

The University of Michigan

**Policies and Procedures
for the University of Michigan's NAGPRA Collections**



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Contents

Preamble	5
I. General Principles and Policy Statement of the University of Michigan	5
II. Governance and Authorizations	6
A. Office of the Vice President for Research (OVPR)	6
NAGPRA Advisory Committee	6
B. Office of the General Counsel (OGC).....	7
C. College of Literature, Science, and the Arts (LSA)	7
D. Museum of Anthropology	7
III. NAGPRA Definitions	8
IV. General Policies and Practices Related to NAGPRA.....	12
A. Updating NAGPRA Inventories with the National NAGPRA Office.....	12
B. Repatriation and Disposition of Funerary and Cultural Objects.....	12
C. Repatriation and Disposition of DNA Extractions.....	13
D. Repatriation and Disposition of Storage Materials.....	13
E. Repatriation and Disposition of Tags and Cards.....	14
F. Moratorium on Claimed and Requested Collections.....	14
G. NAGPRA’s Applicability to Collections Originating from Outside of the U.S.....	14
H. Disposition of Human Remains Whose Place of Origin is “Unknown”	14
V. Policies and Procedures for Repatriation and Disposition	15
A. Types of Claims and Requests Accepted	15
B. Determining Standing	18
C. References to Non-federally Recognized Indian Groups and Their Status.....	19
D. The Repatriation and Disposition Submission Process	21
E. Evaluating Claims and Requests for Repatriation or Disposition	28
F. Competing and Concurrent Claims and Requests	38
G. Claims and Requests with Insufficient Evidence.....	38
H. Exceptions to the Requirements for Repatriation	39

VI. Ceremonial or Religious Activities Surrounding NAGPRA-eligible Objects or Collections Curated by the Museum	40
A. Conducting Religious Ceremonies in Museum Facilities During Consultations	40
1. Culturally affiliated human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony.....	40
2. Culturally unidentifiable human remains and associated funerary objects.....	40
B. Offerings Placed with NAGPRA-eligible Objects or Collections in Museum Storage Areas	41
1. Culturally affiliated remains and objects:	41
2. Culturally unidentifiable remains and associated funerary objects:.....	41
VII. Policy for the Curation of Human Remains and Cultural Objects in the Museum.....	42
A. Acceptance of New NAGPRA-related Objects and Collections	42
1. Donation of objects and collections to the Museum	42
2. Objects and Collections generated by curator or student fieldwork	43
B. Curation of Culturally Affiliated Objects and Collections	43
C. Curation of Culturally Unidentifiable Objects and Collections.....	44
D. Access to NAGPRA-relevant Objects and Collections	44
E. Re-Inventory of NAGPRA-relevant Objects and Collections.....	45
F. Imaging of NAGPRA-relevant Objects and Collections	45
G. Notification of the Possible Contamination of Objects and Collections	47
H. Co-Curation Agreements and Loan Agreements	47
I. De-accessioning NAGPRA-eligible Objects and Collections.....	48
J. Exhibiting NAGPRA-relevant Objects and Collections.....	48
VIII. Teaching and Research Use of Human Remains and Cultural Objects	49
A. General Principles	49
B. Research to Determine NAGPRA Eligibility and Classification	56
IX. Review of NAGPRA Policies and Procedures	57
Appendices	58
Appendix 1: Recommended Forms for Submitting Claims and Requests.....	58
Appendix 2: Consultation Visit Forms.....	64
Appendix 3: Guidelines, Procedures, and Forms for the Re-inventory of NAGPRA-related Objects and Collections	69
Appendix 4: Guidelines, Procedures, and Forms for Leaving Offerings with Collections	79

Appendix 5: Transfer Documents	83
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Preamble

Though precision and the language of the Native American Graves Protection and Repatriation Act (NAGPRA) and its concurrent regulations require the use of terms such as “culturally affiliated/unidentifiable human remains” and “cultural objects,” the University of Michigan recognizes and respects that the people to whom such terms refer are the ancestors of many with whom we are working on these issues. The University intends no disrespect from the necessary use of legal language.

I. General Principles and Policy Statement of the University of Michigan

The University of Michigan endeavors to be respectful of lineal descendants, Indian tribes/groups, and Native Hawaiian organizations¹ whose ancestral remains, funerary objects, or cultural objects may be in the possession of its Museum of Anthropology (hereafter referred to as “UMMA” or “the Museum”) or other collections-holding units.² Moreover, the University strives to assure all interested parties that human remains, funerary objects, and cultural objects currently under the control of the University are treated in a respectful and dignified manner. It is the University’s intent and policy to comply fully with the NAGPRA law (Public Law 25 U.S.C. § 3001 et seq. (1990), 104 Stat. 3042, P.L. 101-106), its concurrent federal regulations (43 C.F.R. pt. 10), and all subsequent commentaries and amendments.

Human remains, funerary objects, and cultural objects can serve valuable educational and research purposes that are important to the enhancement of knowledge in various disciplines. At the University, it is the Museum that generally holds human remains and objects known to be those of Native American peoples. However, there have been instances where Native American remains or objects have been identified in the collections of other units within the University. Collections-holding units at the University maintain cultural collections as a public trust for the University and the people of the State of Michigan. These units are responsible for preserving all collections according to high museum standards, while fulfilling the University’s mission to provide education and understanding about humanity’s past and present through teaching, research, and public service.

The University recognizes that lineal descendants, Indian tribes/groups, and Native Hawaiian organizations have cultural and religious interests that must be considered in determining what is proper and respectful in the treatment, use, and disposition of human remains and objects in its collections. This document presents the University’s policies and procedures for the implementation of, and compliance with, NAGPRA as it pertains to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony as defined in the federal law (see “cultural items” in Public Law 25 U.S.C. § 3001) and regulations (see “cultural objects” in 43 C.F.R. § 10.1(b)(3) and § 10.2(d)).

¹ This document uses the regulatory definitions for the terms “lineal descendants,” “Indian tribes,” “Indian groups,” and “Native Hawaiian organizations.” These definitions can be found in Section III and Section V, subsection C of this document.

² Collecting units at the University of Michigan include the museums, archives, Matthaei Botanical Garden and Nichols Arboretum, among others. Research and teaching collections may also exist within schools, colleges, and departments.

The University acknowledges and respects the rights of Indian tribes/groups and Native Hawaiian organizations. It will strive to maintain the confidentiality of all consultations, including the exchange of any information related to communications and assessments required within the NAGPRA process, to the extent possible. All new knowledge and information that University representatives acquire in the process of consultation or other communications and interactions will be kept in confidence to the extent that applicable law will allow. This new knowledge and information will not be shared with others until the repatriation or disposition action is finalized, unless the release of these new data are legally required or their release is approved through explicitly granted written permission of the pertinent lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s).

II. Governance and Authorizations

The President and Regents of the University of Michigan have delegated authority concerning NAGPRA-related issues to the Vice President for Research.

Other units at the University have distinct roles and responsibilities. The Museum and other collections-holding units function as stewards of any NAGPRA-related objects and collections while they are in the possession and control of the University. The College of Literature, Science, and the Arts has general administrative authority over the Museum, including control over its finances, facilities, policies, and practices.

If, as may occasionally happen, the University becomes newly aware of NAGPRA-eligible remains and/or objects in the custody of other units within the University, the Office of the Vice President for Research will work with those units to establish operating procedures analogous to those of the Museum, which is the primary focus in this document.

A. Office of the Vice President for Research (OVPR)

1. All communications from the University, and on behalf of the University, relating to NAGPRA are made through the OVPR or under its direction. Similarly, all requests for information, consultation, repatriation, and disposition are to be directed to OVPR—specifically, to the NAGPRA Project Manager who is the designated OVPR staff person in charge of managing NAGPRA-related affairs. The Vice President for Research has the authority to establish institutional policies and procedures, as well as the authority over all final decisions related to repatriations or dispositions, as part of NAGPRA compliance.

NAGPRA Advisory Committee

2. The Vice President for Research has established a NAGPRA Advisory Committee to recommend operating policies and procedures, and otherwise advise on specific matters as requested by the Vice President.
 1. The committee consists of individuals with broad perspectives on University and NAGPRA-related matters.
 - a. The Director of UMMA is an *ex officio* member with a vote.

- b. The OVPR NAGPRA Project Manager is an *ex officio* member without a vote.
 - c. The Vice President will appoint a Chair from the University faculty.
- 2. The Vice President appoints other members of the committee to renewable, fixed terms of three years in length. Terms of service will be staggered to ensure reasonable continuity of membership from year to year. Efforts will be made to ensure a diversity of perspectives. At least one member of the committee will be selected from outside the University and will be chosen so as to enhance the Indian tribal/Native Hawaiian perspective on matters brought before the committee.
 - 3. The NAGPRA Advisory Committee may establish subcommittees or *ad hoc* committees as required to fulfill its charge.

B. Office of the General Counsel (OGC)

The OGC provides timely and responsible legal advice about the broad array of legal issues facing a modern public research university. This advice includes analysis of requirements under federal and state law (including the federal Native American Graves Protection and Repatriation Act and implementing regulations) and counsel regarding legal risks. OGC strives to assist the University in complying with its legal obligations in the manner that best fits its institutional mission.

C. College of Literature, Science, and the Arts (LSA)

The LSA is the administrative home of the Museum of Anthropology and the Museum thus reports to the Dean of LSA. The College is responsible for all academic aspects of the Museum's functioning, including the appointment of curators, stewardship of the objects and collections, and curriculum.

D. Museum of Anthropology

The Museum of Anthropology is a unit of the LSA within the University of Michigan. The Director of the Museum reports to the Dean of LSA. As previously noted, UMMA is the primary holder of NAGPRA-relevant objects and collections at the University, although relevant materials may exist in the University's other museums or collections-holding units. The Museum is committed to maintaining high standards of curation and documentation for all of its collections, including the NAGPRA-relevant holdings within its archaeological and ethnographic collections.

The Director of UMMA serves as an *ex officio*, voting member of the NAGPRA Advisory Committee. In addition, the Director participates in NAGPRA consultations; provides information to the Vice President for Research on NAGPRA-related claims and requests; oversees the Museum's NAGPRA Collections Staff and budget, etc.

NAGPRA Collections Staff

The Museum has assembled a NAGPRA Collections Staff consisting of the Museum Director, Collections Manager, and NAGPRA Collections Assistants.

The responsibilities of the NAGPRA Collections Staff shall include:

1. Re-inventorying NAGPRA-relevant objects and collections.
2. Proper care and handling of NAGPRA-relevant objects and collections.
3. Preparing for and participating in NAGPRA consultations.
4. Answering questions related to NAGPRA-relevant holdings.
5. Acting as Museum liaisons with OVPR and its NAGPRA Project Manager.
6. Maintaining the Museum's documentation and records on NAGPRA-relevant objects and collections.
7. Handling any other NAGPRA-related matters that require the Museum's assistance.

Museum Advisory Committee

The Director of the Museum shall establish a Museum Advisory Committee to be composed of (at a minimum) all curators of North American archaeology and a NAGPRA Collections Staff member (other than the Museum Director). Other individuals may be asked to serve at the Director's discretion.

The responsibilities of Museum Advisory Committee shall include:

1. Advising the Director of the Museum on the implementation of, and compliance with, NAGPRA policies and associated procedures.
2. Reviewing submitted NAGPRA claims and requests from lineal descendants, Indian tribes/groups, and Native Hawaiian organizations, and reporting findings and recommendations to the Director of the Museum. The review process may include soliciting input from other scholars and/or members of Indian tribes/groups and Native Hawaiian organizations. (OVPR should be informed of the solicitation of scholars and consulted prior to the solicitation of experts who are members of Indian tribes/groups or Native Hawaiian organizations.)
3. Addressing other relevant matters that may arise, as requested by the Director.

III. NAGPRA Definitions

The University adheres to the definition of terms provided in the NAGPRA regulations (43 C.F.R. § 10.2). Additional definitions of terms can be found in a glossary available at the National NAGPRA Office's website: <http://www.cr.nps.gov/nagpra/TRAINING/GLOSSARY.HTM>

1. *Lineal descendant*: An individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian tribe or Native Hawaiian organization or by the common law system of descent to a known Native American individual whose remains, funerary objects, or sacred objects are being claimed (43 C.F.R. § 10.2(b)(1)).

2. Indian tribe: Any tribe, band, nation, or other organized Indian group or community of Indians, including any Alaska Native village or corporation³ as defined in or established by the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (43 C.F.R. § 10.2(2)).
3. Native Hawaiian organization: Any organization that serves and represents the interests of Native Hawaiians, has as a primary and stated purpose the provision of services to Native Hawaiians, and has expertise in Native Hawaiian affairs (43 C.F.R. § 10.2(3)(i)).
 - a. Native Hawaiian: Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii. Such organizations must include the Office of Hawaiian Affairs and *Hui Mālama I NāKūpuna 'O Hawai'i Nei*" (43 C.F.R. § 10.2(3)(ii)).
4. Indian tribe official: The principal leader of an Indian tribe or Native Hawaiian organization or the individual officially designated by the governing body of an Indian tribe or Native Hawaiian organization or as otherwise provided by tribal code, policy, or established procedure as responsible for matters relating to these regulations (43 C.F.R. § 10.2 (b)(4)).
5. Traditional religious leader: A person who is recognized by members of an Indian tribe or Native Hawaiian organization as: (i) Being responsible for performing cultural duties relating to the ceremonial or religious traditions of that Indian tribe or Native Hawaiian organization, or (ii) Exercising a leadership role in an Indian tribe or Native Hawaiian organization based on the tribe or organization's cultural, ceremonial, or religious practices (43 C.F.R. § 10.2 (d)(3)(i)-(ii)).
6. Human remains: The physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony, as defined below, must be considered as part of that item (43 C.F.R. § 10.2(1)).
7. Funerary objects: Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects must be identified by a preponderance of the evidence as having been removed from a specific burial site of an individual affiliated with a particular Indian tribe or Native Hawaiian organization or as being related to specific individuals or families or to known human remains. The term *burial site* means any natural or prepared physical location, whether originally below, on, or above the surface of the

³ The U.S. Department of Interior and National NAGPRA Office have proposed revisions to 43 C.F.R. § 10.2 to eliminate the status of Alaskan corporations from the definition of "Indian tribe." The University's policy definition will follow any final changes in this regard.

earth, into which, as part of the death rite or ceremony of a culture, individual human remains were deposited, and includes rock cairns or pyres which do not fall within the ordinary definition of gravesite (43 C.F.R. § 10.2(2)).

- a. Associated funerary objects: Those funerary objects for which the human remains with which they were placed intentionally are also in the possession or control of a museum or Federal agency. Associated funerary objects also means those funerary objects that were made exclusively for burial purposes or to contain human remains (43 C.F.R. § 10.2(2)(i)).
 - b. Unassociated funerary objects: Those funerary objects for which the human remains with which they were placed intentionally are not in the possession or control of a museum or Federal agency. Objects that were displayed with individual human remains as part of a death rite or ceremony of a culture and subsequently returned or distributed according to traditional custom to living descendants or other individuals are not considered unassociated funerary objects (43 C.F.R. § 10.2(2)(ii)).
8. Sacred objects: Items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents (43 C.F.R. § 10.2(3)).
 9. Objects of cultural patrimony: Items having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member. Such objects must have been considered inalienable by the culturally affiliated Indian tribe or Native Hawaiian organization at the time the object was separated from the group (43 C.F.R. § 10.2(4)).
 10. Cultural Items: Human remains and associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony (43 C.F.R. § 10.2).
 11. Summary: The written description of collections that may contain unassociated funerary objects, sacred objects, or objects of cultural patrimony (43 C.F.R. § 10.2(g)(1)). The summary serves in lieu of an object-by-object inventory of these collections, although, if an inventory is available, it may be substituted. The summary must include: an estimate of the number of objects in the collection or portion of the collection; a description of the kinds of objects included; reference to the means, date(s), and location(s) in which the collection or portion of the collection was acquired, where readily ascertainable; and information relevant to identifying lineal descendants, if available, and cultural affiliation (43 C.F.R. § 10.8(b)).
 12. Inventory: The item-by-item description of human remains and associated funerary objects (43 C.F.R. § 10.2(g)(2)) as required at 25 U.S.C. § 3003. The term inventory sometimes appears in the statute in the phrase “inventory and identification,” which refers to the identification of the cultural affiliation of Native American human remains

and associated funerary objects as a required part of the inventory. The inventory has two parts: 1) a listing of all human remains and associated funerary objects that are identified as being culturally affiliated with one or more present-day Indian tribes or Native Hawaiian organizations, and 2) a listing of all culturally unidentifiable human remains for which no culturally affiliated present-day Indian tribe or Native Hawaiian organization can be determined (43 C.F.R. § 10.9(d)).

13. Disposition: Act of disposing. Transferring to the care or possession of another. The parting with, alienation of, or giving up property (*Black's Law Dictionary*, 6th Edition). As used at 25 U.S.C. § 3002 and 43 C.F.R. pt. 10, subpt. B, the term refers to the return of cultural items excavated or inadvertently discovered on Federal or tribal lands after November 16, 1990, to lineal descendants, Indian tribes, and Native Hawaiian organizations. The term disposition is also used at 25 U.S.C. § 3006 (c)(5) with respect to the Review Committee's charge to recommend specific actions for developing a process for the disposition of culturally unidentifiable human remains.
14. Repatriation: In NAGPRA (25 U.S.C. § 3005), the term repatriation means the transfer of physical custody of and legal interest in Native American [human remains and] cultural items to lineal descendants, culturally affiliated Indian tribes and Native Hawaiian organizations.
15. Culturally identifiable/affiliated: A relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group (25 U.S.C. § 3001 (2)).

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)). See also Preponderance of Evidence.
16. Culturally unidentifiable/unaffiliated: [Human remains and] cultural items for which no culturally affiliated present-day Indian tribe or Native Hawaiian organization can be determined (43 C.F.R. § 10.9(d)(2)).
17. Right of possession: Obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object, or object of cultural patrimony from an Indian tribe of Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession to that object (43 C.F.R. § 10.10(a)(2)).
18. Preponderance of evidence: As standard of proof in civil cases, is evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not (*Black's Law Dictionary*, 6th Edition).

IV. General Policies and Practices Related to NAGPRA

Since NAGPRA became law (on November 16, 1990), its concurrent regulations have been developed and revised as needed. Similarly, the University has developed and revised its policies and practices to comport with the regulatory requirements as they evolve. The general policies and practices presented below are intended to address issues that have arisen during the course of the University's ongoing endeavor to comply with NAGPRA and observe high professional standards.

A. Updating NAGPRA Inventories with the National NAGPRA Office

1. There may be instances where additional NAGPRA-eligible objects or collections, or information concerning NAGPRA-eligible objects or collections, are discovered during both the re-inventory and re-examination of the University's collections. The University will report any required updates to the National NAGPRA Office in accordance with federal regulations (43 C.F.R. § 10.13(b)(1)-(3)).
2. If both University and tribal consultants agree that there are discrepancies between an original inventory and a final inventory, an updated inventory will be sent to the National NAGPRA Office before a final notice is published. This will provide for the lawful and timely repatriation/disposition of eligible objects and collections.
3. The Museum's NAGPRA Collections Staff will draft the updated inventory. Inventory updates must be forwarded to the OPR and NAGPRA Project Manager for review and approval before submission to the National NAGPRA Office.

B. Repatriation and Disposition of Funerary and Cultural Objects

1. The University will transfer all associated funerary objects to the requesting Indian tribe(s)/group(s) or Native Hawaiian organization(s) as a part of any repatriation or disposition.
2. The University will consult on all objects it has recorded as, or believes might be, unassociated funerary objects in its collections.
3. The University will adhere to the classification of any objects and collections (i.e., associated/unassociated funerary objects, sacred objects, and objects of cultural patrimony) as recorded and reported to the National NAGPRA Office unless consultations with Indian tribe officials and traditional religious leaders result in a mutually agreed upon reclassification of an object or collection
4. Due to the fact that some Native American cultural objects may have been identified or discovered since NAGPRA first passed, or may not have been recognized as NAGPRA-eligible during initial summaries and inventories, the University will undertake a re-inventory of its cultural objects to determine their eligibility and possible classification under NAGPRA's definitions. This re-inventory process will be completed in consultation with the relevant

Indian tribe officials and traditional religious leaders, and in accordance with NAGPRA regulations.

