repatriation	Respond to the request	90 days	§ 10.10(g)
Has completed all other steps	Send a Repatriation Statement	90 days	§ 10.10(h)
Receives competing requests for repatriation	Inform all requestors	14 days	§ 10.10(i)(2)
Receives a returned notice	Resubmit a notice	14 days	§ 10.10(e)(3)

Step 8—Repatriation of the Human Remains or Associated Funerary Objects.

Copies of Repatriation Statements must be sent to the OTR.

The Coordinator will consult with the lineal descendant, Tribe, or NHO on the desired transfer of custody of the Human Remains and/or Associated Funerary Objects that have been repatriated. The Coordinator will protect sensitive information arising from these and other discussions. At the request of the lineal descendant, Tribe, or NHO to which legal control has transferred, the campus may continue to hold

Repatriation Procedures

Native American Human Remains and/or Associated Funerary Objects until transfer of custody can occur. Upon finalization of the Repatriation Statement, the Coordinator will draft and finalize an agreement in consultation with the lineal descendant, Tribe, or NHO determine the terms and conditions including adjustments in care and housing preferences and access needs. As best practice, all legal contracts and agreements should be reviewed by the campus legal representative. The campus will accommodate requests within reason and to the best of its abilities. If the agreement term is longer than one year, the agreement must be reviewed annually from the signature date of the agreement. A template Held-in-trust agreement is included under Resources. Campuses must report Held-in-trust agreements in their Repatriation Plan.

CalNAGPRA Compliance: After publication in the Federal Register, update the associated Inventory's "notes" section. Email the written Repatriation Statement to the NAHC.

Steps to Repatriation of Unassociated Funerary Objects, Sacred Objects, and/or Objects of Cultural Patrimony

Step 1—Compile a summary of a holding or collection.

A guidance document that includes examples for how to compile a summary of a holding or collection created by the National NAGPRA Program is available under Resources. The purpose of a summary is to be broad and general.

What is **not** required to compile a summary is:

1. Physical inspection
2. Research of any kind, study or analysis
3. Rehousing or re-boxing, drawing, photographing, or measuring

CalNAGPRA Compliance: Information submitted to the National NAGPRA Program Manager should also be uploaded to the Preliminary Summary on the [CalNAGPRA Database](#).

Step 2—Initiate consultation.

Coordinators must obtain the most current Tribal contacts list from the NAHC and/or from the NPS NAGPRA [Consultation Resources](#) website. A template letter to initiate consultation is included in Resources. After completing this step, the Coordinator must continue outreaching efforts through multiple attempts and promptly respond to requests to consult and ensure compliance with *Duty of Care* while safeguarding holdings or collections.

Coordinators must track their outreach attempts to document and describe the concurrence, disagreement, or nonresponse of the consulting parties. A template consultation record is available under Resources.

Step 3—Consult on Cultural Items.

The Coordinator,

Repatriation Procedures

1. may provide a template Tribal designee letter (available under Resources) to establish a point of contact including the name, phone number, email address, or mailing address of Tribal representative(s) authorized to participate in consultations. This can ensure that processes will be as efficient as possible while safeguarding sensitive confidential information.
2. will prepare a consultation record that describes the concurrence, disagreement, or nonresponse of the consulting parties.
3. The Coordinator will engage in consultation as part of the completion of inventories and must defer to Tribal recommendations for appropriate handling, treatment, and storage as required in *Duty of Care*. The Coordinator will record any identifications of Associated Funerary Objects made by consulting parties.
4. will provide access to any additional information as requested by consulting parties. Consulting parties may determine actions to be taken such as redaction of sensitive information, access mitigation, storage adjustments, handling requirements, and/or return of collections or items determined in consultation not subject to repatriation laws.

Requests for consultation will be acknowledged by the Coordinator within five (5) business days. Requests for information must be acknowledged within five (5) business days. Within fifteen (15) business days of the receipt of the request for information, the Coordinator will provide the requested information or the status of the work being done on the request. The Coordinator must defer to Tribal cultural protocols for appropriate handling and treatment and record identifications of Cultural Items made during consultation. The Coordinator will provide preliminary summaries to all consulting parties for comments or to request changes to the summaries prior to submission to the NAHC. Under CalNAGPRA § 8013(d), within ninety (90) days of completing preliminary summaries, Coordinators must provide copies to the NAHC.

Step 4—Receive and consider a request for repatriation.

