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8 **Native American Burial Remains,**  
9 **Associated and Unassociated Funerary Objects,**  
10 **Sacred Objects, and Other Cultural Patrimony**

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12 This policy was recommended by the Academic Senate on February 8, 1996  
13 and approved by the President on February 20, 1996.

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15 1.000 Statement of Principles; Committee on Native American Burial Remains and Cultural Patrimony

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17 1.100 California State University, Long Beach recognizes the ethical and legal necessity of preserving the  
18 rights of Native American tribes and communities regarding the Native American human remains and  
19 artifacts which the University holds or may hold in the future. The University also has as a central part of its  
20 mission the obligation to provide education and enlightenment about the past. The University is committed  
21 to conducting its scholarly and scientific inquiries in a manner that supports the preservation of the cultural  
22 identity of peoples and groups. Research and teaching involving Native American human remains and  
23 artifacts will only be conducted with the documented permission of the living descendants or, if unavailable,  
24 the tribal authorities (as identified by the California Native American Heritage Commission or the NAGPRA  
25 Review Committee established by the National Park Service; see section 1.400) of the Native American  
26 communities identified as the rightful owners of those remains and artifacts.

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28 1.200 This policy statement is designed both to assure adherence to the above statement of principle and  
29 to ensure compliance with the Federal Native American Graves Protection and Repatriation Act (NAGPRA) of  
30 1990 (P.L. 101-601) and related regulations of the U.S. Department of the Interior, regarding collections  
31 already housed at California State University, Long Beach, and with pertinent sections of the California  
32 Health and Safety Code and Public Resources Code, regarding future investigations or acquisitions.

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34 1.210 If any portion of this policy statement conflicts with, or fails to address the concerns of, the  
35 legal documents listed in 1.200, these documents will take precedence over the policy statement

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37 1.300 Compliance with this policy statement shall be overseen by a Committee on Native American Burial  
38 Remains and Cultural Patrimony composed of the Director of the American Indian Studies Program (or  
39 designee); two probationary or tenured CSULB faculty specializing in archaeology, biological anthropology,  
40 or cultural anthropology (or the most closely related specializations available); two additional probationary  
41 or tenured CSULB faculty (at least one of whom shall be of Native American heritage); five representatives  
42 recommended by tribal authorities (as identified by the NAGPRA Review Committee; see section 1.400) of  
43 Native American communities whose heritage is closely associated geographically with Los Angeles and  
44 Orange Counties; and the Vice President for Academic Affairs (or designee).

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46 1.310 The nine Committee members not serving ex officio shall be appointed by the Provost and  
47 Senior Vice President for Academic Affairs from a list of nominations presented by the Executive  
48 Committee of the Academic Senate.

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50 1.320 Committee members not serving ex officio shall serve staggered three-year terms and shall  
51 be eligible for reappointment without restriction, in accordance with Paragraph 1.310.

52  
53 1.330 The Committee shall be responsible for reviewing University compliance with the Native  
54 American Graves Protection and Repatriation Act of 1990, reviewing University compliance with the  
55 provisions of the Health and Safety Code and the Public Resources Code as they affect  
56 archaeological study of Native American resources or the acquisition of Native American  
57 archaeological or cultural resources, and assisting in the mediation of any disputes that may arise in  
58 connection with this policy statement.

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60 1.340 Apparent violations of this policy statement shall be reported by the Committee to the Vice  
61 President for Academic Affairs for formal investigation and possible disciplinary action.

62 1.400 The term "tribal authorities," as used in this policy, is defined as the governing body of an

63 identified tribal group. Identification of the responsible tribal authorities is the responsibility of the  
64 NAGPRA Review Committee of the National Park Service or of such other agency as the Secretary of  
65 the Interior may designate by regulation for this purpose.  
66

67 2.000 Inventory and Repatriation of Native American Burial Remains, Associated and Unassociated  
68 Funerary Objects, Sacred Objects, and Other Cultural Patrimony Already in University Collections  
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70 2.100 The University shall, by November 16, 1995, complete an inventory of all Native American  
71 burial remains, associated and unassociated funerary objects, sacred objects, and other cultural  
72 patrimony; the inventory shall also include those other categories of Native American cultural  
73 patrimony for which the Native American Graves Protection and Repatriation Act of 1990 requires  
74 only a summary.  
75

76 2.110 The inventory shall, to the extent possible, identify the geographical origin and cultural  
77 affiliations of all materials included; it shall be based on the best available academic expertise and  
78 consultation with tribal authorities representing the Native American groups thought most likely to  
79 have a cultural affiliation with the materials.  
80

81 2.120 Progress reports on the inventory shall be transmitted to the Committee on Native American  
82 Burial Remains and Cultural Patrimony.  
83

84 2.130 The final inventory shall be transmitted to the Committee on Native American Burial Remains  
85 and Cultural Patrimony; it shall also be made available to the University Library, to the Secretary of  
86 the Interior (or designee), and to the California Native American Heritage Commission.  
87

88 2.200 In the case of particular human remains or associated funerary objects to which they have a clear  
89 right of possession under the terms of the Native American Graves Protection and Repatriation Act of 1990,  
90 the University shall immediately notify identified living descendants or, if living descendants cannot be  
91 identified, the appropriate tribal authorities (as defined in section 1.400).  
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93 2.300 Within six months after the completion of the inventory provided for in Paragraph 2.100, the  
94 University shall notify the appropriate tribal authorities (as defined in section 1.400) of any particular  
95 human remains or associated funerary objects for which only the cultural affiliation has been determined.  
96

97 2.310 To the extent possible, upon the request of a tribal authority (as defined in section 1.400),  
98 the University shall make available the documentary evidence upon which the inventory of  
99 particular items is based.  
100