C. Repatriation and Disposition of DNA Extractions

1. Within NAGPRA regulations, “human remains” is defined as “the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony, as defined [within the regulations], must be considered as part of that item” (43 C.F.R. § 10.2(d)(1)).
2. After reviewing the regulatory definition of “human remains,” the University has concluded that all DNA materials derived from human remains be considered as human remains, and repatriated or dispositioned to the appropriate requesting lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s). This includes all DNA extractions, derivatives, or portions thereof.

D. Repatriation and Disposition of Storage Materials

1. Human remains and objects are routinely placed in boxes, bags, jars, acid-free tissue paper, etc. within the Museum’s storage facilities. In consultation with Indian tribe officials and traditional religious leaders, the means and methods of professional storage are actively being combined with, or supplanted by, storage that is more culturally sensitive and appropriate. This means that many of the storage supplies used previously will no longer be required and need to be removed from the Museum’s facilities.
2. Given that many of these storage materials previously held human remains and objects that Indian tribes/groups and Native Hawaiian organizations might deem sacred, the Museum and/or the OVPR agree to retain the storage materials so that they can be offered to lineal descendants, or Indian tribe officials and traditional religious leaders, at the time of transfer. If the lineal descendants, or Indian tribe officials and traditional religious leaders, decline the offer of any storage materials, the University will retain or dispose of them as its NAGPRA Collections Staff sees fit.
3. Also, the Museum will photograph and retain all notes, records, and markings on the storage materials as needed for its records. Lineal descendants and/or Indian tribe officials may request and receive copies of these photographs provided that these photographs are from a site collection for which the claimants have legal standing to file a request.
4. If new storage materials are required or requested for human remains or objects being transferred, the University will endeavor to accommodate the specifications of lineal

descendants, and Indian tribe officials and traditional religious leaders, to the extent possible.

E. Repatriation and Disposition of Tags and Cards

1. Tags and cards containing basic identification or background information are sometimes found attached to, or stored with, objects and collections within the Museum's facilities.
2. Given the fact that these tags and cards were attached to, or stored with, objects and collections that Indian tribes/groups and Native Hawaiian organizations might deem sacred, the University has agreed to offer the tags and cards to lineal descendants, or Indian tribe officials and traditional religious leaders, at the time of transfer.
3. The NAGPRA Collections Staff can either transcribe the data from the tags and cards, or make photocopies or digital photos of the tags and cards, as needed. (Photocopies and digital photos of the tags and cards should be made apart from the object or collection to which they were attached or with which they were stored).

F. Moratorium on Claimed and Requested Collections

1. Once OVPR accepts a claim or request for repatriation, or a request for disposition, a moratorium on teaching and research use will be placed on all human remains and/or objects covered in that claim or request. This moratorium applies to anyone seeking teaching or research access to the claimed or requested collection(s), be they from inside or outside of the University.
2. The only individuals allowed access to objects and collections once a moratorium is in place are those involved in re-inventories, consultations, or transfers. These individuals include: The Museum's Director and NAGPRA Collections Staff; any lineal descendant(s), Indian tribe official(s), or traditional religious leader(s) performing consultations; the NAGPRA Project Manager and OVPR representatives; and any experts or individuals whose access is required, requested, and approved by OVPR explicitly and in advance.

G. NAGPRA's Applicability to Collections Originating from Outside of the U.S.

1. NAGPRA is a U.S. federal law. As such, it does not apply to objects and collections that originated from outside of the U.S.
2. The University will review claims and requests concerning objects and collections that originated from outside the U.S. on a case-by-case basis.

H. Disposition of Human Remains Whose Place of Origin is "Unknown"

1. The University's holdings contain a small number of collections of human remains whose precise place of origin is identified as "Unknown." The NAGPRA Collections Staff will assemble all available information on the background of these collections in an effort to

discern their precise place of origin and which Indian tribes/groups or Native Hawaiian organizations would have standing to request disposition.

2. If the assembled background information yields no new insights as to the precise place of origin, the University will initiate the consultation and disposition process under 43 C.F.R. § 10.11 with all tribes that have tribal and aboriginal land status within the state where the human remains identified as “Unknown” were removed.
3. If the state where the human remains identified as “Unknown” were removed is also unknown, the University will proceed according to guidelines offered in the federal regulations and National NAGPRA Office commentaries.

V. Policies and Procedures for Repatriation and Disposition

The Vice President for Research’s decisions regarding repatriation and disposition will be the result of multi-stage processes of communication, consultation, evaluation, and review. These processes will differ somewhat depending on the category of the request (i.e., human remains or objects, repatriation or disposition). In all cases, the University is committed to timely, transparent, and collaborative processes, which will entail:

1. Consultations and the exchange of information with lineal descendants or Indian tribe officials who represent Indian tribes/groups or Native Hawaiian organizations that have standing to submit claims and/or requests for the repatriation or disposition of particular objects and collections;
2. A thorough and timely review of all records and relevant evidence by the collections-holding unit;
3. Written recommendations from the collections-holding unit, which will be submitted to the OVPR through the NAGPRA Project Manager;
4. An opportunity for the NAGPRA Advisory Committee to provide additional review and submit a written recommendation, with all relevant reports and documentation, prior to the final review and decision of the Vice President for Research.

Procedures are summarized in this section of the document as well as Section VII, subsection I.

A. Types of Claims and Requests Accepted

1. NAGPRA law and regulations assign a specific order of preference to claimants and requestors seeking repatriation or disposition of human remains (with associated funerary objects) or cultural objects. (This order of preference includes only federally recognized tribes and Native Hawaiian organizations. For a discussion of the University’s approach to the status of non-federally recognized groups and their claims or requests, see Section V, subsection C of this document.) This order of preference is:

- a. Lineal descendants, when known, and those federally recognized tribes and Native Hawaiian organizations that are, or are likely to be, culturally affiliated with the object(s) or collection(s).
 - b. Those federally recognized tribes and Native Hawaiian organizations from whose tribal lands, at the time of removal, the object(s) or collection(s) were removed.
 - c. Those federally recognized tribes and Native Hawaiian organizations whose aboriginal lands the object(s) or collection(s) were removed.
2. Lineal descendants are usually discovered and/or confirmed in the course of consultations. The specific lineal descendant(s) will be expected to file claims and requests for repatriation independently, although their respective Indian tribe/group or Native Hawaiian organization, as well as University representatives, can assist them with this process.
 3. Indian tribe(s)/group(s) and Native Hawaiian organization(s) can file claims and requests for repatriation or disposition in one of three manners:
 - a. Independently: A single Indian tribe/group or Native Hawaiian organization requests specific objects or collections.
 - b. Jointly: A collection of Indian tribes/groups or Native Hawaiian organizations that share standing requests specific objects or collections.
 - c. Supportively: An Indian tribe/group or Native Hawaiian organization assumes a lead role in filing a claim or request and this claim is accompanied by formal letters of support or deference from other Indian tribes/groups or Native Hawaiian organizations that have standing to file a claim or request of their own.
 4. The University will work with Indian tribes/groups and Native Hawaiian organizations that have entered into collective working relationships with one another (e.g., tribal or regional consortia, partnerships, etc.) to the extent the individual members desire. However, National NAGPRA Office guidelines do not countenance the repatriation or disposition of any human remains or objects to any such collectives (75 FR 12382-12383, March 15, 2010). Therefore, the University's repatriations and dispositions will be made only to the individual tribes with standing within the collective organization.

Whether a request is submitted concurrently or collectively (i.e., as a joint or supportive claim or request), each Indian tribe/group and Native Hawaiian organization with standing that is party to that request will ultimately share legal control of the transferred human remains or objects. However, the University is obliged under NAGPRA regulations and National NAGPRA Office guidelines to retain possession of any collection(s) until such time as the requesting parties reach a mutual agreement on who should take possession of the transferred collection(s) (43 C.F.R. § 10.11(b)(5) and § 10.15(2)).

In the interest of preserving an amicable and efficient process, Indian tribes/groups and Native Hawaiian organizations seeking the repatriation or disposition of a collection, either concurrently or collectively, are encouraged to negotiate and finalize among themselves, consistent with priorities established by the regulations, how the transfer of possession should occur and should formally communicate their decisions to University officials.

Disaggregating a Joint or Supportive Claim or Request

All federally recognized Indian tribes and Native Hawaiian organizations are sovereign entities. As such, the University, in accordance with National NAGPRA Office guidelines and federal regulations, is obliged to solicit and respect the independent decisions of each Indian tribe or Native Hawaiian organization within the process. Joint claims and requests (i.e., Indian tribes and Native Hawaiian organizations co-signing a document) and supportive claims and requests (i.e., Indian tribes and Native Hawaiian organizations submitting letters in support of a lead claimant or requestor) are permissible under NAGPRA regulations. This includes Indian tribes and Native Hawaiian organizations requesting that institutions, such as the University of Michigan, work with tribal or regional consortia of which they are members and may have submitted a joint or supportive claim or request. While the University cannot ultimately transfer any collections to a consortium, it can work with a consortium if it is the official and express desire of its individual members.

Since Indian tribes and Native Hawaiian organizations are sovereign entities, the University recognizes that it is their prerogative to join or withdraw from a consortium (or any other working relationship) that they establish with other Indian tribes and Native Hawaiian organizations. In the event that an Indian tribe or Native Hawaiian organization withdraws from a consortium (or any other working relationship) after that collective has submitted a joint or supportive claim or request, the University is obliged to respect the individual Indian tribe's or Native Hawaiian organization's decision as a sovereign entity.

Having noted these principles, from a procedural standpoint, when an Indian tribe or Native Hawaiian organization withdraws from a collective, the University will separate the lines of communication and coordination between the Indian tribes and Native Hawaiian organizations continuing to work together within the joint or supportive claim or request, and the individual Indian tribe or Native Hawaiian organization that has withdrawn itself. The withdrawing party will then be asked to submit the following documents:

1. An official statement (i.e., on tribal letterhead), signed by an authorized tribal official, stating that their Indian tribe or Native Hawaiian organization has withdrawn.
2. An official statement from the governing authority of the Indian tribe or Native Hawaiian organization confirming their withdrawal. (This can be a copy of a Tribal Council resolution, signed letter from a Chair/President, etc.)

3. An independent claim or request for the repatriation or disposition of those collections for which their Indian tribe or Native Hawaiian organization has standing (should they wish to pursue this matter on their own).

Withdrawing members will no longer receive communications regarding the joint or supportive claims or requests of which they were formerly a part. They will also be expected to conduct their own consultations and communications should they wish to continue to pursue repatriations and dispositions on their own. Any joint or supportive claims and requests from which parties withdraw will remain active unless or until all parties formally withdraw their support. The University reserves the right to verify each party's participation in, or withdrawal from, any collective claims, requests, or actions.

B. Determining Standing

For purposes of repatriation or disposition, the University must consult with any parties that have standing to file a claim or request according to the guidelines provided in the federal regulations (see 43 C.F.R. §§ 10.8, 10.9, 10.10, 10.11, and 10.14). Those parties that must be consulted include:

1. Lineal descendants, when known.
2. Officials and traditional religious leaders representing Indian tribes/groups or Native Hawaiian organizations:
 - a. From whose tribal lands, at the time of removal, the object(s) or collection(s) were removed.
 - b. That are, or are likely to be, culturally affiliated with the object(s) or collection(s).
 - c. From whose aboriginal lands the object(s) or collection(s) were removed.

The University has used the National NAGPRA Office's sources for 43 C.F.R. § 10.11 to determine baseline criteria for "aboriginal" land status. These sources include:

1. National NAGPRA Office's Native American Consultation Database (<http://grants.cr.nps.gov/nacd/index.cfm>).
2. "Indian Land Areas Judicially Established (Map and Index)," created from Indian Claims Commission and United States Court of Claims decisions (<http://www.cr.nps.gov/nagpra/DOCUMENTS/ClaimsMAP.htm>).
3. "Indian Land Cessions, 1784-1894/Land Cession Treaties and Executive Orders (spreadsheets)," created from the schedule and maps of Charles Royce (http://www.cr.nps.gov/nagpra/onlinedb/land_cessions/index.htm).
4. Schedule and Maps of Charles Royce, *Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-1897* (<http://memory.loc.gov/ammem/amlaw/lwss-ilc.html>).

5. Charles J. Kappler, ed. and comp., *Indian Affairs: Laws and Treaties* (<http://digital.library.okstate.edu/kappler>).

Note: In 2013, the National NAGPRA Office updated its notice templates to reflect the following changes in the criteria used to establish tribal and aboriginal land status:

Old Guidelines: Independent and supplemental research and sources can also be used to substantiate tribal or aboriginal land status. These sources can include any of those listed in the NAGPRA regulations—geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, historical, or other relevant information or expert opinion. Tribal or aboriginal land status based upon supplemental research and sources will be reviewed using the threshold set forth in the NAGPRA regulations (i.e., proven by a “preponderance of the evidence” or “more likely than not”).

New Guidelines: Independent and supplemental research based on government documents (e.g., colonial era treaties, etc.) can also be used to substantiate tribal or aboriginal land status.

C. References to Non-federally Recognized Indian Groups and Their Status

Under NAGPRA, federally recognized Indian “tribes” are distinguished from non-federally recognized “groups.” The University is required to conduct consultations with federally recognized Indian tribes for purposes of repatriation or disposition. However, federal regulations neither require nor prohibit consultation with non-federally recognized groups. Moreover, federal regulations do require that non-federally recognized groups proceed according to a special set of procedures should they wish to seek the repatriation or disposition of objects, collections, or portions of collections (43 C.F.R. § 10.11(c)(2)(ii)(A)).

The University has previously worked with non-federally recognized groups on projects that have not been directly related to NAGPRA. These activities have resulted in positive relations and given the University an appreciation of the identities and histories of non-federally recognized groups. The University will continue to strive to cultivate these relationships with non-federally recognized groups; however, within the framework of NAGPRA and its implementing regulations, federally recognized tribes are given legal primacy. In light of this fact, and in an effort to promote an efficient transfer process, the University will observe the following guidelines:⁴

1. Regarding consultation, the National NAGPRA Office’s website and published commentaries state, “Museums, if they wish, may consult with non-federally recognized tribes on any human remains or objects. However, because NAGPRA requires Federal agencies to consult government-to-government with federally recognized tribes, it may be difficult for Federal agencies to include non-federally recognized tribes in NAGPRA consultations. Therefore,

⁴ For more details on the status and rights of non-federally recognized groups, and to reference the quotations used in Section V, subsection C of this document, consult the National NAGPRA Office’s website (<http://www.nps.gov/nagpra/INDEX.HTM>), and NAGPRA amendments and supplementary information published in the *Federal Register*.

NAGPRA does not require Museums and Federal agencies to consult with non-federally recognized groups.”

As a matter of course, the University will pursue consultation with federally recognized tribes and Native Hawaiian organizations exclusively.

The University does understand that there may be instances in which federally recognized tribes and Native Hawaiian organizations with standing wish to work cooperatively with non-federally recognized groups. In those instances, the University will allow the representatives of non-federally recognized groups, if they so choose, to invite non-federally recognized groups to participate in their consultation(s). However, the University will accept claims and requests for repatriation or disposition only from federally recognized tribes and Native Hawaiian organizations. Additionally, the University will include only federally recognized tribes and Native Hawaiian organizations in its federal notices. Finally, the University will grant a formal transfer of control and possession for NAGPRA-eligible objects or collections in its custody only to federally recognized tribes and Native Hawaiian organizations.

2. Regarding claims and requests for repatriation or disposition, the National NAGPRA Office’s website and published commentaries state, “Barring cases in which a known lineal descendant can be determined, only Indian tribes, Native Alaskan villages or corporations⁵ and Native Hawaiian organizations may claim human remains or objects. However, the National NAGPRA Review Committee has recognized that there are some cases in which non-federally recognized tribes may be appropriate claimants. Museums and Federal agencies that wish to return Native American human remains and objects to non-federally recognized tribes must make a request for review of a proposed repatriation or disposition to the National NAGPRA Review Committee.”

If, during a consultation with federally recognized Indian tribes or Native Hawaiian organizations, any objects or collections appear to be definitively and exclusively affiliated with a non-federally recognized group, the University will review a repatriation or disposition request submitted by that non-federally recognized group. If the University believes the request has been substantiated, it may file for permission from the Secretary of Interior to transfer the objects or collections to the non-federally recognized group.

3. Within the context of the University’s NAGPRA policies, the definitions for Indian tribe official (43 C.F.R. § 10.2 (b)(4)) and traditional religious leader (43 C.F.R. § 10.2 (d)(3)(i)-(ii)) will also be construed so as to apply to those representatives from non-federally recognized groups who have been invited to participate in a consultation by a federally recognized tribe.

⁵ The U.S. Department of Interior and National NAGPRA Office have proposed revisions to 43 C.F.R. § 10.2 to eliminate the status of Alaskan corporations from the definition of “Indian tribe.” The University’s policy definition will follow any final changes in this regard.

D. The Repatriation and Disposition Submission Process

Lineal descendants and Indian tribe officials can submit formal claims of cultural affiliation to, and requests for the repatriation of, cultural objects—unassociated funerary objects, sacred objects, and objects of cultural patrimony—and human remains (with associated funerary objects) currently held as part of the University's collections. Indian tribe officials can also submit formal requests for the disposition of culturally unidentified human remains and associated funerary objects currently held as part of the University's collections. All claims and requests will be processed pursuant to federal regulations described in "Summaries," "Inventories," "Repatriation," and "Disposition" (see 43 C.F.R. §§ 10.8, 10.9, 10.10, 10.11, and 10.14).

1. Claims of Affiliation and Requests for Repatriation or Disposition: Claims and requests are differentiated within the NAGPRA process and will be approached as follows:

- a. Claims are assertions of kin or cultural affiliation to a particular object, collection, or portion of a collection.

Successful claims will result in a determination of cultural affiliation and will lead to requests for repatriation. Although federal regulations present claims and requests as two distinct documents within the repatriation process, the University will pursue repatriation with successful claimants as a matter of course.

If, after a filing claimant has established its cultural affiliation, there are any additional Indian tribes or Native Hawaiian organizations that also appear to share cultural affiliation with particular objects or collections, but that have not previously consulted or been invited to consult with the University, they will be contacted and given an opportunity to consult and/or file their own request for repatriation.

The University will pursue repatriation directly in cases where it has voluntarily decided to return a particular object, collection, or portion of a collection to the lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s) it has determined to be most appropriate.

- b. Requests are submitted for either:
 - i. The repatriation of kin or culturally affiliated human remains (with associated funerary objects, if any) and cultural objects.
 - ii. The disposition of culturally unidentified human remains (with associated funerary objects, if any).
- c. The University's summaries and inventories will be disseminated to the appropriate lineal descendants (if known), Indian tribes/groups, and Native Hawaiian organizations as a means of soliciting consultations under NAGPRA. Lineal descendants and Indian tribe officials can submit claims and requests after reviewing these summaries and

inventories, thereby formally engaging the University in the NAGPRA consultation process.