Repatriation requests must be received or confirmed in writing. A verbal request is permitted provided the Coordinator records the request, documents the date of the request, and confirms the request with the requestor(s). The date of the request begins the timeline for actions to occur in the next steps.

All requests for repatriation must be reviewed by the Campus Committee for determination per CalNAGPRA § 8028.71(b)(4). California Indian Tribes submitting a request for repatriation of Human Remains and Cultural Items with which they have State Cultural Affiliation must file a claim with the NAHC and with the campus, as specified in CalNAGPRA § 8014(b). Per CalNAGPRA § 8014(a), for lineal descendants claiming a relationship with, and requesting return of, Native American Human Remains or Cultural Items must also file a claim with the NAHC and with the campus and “Demonstrate that the claimant can trace their ancestry directly and without interruption by means of the traditional kinship or village system of the appropriate California Indian Tribe, or by the common law system of descendance, to a known individual whose human remains or cultural items are being claimed (§ 8014(a)(2)).”

Repatriation Procedures

Campuses may receive competing requests for repatriation of Human Remains and/or Associated Funerary Objects at any time. Campuses must determine the most appropriate requestor under NAGPRA [43 C.F.R. § 10.9\(h\)](#).

Step 5—Respond to a request for repatriation.

NAGPRA timeframes for responding to requests for repatriation:

If a campus it must no later than . . .	See
Receives competing requests for repatriation	Send a written determination	180 days	§ 10.9(h)(4)
Receives a request for repatriation	Respond to the request	90 days	§ 10.9(e)
Has completed all other steps	Send a Repatriation Statement	90 days	§ 10.9(g)
Agrees to a request for repatriation of Cultural Items	Submit a Notice of Intended Repatriation	30 days	§ 10.9(f)
Receives competing requests for repatriation	Inform all requestors	14 days	§ 10.9(h)(3)
Receives a returned notice	Resubmit a notice	14 days	§ 10.9(f)(3)

Step 6—Submit a notice of intended repatriation.

The Coordinator must consider the most efficient way to organize the information in a notice to facilitate expeditious repatriation. The campus contacts information provided in the notice must be the Coordinator. The Coordinator will prepare a draft of the Notice of Intended Repatriation-Culturally Affiliated and with consulting parties to determine the level of detail and organization of the notice. If the request for repatriation is from a known lineal descendant the Notice of Intended Repatriation-Lineal Descendant will be utilized. Once the notice is approved by the requesting party and campus it will be submitted to the National NAGPRA Program Manager. Once published to the *Federal Register*, the Coordinator must notify all consulting parties that the notice has been published.

CalNAGPRA Compliance: Update the associated Summaries “notes” section with the Federal Register Numbers for each document. Email the Notice of Intended Repatriation to the NAHC.

Step 7—Repatriation of the Unassociated Funerary Object, Sacred Object, or Object of Cultural Patrimony.

Copies of Repatriation Statements and any Notice of Intended Repatriation-Lineal Descendant must be sent to the OTR.

CalNAGPRA Compliance: Update the associated Summary “notes” section. Email the written repatriation statement to the NAHC.

Repatriation Procedures

The Coordinator will discuss and coordinate with the lineal descendant, Tribe, or NHO the desired transfer of the Unassociated Funerary Objects, Sacred Objects, and/or Objects of Cultural Patrimony that have been repatriated. At the request of the lineal descendant, Tribe, or NHO to which legal control has transferred, the campus may continue to house Unassociated Funerary Objects, Sacred Objects, and/or Objects of Cultural Patrimony until physical transfer can occur. Upon finalization of the Repatriation Statement, the Coordinator will draft and finalize an agreement in consultation with the lineal descendant, Tribe, or NHO to determine the terms and conditions including any adjustments in care and housing preferences and access needs. As best practice, all legal contracts and agreements should be reviewed by the campus legal representative. The campus will accommodate requests within reason and to the best of its abilities. If the agreement term is longer than one year, the agreement shall be reviewed annually from the signature date of the agreement. A template Held-in-trust agreement is included under Resources. Campuses must report Held-in-trust agreements in their Repatriation Plan.

Campuses may receive competing requests for repatriation of Unassociated Funerary Objects, Sacred Objects, and/or Objects of Cultural Patrimony at any time. Campuses must determine the most appropriate requestor under NAGPRA [43 C.F.R. § 10.9\(h\)](#).

