

UMass Amherst

UMass Amherst Policy on the Native American Graves Protection and Repatriation Act (NAGPRA):

Mission, Compliance Standards and Protocols

March 2020

The purpose of this policy is to provide information and guidance on the federal repatriation law (NAGPRA) and the University of Massachusetts Amherst's commitment, goals and requirements toward compliance with the law, while building respectful and lasting relationships with tribes in the Northeast and beyond. The goal of UMass Amherst is to repatriate all Native American human remains and associated funerary objects as quickly as possible, and to provide accurate summaries of all other Native American objects and materials across the University so we can consult with tribes to determine if any of these should also be repatriated.

The Native American Graves Protection and Repatriation Act (NAGPRA) is a U.S. federal law passed in 1990 that mandates tribal consultation regarding human remains and associated funerary objects,¹ unassociated funerary objects, sacred objects and objects of cultural patrimony² to lineal descendants, Indian tribes and Native Hawaiian organizations. The goals of these consultations are to determine (or confirm) cultural affiliation and to transfer human remains and other objects back to tribes. UMass Amherst is fully committed to meeting both the letter and the spirit of this law. All institutions receiving federal funds must comply with NAGPRA, on a university-wide basis. For more information and details on NAGPRA, go to <https://www.nps.gov/nagpra/>.³

A priority for UMass Amherst is to proactively engage in consultations with tribes, in keeping with the University's mission of teaching, research and public service⁴. The University recognizes the specific rights of federally-recognized tribes under NAGPRA, and is also committed to working with non-federally-recognized tribes and communities to complete its NAGPRA responsibilities.

¹ Human remains and associated funerary objects require consultation with tribes to determine cultural affiliation, then publication of a Notice of Inventory Completion (NIC) to complete repatriation.

² These three categories of objects require sending summaries of objects in the University's possession, followed by consultations, then publication of a Notice of Intent to Repatriate (NIR) to complete repatriation.

³ A quick guide to NAGPRA has been published by the National Park Service:
<https://www.nps.gov/history/tribes/documents/nagpra.pdf>

⁴ See the complete Mission Statement for UMass Amherst at <https://www.umass.edu/planning/mission>

UMass has been engaged with NAGPRA compliance since the 1990s and has completed 9 Notices of Inventory Completion (with 8 physical transfers to date) of Native American ancestors and associated funerary objects.⁵ The University has also mailed hundreds of summaries of Native American objects in its collections to tribes across the country and engaged in consultations regarding those objects. No claims for repatriations of summary objects have been made to date.

UNIVERSITY COMPLIANCE STANDARDS and PROTOCOLS

Compliance with NAGPRA is a University-wide responsibility and requirement. Proactive efforts are required across the University—in every college, school and department—to ensure that all NAGPRA-sensitive human remains and objects are accounted for and handled appropriately. This means that each department within each college and school must communicate with each faculty, researcher, student and staff member to ensure that all Native American artifacts, objects, art pieces, materials and human remains (hereafter “materials”) are reported through their department to the University Repatriation Coordinator. “NAGPRA-sensitive” is defined as human remains identified as Native American and anything of Native American origin. Further evaluation and consultation may be necessary to determine if these materials could fall into the category of unassociated funerary objects, objects of cultural patrimony or sacred objects. The University’s legal responsibility is to share information on all Native American materials with tribes and, through consultation with tribes, understand if they fall under one of these categories.

Department Chairs

Department chairs (or designated faculty or staff) must provide an annual assessment of all Native American materials in their departments (if the department holds any or not) that is on University property. “Native American materials” are defined as anything known or believed to be of Native American origin. The annual assessment should be submitted to Julie Woods, University Repatriation Coordinator (woods@umass.edu, 413-545-2702) before the end of each academic year.

Research, teaching, and handling of all Native American materials within each department should cease until the department chair has reviewed the assessment with the University Repatriation Coordinator and a determination is made regarding any further steps to ensure NAGPRA compliance is completed. All Native American human remains, funerary objects, objects of cultural patrimony and sacred objects under the control and care of UMass Amherst must be treated in a respectful and dignified manner, with storage, care and treatment defined through consultation with tribes, by the University Repatriation Coordinator. Only through a review of the assessment can the University determine if any Native American materials may be defined as one of these.

Department chairs must also be aware of the University’s policy regarding the acquisition of any potentially NAGPRA-sensitive materials onto University property (see below).

⁵ NICs published: 11/23/04, 3/25/09, 1/5/10, 3/15/11, 2/6/12, 12/18/12, 9/30/13, 5/15/14, 6/30/17

Faculty, Researchers, Staff and Students

Anyone affiliated with UMass Amherst (as faculty, researcher, staff or student) who is (or believes he or she may be) in possession of any Native American materials (human remains or objects of Native American origin) must comply with this policy and proactively inform their department chair or supervisor immediately if he or she may be in possession of any object or artifact of Native American origin.

Bringing NAGPRA-Sensitive Materials to UMass

The University's possession or control of any potential NAGPRA materials through new acquisitions creates a legal compliance obligation for the institution. Any employee of UMass Amherst seeking to bring any Native American human remains or objects that could be NAGPRA sensitive (for research or any other purposes) onto University property must receive authorization from the Office of the Chancellor prior to doing so. All proposals must be submitted to the Repatriation Coordinator for a University-level review and demonstrate expressed written consent from all lineal descendants, Indian Tribe(s), Native Hawaiian Organization(s) and/or Indian Group(s) culturally affiliated (or potentially culturally affiliated) with these materials (with cultural affiliation as defined by NAGPRA). Proposals and letters of consent from governing authorities⁶ or lineal descendants must be submitted at least six months in advance of the requested transfer onto any University property. Each request will be reviewed on a case-by-case basis, with a written response provided by University officials within six months of each case review.

Handling of NAGPRA-Sensitive Materials by all UMass Employees

All materials potentially subject to NAGPRA (i.e., of Native American origin) should be separated into a secure area accessible only to specific personnel within the department. The discovery of human remains that could even potentially be Native American requires immediate communication with the University Repatriation Coordinator. Human remains should immediately be set aside in acid-free materials, if possible, in a highly secure area until communication with the University Repatriation Coordinator is made and next steps are determined.

Other objects that could be NAGPRA-sensitive should be set aside in a secure area until next steps are determined in collaboration with the University Repatriation Coordinator. Department chairs, faculty, researchers, staff or students should not attempt to determine if human remains, objects or artifacts require NAGPRA compliance; rather, they must consult with the University Repatriation Coordinator for an assessment and to determine next steps.

This policy is effectively immediately. If you have any questions or for more information on UMass Amherst's legal requirements to comply with the Native American Graves Protection and Repatriation Act, work completed to date, or the University's on-going efforts, contact Julie Woods (woods@umass.edu, 413-545-2702).

⁶ For letters from Indian Tribes, Native Hawaiian Organizations or Indian Groups. Letters from lineal descendants must provide documentation of kin relationships between the descendants and the material(s).