- d. All claims and requests should be submitted to the OVPR's NAGPRA Project Manager.
2. Summaries and Inventories: All collections-holding units at the University are required to generate and maintain summaries and inventories in accordance with NAGPRA law and regulations.
- a. Summaries of cultural objects serve in lieu of an object-by-object inventory. The purpose of a summary is to provide information about the University's collections to Indian tribes/groups or Native Hawaiian organizations that may wish to file claims of cultural affiliation to, and requests for the repatriation of, such cultural objects.
 - b. Inventories of human remains (with associated funerary objects) are comprised of two separate documents:
 - i. A listing of all human remains and associated funerary objects that are identified as being, or that are likely to be, culturally affiliated with one or more present-day Indian tribes/groups or Native Hawaiian organizations. The list must indicate for each collection of human remains and associated funerary objects (if any) whether cultural affiliation is clearly determined or likely based upon a preponderance of the evidence; and
 - ii. A listing of all culturally unidentifiable human remains and associated funerary objects for which no culturally affiliated present-day Indian tribes/groups or Native Hawaiian organizations can be determined.
 - c. Copies of the most-current summaries and inventories will be kept on file at the Museum (or collections-holding unit) and the OVPR with the NAGPRA Project Manager. These documents will also be filed with the National NAGPRA Office as required. (For further information regarding summaries and inventories, see 43 C.F.R. §§ 10.8, 10.9, and Appendix to Part 10—Sample Summary.)
3. Compiling Contact Directories: OVPR's NAGPRA Project Manager will generate and maintain contact directories for all lineal descendants, Indian tribes/groups, and Native Hawaiian organizations with whom the University seeks consultation or has consulted. The University may request and keep on file, as needed, the following information from these parties:
- a. Names and addresses of family members or Indian tribe officials who will act as representatives in consultations related to collections;
 - b. Recommendations on how the consultation process should be conducted, including:
 - i. Names and appropriate methods to contact any lineal descendants, if known, of individuals whose cultural objects or human remains are included in the summary or inventory;
 - ii. Names and appropriate methods to contact any traditional religious leaders that the

Indian tribe/group or Native Hawaiian organization thinks should be consulted regarding collections; and

- iii. Kinds of cultural items that the Indian tribe/group or Native Hawaiian organization considers to be funerary objects, sacred objects, or objects of cultural patrimony.
 - c. The University will require the appropriate governing authority of an Indian tribe/group or Native Hawaiian organization to provide written authorization for its NAGPRA designee(s). In those instances where an Indian tribe/group or Native Hawaiian organization does not have an authorized NAGPRA designee or designees, or the authorization for the NAGPRA designee(s) is no longer current, the University will solicit decisions and signatures from the Indian tribe's/group's or Native Hawaiian organization's governing authority (e.g., Chair, Tribal Council, etc.).
4. Conducting Tribal Consultations: The University will initiate consultations regarding any object, collection, or portion of a collection with potential lineal descendants, as well as Indian tribes/groups or Native Hawaiian organizations determined to have standing to submit a claim or request.

Typically, as an exercise in due diligence with regard to NAGPRA compliance, the University will repeat the process of disseminating information to solicit consultations at least bi-annually, and will highlight any new or updated data.

- a. OVPR will initiate consultations on behalf of the University. The NAGPRA Project Manager will coordinate OVPR's effort to draft letters and disseminate copies of the University's summaries and inventories, including any subsequent updates, to the following parties as appropriate:
 - i. Lineal descendants, when known.
 - ii. Officials and traditional religious leaders representing Indian tribes/groups or Native Hawaiian organizations:
 - a. From whose tribal lands, at the time of removal, the object(s) or collection(s) were removed.
 - b. That are, or are likely to be, culturally affiliated with the object(s) or collection(s).
 - c. From whose aboriginal lands the object(s) or collection(s) were removed.
 - iii. The National NAGPRA Office.
- b. Any lineal descendant(s) or Indian tribe official(s) interested in consulting on a particular object, collection, or portion of a collection must complete a copy of the University's NAGPRA Consultation Visit Request Form and submit it to the OVPR's NAGPRA Project Manager no later than three weeks before the desired consultation date to allow sufficient time for consultation preparations.

After receiving the form, the NAGPRA Project Manager will coordinate consultation arrangements between the Museum's NAGPRA Collections Staff and the lineal

descendant(s) and Indian tribe official(s) requesting consultation. This coordination process will be carried out in writing⁶ or by telephone, and will culminate, ideally, in a face-to-face consultation or, by mutual agreement, a “virtual consultation” (i.e., live videoconference (e.g., Skype), teleconference, etc.) between the lineal descendant(s) or Indian tribe official(s) and University representatives.

- i. OVPR will oversee the entire consultation process. The NAGPRA Project Manager will moderate the consultations as the Museum’s NAGPRA Collections Staff (or appropriate personnel from the collections-holding unit) assist the lineal descendants or Indian tribe officials reviewing the collections. The consultation visit may also include introductory and informational meetings with the Director of the Museum (or head of the pertinent collections-holding unit), other Curators as appropriate, and representatives of OVPR and LSA.
- ii. OVPR will secure a note taker to record the minutes of the consultation. Following a consultation visit, OVPR will review and file the minutes as part of the University’s NAGPRA records. A copy will also be provided to the Museum (or other collections-holding units) for their records, and to the lineal descendants or Indian tribe officials involved in the consultation.
- iii. The NAGPRA Project Manager will provide, in writing, all consulting lineal descendants, Indian tribes/groups, and Native Hawaiian organizations with the information specified in 43 C.F.R. §§ 10.8(d)(3), 10.9(b)(3), and 10.11(b)(3). (This information will be updated as necessary, with consulting parties receiving the updated information until the University issues a transfer of control for the particular object(s) or collection(s) under consultation.) Likewise, the NAGPRA Project Manager will request from all consulting lineal descendants, Indian tribes/groups, and Native Hawaiian organizations the information specified in 43 C.F.R. §§ 10.8(d)(4), 10.9(b)(4), and 10.11(b)(4). The request will be documented. If no response is received, the lack of response will likewise be documented.

All lineal descendants, Indian tribes/groups, and Native Hawaiian organizations requesting consultations will be given an opportunity to schedule and conduct their desired consultations. The University will work with Indian tribe officials to make sure that these requests for consultation are completed in a timely manner. However, the University is not required to consult with every lineal descendant, Indian tribe/group, and Native Hawaiian organization before moving forward in the repatriation or disposition process. Moreover, in the event that there are lineal descendants, Indian tribes/groups, and Native Hawaiian organizations that have not responded to the University’s attempt(s) to initiate consultation with them, the University will proceed with drafting and publishing a notice of intent to repatriate or notice of inventory completion (leading to a disposition), as appropriate, once all requested consultations have been completed. Lineal descendants, and those Indian tribes/groups and Native Hawaiian organizations with standing, that have not consulted or that have not requested a consultation will still be kept apprised of the repatriation or disposition process as it evolves so that they may exercise their rights accordingly.

⁶ All references to “written” communications or communications made “in writing” throughout this document should be understood so as to include either hard copy or email.

As the repatriation or disposition process moves forward, any potential lineal descendants, or Indian tribes/groups and Native Hawaiian organizations with standing, can still request a consultation. Requests for consultation will be honored until the federally assigned deadline is reached on a notice of intent to repatriate or notice of inventory completion. (For further details regarding the consultation and transfer processes, as well as the various deadlines throughout, see subsection E, 6-7, below.)

- c. Requests for Information: Upon request from a member of those parties referenced below (see i. a. i.-ii.), the University will provide access to records, catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of objects covered by a summary or inventory.
 - i. All requests for information should be directed or forwarded to OVPR's NAGPRA Project Manager, who will coordinate communications efforts and negotiate access to this information in a reasonable manner agreed to by all parties.
 - a. Requested information will be made available to the following parties as appropriate:
 - i. Potential claimants and requestors.
 - ii. The National NAGPRA Office.
 - b. Information will be photocopied and mailed or emailed when feasible and appropriate. Otherwise, an in-person or "virtual" consultation visit will be arranged.
- 5. Submitting Claims and Requests: All formal claims of cultural affiliation to, and requests for the repatriation or disposition of, human remains (with associated funerary objects, if any) or cultural objects must be specific. Claims and requests must include a description of the collection(s) along with the Museum's (or collections-holding unit's) accession number(s), catalog number(s), and other relevant reference data. (The required reference data should be available in the University's summaries or inventories. The NAGPRA Project Manager can also assist in obtaining these data for prospective claimants or requestors.)

Blanket claims or requests for broad categories of collections will not be recognized as formal or legitimate. However, Indian tribes and Native Hawaiian organizations are permitted and encouraged to submit inclusive requests for the repatriation or disposition of collections of human remains (and associated funerary objects, if any) from all states and counties where they have standing.

OVPR's NAGPRA Project Manager will send written responses to claimants or requestors regarding the status of all formal claims or requests within ninety (90) days of receiving the claim or request.

- a. All formal claims of kin or cultural affiliation should contain the following elements:

- i. A completed copy of the University's NAGPRA Claim and Request Form (a sample of this form is provided in Appendix 1 of this document) or cover letter from the lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s) stating what specific collection(s) they are pursuing (including any noted or appended reference data) and the basis for their claim:
 - a. For human remains and associated funerary objects, the basis must be an assertion of lineal descent or cultural affiliation.
 - b. For cultural objects, the basis must be an assertion that a given object falls under one of the categories defined in the regulations—unassociated funerary object, sacred object, or object of cultural patrimony.
 - ii. For jointly filed claims, a completed copy of the University's Supplemental Signature Page for Jointly Filed Claims and Requests. (See Section V, subsection A of this document for more details on jointly filed claims. A sample of this form is provided in Appendix 1 of this document.)
 - iii. For Indian tribe officials, a statement on tribal letterhead from the governing authority of the Indian tribe/group or Native Hawaiian organization that authorizes the official(s) to handle NAGPRA-related matters on behalf of the indigenous community (if a prior designation is out-of-date or none is already on file).
- b. All formal requests for repatriation or disposition should contain the following elements:
- i. A completed copy of the University's NAGPRA Claim and Request Form (a sample of this form is provided in Appendix 1 of this document) or cover letter from the Indian tribe(s)/group(s) or Native Hawaiian organization(s) stating what specific collection(s) they are pursuing (including any noted or appended reference data) and the basis for their request.
 - a. For repatriation requests, the bases include:
 - i. A substantiated claim of kin or cultural affiliation; or
 - ii. A determination of kin or cultural affiliation that the University arrived at independently or in consultation with lineal descendants or Indian tribal officials.
 - b. For disposition requests, the bases include:
 - i. Tribal or aboriginal standing as determined by the National NAGPRA Office's baseline criteria; or

- ii. Tribal or aboriginal standing as substantiated by original research and accepted by the Vice President for Research (see Section V, subsection B of this document for more details).
 - ii. For jointly filed requests, a completed copy of the University's Supplemental Signature Page for Jointly Filed Claims and Requests. (See Section V, subsection A of this document for more details on jointly filed requests. A sample of this form is provided in Appendix 1 of this document.)
 - iii. For Indian tribe officials, a statement on tribal letterhead from the governing authority of the Indian tribe/group or Native Hawaiian organization that authorizes the official(s) to handle NAGPRA-related matters on behalf of the indigenous community (if a prior designation is out-of-date or none is already on file).
- c. Evidence of kin or cultural affiliation:

- i. Kin Affiliation: Evidence must be submitted, ideally in the form of a fully documented genealogical report, that substantiates there is a kin affiliation between the claimant(s) and the collection(s) being claimed.

Criteria for determining lineal descent (43 C.F.R. § 10.14(b)): A lineal descendant is an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian tribe or Native Hawaiian organization or by the common law system of descent to a known Native American individual whose remains, funerary objects, or sacred objects are being requested under these regulations. This standard requires that the earlier person be identified as an individual whose descendants can be traced.

- ii. Cultural Affiliation: Evidence should be submitted, ideally in the form of a fully documented research report, that substantiates there is a cultural affiliation between the claimant(s) and the collection(s) being claimed.

Evidence substantiating cultural affiliation may also be collected and recorded during the consultation process. In the event that University and tribal representatives believe cultural affiliation could be substantiated based upon information contained in the Museum's records and information provided by tribal consultants, the NAGPRA Project Manager will ask tribal representatives if they would like to pursue the cultural affiliation of the site collection(s). If so, the NAGPRA Project Manager, with the assistance of the Museum's NAGPRA Staff and tribal consultants (as needed), will assemble and outline the data, in brief, for review by the Museum (or pertinent collections-holding unit) and the University's NAGPRA Advisory Committee. An evaluation of the evidence of cultural affiliation will then proceed in accordance with Section V, subsection E of this document.

Criteria for determining cultural affiliation (43 C.F.R. § 10.14(c)): Cultural affiliation means a relationship of shared group identity that may be reasonably traced historically or prehistorically between a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group. All of the following requirements must be met to determine cultural affiliation between a present-day Indian tribe or

Native Hawaiian organization and the human remains, funerary objects, sacred objects, or objects of cultural patrimony of an earlier group:

- a. Existence of an identifiable present-day Indian tribe or Native Hawaiian organization with standing under NAGPRA and its implementing regulations; and
- b. Evidence of the existence of an identifiable earlier group. Support for this requirement may include, but is not necessarily limited to, evidence sufficient to:
 - i. Establish the identity and cultural characteristics of the earlier group,
 - ii. Document distinct patterns of material culture manufacture and distribution methods for the earlier group, or
 - iii. Establish the existence of the earlier group as a biologically distinct population; and
- c. Evidence of the existence of a shared group identity between the present-day Indian tribe or Native Hawaiian organization and the earlier group. Evidence to support this requirement must establish that a present-day Indian tribe or Native Hawaiian organization has been identified from prehistoric or historic times to the present as descending from the earlier group.

E. Evaluating Claims and Requests for Repatriation or Disposition

After OVPR accepts a claim, it will undergo an evaluation process to determine whether the University believes there is sufficient evidence to determine kin or cultural affiliation.

1. Evaluation of all claims, whether they involve human remains (with associated funerary objects, if any) or cultural objects, will utilize the following types of evidence and standard of proof:
 - a. Types of Evidence:
 - i. As provided in the regulations, evidence of a kin or cultural affiliation between a present-day individual, Indian tribe, or Native Hawaiian organization and human remains, funerary objects, sacred objects, or objects of cultural patrimony must be established using the following types of evidence: Geographical, kinship, biological, archaeological, anthropological, linguistic, folklore, oral tradition, historical, or other relevant information or expert opinion.
 - ii. During review, the University may request additional information to clarify or bolster a claim. The responsibility to provide such evidence in support of a claim rests with the claimants. All information given to the University in support of the claim will be held confidential unless otherwise required by law.
 - b. Standard of Proof:
 - i. Lineal descent of a present-day individual from an earlier individual and cultural

affiliation of a present-day Indian tribe or Native Hawaiian organization to human remains, funerary objects, sacred objects, or objects of cultural patrimony must be established by a preponderance of the evidence. Claimants do not have to establish kin or cultural affiliation with scientific certainty.

- ii. A finding of kin or cultural affiliation will be based upon an overall evaluation of the totality of the circumstances and evidence pertaining to the connection between the claimant and the collection(s) being claimed. Such a finding will not be ruled out solely because of some gaps in the record.
2. Evaluations of claims involving cultural objects must also utilize the following criteria (pursuant to 43 C.F.R. § 10.10(a)):
- a. The object meets the definitions established in 43 C.F.R. § 10.2(d)(2)(ii), (d)(3), or (d)(4); and
 - b. The cultural affiliation of the object is established:
 - i. Through the summary, consultation, and notification procedures in 43 C.F.R. § 10.14 of the NAGPRA regulations; or
 - ii. By presentation of a preponderance of the evidence by a requesting Indian tribe or Native Hawaiian organization pursuant to Section 7(c) of the Act; and
 - c. The known lineal descendant, or culturally affiliated Indian tribe or Native Hawaiian organization, presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the University does not have a right of possession to the objects as defined in 43 C.F.R. § 10.10(a)(2); and
 - d. The University is unable to present evidence to the contrary proving that it does have a right of possession as defined in 43 C.F.R. § 10.10(a)(2); and
 - e. None of the specific exceptions listed in 43 C.F.R. § 10.10(c) applies.
3. The evaluation process for claims shall consist of the following steps:
- a. OVPR's NAGPRA Project Manager will create a file to amass documents related to the claim, and record its progress. The NAGPRA Project Manager will then forward the claim to the Museum (or pertinent collections-holding unit) for review and initial evaluation, while also notifying the NAGPRA Advisory Committee about the claim that has been filed.
 - b. The Museum will prepare a report evaluating the claim according to the aforementioned evidence, standards, and guidelines described in the NAGPRA regulations. The report shall include an assessment as to whether the Museum believes there is sufficient evidence to support a claim of kin or cultural affiliation to a particular collection or portion of a collection. The report will also include a description of the process that was used to evaluate the evidence in support of the claim and the reasons why the Museum arrived at its conclusion.
 - i. If the conclusion is that there is sufficient evidence to substantiate a claim of kin or

cultural affiliation, the Museum will recommend that the claim proceed in accordance with steps 5-7 of the "Evaluating Claims and Requests for Repatriation or Disposition" process as described below.

- ii. If the conclusion is that there is insufficient evidence to substantiate a claim of kin or cultural affiliation, the Museum will agree to re-evaluate the claim if and when the claimant(s) submitted additional evidence.
 - iii. If possible, the Museum will provide specific advice as to what kinds of evidence would be most useful in substantiating the claim.
- c. The Museum will then send its report to OVPR for review. The Vice President for Research will provide a copy of the report to the NAGPRA Advisory Committee and will decide whether to accept the Museum's evaluation or charge the Committee to review the Museum's evaluation and offer a recommendation. The Committee will be free to solicit additional information, expert opinion, etc. in the course of its review. The Committee will provide a written recommendation to the Vice President for Research.
- d. The Vice President for Research will render a final determination on behalf of the University and report the outcome to the claimant(s). The Vice President for Research may use the Museum's report and/or the NAGPRA Advisory Committee's report, in excerpted or attached form, when communicating a final determination to the claimant(s).
- i. If the outcome is that there is sufficient evidence to substantiate a claim of kin or cultural affiliation, the University will initiate steps toward completing the repatriation process in a timely manner.
 - ii. If the outcome is that there is insufficient evidence to substantiate a claim of kin or cultural affiliation, the University will communicate to the claimant(s) the reasons for this determination and extend an offer to re-evaluate the claim if and when the claimant(s) submit(s) additional evidence.
 - iii. Additionally, if the outcome is that there is insufficient evidence to substantiate a claim of kin or cultural affiliation, the University will communicate to the claimant(s) that they could pursue disposition of the collection(s) under 43 C.F.R. § 10.11 (if the particular collection(s) being claimed were human remains and associated funerary objects) or pursue the University's determination with the National NAGPRA Review Committee.
4. Evaluating Requests: After OVPR accepts a request, it will undergo an evaluation process to determine whether the request is valid. This process includes:
- a. For repatriations, verifying that the University has determined that the requesting lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s) have been affiliated to the object(s) or collection(s) through kin or culture.
 - b. For dispositions, verifying that the requesting Indian tribe(s)/group(s) or Native Hawaiian organization(s) have standing to submit a request for disposition of the collection(s) being pursued, and verifying that consultations did not result in a

determination of kin or cultural affiliation of collection or portion of a collection that had been previously classified as culturally unaffiliated. (If consultation did result in a determination that human remains and associated funerary objects previously determined to be culturally unidentifiable are actually related to a lineal descendant, or culturally affiliated with an Indian tribe/group or Native Hawaiian organization, the notification and repatriation of the human remains and associated funerary objects should be completed pursuant to 43 C.F.R. § 10.9(e) and § 10.10(b), and step 7 of the “Evaluating Claims and Requests for Repatriation or Disposition” process as described below).

5. Final Determination on Claims and Requests: The Vice President for Research will make all final determinations regarding claims and requests for repatriation and disposition. In the event that the publication of a notice of intent to repatriate or notice of inventory completion results in additional claims or requests from lineal descendants, Indian tribes/groups, or Native Hawaiian organizations, all interested parties will be informed of the developments. These matters will be resolved in accordance with NAGPRA regulations, and University policy and procedures.
6. Notification: Once the Vice President for Research has determined that a claim or request is based on sufficient evidence to warrant repatriation or disposition, the NAGPRA Project Manager will coordinate the process of notification pursuant to 43 C.F.R. §§ 10.8(f), 10.9(e), and 10.10(a)(3) and (b)(2).
 - a. The Museum’s NAGPRA Collections Staff will draft the initial version of the notice of intent to repatriate (for cultural objects) or notice of inventory completion (for human remains and associated funerary objects).
 - b. All notices will be forwarded to the OVPR and the NAGPRA Project Manager for review and approval.
 - c. Before submission to the National NAGPRA Office, the NAGPRA Project Manager will forward the notice to the appropriate lineal descendant(s) or Indian tribe official(s) who had participated in consultations with the University, advising them that they have 10 business days as courtesy period to review the text. If the National NAGPRA Office returns a notice to the University with edits to its content, the University will forward the edited notice to the lineal descendant(s) or Indian tribe official(s) who had participated in consultations with the University, advising them that they have 5 business days as a courtesy period to review the text. Any reasonable concerns with respect to the content of a notice will be negotiated, with the University making any final determinations. Once the NAGPRA Project Manager receives written assent regarding the content of a notice, or the 10-business day courtesy review period has expired, the OVPR will submit the notice to the National NAGPRA Office for publication in the *Federal Register*.