RESOURCES

1. Consultation initiation letter template
2. Consultation record template
3. Compile-a-summary-of-a-holding-or-collection
4. Itemized list template
5. Notice for Intended Transfer or Reinternment template
6. Notice of Inventory Completion-Cultural Affiliation template
7. Notice of Inventory Completion-Lineal Descendant template
8. Notice of Inventory Completion-No Cultural Affiliation template
9. Notice of Intended Repatriation-Culturally Affiliated template
10. Notice of Intended Repatriation-Lineal Descendant template
11. Repatriation Statement template
12. Tribal designee letter template
13. Held-in-trust Agreement template

Repatriation of human remains or associated funerary objects

Step 1: Compile an itemized list.	Step 2: Initiate consultation.	Step 3: Consult.	Step 4: Complete an inventory.
<ul style="list-style-type: none"> • The number of individuals and associated funerary objects • The geographical location • The acquisition history • Other information such as hazardous substance treatment 	<ul style="list-style-type: none"> • Any lineal descendant • Any Indian Tribe or NHO with potential cultural affiliation • Include itemized list, names of all consulting parties, and proposed timeline and method for consultation 	<ul style="list-style-type: none"> • Respond to any consulting party • Address identification of lineal descendants, Indian Tribes or NHOs with cultural affiliation, types of associated funerary objects, and duty of care • Make a record of consultation 	<ul style="list-style-type: none"> • Consulting parties and dates • Itemized list, updated • For each entry, a determination: <ul style="list-style-type: none"> • Lineal descendant • Clearly identified cultural affiliation • Reasonably identified cultural affiliation • None of the above
43 CFR 10.10(a)	43 CFR 10.10(b)	43 CFR 10.10(c)	43 CFR 10.10(d)(1)

Six months after Step 4 Step 5: Submit a Notice.	Any time after Step 5 Step 6: Receive and consider requests.	90 days after Step 6 Step 7: Respond to requests.	90 days after Step 7 Step 8: Repatriation.
<ul style="list-style-type: none"> • Abstract of information in itemized list • Determination in inventory • Total number of individuals and associated funerary objects • Contact information • Calculated date when repatriation may occur 	<ul style="list-style-type: none"> • Joint request is a single request • Criteria for a request is EITHER: <ul style="list-style-type: none"> • Requestor is identified in the notice OR • Requestor shows lineal descent or cultural affiliation by preponderance of the evidence 	<ul style="list-style-type: none"> • Written response to requestor and any other party in notice • ONE of following: <ul style="list-style-type: none"> • Meets the criteria • Does not meet the criteria and request more information • Competing requests received 	<ul style="list-style-type: none"> • Send a written repatriation statement to requestor and copy to National NAGPRA (nagpra_info@nps.gov) • After statement, consult on and document physical transfer and protect sensitive information
43 CFR 10.10(e)	43 CFR 10.10(f)	43 CFR 10.10(g)	43 CFR 10.10(h)

Accessible Text - Steps 1 through 8

Repatriation of human remains or associated funerary objects

1

Compile an itemized list.

- The number of individuals and associated funerary objects
- The geographical location
- The acquisition history
- Other information such as hazardous substance treatment

43 CFR 10.10(a)

2

Initiate consultation.

- Any lineal descendant
- Any Indian Tribe or NHO with potential cultural affiliation
- Include itemized list, names of all consulting parties, and proposed timeline and method for consultation

43 CFR 10.10(b)

3

Consult.

- Respond to any consulting party
- Address identification of lineal descendants, Indian Tribes or NHOs with cultural affiliation, types of associated funerary objects, and duty of care
- Make a record of consultation

43 CFR 10.10(c)

4

Complete an inventory.

- Consulting parties and dates
- Itemized list, updated
- For each entry, a determination:
 - Lineal descendant
 - Clearly identified cultural affiliation
 - Reasonably identified cultural affiliation
 - None of the above

43 CFR 10.10(d)(1)

Steps 1 through 4

Repatriation of human remains or associated funerary objects

After January 12, 2024, museums or Federal agencies must complete steps 1 through 4 and submit an inventory to all consulting parties and the National NAGPRA Program (nagpra_info@nps.gov) by the following deadlines:

If a museum or Federal agency...	An inventory must be submitted...
Acquires possession or control* (including transfer of a holding or collection previously included in an inventory)***	2 years
Locates previously lost or unknown*	2 years
Receives Federal funds for the first time*	5 years
Has human remains that are not published in a notice of inventory completion**	January 10, 2029