7. Repatriation or Disposition: The following sequence of activities will be observed to facilitate and complete the transfer of all objects or collections approved for repatriation or disposition:
- a. Publication of Notices: The Manager of the National NAGPRA Office must publish the notice of intent to repatriate (for cultural objects) or notice of inventory completion (for human remains and associated funerary objects) in the *Federal Register*. Repatriation or disposition may not occur until at least thirty (30) days after publication of the requisite notice.
 - i. Absent extraordinary circumstances, the University will transfer control of collections and/or objects as soon as allowable. Thus, transfers of control will be made on day 31 after the *Federal Register* publication.
 - ii. The University's intent to transfer control on day 31 effectively establishes a "deadline" for Indian tribes/groups and Native Hawaiian organizations not listed as having standing in the *Federal Register* notice to request standing or for Indian tribes/groups and Native Hawaiian organizations with standing to declare an interest in sharing control of the collections and/or objects and be involved in the transfer of possession process.
 - b. Notification of Consultation Request "Deadline:" The NAGPRA Project Manager will notify any potential lineal descendants, Indian tribes/groups, and Native Hawaiian organizations that are eligible to consult, but that have not yet requested a consultation, that they must submit their request for consultation by the end of the federally assigned deadline notice period recorded in the published notice of intent to repatriate or notice of inventory completion. All requests must be made in writing and received no later than the end of the working day (5 P.M. EST) on the date of the "deadline" (i.e., day 30 of the 30-day public notification period).
 - i. Once control is transferred (typically on day 31), the University will not accept any additional requests for consultation.
 - ii. Likewise, once control is transferred, the University will not accept any evidence from potential lineal descendants, Indian tribes/groups, or Native Hawaiian organizations attempting to substantiate kin or cultural affiliation to the particular object(s) or collection(s), or substantiate tribal or aboriginal land status within the state and county from which the particular object(s) or collection(s) originated.
 - c. Transfers of Control and Possession Procedures: The following sequence of activities will be observed to facilitate and complete transfers of control and possession:
 - i. The NAGPRA Project Manager will notify any lineal descendants, Indian tribes/groups, and Native Hawaiian organizations that are eligible to request the

repatriation or disposition of the particular object(s) or collection(s), but that have not yet done so, that they must submit their request by the day of the notice of intent to repatriate or notice of inventory completion deadline expires if they wish to be included among those parties sharing in the transfer of control. All requests must be made in writing and received no later than the end of the working day (5 P.M. EST) on the date of the “deadline” (i.e., day 30 of the 30-day public notification period).

- a. Any eligible lineal descendant, Indian tribe/group, or Native Hawaiian organization can request to be included as one of the requestors regardless of whether they have consulted or want to conduct a consultation on the particular object(s) or collection(s) being transferred. Thus, the University will honor the request of any eligible party to be included as one of the requestors if the request is made in writing and received no later than the end of the working day (5 P.M. EST) on the date of the “deadline” (i.e., day 30 of the 30-day public notification period).
 - b. The NAGPRA Project Manager will notify the requesting lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s) if the University receives any competing or concurrent claims or requests regarding the particular object(s) or collection(s) prior to the transfer of control of a particular object or collection.
 - c. All claims and requests for repatriations will be treated as concurrent unless or until the filing lineal descendants or Indian tribe officials state that they want them treated as competing. All requests for dispositions will be treated as concurrent.
- ii. On the day after the notice of inventory completion deadline expires, the University will issue a Transfer of Control document to the requesting lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s)—hereafter referred to as “Tribal Controller(s)” —for the particular object(s) or collection(s). (For a sample draft of this document, see Appendix 5.) In cases of multiple requesting parties, each Tribal Controller will receive its own Transfer of Control document, as all requesting parties will share equally in the legal control of the particular object(s) or collection(s). It should be noted that only Tribal Controllers will be involved in the discussions surrounding the subsequent transfer of possession between the University and the requesting parties.
- a. Pursuant to 43 C.F.R. § 10.10(e), the University’s Transfer of Control document will contain a statement informing the recipients of any presently known treatment of the human remains, funerary objects, sacred objects, or objects of cultural patrimony with pesticides, preservatives, or other substances that

represent a potential hazard to the collection(s) or to persons handling the collection(s).

- iii. Following the transfer of control, the OVPR and its NAGPRA Project Manager will initiate and help coordinate the transfer of possession process between the Museum and the Tribal Controller(s).
 - a. For transfers involving an individual lineal descendant/family, Indian tribe/group, or Native Hawaiian organization, the OVPR and its NAGPRA Project Manager will coordinate the date, place, and manner of the transfer of possession between the Museum's NAGPRA Collections Staff and the lineal descendant(s), family representative(s), or Indian tribe official(s), as appropriate, pursuant to 43 C.F.R. § 10.10(d). This includes those procedures as described in steps iv.-v. below.
 - b. For transfers involving multiple lineal descendants, Indian tribes/groups, or Native Hawaiian organizations, the NAGPRA Project Manager will send each Tribal Controller a letter that will confirm the particular object(s) or collection(s) to be transferred as well as the names of the lineal descendants, Indian tribes/groups, and Native Hawaiian organizations sharing control of the particular object(s) or collection(s) being transferred. Additionally, this letter will ask the Tribal Controllers to identify and mutually agree to an individual or individuals who will accept the transfer of possession of particular objects or collections on their behalf (hereafter referred to as the "Transfer Recipient(s)").
 - i. The University expects the Tribal Controllers to discuss and resolve the matter of identifying and mutually agreeing to the Transfer Recipient(s) on their own. As a courtesy, and in order to facilitate the communication process, the NAGPRA Project Manager will share contact information between requesting lineal descendants and the NAGPRA designees of the Tribal Controllers upon request.
 - ii. All Tribal Controllers must identify and mutually agree to the same Transfer Recipient(s) before the University will move forward in the transfer of possession process. As a means of recording and verifying official decisions, and pursuant to 43 C.F.R. § 10.10 (f), the University requires that each lineal descendant, Indian tribe/group, and Native Hawaiian organization communicate to the NAGPRA Project Manager, in writing, the name(s) and contact information for the Transfer Recipient(s) they have approved.

As a convenience, the University has developed a NAGPRA Transfer Recipient Authorization Form that can be used to identify the Transfer Recipient(s) who will accept the transfer of possession of particular objects and collections. (A sample of this form is provided in Appendix 5 of this

document.) The NAGPRA Transfer Recipient Authorization Form also contains, as a further convenience, the option for individual Tribal Controllers to defer to their fellow Tribal Controllers regarding the selection of the Transfer Recipient(s). Tribal Controllers can defer on select objects or collections to be transferred, or they can defer generally when there are multiple objects or collections to be transferred as part of a broader request for repatriation or disposition. The University respects the right of deferring Tribal Controllers to withdraw their general deferral or to selectively engage in identifying and authorizing the Transfer Recipient(s) for specific objects or collections.

Tribal Controllers are obliged to notify the University, in writing, of any changes in their stance with respect to authorizing the Transfer Recipient(s).

Tribal Controllers are not required to use the University's form when identifying and authorizing the Transfer Recipient(s). However, the University does require that all Tribal Controllers communicate their decisions in writing as a means of recording and verifying official decisions, and pursuant to 43 C.F.R. § 10.10 (f). Moreover, for verification purposes, Tribal Controllers are asked to be specific when identifying the names of the Transfer Recipient(s) and the object(s) or collection(s) to be transferred—i.e., refer to the Transfer Recipient(s) by name and to the object(s) and collection(s) by their Site ID, Site Name, Catalogue #, Accession #, ToC #, or some combination thereof.

Once all of the Tribal Controllers' Transfer Recipient authorization communications have been received and agreement is confirmed, the University will move forward in the transfer of possession process with those individuals named in common. There must be at least one party named in common by all of the Tribal Controllers before the University can move forward with the transfer of possession.

- iii. All objects and collections awaiting transfer of possession will remain in the University's care and custody until such time as the University has written verification from each of the Tribal Controllers that they have identified and come to a mutual agreement on at least one Transfer Recipient.

Tribal Controllers may request access to objects or collections that are awaiting a transfer of possession. The details involved with this access will be arranged on a case-by-case basis. All objects and collections awaiting transfer of possession will not be made available to anyone for any research, teaching, or exhibition purposes without the express, written consent of all of the Tribal Controllers.

- iv. Pursuant to 43 C.F.R. § 10.10(d), the OVPR and its NAGPRA Project Manager will coordinate the date, place, and manner of the transfer of possession with the Museum's NAGPRA Collections Staff and the Transfer Recipient(s) once the latter is identified and approved by the Tribal Controllers.

The OVPR's NAGPRA Project Manager will invite the Museum's NAGPRA Collection Staff and the Transfer Recipient(s) to discuss directly any desired plans and arrangements associated with the transfer of possession process. Ideally, this should include at least one group meeting between the NAGPRA Project Manager, NAGPRA Collections Staff, and Transfer Recipient(s) in person or by teleconference/videoconference (e.g., Skype). However, if such a meeting cannot be made, the Museum's NAGPRA Collections Staff should communicate with the Transfer Recipient(s) by email or telephone to discuss any desired plans and arrangements, keeping the OVPR's NAGPRA Project Manager apprised of all communications and developments.

- a. At any time between the identification and approval of the Transfer Recipient(s) and the scheduled date for the transfer of possession, the Transfer Recipient(s) may ask that the human remains be reintegrated with associated funerary objects and/or DNA-related vials (if any). In this instance, the OVPR and its NAGPRA Project Manager will coordinate and supervise the reintegration process. The NAGPRA Project Manager will coordinate schedules between the Transfer Recipient(s) and the Museum's NAGPRA Collections Staff to select a mutually agreeable date. The University will notify the lineal descendants and Tribal Controllers of the date set for the reintegration process and that they are invited to send representatives to participate or be present.

The University requires that the Transfer Recipient(s) provide a three-week minimal advance notice before reintegration or transfer of possession activities can occur to allow sufficient time for preparations. In the event that a Tribal Controller wishes to change the status(es) of any Transfer Recipient(s) they have authorized, or to authorize additional Transfer Recipients, the Tribal Controller must notify the OVPR's NAGPRA Project Manager, in writing, of their intentions before the scheduled date and time for the transfer of possession. These changes will, under normal circumstances, require that the reintegration and/or transfer of possession date(s) be rescheduled with the Transfer Recipient(s) so as to allow for a sufficient advance notice period, keeping in mind that a minimum of three weeks is typically required.

The NAGPRA Collections Staff and the Transfer Recipient(s) will co-direct the physical reintegration process. Any religious or ceremonial observances will be accommodated when possible and in accordance with policies and procedures described in this document.

- b. Should the Transfer Recipient(s) ask that the requested object(s) or collection(s) be sent to them, the OVPR and its NAGPRA Project Manager will coordinate a mutually agreeable means of shipping. The Museum's NAGPRA Collections Staff will pack the requested object(s) or collection(s), along with any used packing materials (if also requested), in a respectful, professional, and secure manner. The University will honor any specific packing instructions or observances on the part of the requesting lineal descendant(s) or Tribal Requestor(s) when possible and in accordance with policies and procedures described in this document.
- v. The Transfer Recipient(s) will be required to sign a Transfer of Possession receipt upon physical transfer of any object(s), collection(s), or portions of collection(s). (For a sample draft of this document, see Appendix 5.) One, some, or all of the Transfer Recipient(s) may sign this transfer document, thereby accepting the transfer of possession of the object(s), collection(s), or portions of collection(s) on behalf of the Tribal Controller(s). The document will specify the contents of the transfer and the names of the Transfer Recipient(s). The Vice President for Research will sign on behalf of the University. The Transfer Recipient(s) will sign on behalf of the requesting lineal descendants or Tribal Requestors. Additionally, a representative from the OVPR will sign as a witness at the time of the physical transfer of possession. Should there be any authorized parties transporting or delivering the transfer on behalf of the University, these individuals may also be required to sign the Transfer of Possession receipt as a record of their participation in an authorized chain of custody.

The NAGPRA Project Manager will prepare multiple copies of this document with signed originals for: the University's records and each Transfer Recipient signing the document. For transfers involving an individual lineal descendant or Tribal Controller, the copy given to the Transfer Recipient(s) is understood as being given to the requesting lineal descendant, Indian tribe/group, or Native Hawaiian organization. For transfers involving multiple lineal descendants or Tribal Controllers, the NAGPRA Project Manager will send a copy of the signed Transfer of Possession receipt to each of the lineal descendants or Tribal Controllers for their records. The Museum or appropriate collections-holding unit will also receive a copy of the signed Transfer of Possession receipt for their records.

Pursuant to 43 C.F.R. § 10.10(f)(1), the University will generate a record of every repatriation and disposition it effectuates. These files will permanently document the contents, recipients, and processes observed for all repatriations and dispositions. However, in light of 43 C.F.R. § 10.10(f)(2), at the request of the lineal descendant(s) or Indian tribe official(s), the University may take such steps as are considered necessary, to the extent permitted by otherwise applicable law, to ensure that information of a particularly sensitive nature is not made available to the general public.

F. Competing and Concurrent Claims and Requests

If the University of Michigan receives one or more competing or concurrent claims/requests for repatriation, or concurrent requests for disposition, the Vice President for Research will undertake a review of the filings.

1. In the case of competing and concurrent claims/requests for repatriation, the VPR will, in consultation with select experts, advisors, and the University's legal counsel, review the claims/requests to validate whether any or all of them are sufficiently supported by the evidence to substantiate their cultural affiliation and merit repatriation. If multiple claims/requests are found to be valid, the VPR will encourage the filing lineal descendant(s) and/or Indian tribe officials to discuss the matter among themselves in an effort to arrive at a mutually agreeable resolution. Repatriation will then occur in accordance with the procedures described in subsection E, 6-7, above, of this document. If no such resolution is forthcoming, the VPR will, in consultation with the NAGPRA Advisory Committee, select experts, advisors, and the University's legal counsel, attempt to decide which claimant(s)/requestor(s) have presented the most compelling evidence of cultural affiliation, thereby meriting repatriation over their competitor(s). If and when an affirmative decision is reached, repatriation will proceed to the claimant(s)/requestor(s) identified in the decision in accordance with procedures outlined in the federal regulations.

In the event that the VPR cannot reach a decision, all claimant(s)/requestor(s) will be notified and will be asked to discuss the matter among themselves again in an effort to come to a mutually agreeable resolution.

2. In the case of concurrent requests for disposition, the VPR will determine whether all of the requestors have standing, as defined within the federal regulations, to file a request for the particular object(s) or collection(s) – i.e., the requestor(s) must substantiate that the requested object(s) or collection(s) originated from their “tribal” or “aboriginal” lands. Once validated, the VPR will encourage Indian tribe officials from the requesting Indian tribes/groups or Native Hawaiian organizations to discuss the matter among themselves in an effort to arrive at a mutually agreeable resolution.

At any point throughout the review process for competing and concurrent claims/requests, the VPR may ask the lineal descendants or Indian tribe officials for additional information to assist the University in making a final decision. Throughout the review process, the VPR may also seek additional guidance from the NAGPRA Advisory Committee, Museum, University Counsel, an *ad hoc* advisory committee with relevant expertise, or other appropriate sources.

G. Claims and Requests with Insufficient Evidence

The University will review all claims/requests for repatriation, or requests for disposition, expeditiously and with due diligence. If, during this review process, the University determines that the evidence provided to support a claim or request is insufficient to render an affirmative decision,

the University will request additional information from the lineal descendant(s) or Indian tribe officials filing the claim/request. If no new information is forthcoming, or if the additional information is still deemed insufficient to render an affirmative decision, the University may return the claim or request to the lineal descendant(s) or Indian tribe officials that submitted it until such time as they can present more compelling evidence. In such circumstances, the lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s) are free to pursue the case with the National NAGPRA Review Committee.

H. Exceptions to the Requirements for Repatriation

The University will review all repatriation and disposition requests in a thorough, objective, and expeditious manner, and in accordance with federal regulations. It should be noted that, as part of this review process, federal regulations specify some exceptions to the requirements for repatriation (43 C.F.R. § 10.10(c)(1)-(4)). The regulatory requirements for repatriation do not apply to:

1. Circumstances where human remains, funerary objects, sacred objects, or objects of cultural patrimony are indispensable to the completion of a specific scientific study, the outcome of which is of major benefit to the United States. Human remains, funerary objects, sacred objects, or objects of cultural patrimony in such circumstances must be returned no later than ninety (90) days after completion of the study; or
2. Circumstances where there are multiple requests for the repatriation of human remains, funerary objects, sacred objects, or objects of cultural patrimony and the museum or Federal agency, after complying with these regulations, cannot determine by a preponderance of the evidence which requesting party is the most appropriate claimant. In such circumstances, the museum or Federal agency may retain the human remains, funerary objects, sacred objects, or objects of cultural patrimony until such time as the requesting parties mutually agree upon the appropriate recipient or the dispute is otherwise resolved pursuant to these regulations or as ordered by a court of competent jurisdiction; or
3. Circumstances where a court of competent jurisdiction has determined that the repatriation of the human remains, funerary objects, sacred objects, or objects of cultural patrimony in the possession or control of a museum would result in the taking of property without just compensation within the meaning of the Fifth Amendment of the United States Constitution, in which event the custody of the objects must be as provided under otherwise applicable law. (Nothing in [the] regulations prevents a museum or Federal agency, where otherwise so authorized, or a lineal descendant, Indian tribe, or Native Hawaiian organization, from expressly relinquishing title to, right of possession of, or control over any human remains, funerary objects, sacred objects, or objects of cultural patrimony.)
4. Circumstances where the repatriation is not consistent with other repatriation limitations identified in § 10.15 of [the] regulations.

VI. Ceremonial or Religious Activities Surrounding NAGPRA-eligible Objects or Collections Curated by the Museum

A. Conducting Religious Ceremonies in Museum Facilities During Consultations

1. Culturally affiliated human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony.

OVPR and the Museum recognize the importance of smudging and other religious ceremonies to Native peoples and communities. The University is pleased to accommodate such practices by lineal descendants as well as Indian tribe officials and/or traditional religious leaders during consultations, repatriations, or under circumstances established by a Curation Agreement between the lineal descendant(s), federally recognized Indian tribe(s), Native Hawaiian organization(s), and non-federally recognized groups, as appropriate, and the University. The lineal descendant(s) or culturally affiliated Indian tribe officials, in consultation with OVPR and the Museum, will determine the nature and conduct of any religious or ceremonial activities on, or affecting, culturally affiliated remains or objects. Written approval of the lineal descendant(s) or culturally affiliated Indian tribe official(s) is required for any ritual activities or offerings affecting or associated with culturally affiliated human remains or objects.

Advance written notice of at least three weeks must be provided to the Museum so that proper arrangements can be made (e.g., deactivation of smoke detectors). Smudging ceremonies are not allowed within collections storage areas, but may take place in designated locations agreed upon by the lineal descendant(s), Indian tribe officials, and/or traditional religious leaders and the University.

2. Culturally unidentifiable human remains and associated funerary objects.

OVPR and the Museum recognize the importance of smudging and other religious ceremonies to Native peoples and communities and are pleased to accommodate such practices during consultations and/or dispositions. The University also respects tribal sovereignty and strives to honor tribal rights and responsibilities for specific ancestral remains. Indian tribe officials and/or traditional religious leaders with standing to consult on particular objects or collections based on criteria specified in the regulation 43 C.F.R. § 10.11(b)(2) may perform smudging and other ceremonies on culturally unaffiliated remains and associated funerary objects being held by the University. The University uses sources and guidelines provided by the National NAGPRA Office as a baseline for identifying relevant federally recognized Indian tribes, Native Hawaiian organizations, and non-federally recognized groups for consultation. The University recognizes that, as acknowledged in the regulations, this list may expand during consultations with Indian tribe officials. The University will consider any other requests to perform smudging and other ceremonies on culturally unaffiliated remains and associated funerary objects on a case-by-case basis. In these instances, the University will generally require that the party/parties making the

request present written verification that they have the knowledge and consent of a federally recognized Indian tribe, Native Hawaiian organization, or non-federally recognized group with standing to perform the smudging or other specified ceremony.

Advance written notice of at least three weeks must be provided to the Museum so that proper arrangements can be made (e.g., deactivation of smoke detectors). Smudging ceremonies are not allowed within collections storage areas, but may take place in designated locations agreed upon by the lineal descendant(s), Indian tribe officials, and/or traditional religious leaders and the University.

B. Offerings Placed with NAGPRA-eligible Objects or Collections in Museum Storage Areas

The University of Michigan and the Museum are committed to the appropriate care of the human remains and culturally sensitive objects held in our collections. This policy applies specifically to NAGPRA-related objects or collections, including culturally affiliated and culturally unaffiliated human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony.

The Museum recognizes that Indian tribe officials and traditional religious leaders may have an interest in leaving offerings in direct association with specific human remains and NAGPRA-related objects within the Museum storage areas. We will seek to accommodate all requests that can, in the University's view, be reasonably met.

This statement does not seek to anticipate all possible offerings, but instead establishes general procedures that balance the interests of lineal descendants, federally recognized Indian tribes, Native Hawaiian organizations, and/or non-federally recognized groups with the Museum's obligation to protect all of its collections from the potential harm of pest infestations or other damage that may be introduced into a collections area. Offerings will be recorded in Museum records for monitoring and documentation purposes.

1. Culturally affiliated remains and objects:

Only lineal descendants, Indian tribe officials, and traditional religious leaders of the culturally affiliated federally recognized Indian tribes, Native Hawaiian organizations, and non-federally recognized groups may leave offerings with particular human remains, funerary objects, sacred objects, or objects of cultural patrimony.

2. Culturally unidentifiable remains and associated funerary objects:

Normally, only Indian tribe officials and/or traditional religious leaders from federally recognized Indian tribes, Native Hawaiian organizations, or non-federally recognized groups that have standing to consult on a particular collection held by the Museum, based on criteria specified in 43 C.F.R. § 10.11(b)(2), may leave offerings for that collection of human

remains and associated funerary objects.⁷ The University and the Museum recognize that, as acknowledged in the regulations, this list may expand during consultations with Indian tribe officials. Since multiple Indian tribes or Native Hawaiian organizations may be equally legitimate requestors of culturally unidentifiable human remains and associated funerary objects, and may share responsibility for their care, the Museum may seek guidance from relevant Indian tribe officials and/or tribal consortia⁸ (e.g., Michigan Anishinaabek Cultural Preservation and Repatriation Alliance, Haudenosaunee Standing Committee, etc.) concerning the placement of offerings with such remains.

VII. Policy for the Curation of Human Remains and Cultural Objects in the Museum

Museum collections are curated as a means of providing current and future generations an opportunity to learn about the human past and diverse cultures. Thus, museum collections must be carefully managed to ensure their long-term preservation and availability for education and research purposes.

The University and its Museums strive to observe high professional museum standards and to curate all collections in a respectful manner. OVPR/Museum interactions with Indian tribe officials and traditional religious leaders from multiple indigenous communities offer an opportunity to inquire and learn about the care and handling of objects and collections from a variety of cultural perspectives. With this in mind, the Museum will make decisions on the proper care and handling of cultural items through consultation with Indian tribe officials and traditional religious leaders whenever possible.

A. Acceptance of New NAGPRA-related Objects and Collections

The Museum of Anthropology will accept new objects or collections from donors, institutions, and new fieldwork that contribute to its mission. This section addresses the acceptance of new NAGPRA-related objects and collections.

1. Donation of objects and collections to the Museum

As a general practice, the Museum will not accept collections from private donors or institutions if these collections consist exclusively or predominantly of human remains and/or cultural objects that are identifiably NAGPRA-eligible. Accepting such collections imposes considerable burdens on the University in the area of NAGPRA compliance, including the regulatory obligations associated with the Future Applicability reporting requirement (43 C.F.R. § 10.13) and the processes associated with repatriation or disposition. Accordingly, the Museum will not accept objects or collections whose research potential is limited by current University policy (see Section VII of this document) and that will likely be transferred without scholarly study. If significant research can be conducted under University policy, the Museum may determine that

⁷ See Section V, subsections B and C of this document for more information regarding how standing is determined.

⁸ National NAGPRA officials have commented that working with consortia is legal and appropriate, but not required. See U.S. Department of Interior, "Rules and Regulations," *Federal Register*, Vol. 75 No. 49, (Washington, D.C.: U.S. Government Printing Office, 2010), 12382-12383.

the scholarly value does merit their acceptance and consequent adherence to the Future Applicability requirements of NAGPRA.

The Museum may accept collections that include some NAGPRA-eligible items if the remainder of the collection contains sufficient research value to merit its inclusion in the Museum's permanent collections.

The relevant Museum Curator, in consultation with the Museum Director, will decide whether to accept any new objects or collections in accordance with the Museum's acquisition policy. The Dean's Office of the College of Literature, Science, and the Arts will be consulted regarding any objects or collections that require significant resources (spatial or budgetary) to curate. The OVPB will be consulted regarding any objects or collections, in whole or in part, that require processing under NAGPRA regulations.

2. Objects and Collections generated by curator or student fieldwork

The Museum will continue to accept objects and collections generated from the fieldwork of curators, faculty/staff, researchers, or students affiliated with the University or its Museum. While conducting fieldwork, anyone affiliated with the University or its Museum must adhere to all pertinent policies, procedures, laws, and regulations governing archaeological investigations and investigators. This includes obtaining all requisite local, state, and/or federal permits and authorizations to conduct the archaeological activities, as well as observing University and Museum policies and procedures governing the type of research being conducted and the acquisition of any new objects or collections resulting from that research. The Future Applicability reporting requirement (43 C.F.R. § 10.13) will be applied to all NAGPRA-relevant objects or collections accessioned into the Museum from new fieldwork.

B. Curation of Culturally Affiliated Objects and Collections

As a part of professional curation, Museum faculty and staff will conduct periodic cleanings and carry out preventive conservation measures (i.e., making mounts, completing simple repairs, etc.) when necessary to ensure the stability and preservation of objects and collections.

In light of these concerns for the proper care and conservation of objects and collections, culturally affiliated human remains (and associated funerary objects) and cultural objects may be assigned special care and handling requirements. In the case of objects and collections that are culturally affiliated, but have yet to be requested for repatriation, the Museum will solicit and adhere to the expressed wishes of the lineal descendant(s) and/or culturally affiliated Indian tribe officials and traditional religious leaders for curation protocols and procedures. The University will seek to develop a formal Co-Curation Agreement with the lineal descendant(s) and/or culturally affiliated Indian tribe(s)/group(s) or Native Hawaiian organizations (see Section VII, subsection H of this document for more information about Co-Curation Agreements). If adopted, this agreement will be adhered to until the time of a formal repatriation.

In cases where the University cannot accommodate specific co-curation requests, or a mutually agreeable level of accommodation cannot be reached with the lineal descendant(s) and/or culturally affiliated Indian tribe(s)/group(s) or Native Hawaiian organizations, the University will not enter into a Co-Curation Agreement. Instead, the University will encourage and pursue a formal repatriation of the objects or collection in the timeliest manner possible.

C. Curation of Culturally Unidentifiable Objects and Collections

Culturally unidentified human remains (and associated funerary objects) will be handled and cared for with respect and professionalism. As with the curation of culturally affiliated objects and collections, Museum faculty and staff will conduct periodic cleanings and carry out preventive conservation measures (i.e., making mounts, completing simple repairs, etc.) when necessary to ensure the stability and preservation of culturally unidentifiable objects and collections.

During consultations for disposition requests, Indian tribe officials may ask that particular collections of culturally unidentified human remains (and associated funerary objects) be assigned special care and handling requirements. The University will try to accommodate all reasonable requests unless there is reason to believe other tribes with standing might have specific objections. All decisions with regard to prescribed curation instructions for culturally unaffiliated collections will be made on a case-by-case basis.

D. Access to NAGPRA-relevant Objects and Collections

During the period of a research moratorium (see Section IV, subsection F of this document for more information about research moratoriums), access to any objects or collections that are NAGPRA-relevant (including human remains, funerary objects, sacred objects, and objects of cultural patrimony) will be restricted to the following activities:

1. *Collections re-inventory* (involving specific activities and personnel discussed in Section VII, subsections D, E, and F, and Appendix 3 of this document). The NAGPRA Collections Staff, including other workers under staff members' direct supervision, will conduct the inventory work. This process may involve consultation with curators and other University experts who possess the specialized knowledge or training needed to provide accurate identifications.
2. *Consultations with lineal descendants and Indian tribe officials*. The University's participants in consultations will generally include the Director of the Museum of Anthropology, Museum staff, OVPR's NAGPRA Project Manager, and representatives from LSA and OVPR assigned to handle NAGPRA-related issues for the University. Curators and individuals with expert knowledge on specific objects or collections may be invited to participate in consultation activities provided their expertise is deemed necessary to a successful consultation and lineal descendants and/or Indian tribe officials are notified of their participation in advance.
3. *Essential collection management activities* (including rehousing, condition monitoring, and conservation). The Museum's NAGPRA Collections Staff, and other workers under the staff

members' direct supervision, will conduct these activities on both a routine and as-needed basis.

In addition, the University acknowledges that inadvertent access to NAGPRA-relevant objects and collections may occur as a result of the normal collections management activities as well as research activities on other, unrelated, collections housed with NAGPRA-related objects. Should Museum curators, researchers, staff, or other workers inadvertently encounter NAGPRA-related objects or collections, the items should be flagged and placed in a safe, secure location. The Museum Director and/or NAGPRA Collections Staff should be notified of the discovery as soon as possible, and the items properly identified and re-housed in their proper storage area with NAGPRA-relevant objects and collections.

This policy should not be construed so as to preclude University and Museum personnel access to NAGPRA-related objects and collections in the case of an emergency (e.g., fire, flood, etc.) that places the objects, collections, and/or associated records at risk of serious harm.

E. Re-Inventory of NAGPRA-relevant Objects and Collections

As part of the due diligence of the University, and absent any special circumstances, NAGPRA-related objects and collections will be re-inventoried prior to repatriation or disposition. This process ensures that all items that have been documented in Museum listings and/or other records are present and accounted for within the Museum's facilities. Moreover, the re-inventory process helps fulfill the regulatory requirement (43 C.F.R. § 10.10(f)-(g)) that the University maintain thorough and accurate documentation of all objects and collections transferred to lineal descendant(s), Indian tribe(s)/group(s), or Native Hawaiian organization(s). See Appendix 1, subsection C for more detailed information.

F. Imaging of NAGPRA-relevant Objects and Collections

The imaging of objects or collections, especially their photography, is an integral part of the teaching and research functions, as well as the documentation practices, of the Museum and other collections-holding units of the University. Photographs and other images catalog the presence, type, and condition of objects and collections in the possession of the University over time. Images also assist in the identification and analysis of objects and collections, and in long-distance consultations with experts—scholars, lineal descendants, Indian tribe officials, traditional religious leaders—who are unable to travel to the University of Michigan. According to federal regulations (43 C.F.R. §§ 10.8(e)(3) and 10.9(c)(3)), museums and Federal agencies must record “a description” of all human remains, funerary objects, sacred objects, and objects of cultural patrimony that includes the “dimensions, materials, and photographic documentation, if appropriate, and the antiquity of such objects, if known.” Museums and Federal agencies must also “adopt internal procedures adequate to permanently document the content and recipients of all repatriations” (43 C.F.R. § 10.10(f)(1)). Images, particularly photographs, can comprise part of this documentation.

At the same time, the University recognizes that the imaging of NAGPRA-relevant objects and collections may be a sensitive matter to lineal descendants, Indian tribe officials, and traditional

religious leaders. This concern is made more complicated by the fact that images can become objects of research in their own right. They can find their way into a circulation broader than museum record keepers had intended or envisioned. As a precaution, NAGPRA regulations (43 C.F.R. § 10.10(f)(2)) advise museums to consult with lineal descendants and Indian tribe officials regarding the restriction of access to, and the use of, information concerning NAGPRA-relevant objects and collections. Pursuant to these regulations, “at the request” of a lineal descendant, Indian tribe official, or traditional religious leader, the University “may take such steps as are considered necessary pursuant to otherwise applicable law, to ensure that information of a particularly sensitive nature is not made available to the general public.”

In an effort to balance these interests, as well as interpret the phrase “if appropriate” as used in the regulations (43 C.F.R. §§ 10.8(e)(3) and 10.9(c)(3)), the University will observe a general policy that prohibits the creation of new images of human remains or cultural objects with two specific categories of exception: Identification/Management and Consultation.

1. Identification/Management. Members of the Museum’s NAGPRA Collections Staff may take new digital photographs of human remains or cultural objects in those limited instances where the federal regulations and University policy require prompt processing, accurate identification, and professional management of NAGPRA-related objects and collections. Such instances may include NAGPRA-related re-inventory activities or the reconciliation of multiple Museum inventories/databases (see “Re-inventory Procedures” for more detail). The digital photographs will be kept on file, deleted/destroyed, or turned over to the lineal descendants, Indian tribe officials, or traditional religious leaders, depending on the desire of the repatriation or disposition recipient(s).
2. Consultation. Members of the Museum’s NAGPRA Collections Staff may take new digital photographs of human remains or cultural objects if: (1) A lineal descendant or Indian tribe official submits a written request for photographs, recorded video, or live video teleconferencing as a means of facilitating consultation, or (2) Where, after exhausting all other means, the use of digital photographs, recorded video, or live video teleconference is necessary to secure the assistance of an appropriate expert (e.g., scholars or tribal elders) in identifying an object or collection. These new images, including any and all reproductions, will be kept on file, deleted/destroyed, or turned over to the lineal descendant(s) or Indian tribe official(s) at the time of repatriation, depending on the desire of the repatriation or disposition recipient(s).

The University takes seriously the need to ensure that images created to help facilitate the processes of Identification/Management or Consultation remain under strict control and are “not made available to the general public.” In an effort to satisfy concerns over the control of images, the following principles will apply:

1. Any newly created photographs or video recordings will be made in digital format.

2. The University will establish and maintain a non-public LSA server for storing digital images created while conducting NAGPRA-related activities. This will help limit access to these images until such time as they are filed, deleted/destroyed, or turned over to the requesting party/parties as part of the process of the repatriation or disposition process.
3. The University will consult with lineal descendants, Indian tribe officials, and traditional religious leaders on a case-by-case basis regarding the appropriateness and preferred strategies for using digital photographs, live/recorded video, or other media as part of a consultation.
4. The University will use a range of strategies and techniques in any instances where the reproduction and/or dissemination of secure images are a concern. Such strategies and techniques can include: Password-protected websites, “copy-protected” digital files, or other options agreeable to the lineal descendants, Indian tribe officials, and traditional religious leaders being consulted.
5. The University will use its best judgment when encountering any instances these principles have not considered, keeping central the goal of preventing the creation, dissemination, and use of sensitive information or images.

G. Notification of the Possible Contamination of Objects and Collections

According to federal regulations (43 C.F.R. § 10.10(e)), museums and Federal agencies “must inform recipients of repatriations of any presently known treatment of the human remains, funerary objects, sacred objects, or objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.” If the University knows human remains or cultural objects were exposed to potentially hazardous substances, it will promptly inform lineal descendants or Indian tribe officials in writing. If harmful substances are suspected of having been used on human remains or cultural objects that the University has agreed to repatriate, the University will contact the Indian tribe official(s) to determine whether to perform a test on the object in order to identify the substance and identify the risks associated with repatriation or disposition.

H. Co-Curation Agreements and Loan Agreements

Within the context of the University’s compliance with NAGPRA, circumstances may develop wherein lineal descendants, Indian tribes, or Native Hawaiian organizations may permit or even desire that the Museum of Anthropology and/or other collections-holding units throughout the University possess, display, and/or study objects and collections that may be NAGPRA-eligible. This may include instances where lineal descendants, Indian tribe officials, and traditional religious leaders are open to alternatives to repatriation or disposition, or explicitly state that they have no intention of requesting the objects or collections and prefer that the Museum retain possession indefinitely. In these instances, the University and its collections-holding units, including the Museum of Anthropology, will seek to enter into formal Loan Agreements or Co-Curation

Agreements with lineal descendants, Indian tribes, or Native Hawaiian organizations. These agreements will ensure that lineal descendants, Indian tribe officials, and traditional religious leaders have access to the objects and collections. These agreements will also develop specific procedures and protocols that will ensure that those objects or collections in the University's possession are handled, displayed, and cared for according to mutually acceptable standards of respect and professionalism.

1. The University will develop and enter into Co-Curation Agreements on a case-by-case basis with lineal descendants, Indian tribes, and Native Hawaiian organizations. These Co-Curation Agreements will be made for any NAGPRA-related objects or collections that the Museum physically holds in trust and covers under the University's insurance for lineal descendant(s), or culturally affiliated Indian tribe(s)/group(s) or Native Hawaiian organization(s), acknowledging their on-going rights and interests. In addition to guaranteeing access to these objects or collections, and recording special requirements for their proper care, handling, and display, Co-Curation Agreements may contain explicit guidelines developed in concert with lineal descendants or culturally affiliated Indian tribe officials and traditional religious leaders. These guidelines may contain specifications of and/or limitations on the types of research, exhibition loans, or images created/used concerning particular objects and collections.
2. NAGPRA-relevant objects or collections can only be loaned to an entity or party that is obliged to comply with NAGPRA law and regulations. Therefore, the University will only enter into Loan Agreements for NAGPRA-relevant objects and collections with recognized museums or educational, cultural, or scientific institutions, and not individuals.

The University will consider short-term loans of NAGPRA-related objects and collections to culturally affiliated Indian tribes/groups or Native Hawaiian organizations for use in ceremonies or for exhibition in facilities or settings that the governing authority and traditional religious leaders of Indian tribes/groups or Native Hawaiian organizations approve and endorse in writing.

The University will consider whether to enter into all Loan Agreements on a case-by-case basis.

I. De-accessioning NAGPRA-eligible Objects and Collections

The Vice President for Research will make all decisions on de-accessioning NAGPRA objects and collections for repatriation or disposition in accordance with NAGPRA law, regulations, and University policies. (See Section IV of this document for more about the repatriation and disposition processes.)

J. Exhibiting NAGPRA-relevant Objects and Collections

The University will not display Native American human skeletal remains or images thereof. The University does not anticipate exhibitions of NAGPRA objects. However, it recognizes that lineal descendants, Indian tribes/groups, and Native Hawaiian organizations may have an interest in

sharing such objects with their communities and the larger public. The University will, in such circumstances, collaborate with lineal descendants and Indian tribe officials in the development of Co-Curation Agreements, which will address proper and respectful handling, and display protocols.

VIII. Teaching and Research Use of Human Remains and Cultural Objects

The University of Michigan acknowledges the value and contribution scholarly research of Native American archaeological and ethnographic collections has on the study of the indigenous peoples, histories, and cultures, past to present. This includes, but is not limited to, the study of collections that fall under the purview of NAGPRA law and regulations. The University also recognizes that present-day Native American communities have an interest in the results and conduct of this research that involves indigenous human remains, funerary objects, and cultural objects. This includes, but is not limited to, their access to the results of past research, involvement in current research, and consideration in any future research. The University seeks to be sensitive to the concerns of both Native and scholarly communities in the development of these policies regarding the teaching and research use of NAGPRA-relevant collections.