* 43 CFR 10.10(d)(2)

** 43 CFR 10.10(d)(3)

*** 43 CFR 10.10(d)(4)

Museum Extensions: Any museum may request an extension if it has made a good faith effort but is unable to meet the deadline. A request must be submitted BEFORE the deadline and must include:

- Information showing the initiation of consultation;
- Names of all consulting parties and consent to the extension from a majority of consulting parties;
- Estimated number of human remains and associated funerary objects; and
- Written plan for completing or updating the inventory, including:
 - Specific steps required,
 - Schedule for completing each step and estimated date,
 - People responsible for each step, and
 - Proposal to obtain requisite funding.

43 CFR 10.10(d)(5)

Deadline to Complete an Inventory

Repatriation of human remains or associated funerary objects

Six months after Step 4

5

Submit a Notice.

- Abstract of information in itemized list
- Determination in inventory
- Total number of individuals and associated funerary objects
- Contact information
- Calculated date when repatriation may occur

43 CFR 10.10(e)

Any time after Step 5

6

Receive and consider requests.

- Joint request is a single request
- Criteria for a request is EITHER:
 - Requestor is identified in the notice OR
 - Requestor shows lineal descent or cultural affiliation by preponderance of the evidence

43 CFR 10.10(f)

90 days after Step 6

7

Respond to requests.

- Written response to requestor and any other party in notice
- ONE of following:
 - Meets the criteria
 - Does not meet the criteria and request more information
 - Competing requests received

43 CFR 10.10(g)

90 days after Step 7

8

Repatriation.

- Send a written repatriation statement to requestor and copy to National NAGPRA (nagpra_info@nps.gov)
- After statement, consult on and document physical transfer and protect sensitive information

43 CFR 10.10(h)

Steps 5 through 8

Repatriation of human remains or associated funerary objects

Steps to Repatriation	Shorter Timeline (40 days)	Longer Timeline (~3 years)
Receive a new collection.	Day 1	Day 1
Step 1: Compile an itemized list.	Day 2	Day 365
Step 2: Initiate consultation.	Day 3	Day 366
Step 3: Consult.	Day 4*	Day 367*
Step 4: Complete an inventory.	Day 5	Day 730 NLT 2 years after Day 1
Step 5: Submit a notice.	Day 6	Day 912 NLT 6 months after Step 4
Publication of notice in Federal Register.	Day 9 (min. 3 days after submission)	Day 938 (max. 26 days after submission)
Step 6: Receive and consider requests.	Day 9*	Day 938*
Step 7: Respond to requests.	Day 39 NET 30 days after publication	Day 1,028 NLT 90 days after Step 6
Step 8: Repatriation.	Day 40	Day 1,118 NLT 90 days after Step 7

NET=No earlier than

NLT=No later than

* Step 3 and Step 6 depend on actions by lineal descendants, Indian Tribes, or NHOs. In both timelines, we assumed one day for Step 3 and same day for Step 6 but both steps will likely take longer.

Timelines for Repatriation

Repatriation of other cultural items

Step 1: Compile a summary.	Deadlines for compiling a summary.	30 days after Step 1 Step 2: Initiate consultation.	Step 3: Consult.
<ul style="list-style-type: none"> • Estimated number and general description • The geographical location (provenience) • The acquisition history (provenance) • Other information such as hazardous substance treatment 	<ul style="list-style-type: none"> • 6 months after acquiring or locating cultural items • 6 months after transfer of a holding or collection previously included in a summary • 3 years after receiving Federal funds 	<ul style="list-style-type: none"> • Any lineal descendant • Any Indian Tribe or NHO with potential cultural affiliation • Include summary, names of all consulting parties, and proposed timeline and method for consultation 	<ul style="list-style-type: none"> • Respond to any consulting party • Address identification of lineal descendants, Indian Tribes or NHOs with cultural affiliation, types of objects that might be cultural items, and duty of care • Make a record of consultation
43 CFR 10.9(a)(1)	43 CFR 10.9(a)(2)-(3)	43 CFR 10.9(b)	43 CFR 10.9(c)