A. General Principles

In developing its policies, the University has observed the following distinctions:

1. Human remains as opposed to funerary and cultural objects.
2. Culturally affiliated human remains, funerary objects, and cultural objects as opposed to culturally unidentifiable human remains, funerary objects, and cultural objects.
3. Collections that the University has acquired since the passage of NAGPRA (i.e., collections accompanied by all of the legally required permits and approvals) as opposed to collections that the University acquired before the passage of NAGPRA (i.e., collections that have obscure origins and might lack the permits and approvals required for legal acquisition today).
4. Research necessary to determine cultural affiliation and/or NAGPRA eligibility of specific objects or collections as opposed to research conducted as part of independent scholarly research projects. (This distinction is observed while recognizing that research conducted to determine cultural affiliation and/or NAGPRA eligibility may generate scholarly knowledge, and that scholarly research may result in determinations of kin or cultural affiliation.)
5. Destructive analysis as opposed to non-destructive analysis.⁹

⁹ Destructive analysis refers to types of analysis that utilize techniques in which a part of the original human remains or objects are necessarily transformed or destroyed. For example, in radiocarbon dating a small piece of carbonized material (usually charcoal) is vaporized to record radioactive emissions. Archaeologists use a variety of destructive techniques for such purposes as estimating age, determining physical/chemical composition, and

The specific implications of these distinctions have informed the policies outlined below:

A. Access and Use of Culturally Affiliated Human Remains, Funerary Objects, and Cultural Objects for Teaching or Research Purposes (Non-Destructive or Destructive Analysis):

1. Any access to, or the use of, kin or culturally affiliated human remains, funerary objects, or cultural objects for teaching or research purposes without the express written consent of the verifiable lineal descendant(s)¹⁰, or governing authority of the culturally affiliated Indian tribe(s)/group(s) or Native Hawaiian organization(s), is prohibited.
2. Any requestor(s) wanting access to, or the use of, kin or culturally affiliated human remains, funerary objects, or cultural objects for teaching or research purposes can seek written consent, with or without University assistance, from verifiable lineal descendant(s) or the governing authority of all Indian tribe(s)/group(s) or Native Hawaiian organization(s) culturally affiliated with the particular object(s) or collection(s) specified in a written request.
3. In the event that written consent is obtained, the requestor(s) must submit to the appropriate Museum Curator:
 - a. A written proposal requesting access to, or the use of, particular object(s) or collection(s).
 - i. Requests for teaching purposes: The proposal should reference, using the Museum's Accession and/or Catalog Numbers, what particular object(s) or collection(s) are being requested. All teaching proposals must specify who will be using the object(s) or collection(s), how they will be used, and what valuable educational or instructive purposes they will serve.
 - ii. Requests for research purposes: The proposal should reference, using the Museum's Accession and/or Catalog Numbers, what particular object(s) or collection(s) are being requested. All research proposals must have a sound research design, reasonable goals, appropriate methods, and promise to make a significant contribution to a body of scholarship or knowledge.
 - b. A letter or letters of consent from the verifiable kin or culturally affiliated Indian tribe(s)/group(s) or Native Hawaiian organization(s). Letters from Indian tribes/groups or Native Hawaiian organizations must come from the governing

genetic/molecular analysis. Since these analyses destroy a portion of the original human remains or objects, the use of destructive techniques should only occur if other techniques are inadequate in answering the investigative questions and when damage to the human remains or objects is minimal. Non-destructive analysis refers to types of analysis that utilize techniques in which no portion of the original human remains or objects are materially altered.

¹⁰ Lineal descent must be verified in accordance with NAGPRA regulations (43 C.F.R. § 10.14(b)).

authority, reference the requestor(s) by name, reference the particular object(s) or collection(s) being requested by the Museum's Accession and/or Catalog Number(s), and be printed on tribal letterhead.

4. The Museum will forward a complete copy of all written requests upon receipt to the OVPR and its NAGPRA Project Manager for reference and filing purposes.
5. The NAGPRA Project Manager must verify all letters of consent before any request is authorized. The NAGPRA Project Manager will notify the Museum in writing whether the letter(s) of consent have been verified and whether OVPR authorizes the request. (If denied, the OVPR will provide a written explanation for the decision.)
6. The Museum must inform the requestor(s) of the University's final decision in writing, regardless of whether the request has been approved or denied. If denied, the Museum will provide a summary explanation for this decision. A copy of this letter must be forwarded to the OVPR's NAGPRA Project Manager for reference and filing purposes.
7. The OVPR reserves the right to review all Museum decisions and make all final determinations regarding access to, or the use of, kin and culturally affiliated objects or collections for any purpose. This includes the right to review, modify, suspend, or overrule any active requests or ongoing projects previously authorized.
8. All requestors are subject to the same restrictions and approval procedures regarding access to, or the use of, culturally affiliated objects or collections for teaching or research purposes, be they from inside or outside of the University.

B. Access and Use of Culturally Unaffiliated Human Remains, Funerary Objects, and Cultural Objects for Teaching or Research Purposes (Non-Destructive Analysis Only):

1. Any requestor(s) wanting access to, or the use of, culturally unaffiliated human remains, funerary objects, or cultural objects for teaching or research purposes must submit to the appropriate Museum Curator a written proposal.
 - a. Requests for teaching purposes: The proposal should reference, using the Museum's Accession and/or Catalog Numbers, what particular object(s) or collection(s) are being requested. All teaching proposals must specify who will be using the object(s) or collection(s), how they will be used, and what valuable educational or instructive purposes they will serve.
 - b. Requests for research purposes: The proposal should reference, using the Museum's Accession and/or Catalog Numbers, what particular object(s) or collection(s) are being requested. All research proposals must have a sound

research design, reasonable goals, appropriate methods, and promise to make a significant contribution to a body of scholarship or knowledge.

2. The Museum will forward a complete copy of all written requests upon receipt to the OVPR and its NAGPRA Project Manager for reference and filing purposes. At that time, the NAGPRA Project Manager will verify in writing if there are any moratoriums, due to active tribal claims or requests, currently in place on the particular object(s) or collection(s) specified in the request. If there are no moratoriums in place, the Museum Curator will render a preliminary decision regarding the request.
 - a. If the Museum Curator denies the request, the Museum will notify the requestor(s) of the decision in writing and provide a summary explanation why the request was denied. (Requestor(s) should be invited to resubmit a request if the Museum's denial was based solely on factors that could be redressed. The decision to extend such an invitation to resubmit a request will be made on a case-by-case basis.) A copy of the Museum's letter will be forwarded to the OVPR's NAGPRA Project Manager for reference and filing purposes.
 - b. If the Museum Curator preliminarily approves the request, then a specific notification process will be initiated. The notification process will proceed as follows:
 - i. The Museum will notify the requestor(s) in writing that their research proposal has received tentative approval pending the formal consent of the OVPR.
 - ii. The Museum will forward to the OVPR's NAGPRA Project Manager:
 - a. A copy of the Museum's letter of tentative approval sent to the requestor(s).
 - b. A copy of the original written proposal submitted by the requestor(s).
 - c. The NAGPRA Project Manager will notify the NAGPRA Advisory Committee of the request and send a formal letter, with confirmation of receipt, to all relevant Indian tribes/groups or Native Hawaiian organizations informing them that the University is soliciting their views regarding a request that involves non-destructive analysis of culturally unaffiliated objects or collections. (Determining which Indian tribes/groups or Native Hawaiian organizations are relevant will be contingent upon an Indian tribe's/group's or Native Hawaiian organization's standing, using the baseline criteria specified in 43 C.F.R. § 10.11, to assert tribal or aboriginal claim over the particular object(s) or collection(s)

specified in the research proposal.) The NAGPRA Project Manager's letter will include:

- i. A copy of the original written proposal submitted by the requestor(s).
 - ii. An explicit notification to Indian tribe officials that they have thirty (30) days to issue a written response to OVP's NAGPRA Project Manager if they want their views to receive full consideration.
 - iii. An explicit notification that responses from Indian tribes/groups or Native Hawaiian organizations must come from the governing authority and be placed on tribal letterhead.
- d. After the 30-day response period has expired, or if the results are known prior to this deadline, the OVP's NAGPRA Project Manager will present the results of the queries to the NAGPRA Advisory Committee for review. The Committee will then decide whether there is a reason to scrutinize a request more closely.
- i. If yes, the Committee will pursue the matter accordingly and render a formal recommendation to the Vice President for Research after a thorough review.
 - ii. If no, the Committee will recommend that the Vice President for Research authorize the request.
- e. The Vice President for Research will review the request, as well as the responses from Indian tribes/groups and Native Hawaiian organizations, and render the University's final decision.
- f. The NAGPRA Project Manager will notify the Museum in writing whether the OVP has authorized the request. (If a request is denied, the OVP will provide a written summary explanation for this decision.)
- g. The Museum must inform the requestor(s) of the University's final decision in writing, regardless of whether the request has been approved or denied. If denied, the Museum will provide a summary explanation for this decision. The Museum may include a copy of the NAGPRA Project Manager's written notification of the results of the queries of relevant Indian tribes/groups and Native Hawaiian organizations with its letter to the requestor(s). A copy of the Museum's letter to the requestor(s) must be forwarded to the OVP's NAGPRA Project Manager for reference and filing purposes.
3. The OVP reserves the right to review all Museum decisions and make all final determinations regarding access to, or the use of, culturally unaffiliated objects or

collections for any purpose. This includes the right to review, modify, suspend, or overrule any active requests or ongoing projects previously authorized.

4. All requestors are subject to the same restrictions and approval procedures regarding access to, or the use of, culturally unaffiliated objects or collections for teaching or research purposes, be they from inside or outside of the University.

C. Access and Use of Culturally Unaffiliated Human Remains, Funerary Objects, and Cultural Objects for Purposes that Involve Destructive Analysis:

1. Any requestor(s) wanting access to, or the use of, culturally unaffiliated human remains, funerary objects, or cultural objects for purposes that involve destructive analysis must submit to the appropriate Museum Curator a written proposal.
 - a. All proposals involving destructive analysis should reference, using the Museum's Accession and/or Catalog Numbers, what particular object(s) or collection(s) are being requested. The proposal must have a sound research design, reasonable goals, appropriate methods, promise to make a significant contribution to a body of scholarship or knowledge, and explain why destructive analysis is the preferred or only means of investigation.
2. The Museum will forward a complete copy of all written requests upon receipt to the OVPR and its NAGPRA Project Manager for reference and filing purposes. At that time, the NAGPRA Project Manager will verify in writing if there are any moratoria, due to active tribal claims or requests, currently in place on the particular object(s) or collection(s) specified in the request. If there are no moratoria in place, the Museum Curator will render a preliminary decision regarding the request.
 - a. If the Museum Curator denies the request, the Museum will notify the requestor(s) of the decision in writing and provide a summary explanation why the request was denied. (Requestor(s) should be invited to resubmit a request if the Museum's denial was based solely on factors that could be redressed. The decision to extend such an invitation to resubmit a request will be made on a case-by-case basis.) A copy of the Museum's letter will be forwarded to the OVPR's NAGPRA Project Manager for reference and filing purposes.
 - b. If the Museum Curator approves the request, the proposal is then advanced to the Executive Committee of the Museum.
3. The Executive Committee will review the proposal and render the Museum's final decision.
 - a. If the Executive Committee denies the request, the Museum will notify the requestor(s) of the decision in writing and provide a summary explanation why the request was denied. (Requestor(s) should be invited to resubmit a request

if the Museum's denial was based solely on factors that could be redressed. The decision to extend such an invitation to resubmit a request will be made on a case-by-case basis.) A copy of the Museum's letter will be forwarded to the OVPR's NAGPRA Project Manager for reference and filing purposes.

- b. If the Executive Committee approves the request, then a specific notification process will be initiated. The notification process will proceed as follows:
 - i. The Museum will notify the requestor(s) in writing that their research proposal has received tentative approval pending the formal consent of the OVPR.
 - ii. The Museum will forward to the OVPR's NAGPRA Project Manager:
 - a. A copy of the Museum's letter of tentative approval sent to the requestor(s).
 - b. A copy of the original written proposal submitted by the requestor(s).
 - c. A written assessment of the Museum's general assessment of the proposal's merits and significance.
- c. The NAGPRA Project Manager will notify the NAGPRA Advisory Committee of the request and send a formal letter via certified mail to all relevant Indian tribes/groups or Native Hawaiian organizations informing them that the University is soliciting their views regarding a request that involves destructive analysis of culturally unaffiliated objects or collections. (Determining which Indian tribes/groups or Native Hawaiian organizations are relevant will be contingent upon an Indian tribe's/group's or Native Hawaiian organization's standing, using the baseline criteria specified in 43 C.F.R. § 10.11, to assert tribal or aboriginal claim over the particular object(s) or collection(s) specified in the research proposal.) The NAGPRA Project Manager's letter will include:
 - i. A copy of the original written proposal submitted by the requestor(s).
 - ii. An explicit notification to Indian tribe officials that they have ninety (90) days to issue a written response to OVPR's NAGPRA Project Manager and that a failure to respond will be interpreted as implied consent.
 - iii. An explicit notification that responses from Indian tribes/groups or Native Hawaiian organizations must come from the governing authority and be placed on tribal letterhead.
- d. After sixty (60) days have elapsed, if there has been no response from an Indian tribe/group or Native Hawaiian organization, the NAGPRA Project Manager will

send a courtesy reminder via certified mail reminding them that they now have thirty (30) days to respond. A failure to respond within the remaining 30-day period will be interpreted as implied consent.

- e. After the 90-day response period has expired, or if the results are known prior to this deadline, the OVPR's NAGPRA Project Manager will present the results of the queries to the Museum and the NAGPRA Advisory Committee. There must be unanimous consent among all relevant Indian tribes/groups and Native Hawaiian organizations for the authorization of any request involving destructive analysis of culturally unaffiliated objects or collections.
 - i. The Vice President for Research, in consultation with the NAGPRA Advisory Committee, will review the request, as well as the responses from Indian tribes/groups and Native Hawaiian organizations, and render the University's final decision.
 - ii. The NAGPRA Project Manager will notify the Museum in writing whether the OVPR has authorized the request. (If a request is denied, the OVPR will provide a written summary explanation for this decision.)
 - iii. The Museum must inform the requestor(s) of the University's final decision in writing, regardless of whether the request has been approved or denied. If denied, the Museum will provide a summary explanation of this decision. The Museum may include a copy of the NAGPRA Project Manager's written notification of the results of the queries of relevant Indian tribes/groups and Native Hawaiian organizations with its letter to the requestor(s). A copy of the Museum's letter to the requestor(s) must be forwarded to the OVPR's NAGPRA Project Manager for reference and filing purposes.
4. The OVPR reserves the right to review all Museum decisions and make all final determinations regarding access to, or the use of, culturally unaffiliated objects or collections for any purpose. This includes the right to review, modify, suspend, or overrule any active requests or ongoing projects previously authorized.
5. All requestors are subject to the same restrictions and approval procedures regarding access to, or the use of, culturally unaffiliated objects or collections for purposes that involve destructive analysis, be they from inside or outside of the University.

B. Research to Determine NAGPRA Eligibility and Classification

The University seeks to inform potential claimants and requestors of the results of research, past and present, and include them in making decisions regarding future research. Thus, the University recognizes the need for due diligence in informing and engaging Indian tribes/groups and Native

Hawaiian organizations in the research process. Since NAGPRA-related work (e.g., consultations, re-inventories, etc.) involves some investigation and analysis, the possibility exists that a determination of kin or cultural affiliation could be reached regarding human remains, funerary objects, or cultural objects presently classified as culturally unaffiliated. There may even be instances where the University, lineal descendants, or Indian tribe officials endorse specific research or analyses due to a lack, or complete absence, of useful information that might be necessary to determine an object's or collection's NAGPRA eligibility or classification.

In these cases, the Museum's NAGPRA Collections Staff and the NAGPRA Project Manager, under the direction of the OVPR, may conduct non-destructive research such as visual inspections, documentary reviews, or consultations with experts (e.g., Indian tribe officials, traditional religious leaders, archaeologists, etc.) for the purposes of identification and classification of NAGPRA-relevant objects and collections. All information gathered from such research will be placed in the Museum's NAGPRA files and scanned copies of these data will be made directly accessible to the OVPR and its NAGPRA Project Manager. The files will also be shared with Indian tribe officials and traditional religious leaders as part of consultations.

Any research involving techniques that go beyond the bounds of non-destructive analysis, or that involve specific requests from lineal descendants or Indian tribe officials that are labor-intensive, time-consuming, costly, or potentially objectionable, must be subjected to the approval processes described in this document and authorized by the Vice President for Research, in consultation with the NAGPRA Advisory Committee, on a case-by-case basis.

IX. Review of NAGPRA Policies and Procedures

OVPR, in consultation with the NAGPRA Advisory Committee and the Museum, will conduct a formal Review of these NAGPRA policies and procedures at least once **every three years** from the date of last review. Proposed changes or amendments to policies or procedures shall be brought to the attention of the OVPR, LSA, and the Museum. The OVPR and/or Museum shall review the proposed changes, draft any revisions believed to be necessary, and provide the revisions to the NAGPRA Advisory Committee for review and recommendation. The University's Office of General Counsel will review all changes to the policies and procedures prior to final approval. The Vice President for Research will provide a final review of NAGPRA policies and procedures and render any final decisions that need to be made with respect to recommended changes or amendments.

Appendices

Appendix 1: Recommended Forms for Submitting Claims and Requests

The University has developed the following forms to assist lineal descendants, Indian tribes/groups, and Native Hawaiian organizations in submitting claims and requests for human remains (with any associated funerary objects), unassociated funerary objects, sacred objects, and objects of cultural patrimony:

1. NAGPRA Claim and Request Form – Used for submitting a claim or request.
2. Supplemental Signature Page for Jointly Filed Claims and Requests – Used to record the signatures, names, tribes, and dates of authorized NAGPRA Designees for tribes submitting a claim or request together. Tribes filing jointly should still use the standard “NAGPRA Claim and Request Form” to identify the specific collection(s) and/or object(s) they are claiming or requesting. However, the “Supplemental Signature Page” must accompany the standard “NAGPRA Claim and Request Form” so that the University has written verification that each participating tribe has authorized the joint claim or request.

NAGPRA CLAIM & REQUEST FORM

1. Is this a claim or request? (Please select one.)

- ☐ Claim
☐ Request

"Claims" seek to establish kin or cultural affiliation to collections of human remains and associated funerary objects (if any) or cultural objects under 43 C.F.R. § 10.10 and § 10.14 of the regulations.

"Requests" are the result of substantiated claims, OR may:

- Seek the repatriation of collections of human remains and associated funerary objects (if any) or cultural objects whose kin or cultural affiliation has already been determined, OR
- Seek the disposition of collections of human remains and associated funerary objects (if any) that originated in states and counties where a federally recognized Indian tribe or Native Hawaiian organization has tribal or aboriginal land status under 43 C.F.R. § 10.11.

2. On what basis are you making the claim or request? (Please select one.)

- ☐ Lineal Descent or Kin Affiliation
☐ Cultural Affiliation
☐ Tribal Land Status
☐ Aboriginal Land Status

"Tribal" and "Aboriginal Land Status" can only be used in requesting the disposition of human remains and associated funerary objects (if any) that have been classified as "culturally unidentified" (43 C.F.R. § 10.11).

3. What is being claimed or requested? (Please select as many as applicable.)

- ☐ Human Remains and Associated Funerary Objects (if any)
☐ Unassociated Funerary Objects
☐ Sacred Objects
☐ Objects of Cultural Patrimony

4. What type of claim or request is this? (Please select one.)

- ☐ Individual
☐ Supportive
☐ Joint

"Individual" — submitted by lineal descendant(s) or a single federally recognized Indian tribe or Native Hawaiian organization.

"Supportive" — submitted by a single federally recognized Indian tribe or Native Hawaiian organization acting in a lead role. Those tribes supporting the lead claimant or requestor will need to submit letters of support. These letters can be appended to the claim/request form or mailed directly to the NAGPRA Project Manager.

"Joint" — submitted by multiple federally recognized Indian tribes or Native Hawaiian organizations that are acting co-equally within a claim or request. Tribes involved in a joint claim or request must also complete and append a copy of the Supplemental Signature Page for Jointly Submitted Claims and Requests.

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5. What specific collection(s) or object(s) are you claiming or requesting?

Your list should include specific reference data. Any combination of the following would be acceptable: Site Names, State/County of Origin, Site ID Numbers, Catalogue Numbers, Accession Numbers, etc. You may attach a document if the space provided is insufficient.

If you are seeking dispositions of human remains and associated funerary objects (if any) classified as "culturally unidentified," you can indicate more generally that you are seeking the disposition of all collections and objects from states/counties where you have tribal or aboriginal land status, then list those states and counties.

In cases where claimants are seeking to consult on cultural objects (i.e., unassociated funerary objects, sacred objects, and objects of cultural patrimony) where kin or cultural affiliation has yet to be determined, you may simply list categories of objects as listed in inventories and summaries the University provided. For example: "Drums," "Anishinaabe drums," or "drums from the Great Lakes area."

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6. Who is making the claim or request?

Provide the name(s) of the lineal descendant(s) or kin submitting the claim/request and the contact information for someone to serve as a point-of-contact.

Provide the name(s) of federally recognized the Indian tribe(s)/Native Hawaiian organization(s) submitting the claim/request and the contact information for someone to serve as a point-of-contact.

Signature of NAGPRA Designee Printed Name Name of Tribe Date

This form should be signed by the Governing Authority or a duly authorized NAGPRA Designee of the federally recognized Indian tribe(s)/Native Hawaiian organization(s) submitting the claim/request.

You may complete, scan, and submit this form by email as an attachment, or you may print it out and mail it to the address below. Please be sure to send all necessary attachments as applicable. Please also include paperwork from the tribe's Governing Authority that confirms you have the authority to oversee NAGPRA-related issues for the tribe; or indicate that this paperwork is already on file with the University of Michigan and it is still current.

PLEASE NOTE: This form is not required to submit a claim or request. However, all claims or requests must be made in writing, contain specific information, and be signed by the lineal descendant(s) submitting the claim/request, or the Governing Authority or authorized NAGPRA Designee of the federally recognized Indian tribe or Native Hawaiian organization submitting the claim/request.

The University reserves the right to verify all data included as part of a claim or request before accepting it.

Please return this form by email to bsecunda@umich.edu

or by mail to:

Ben Secunda
NAGPRA Project Manager
Office of the Vice President for Research
4080 Fleming Administration Building
University of Michigan
503 S. Thompson
Ann Arbor, MI 48109-1340

For questions, please contact Ben Secunda at 734-647-9085 or bsecunda@umich.edu

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Supplemental Signature Page for Jointly Filed Claims and Requests

Date: _____

We, the undersigned, are duly appointed NAGPRA Designees for the respective tribes as listed. As Designees, the governing authorities of these tribes have authorized each of us to render NAGPRA-related decisions and administer NAGPRA-related affairs on behalf of the tribe we represent. With our signatures, we endorse the contents of this document as submitted, and support the requested actions contained therein, both individually and collectively.

In cases where this page is being used for Transfer Recipient Authorizations, each signatory acknowledges that his/her tribe understands that one, some, or all of the authorized Transfer Recipients may sign the transfer of possession receipt, thereby accepting responsibility for these site collections on behalf of the Tribal Controllers with tribal or aboriginal standing in that county.

Signature of NAGPRA Designee	Printed Name	Name of Tribe	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

University of Michigan, Version 1.1, 12-13-2013

Please return this form by mail to:

Ben Secunda
NAGPRA Project Manager
Office of the Vice President for Research
4080 Fleming Administration Building
University of Michigan
503 S. Thompson
Ann Arbor, MI 48109-1340

For questions, please contact Ben Secunda at 734-647-9085 or bsecunda@umich.edu

University of Michigan, Version 1.1, 12-13-2013

Appendix 2: Consultation Visit Forms

1. Consultation Visit Request Form
2. Record of Consultation Visit Form

NAGPRA CONSULTATION VISIT REQUEST FORM

We request the following information to prepare for your visit and make it as efficient and productive as possible. Please return this completed form to the University of Michigan at least three (3) weeks prior to your visit. If you need more space, please attach additional sheets to this form. Thank you.

Name of Tribe: _____

Date(s) requesting to visit (Please supply at least three alternatives):

--

Time of Arrival at the University (after 9am): _____

Name of Tribal Contact, address, email, and phone number:

--

Please list the names and titles of each representative who will visit:

--

What collections do you wish to view? Please be specific as possible - i.e., archaeological site name/number, type of collection (example: objects related to the Hopi), or specific catalog numbers.

--

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What are your priorities in viewing the collections? (e.g., viewing human remains, funerary objects/artifacts, cultural objects, review of documentation, etc.)

Are there any special considerations we should take into account when planning your consultation? (e.g., religious/ceremonial accommodations, private meeting space, logistical assistance, technical needs, etc.)

Do you request the viewing of human remains? ☐ Yes ☐ No

Do you require time to perform a smudging or other ceremony for any of the following**:

Human Remains? ☐ Yes ☐ No

Associated Funerary Objects? ☐ Yes ☐ No

Unassociated Funerary Objects? ☐ Yes ☐ No

Sacred Objects or Objects of Cultural Patrimony? ☐ Yes ☐ No

**We will contact you at least one (1) week prior to your scheduled arrival to make further arrangements if necessary.

Is handicapped access necessary? ☐ Yes ☐ No

Do you need directions to the University's facilities? ☐ Yes ☐ No

For parking at the Museum of Anthropology (to view collections), a permit is needed for each individual car. How many permits will your visiting party require? _____

Please return this form by email to bsecunda@umich.edu

or by mail to:

Ben Secunda
NAGPRA Project Manager
Office of the Vice President for Research
4080 Fleming Administration Building
University of Michigan
503 S. Thompson
Ann Arbor, MI 48109-1340

For questions, please contact Ben Secunda at 734-647-9085 or bsecunda@umich.edu

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Museum of Anthropology, University of Michigan, Ann Arbor
Record of Consultation Visit

**Under the Native American Graves Protection and Repatriation Act
(Public Law 101-601)**

Name: _____	
Date: _____	
Name of Tribe: _____	
Title/Position: _____	
Address: _____ _____	
Phone (____) _____	Fax (____) _____
Email: _____	

Collections Examined:

The visitor agrees to maintain the order in which the collection is organized. In keeping with standard museum practice, objects are not to be altered in any way; this includes breaking or marking. This agreement also gives permission to photograph collections provided that the resulting images are for personal use only. Images may be shown to other tribal members. No publication, presentation or commercial use of images is allowed without written approval of the Museum. The visitor has read and agrees to abide by the Object Handling Guidelines on the reverse of this form.

I have read and agree to the above conditions.

Visitor Signature

University of Michigan Representative Signature

Date

**Museum of Anthropology, University of Michigan
OBJECT HANDLING GUIDELINES**

The Museum of Anthropology is dedicated to the care, preservation and study of its collections. All Museum staff members have responsibilities as steward of these collections and are bound by both ethical and legal obligations to ensure that respect and best practices are applied to the viewing of all collection materials.

If you need assistance during your visit, please ask a staff member for help. These staff members are also responsible for monitoring the collections, and therefore, may offer assistance or advice on handling of objects. In some instances, they may ask for you to pause your work if they determine aid is necessary.

Below are general guidelines adhered to by all museum staff and visitors viewing and using collections:

- Treat every object as if it were the most important object in the collection.
- Slow down, be extra careful and never rush when handling objects
- Use a pencil when working with or near objects. Pens are not allowed.
- Return an object to its exact permanent location and re-house it exactly as (or better than) it was stored.
- If an object or drawer is above eye-level, use a step ladder or stool.
- Never move, touch, or handle objects unless absolutely necessary
- Wash hands as frequently as necessary. Always use gloves when handling collections
- Provide support for an object from below; Never pick up objects by their protruding parts (i.e., handles, rims).
- When only one person is moving large or bulky objects (e.g., large pottery vessel), carry one object at a time. Take time to finish the task. If the object is too heavy to be carried by one person, use two or as many individuals as is necessary.
- When transporting small objects (e.g., flakes, bone fragments, potsherds), the objects should be placed securely in a box or tray, then carried by one individual.
- Use a padded cart to move objects for any distance. If more than one large object is being moved, each object should be protected and padded individually. Do not move heavy objects and light objects on the same cart.
- Dress sensibly. Do not wear high heels or boots with sharp points. Do not wear dangling jewelry or large rings that might get tangled or damage the objects.
- Report damage at once to the Collections Staff, save all fragments. DO NOT ATTEMPT ANY REPAIRS.
- If an object is too fragile or too delicate to be handled, leave it alone and ask for advice from the Collections Staff.
- Keep collection and work areas clean at all times.

Please Note:

Some objects may have been treated with pesticides or insecticides that may be harmful if inhaled or touched. Gloves and protective clothing must be worn at all times.

Appendix 3: Guidelines, Procedures, and Forms for the Re-inventory of NAGPRA-related Objects and Collections

As part of the due diligence of the University and the Museum, and as required by federal law, all NAGPRA-related objects and collections will be re-inventoried prior to repatriation or disposition to any lineal descendant(s), Indian tribe(s), Native Hawaiian organization(s), and/or non-federally recognized group(s). This process is essential to assure that all materials documented in the initial inventories are accounted for and that the University has accurate and complete documentation for the transfer of these objects or collections to the requestors.

A "Visitor's Log" will be kept on the door to the Kipke Laboratory (Room 2208A) and the Kipke NAGPRA Room (Room 2500A). All visitors (including Museum staff) must sign in and out whenever entering and leaving these rooms. The log will record each visitor's name, the time/date of their visit, and the specific object(s)/collection(s) they accessed during their time in the facilities.

Four different re-inventories will take place at the Museum. Procedures for each are outlined below.

A. Re-Inventory of Human Remains

Utmost care will be taken during the re-inventory process to account for all skeletal elements identified during the initial inventory of 1993-1995 and, if applicable, as recorded on the original Museum catalog cards and catalog books. During re-inventory, staff will work to locate all images or other documentation of the human remains that are in the Museum's possession. All documentation found (or copies of these documents) will be incorporated into the NAGPRA files of the Museum and/or stored on a non-public LSA server. These documents will be made available to lineal descendants and/or Indian tribe officials for review during consultations.

During the re-inventory process, the Museum's NAGPRA database will be checked and updated to include any additional information that emerges. Any additional human remains or objects identified during the re-inventory, or any changes to the earlier inventory, will be added to the current databases and reported to the National NAGPRA Office as required by law.

Re-inventory of human remains will take place in the Laboratory in the Campus Safety Services Building (Kipke Building, Room 2208A). Human remains will be moved from the first floor storage area to the Laboratory, and all skeletal elements will be checked against the initial inventory and any subsequent skeletal inventories that may exist.

If applicable, a written summary will be completed after re-inventory summarizing any discrepancies with the original inventories. This documentation will be kept with the NAGPRA Osteology Inventory Files and made available to Indian tribe officials for review during consultations.

During the initial inventory of 1993-1995, and subsequently, some data on human remains were collected. During the re-inventory, additional data may be collected. The data collecting will be non-destructive and will assist the University in preparing the Federal Register Notices (required

by law) to include information on age and sex of individuals. This data collection will be limited in its duration, method, and scope so as not to constitute new scientific research prohibited by NAGPRA (see the Act, § 5(b)(2)).

Additional information that may be collected during re-inventory includes measurements and pathological assessments. This will be rare, as most of this information was gathered during the initial inventory procedures or through supplemental research on the remains. This information will be kept with the NAGPRA Osteology Inventory Files and made available to lineal descendants and/or Indian tribe officials for review during consultations.

Attempts will be made to catalogue and compile all burial-related documents and images in the possession of the Museum that are related to the human remains to determine if additional information needs to be recorded. As required by law (43 C.F.R. § 10.9(c) *Required information*), the following information must be included, if available, for all inventories completed by museum or Federal agency officials:

1. Accession and catalogue entries, including the accession/catalogue entries of human remains;
2. Information related to the acquisition of each collection of human remains, including:
 - a. The name of the person or organization from whom the collection was obtained, if known,
 - b. The date of acquisition,
 - c. The place each collection was acquired, i.e., name or number of site, county, State, and Federal agency administrative unit, if applicable; and
 - d. The means of acquisition, i.e., gift, purchase, or excavation.
3. A description of each set of human remains and their antiquity, if known;
4. A summary of the evidence, including the results of consultation, used to determine the cultural affiliation of the human remains pursuant to 43 C.F.R. § 10.14 of the NAGPRA regulations.
5. No new photographs of human remains will be taken except in the following instances:
 - a. Lineal descendants and/or Indian tribe officials with legal standing to file a request, who submit a written request for photos to be taken for purposes of consultation, or to support a request for repatriation or disposition.
 - b. In rare instances, digital photographs may be taken by Museum staff to help in the identification of elements if discrepancies are identified during the re-inventory process. These photographs will be kept as part of the collection's documentation and made available to lineal descendants and/or Indian tribe officials during consultation. If needed, only essential Museum personnel will be allowed to access the photographs. These new images, including any and all reproductions, will be kept on file, deleted/destroyed, or turned over to the lineal descendant(s) or Indian

tribe official(s) at the time of repatriation, depending on the desire of the repatriation or disposition recipient(s).

Once re-inventory is complete, designated Museum personnel will wrap the remains in cloth and place them in cardboard storage boxes. These remains may be placed: (1) in the original storage boxes in which they had previously been held, (2) in other boxes that had previously held remains from the same archaeological site from which they derive, or (3) in new boxes. Boxes will not be repurposed to hold remains from other archaeological sites. All boxes, bags, jars, acid-free tissue paper, etc. that previously held human remains will be retained by the Museum of Anthropology and/or Office of the Vice President for Research so that they can be offered to lineal descendants or Indian tribe officials at the time of transfer. If the lineal descendants or Indian tribe officials decline the offer of any storage materials, the University will retain or dispose of them as its staff sees fit.

Also, due to the existence of vital notes and records written on many of the boxes, the Museum will photograph and retain all notes, records, and markings on the boxes for its records. Lineal descendants and/or Indian tribe officials may also request and receive copies of these photographs provided they are from a site collection for which they have legal standing to file a request.

Copies of the re-inventory sheets will be placed in a plastic sleeve adhered to the top of the box.

Once the re-inventory is completed, each large cardboard storage box will be sealed using packing tape. A log will be placed on the box indicating the date of re-inventory and who performed the work. The log will be updated any time the box is opened.

Hard copies of all re-inventory forms and data collected will be placed in the NAGPRA Osteology Files maintained by the Museum. These records will be scanned, and digital copies, along with any images that may have been taken of the human remains, will be stored on a non-public LSA server.

B. Re-inventory of Associated Funerary Objects (AFO)

All AFOs in the Great Lakes, North American, and Ethnology Divisions, and Ethnobotany Laboratory will be located and re-inventoried.

Attempts will be made to catalogue and compile all documents and images in the possession of the Museum related to the objects to determine if additional information needs to be recorded. As required by law (43 C.F.R. § 10.9(c) *Required information*), the following information must be included, if available, for all inventories completed by museum or Federal agency officials:

1. Accession and catalogue entries, including the accession/catalogue entries of associated funerary objects;
2. Information related to the acquisition of each object, including:
 - a. The name of the person or organization from whom the object was obtained, if known,

- b. The date of acquisition,
 - c. The place each object was acquired, i.e., name or number of site, county, State, and Federal agency administrative unit, if applicable; and
 - d. The means of acquisition, i.e., gift, purchase, or excavation.
3. A description of each associated funerary object, including dimensions, materials, and if appropriate,¹¹ photographic documentation, and the antiquity of such associated funerary objects, if known;
- a. All information found or generated will be incorporated into the NAGPRA Files of the Museum of Anthropology and made available to lineal descendants and Indian tribe officials for review during consultations or, if requested, prior to consultations.
 - b. Hard copies of all re-inventory forms will be placed in the NAGPRA Files maintained by the Museum. These records will be scanned, and digital copies, along with any images that may have been taken of the objects, will be stored on a non-public LSA server.

C. Re-inventory of Unassociated Funerary Objects (UFO)

All UFOs will be located and documented.

During the re-inventory process, the Museum will undertake writing summaries to keep on file for lineal descendants and Indian tribe officials requesting more information. As required by law (43 C.F.R. § 10.8(e) *Contents of summaries*), for each collection or portion of a collection, the summary must include:

- 1. An estimate of the number of objects in the collection or portion of the collection;
- 2. A description of the kinds of objects included;
- 3. Reference to the means, date(s), and location(s) in which the collection or portion of the collection was acquired, where readily ascertainable; and
- 4. Information relevant to identifying lineal descendants, if available, and cultural affiliation.

Attempts will be made to catalogue and compile all documents and images in the possession of the Museum that are related to the objects to determine if additional information needs to be recorded.

Additionally, as referenced in the regulations regarding data required for an inventory (43 C.F.R. § 10.8(e)), the Museum will record a description of each object including dimensions, materials, and photographic documentation, if appropriate,¹² and the antiquity of each object will be recorded. All information found or generated will be incorporated into the NAGPRA Files of the

¹¹ See Section VII, subsection F of this document for guidelines regarding the imaging of objects and collections.

¹² See Section VII, subsection F of this document for guidelines regarding the imaging of objects and collections.

Museum and made available to Indian tribe officials for review during consultations or, if requested, prior to consultations.

Hard copies of all re-inventory forms will be placed in the NAGPRA Files maintained by the Museum. These records will be scanned, and digital copies, along with any images that may have been taken of the objects, will be stored on a non-public LSA server.

D. Re-inventory of Sacred Objects and Objects of Cultural Patrimony

Museum objects classified as Sacred Objects and Objects of Cultural Patrimony in the 1992-1993 inventory will be located and documented. These objects are currently contained within the Museum's Ethnology and Archaeological Collections, and are housed at the Kipke Building and Ruthven Museum Building.

The Museum possesses Ethnographic Collections consisting of various cultural items originating with historic Indian tribes/groups and Native Hawaiian organizations. During the re-inventory process, the Museum will undertake a thorough review of the Ethnographic Collections, generating summaries to keep on file for Indian tribe officials who request more information in anticipation of filing claims and/or preparing for consultations. As required by law (43 C.F.R. § 10.8(e)), contents of these summaries will include:

1. An estimate of the number of objects in the collection or portion of the collection;
2. A description of the kinds of objects included;
3. Reference to the means, date(s), and location(s) in which the collection or portion of the collection was acquired, where readily ascertainable; and
4. Information relevant to identifying lineal descendants, if available, and cultural affiliation.

Attempts will be made to catalogue and compile all documents and images in the possession of the Museum that are related to the objects to determine if additional information needs to be recorded.

Additionally, as referenced in the regulations regarding data required for an inventory (43 C.F.R. § 10.8(e)), the Museum will record a description of each object including dimensions, materials, and photographic documentation, if appropriate,¹³ and the antiquity of each object will be recorded. All information found or generated will be incorporated into the NAGPRA Files of the Museum and made available to Indian tribe officials for review during consultations or, if requested, prior to consultations.

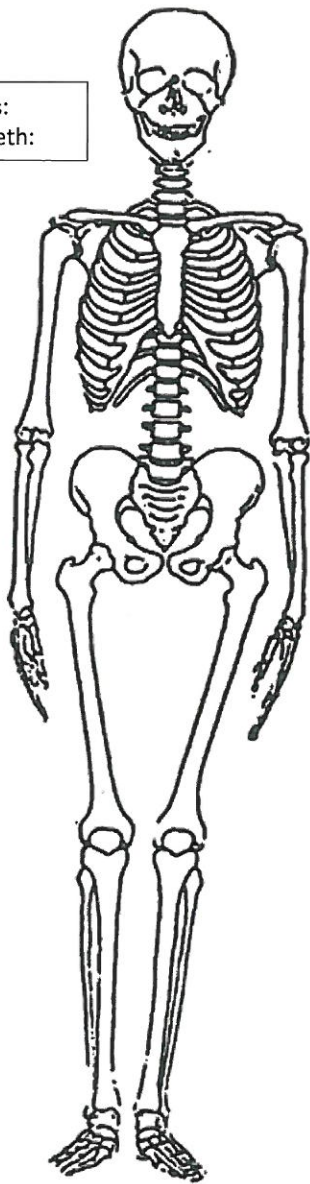
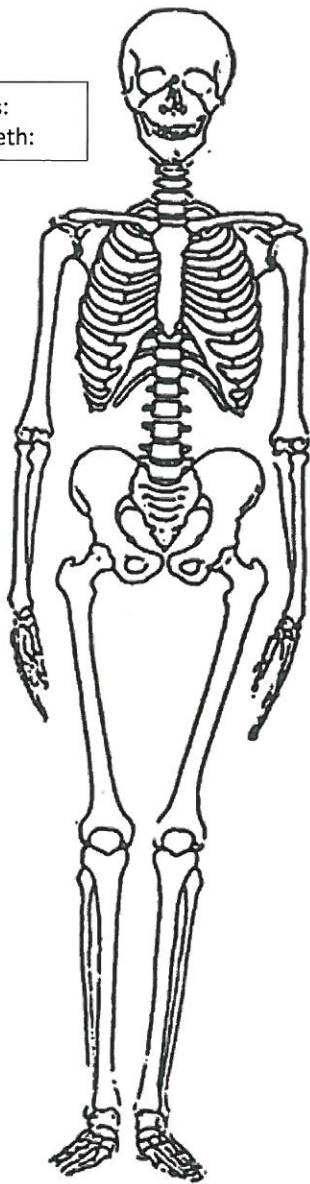
Hard copies of all re-inventory forms will be placed in the NAGPRA Files maintained by the Museum. These records will be scanned, and digital copies, along with any images that may have been taken of the objects, will be stored on a non-public LSA server.