Step 4: Receive and consider requests.	90 days after Step 4 Step 5: Respond to requests.	30 days after Step 5 Step 6: Submit a Notice.	90 days after Step 6 Step 7: Repatriation
<ul style="list-style-type: none"> • Joint request is a single request • Criteria for a request: <ul style="list-style-type: none"> • Meets definition of a cultural item • Requestor is culturally affiliated • Information shows no right of possession 	<ul style="list-style-type: none"> • Written response to requestor and any consulting party • ONE of following: <ul style="list-style-type: none"> • Meets the criteria • Does not meet criteria - more information • Meets criteria -assert right of possession • Competing request 	<ul style="list-style-type: none"> • Abstract of information in summary • Total number and brief description • Requestor • Contact information • Calculated date when repatriation may occur 	<ul style="list-style-type: none"> • Send a written repatriation statement to requestor and copy to National NAGPRA (nagpra_info@nps.gov) • After statement, consult on and document physical transfer and protect sensitive information
43 CFR 10.9(d)	43 CFR 10.9(e)	43 CFR 10.9(f)	43 CFR 10.9(g)

Accessible Text - Steps 1 through 7

Repatriation of other cultural items

1

Compile a summary.

- Estimated number and general description
- The geographical location (provenience)
- The acquisition history (provenance)
- Other information such as hazardous substance treatment

43 CFR 10.9(a)(1)



Deadlines for compiling a summary.

- 6 months after acquiring or locating cultural items
- 6 months after transfer of a holding or collection previously included in a summary
- 3 years after receiving Federal funds

43 CFR 10.9(a)(2)-(3)

30 days after Step 1

2

Initiate consultation.

- Any lineal descendant
- Any Indian Tribe or NHO with potential cultural affiliation
- Include summary, names of all consulting parties, and proposed timeline and method for consultation

43 CFR 10.9(b)

3

Consult.

- Respond to any consulting party
- Address identification of lineal descendants, Indian Tribes or NHOs with cultural affiliation, types of objects that might be cultural items, and duty of care
- Make a record of consultation

43 CFR 10.9(c)

Steps 1 through 3

Repatriation of other cultural items

4

Receive and consider requests.

- Joint request is a single request
- Criteria for a request:
 - Meets definition of a cultural item
 - Requestor is culturally affiliated
 - Information shows no right of possession

43 CFR 10.9(d)

90 days after Step 4

5

Respond to requests.

- Written response to requestor and any consulting party
- ONE of following:
 - Meets the criteria
 - Does not meet criteria - more information
 - Meets criteria - assert right of possession
- Competing request

43 CFR 10.9(e)

30 days after Step 5

6

Submit a Notice.

- Abstract of information in summary
- Total number and brief description
- Requestor
- Contact information
- Calculated date when repatriation may occur

43 CFR 10.9(f)

90 days after Step 6

7

Repatriation.

- Send a written repatriation statement to requestor and copy to National NAGPRA (nagpra_info@nps.gov)
- After statement, consult on and document physical transfer and protect sensitive information

43 CFR 10.9(g)

Steps 4 through 7

Repatriation of other cultural items

Steps to Repatriation	Shorter Timeline (39 days)	Longer Timeline (15 months)
Receive a new collection.	Day 1	Day 1
Step 1: Compile a summary.	Day 2	Day 182 NLT 6 months after Day 1
Step 2: Initiate consultation.	Day 3	Day 212 NLT 30 days after Step 1
Step 3: Consult.	Day 4*	Day 213*
Step 4: Receive and consider requests.	Day 4*	Day 213*
Step 5: Respond to requests.	Day 5	Day 303 NLT 90 days after Step 4
Step 6: Submit a notice.	Day 6	Day 333 NLT 30 days after Step 5
Publication of notice in Federal Register.	Day 9 (min. 3 days after submission)	Day 359 (max. 26 days after submission)
Step 7: Repatriation.	Day 39 NET 30 days after publication	Day 449 NLT 90 days after publication

NET=No earlier than

NLT=No later than

* Step 3 and Step 4 depend on actions by lineal descendants, Indian Tribes, or NHOs. In both timelines, we assumed one day for Step 3 and same day for Step 4 but both steps will likely take longer.

Timelines for Repatriation

APPENDIX #5

Campus Search and Survey Process

1.0 Intent: Campus searches intend to:

- 1.1 Systematically search for all of the Native American human remains and cultural items that are in the possession or control of a campus, but are undocumented or believed to be missing;
- 1.2 Log and report any Native American human remains and cultural items that are found;
- 1.3 Comply with federal and state repatriation laws for reporting any newly discovered Native American human remains or cultural items;
- 1.4 Include Tribes in the planning and reporting process for this search.

2.0 History of Prior Searches and Identification of High-Risk Areas

- 2.1 Record brief histories of the prior searches that have been conducted and any outcomes of those searches;
- 2.2 Identify any physical spaces, departments, and programs on campus or off campus (such as extensions) that should be considered in the search process;

Ex. Bone boxes, human remains that do not have a documented history of consent from the originating individual, biological samples from Native Americans that are being used in ways that are inconsistent with the original consent forms (ex. Blood or DNA samples), satellite campuses where Anthropology classes may have been taught, etc.

3.0 Prohibit Uses of Human Remains and Potential Cultural Items

3.1 Uphold *Duty of Care* (NAGPRA 43 CFR 10.1(d)) and prohibit the use of human remains and potential cultural items pending response to surveys and review (See Reporting and Review Section)

4.0 Survey Questionnaires and Anonymous Reporting

- 4.1 Develop a standardized survey questionnaire, in consultation with Tribes, that will be circulated to all Faculty and Staff;
- 4.2 Ask about the presence/absence of human remains (in any state of completeness or decomposition) or Native American objects that may be cultural items¹;
- 4.3 Inquire as to details about the origin of the human remains or Native American objects that may be cultural items;
- 4.4 Provide a process for anonymously reporting suspected Native American human remains or potential cultural items;
- 4.5 Positive questionnaires or anonymous reporting will be logged and reviewed, as described in the section on Logging & Review.

5.0 Physical Searches, Literature Searches, and Missing Cultural Item Searches

¹ Native American objects will be reviewed to determine if they are cultural items.

Campus Search and Survey Process

5.1 Identify locations that should be physically searched, such as Anthropology classrooms, labs and offices, dentistry classrooms, biology classrooms, life sciences classrooms, exhibit spaces, etc.;

5.2 Identify literature that should be reviewed, such as loan records, carbon dating records, obsidian hydration records, publications from accessions that have missing items, field schools (so that students can be sent questionnaires and offered the chance to return cultural items or Native American human remains, since it was often common for students, faculty, and staff to keep some of the items or human remains that were excavated);

5.3 Review lists of missing cultural items and identify potential locations to look for those cultural items;

5.4 Log the progress (i.e., what has been checked, what remains to be checked) and results of the physical searches, literature searches, and missing item searches so that it is clear when this process is complete;

5.5 Positive finds will be logged and reviewed, as described in the section on logging and review;

6.0 Logging, Reporting, Review, and Identification of Potential Human Remains or Cultural Items

6.1 Identify the individual who is responsible for maintaining documentation on discovered or recovered potential Native American human remains or cultural items and timely notification of affiliated or potentially affiliated Tribes;

6.2 Identify a secure and respectful space for temporary storage of discovered or recovered potential Native American human remains or cultural items;

6.3 Develop process for and conduct initial screening of whether human remains are potentially Native American or Native American objects are potentially cultural items, including review and concurrence by affiliated or potentially affiliated Tribes;

6.4 Process for Tribal consultation for review and concurrence on the identification of Native American human remains or cultural items;

6.5 Documentation of identification decisions;

6.6 Referral of identified cultural items and human remains to the campus for repatriation;

6.7 Regular reports to Campus Committees and reports made available to Tribes upon request.

7.0 Timeline and Next Steps

7.1 Timeline for completion of surveys;

7.2 Timeline for completion of physical searches;

7.3 Timeline for completion of literature searches;

7.4 Next Steps for continued reporting and additional searches and process improvements, once the initial surveys, physical searches, and literature searches are completed.



California State University, Sacramento
Native American Gravesite Protection, Repatriation & Healing
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Sacramento State Department/Unit Self-Assessment of Native American Origin
Collections

Report Due Date:

Department/Unit

Head of Department/Unit

Instructions

Please perform a physical inspection of all department/unit spaces both on and off campus (such as satellite campus buildings) which must include any classrooms, labs, storage rooms, conference rooms, and the closets, cabinets, and drawers within those spaces and report any human remains and potential Native American cultural objects on the form below. Also work with your department's faculty and staff to ensure that any human remains or Native American cultural objects held in their office spaces are reported on this self-assessment. Please address any concerns about access to space or related issues to Mark Wheeler, Senior Advisor and Chief Strategist to President Wood and the President's NAGPRA Designee, (916-460-0490; mark.wheeler@csus.edu) or Rebecca Cameron, Vice Provost (Interim), Faculty Success (vpfs@csus.edu).