¹³ See Section VII, subsection F of this document for guidelines regarding the imaging of objects and collections.

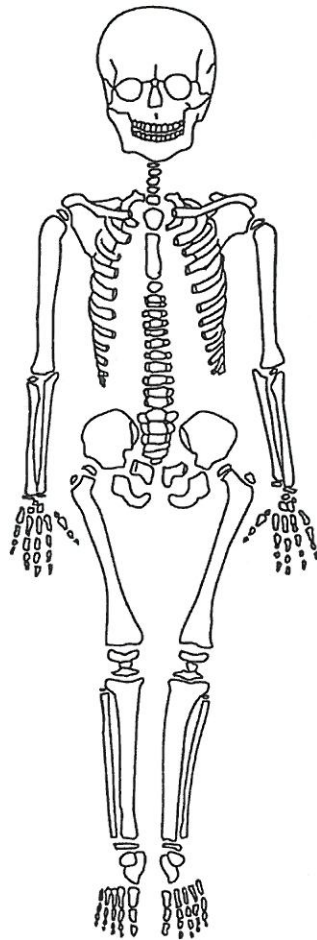
The Museum recognizes that ongoing inventories and research on the collections, as well as consultations with lineal descendants and/or Indian tribe officials as part of repatriation and/or disposition requests, may result in the identification of additional NAGPRA-eligible human remains and/or objects that were not previously identified. Should additional NAGPRA-related human remains or objects be identified, these will be documented according to the procedures described above for the appropriate category. The results will be added to the Museum's NAGPRA database and reported to the National NAGPRA Office. Consultations will be initiated on these human remains and/or objects following the NAGPRA regulations.

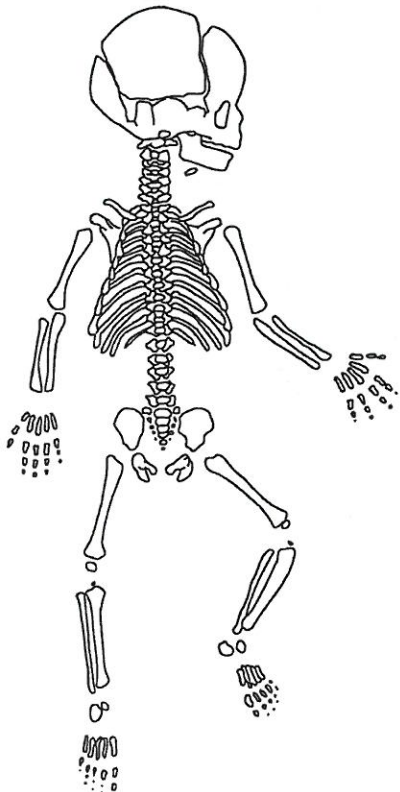
E. Re-inventory Forms (next 4 pages):

1. Adult
2. Adolescent
3. Infant/Neonate
4. Objects

Site: _____		Human Remains Re-Inventory Anthropology Museum University of Michigan	
Feature: _____ Burial: _____ All Remains Present: Yes No If No specify missing elements: DNA Sampled: Yes No Vials #: Verified by: Date:		<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> ID: </div> <div style="display: flex; align-items: flex-start;"> <div style="flex: 1; padding-right: 10px;"> Total Ribs: Total Teeth: </div> <div style="flex: 2; text-align: center;">  </div> </div>	
How many individuals present: Based on: Main Individual: Age: Sex: Pathological: Profile:		<div style="text-align: center; margin-top: 20px;">  </div>	
Additional Individuals: Age: Sex:			
Housed In: Box # Entered in database:			

Shaded portions indicate bones
that are present

Site:		Human Remains Re-Inventory Anthropology Museum University of Michigan	
Feature: _____ Burial: _____ All Remains Present: Yes No If No specify missing elements: _____ DNA Sampled: Yes No Vials #: _____ Verified by: _____ Date: _____		ID: <div style="border: 1px solid black; width: 150px; height: 30px; display: inline-block;"></div>	
		Total Ribs: <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> Total Teeth: <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	
How many individuals present: _____ Based on: _____ Main Individual: Age: _____ Sex: _____ Pathological: _____ Profile: _____			
Additional Individuals: Age: _____ Sex: _____			
Shaded portions indicate bones that are present			
Housed In: Box # _____ Entered in database: _____			

Site: _____		Human Remains Re-Inventory Anthropology Museum University of Michigan	
Feature: _____ Burial: _____ All Remains Present: Yes No If No specify missing elements: _____ DNA Sampled: Yes No Vials #: _____ Verified by: _____ Date: _____		ID: _____ <div> Total Ribs: _____ Total Teeth: _____ </div>	
How many individuals present: _____ Based on: _____ Main Individual: Age: _____ Sex: _____ Pathological: _____ Profile: _____ Additional Individuals: Age: _____ Sex: _____		 <p>Shaded portions indicate bones that are present</p>	
Housed In: Box # _____ Entered in database: _____			

UMMA Object Catalog Form- NAGPRA

Section 1: Documentation

Brief outline sketch of object(s):

Catalog # _____

Previous catalog# _____

Object Name: _____

Site Name: _____

Site Number: _____

Primary Material: _____

Artifact location: _____ Condition of Object: _____

Secondary Material: _____ Inventoried by: _____

Number of Items: _____ (Quantity: _____) Date Inventoried: _____

Section 2: Measurements and Description

Measurements: L: _____ cm W: _____ cm H: _____ cm Diam: _____ cm Depth: _____ cm

Description (use additional sheets if necessary):

[illegible]

Section 3: NAGPRA

Type of Object (circle all that may be applicable):

AFO / UFO / Object of Cultural Patrimony / Sacred Object / Unknown

Based On: _____

Appendix 4: Guidelines, Procedures, and Forms for Leaving Offerings with Collections

Due to its limited staff, lack of applicable spiritual knowledge, and the University's legal obligations, the Museum cannot be responsible for carrying out any type of offering or ceremonies on human remains or cultural items. The responsibilities of leaving offerings, including any costs associated with offerings, rest solely on the lineal descendant(s), federally recognized Indian tribe(s), Native Hawaiian organizations, and/or non-federally recognized groups. It may be necessary for Museum staff to assist lineal descendants, Indian tribe officials, or traditional religious leaders at the time offerings are made for reasons of proper care, safety, and/or security (particularly as these concern non-NAGPRA-related collections and the University's general facilities). It may also be necessary for Museum staff to dispose of offerings at some time after they are left due to insects, mold, leaking, or other concerns. Museum staff will dispose of offerings based on protocols and procedures set forth in signed agreements with these lineal descendants and Indian tribe officials. The lineal descendants and/or Indian tribe officials will be informed if/when an offering needs to be or has been removed.

1. For all offerings, the name of the person making the offering, her/his title and affiliation, the date the offering is made, and type of material offered will be recorded. The catalogue number of the human remains or object to which the offering is made will also be recorded. A temporary tracking number will be assigned to each offering and secured to the container housing the offering. This information will be filed in the Museum's permanent records and in the NAGPRA database for tracking purposes. The person making the offering will be asked to provide written information on how long the offering is to remain and the preferred method of disposal.
2. If offerings are left for more than eight hours, they must be placed in bags, boxes, or other sealed containers prior to being placed with remains or objects. This applies to both perishable organic matter (such as food, seeds, corn, wood, animal skin, grasses, leaves, etc.) and non-perishable materials (such as beads, metals, shells, glass, stones, etc.) This is to protect storage areas from possible infestation of rodents or insects, and facilitate tracking of offerings. Containers can vary depending on the type of offering and can include paper bags, plastic bags, cardboard boxes, or glass or plastic jars and vials. The offering material and container must be approved in consultation with Museum staff.
3. Offerings of liquid must be contained and sealed at all times that it remains in the storage collections area.
4. Offerings placed with human remains or objects for less than eight hours need not be placed in sealed containers (such as leaving corn meal in a bowl). These offerings will be disposed of at the end of the day in a manner agreed upon by the lineal descendants and/or Indian tribe officials and Museum staff.

5. Museum staff will monitor all offerings at least monthly to ensure that insects, mold, leaking, or other problems do not arise. If problems are noted during monitoring, offerings will be immediately removed from the collections area and disposed of in the manner agreed upon by the lineal descendants and/or Indian tribe officials and Museum staff. Lineal descendants and/or Indian tribe officials will be informed if/when an offering needs to be or has been removed.

Record of Offering Form (next 2 pages):

Museum of Anthropology, University of Michigan, Ann Arbor

Record of Offering

Name: _____	
Name of Tribe: _____	
Title/Position: _____	
Address: _____	

Phone (____) _____	Fax (____) _____
Email: _____	

Description of offering:

Type of container in which offering is placed:

<input type="checkbox"/> Zip lock bag	<input type="checkbox"/> Paper bag	<input type="checkbox"/> Cardboard box
<input type="checkbox"/> Plastic vial	<input type="checkbox"/> Glass vial/jar	
<input type="checkbox"/> Other container (describe): _____		

Catalog number(s) associated with offering:

Length of time offering is to be in place with collections:

_____ short term (<8 hours) _____ long term (>8 hours)

UMMA Approved November 2010

Preferred disposal method:

I have read and agree to the above.

Tribal Representative Signature

Date

University of Michigan Representative Signature

Date

Please Note: The Museum's NAGPRA Collections Staff will monitor all offerings at least monthly to ensure that insects, mold, leaking, or other problems do not arise. If problems are noted during monitoring, the Museum reserves the right to immediately remove the offering from the collections area and dispose of it in a manner agreed upon by the lineal descendants and/or Indian tribe officials and the Museum's NAGPRA Collections Staff. Lineal descendants and/or Indian tribe officials will be informed if/when an offering needs to be or has been removed.

For Official Use Only:

Tracking number assigned: OF

Date entered into database: _____

Entered by: _____

Date disposed: _____

Disposed by: _____

UMMA Approved November 2010

Appendix 5: Transfer Documents

1. Sample Draft of the University's Transfer of Control Document
2. Recommended NAGPRA Transfer Recipient Authorization Form
3. Sample Draft of the University's Transfer of Possession Receipt

Transfer of Control Document

[OVPR Letterhead]

TRANSFER OF CONTROL

ToC#: [Insert Year-Sequential Number]

[Insert Date]

The Regents of the University of Michigan (the "University") do hereby transfer control of, and their ownership interest, if any, in, **[human remains/items/human remains and items]** described in the *Federal Register* notice (see **[Insert Citation, Date]** attached), and summarized in Section 1, below, to the Indian tribe(s) listed in Section 2, below. This transfer of control is made pursuant to, and in accordance with, the Native American Graves Protection and Repatriation Act of 1990 and its implementing regulations, as well as in accordance with University policies and procedures.

Section 1: Site Collection(s)

Note - "MNI/AFO" = "Minimum Number of Individuals/Associated Funerary Objects"

From **[Insert County, State]:**

- **[Insert Site ID] - [Insert Site Name] - [Insert MNI/AFO Counts]**

Total Site Collections = **[Insert Total Count]**

Total MNI/AFO = **[Insert Total Counts]**

Pursuant to 43 C.F.R. § 10.10(e), the University hereby informs the Indian tribe(s) listed in Section 2, below, that it has no record of, nor do its officials have any knowledge of, any treatment of the **[human remains (including DNA extracts and derivatives)/items/ human remains (including DNA extracts and derivatives) and items]** with pesticides, preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s).

[Use for Repatriations] Section 2: Cultural affiliation has been established by a preponderance of the evidence between the collection(s) listed in Section 1 and the following Indian tribe(s) who have requested their transfer of control and possession:

[Use for Dispositions] Section 2: The collection(s) listed in Section 1 were removed from the tribal or aboriginal lands of the following Indian tribe(s) who have requested their transfer of control and possession:

[Name(s) of Requesting Indian Tribe(s)]

Pursuant to 43 C.F.R. § 10.10(d), possession will be transferred on a date, at a place, and in a manner agreeable to the University and the individual(s) identified and agreed to by the Indian tribe(s) named in Section 2. In transfers involving multiple Indian tribes, the University must receive written confirmation from all the Indian tribes named in Section 2 regarding their mutual

identification of, and agreement to, who will be taking possession of the site collection(s) referenced in Section 1 prior to any transfer(s).

The Regents of the University of Michigan

By:

[Insert Name]
Vice President for Research
University of Michigan

Attachment:

-Copy of the published *Federal Register* notice.

SAMPLE

NAGPRA Transfer Recipient Authorization Form

Name(s) of collection(s) or object(s) being transferred:

The "ToC #" as provided to the Tribal Controllers in their Transfer of Control Notice is sufficient in cases where a single collection or object is being transferred or in cases where all of the collections and objects listed in the Transfer of Control Notice are going to the same Transfer Recipient(s).

Name(s) of the Transfer Recipient(s) the Tribal Controller is authorizing to accept the Transfer of Possession on their behalf:

In cases where multiple collections or objects are being transferred to different Transfer Recipients, Tribal Controllers should link the name(s) of specific Transfer Recipients to the collection or object they want the Transfer Recipient(s) to handle. Specific collections or objects can be referenced using any combination of the following: Site Names, State/County of Origin, Site ID Numbers, Catalogue Numbers, Accession Numbers, etc.

University of Michigan, Version 1.1, 12-13-2013

Optional

- ☐ Defer to my fellow Tribal Controllers the identification and authorization of Transfer Recipients. I will notify the University in writing when and if this stance has changed.

Required

- ☒ I am sending paperwork from the tribe's Governing Authority that substantiates my authority to oversee NAGPRA-related issues for the tribe.

OR

- ☐ This paperwork should already be on file with the University of Michigan and is still current.

Signature of NAGPRA Designee	Printed Name	Name of Tribe	Date
<p>This form should be signed by the Governing Authority or a duly authorized NAGPRA Designee for the federally recognized Indian tribe(s) / Native Hawaiian organization(s) submitting the claim/request.</p> <p>In signing this form, the signatory acknowledges that his/her tribe understands that one, some, or all of the authorized Transfer Recipients may sign the transfer of possession receipt, thereby accepting responsibility for these site collections on behalf of the Tribal Controllers with tribal or aboriginal standing in that county.</p>			

You may complete, scan, and submit this form by email, or you may print it out and mail it to the address below. Please be sure to send all necessary attachments as applicable.

PLEASE NOTE: This form is not required to authorize transfer recipients. However, all transfer recipient authorizations must be made in writing, contain specific information, and be signed by the lineal descendant(s), or the Governing Authority or authorized NAGPRA Designee of the federally recognized Indian tribe or Native Hawaiian organization, who wish to authorize transfer recipients.

The University reserves the right to verify all data recorded on this form before accepting it.

Please return this form by email to bsecunda@umich.edu

or by mail to:

Ben Secunda
NAGPRA Project Manager
Office of the Vice President for Research
4080 Fleming Administration Building
University of Michigan
503 S. Thompson
Ann Arbor, MI 48109-1340

This form is not required for Tribal Controllers to authorize Transfer Recipients. However, pursuant to 43 C.F.R. § 10.10(f), all claims or requests must be made in writing, contain specific information, and be signed by the Governing Authority or authorized NAGPRA Designee of the Tribal Controller.

The University reserves the right to verify all data included as part of Transfer Recipient authorization communication before accepting it.

For questions, please contact Ben Secunda at 734-647-9085 or bsecunda@umich.edu

University of Michigan, Version 1.1, 12-13-2013

Transfer of Possession Receipt

[OVPR LETTERHEAD]

TRANSFER OF POSSESSION

ToP#: **[Insert Year-Sequential Number]**

[Insert Date]

Re: Transfer of Possession of Site Collection(s): **[Insert Site ID(s)/Site Name(s)]**

The Regents of the University of Michigan (the "University") do hereby transfer possession of, and their ownership interest, if any, in, the **[human remains/items/human remains and items]** described in the attached Transfer of Control document (see attached document dated **[Date]**), to individual(s) (the "Transfer Recipient(s)") representing the following Tribal Controller(s) of the collection(s):

[Insert List of Tribal Controllers]

This transfer of possession is made pursuant to, and in accordance with, the Native American Graves Protection and Repatriation Act of 1990 and its implementing regulations, as well as in accordance with University policies and procedures.

[For One Tribal Controller use: This transfer is also being completed with either the duly authorized NAGPRA Designee(s) of the Tribal Controller or the individual(s) identified in writing by the Tribal Controller (see attached authorization paperwork). The University understands that the following Transfer Recipient(s) shall accept the transfer of possession of the site collection(s) on behalf of the Tribal Controller:]

[For Multiple Tribal Controllers use: This transfer is also being completed with the express written knowledge and consent of the Tribal Controller(s) (see attached tribal document(s)). The University understands that the following Transfer Recipient(s) shall accept the transfer of possession of the site collection(s) on behalf of the Tribal Controller(s):]

[Insert Names and Title/Affiliation (If applicable) of the Transfer Recipient(s)]

By accepting this transfer of possession and signing below, the Tribal Controller(s) and Transfer Recipient(s) represent and warrant that the **[signatory/signatories]** of this document **[has/have]** full authority to act on behalf of the Tribal Controller(s) in this matter. Additionally, the Tribal Controller(s) hereby acknowledge(s) the sufficiency of the University's consultations in connection with this **[disposition/repatriation]**; agree that they have been notified of any presently known treatment of the **[human remains/items/human remains and items]** with pesticides,

preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s); certify receipt of the **[human remains/items/human remains and items]** referenced in this document; agree to be the legal owners and stewards of those **[human remains/items/human remains and items]**; and release the University of any liability and responsibility, both with respect to these **[human remains/items/human remains and items]**, and with respect to the decision to transfer possession of these **[human remains/items/human remains and items]** to the Tribal Controller(s), as of the date of this agreement.

Included in this transfer of possession are the following **[human remains/items/human remains and items]** that were accessioned into the collections of the University of Michigan Museum of Anthropology: **[Insert a short summary of the contents of the collection being transferred.]**

The Itemized Transfer Receipt (attached) records the individual Catalogue Numbers for this transfer.

[Insert or append an Itemized Transfer Receipt that includes a list of Catalog Numbers and brief descriptions from the site inventory for (as pertinent):

- Human Remains
- Associated Funerary Objects
- DNA Extractions/Control Samples
- Used Packing Materials (inclusion in transfer indicate by a "yes or no")]

The Regents of the University of Michigan

By:

[Name] Date
 Vice President for Research
 University of Michigan

University Representative Present at Transfer

By:

[Name of Representative] Date
[Title]
 University of Michigan

Authorized Transfer Recipient(s)

The Tribal Controller(s) of the collections referenced in this document have authorized the individual(s) listed above to serve as Transfer Recipient(s). One, some, or all of the Transfer Recipient(s) listed may sign this transfer document, thereby accepting the transfer of possession of these collection(s) on behalf of the Tribal Controller(s).

By:

[Name of Transfer Recipient] Date

...Provide more signature lines as needed...

Attachments:

- Itemized Transfer Receipt
- Transfer of Control document(s) with *Federal Register* notice(s)
- Copies of Transfer Recipient authorization communications from Tribal Controller(s)

cc:

- University of Michigan Museum of Anthropology
- Tribal Controller(s)