Human remains include any physical remains of a person such as bones, teeth, soft tissue samples, hair samples, DNA, and ashes. This also includes articulated skeletons that may be used for teaching. Casts of human remains should also be reported. Some examples of Native American cultural objects are pottery, textiles (i.e. clothing), basketry, stone tools, stone ornaments, bone tools, bone ornaments, shell tools, shell ornaments, glassware, metal objects, artifacts, etc. Any items that are known to originate

from archaeological sites should also be reported. Identification of human remains and Native American cultural objects may not be obvious; therefore, report anything that is questionable and requires the campus NAGPRA Coordinator’s assistance for identifications.

Submit the completed report to our campus NAGPRA Coordinator, Sarah Eckhardt (sarah.eckhardt@csus.edu) and copy the President’s NAGPRA Designee, Mark Wheeler (mark.wheeler@csus.edu) by .

Self-Assessment:

1. Please list the spaces on campus under the department/unit control that were physically inspected (i.e., room numbers, building spaces, etc.), the date the space was inspected, who inspected the space, and any relevant notes. Please attach additional pages if more space is needed.

Space Inspected	Date of Inspection	Name of Inspector	Notes

2. Following a physical inspection of the spaces (check one)

I certify there are no human remains or objects in these spaces.

I have located human remains or objects **OR** I am unable to readily identify the human remains or objects located in the spaces and need further assistance. Prepare and attach an itemized list based on visual inspections and gather existing documentation or information about the human remains and/or objects. Do not take photographs or handle the remains or objects. Instead provide written descriptions.

3. Do you control or share spaces/facilities that are off campus/off site?

Yes

No

4. If yes, please list the spaces/facilities that are off campus/off site that were physically inspected (i.e., room numbers, building spaces, etc.), the date the space was inspected, who inspected the space, and any relevant notes. Please attach additional pages if more space is needed.

Space Inspected	Date of Inspection	Name of Inspector	Notes

5. Following a physical inspection of the off-campus/off-site locations, (check one)

I certify there are no human remains or objects in these spaces/facilities.

I have located human remains or objects **OR** I am unable to readily identify the human remains

or objects located in the spaces/facilities and need further assistance. Prepare and attach a list based on visual inspections and gather any documentation or information about the human remains and/or objects. Do not take photographs or handle the remains or objects. Instead provide written descriptions.

6. If you responded that there are human remains or objects in your department/unit spaces or facilities on or off campus, please answer the following questions to help the NAGPRA team with follow ups:

- a. Approximate number of human remains or objects (DO NOT handle the remains or objects to provide an exact number, estimates are fine, as are more broad assessments such as number of boxes, drawers, cabinets, etc.):

- b. Do you know if the campus is the legal owner of the human remains or objects?

- c. If the campus is not the legal owner,

- i. Who is the legal owner?

- ii. What is the nature of the campus's possession of the human remains or objects (e.g., loaned, held in trust, MOA with government agency, unknown)?

iii. Is the current space where the human remains or objects are stored secure?

iv. Please list the individuals with access to the human remains or objects:

v. Please attach an itemized list and any additional information from department/unit records.

7. Check One:

I, the report preparer/submitter, attest that our department/unit has **NO** human remains or objects of Native American origin. This is a full and true accounting to the best of my knowledge after thorough physical inspection of the spaces listed above.

Our department/unit does **OR** may have human remains or objects of Native American origin. I, the report preparer/submitter, attest that this is a full and true accounting to the best of my knowledge after thorough physical inspection of the spaces listed above.

Name and Title	Email / Phone	Date

APPENDIX #7

CSU Systemwide Policy Working Group Members

- Courtney Ann Coyle, Attorney at Law, Tribal Attorney
- Desiree Martinez, Tribal Relations and NAGPRA/CalNAGPRA Director, Cal Poly Pomona
- Melodi McAdams, Tribal Heritage Manager, United Auburn Indian Community of the Auburn Rancheria
- Buffy McQuillen, THPO NAGPRA, Federated Indians of Graton Rancheria
- Mario Pallari, NAHC Staff Attorney
- Rachel McBride-Praetorius, Director of Tribal Relations, Chico State
- Adriane Tafoya, CSU NAGPRA/CalNAGPRA Project Manager, Chancellor's Office