101 2.400 Repatriation shall be carried out in accordance with the following provisions.  
102

103 2.410 If the cultural affiliation of Native American human remains or associated funerary objects  
104 with a particular tribe has been clearly established, the University, upon the written request of a  
105 known descendant (as determined by the NAGPRA Review Committee), or in the absence of a  
106 known living descendant, upon the written request of the appropriate tribal authority (as defined in  
107 section 1.400), shall expeditiously return such remains and associated funerary objects.  
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109 2.420 If the cultural affiliation of Native American human remains or associated funerary objects  
110 with a particular tribe has not been clearly established, the University, upon the written request of  
111 the appropriate tribal authority (as defined in section 1.400), shall expeditiously return such  
112 remains and associated funerary objects if the requesting tribal authority shows cultural affiliation  
113 by a preponderance of the evidence, as determined by the Committee on Native American Burial  
114 Remains and Cultural Patrimony in consultation with the NAGPRA Review Committee.  
115

116 2.430 If the cultural affiliation of Native American unassociated funerary objects, sacred objects, or  
117 other cultural patrimony with a particular tribe has been clearly established, and the University does  
118 not have a clear legal right to possession of such objects conveyed by the appropriate tribal  
119 authority (as defined in section 1.400), the University, upon the written request of the appropriate  
120 tribal authority, shall expeditiously return such objects.  
121

122 2.440 If the cultural affiliation of Native American unassociated funerary objects, sacred objects, or  
123 other cultural patrimony with a particular tribe has not been clearly established, and the University  
124 does not have a clear legal right to possession of such objects conveyed by the appropriate tribal

125 authority (as defined in section 1.400), the University, upon the written request of the appropriate  
126 tribal authority, shall expeditiously return such objects if the requesting tribal authority shows  
127 cultural affiliation by a preponderance of the evidence, as determined by the Committee on Native  
128 American Burial Remains and Cultural Patrimony in consultation with the NAGPRA Review  
129 Committee.

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131 2.450 Written requests for repatriation under this policy should be addressed to the Provost and  
132 Senior Vice President for Academic Affairs, California State University, Long Beach, Long Beach,  
133 California 90840-0118.

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135 2.460 Where there are multiple requests for repatriation of any human remain or cultural item, the  
136 University shall retain and preserve the human remain or cultural item until the requesting parties  
137 reach agreement on its proper disposition or until the dispute is resolved by mediation, a court of  
138 competent jurisdiction, or other appropriate means.

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140 2.500 Where disagreements arise relating to requests for the return of human remains or cultural items,  
141 and the requesting parties cannot reach agreement among themselves, the University Committee on Native  
142 American Burial Remains and Cultural Patrimony shall encourage mediation by a third party, which may be  
143 the NAGPRA Review Committee or another appropriate entity mutually agreeable to the disputants.

144  
145 3.000 The University recognizes that in future investigations or acquisitions, its concern for scholarly and  
146 scientific knowledge must be balanced against its obligation to assist in the preservation of the cultural  
147 identity and continuity of Native American communities whose heritage may be represented in the form of  
148 archaeological and cultural artifacts.

149  
150 3.100 The University recognizes that those whose past is embedded in certain places have a legitimate  
151 right to express their concerns about how those places and the materials they contain are treated. The  
152 University acknowledges that open communication with Native Americans whose heritage may be affected  
153 is essential prior to the implementation of archaeological studies. Consciousness of, and sensitivity to, those  
154 groups whose past is being explored is required. At the same time, the University must freely communicate  
155 its own interest in expanding scholarly and scientific knowledge of specific places and times. The governing  
156 premise for all parties in this dialogue must be that each engage in the process in a collaborative frame of  
157 mind.

158  
159 3.110 The University may engage in field studies in places where law and regulations require study,  
160 where site destruction through natural processes such as erosion is ongoing, or when requested by  
161 the Native American community that has historic jurisdiction over the places. In other situations the  
162 University will restrict itself to nondestructive methods of study such as reconnaissance and survey.

163  
164 3.120 In the event that a case arises in which explicit scholarly goals appear to justify  
165 archaeological excavation of a site not covered by the language of Paragraph 3.110, a proposal for  
166 study will be made in writing to the community with jurisdiction and the decision of that community  
167 will be accepted as final as to whether the University will undertake the project.

168  
169 3.130 Prior to any archaeological work, the University shall confer with Native American consultants  
170 on the action that prompts the work (e.g., course-related teaching, historic preservation,  
171 environmental regulations). The Native American consultants shall be persons recognized by their  
172 respective communities as scholars of their own cultural traditions. When funding is available, a  
173 Native American monitor shall be employed as a consultant during the course of the field work;  
174 whether or not funds are available to support such employment, Native American monitors shall be  
175 invited to visit the place of study at any time during the project and to make inquiries regarding the  
176 work. Native American monitors employed by the University shall be appointed in accordance with  
177 the guidelines issued by the California Native American Heritage Commission and shall be free to  
178 report to the appropriate Native American communities.

179  
180 3.140 As part of a pre-work conference, the likelihood of encountering human remains shall be  
181 discussed with the Native American monitor or other appropriate tribal representatives and a policy  
182 developed for the treatment of such remains in the field. The scientific importance of such remains  
183 and associated materials should be explained, not only in general terms but also in the specific  
184 context of the project. University personnel may make recommendations regarding the laboratory  
185 study of such human remains or associated materials, but they shall then defer to the judgment of  
186 the appropriate tribal representatives in the matter. (The California Health and Safety Code requires

187 any individual discovering human remains in any location other than a dedicated cemetery to stop  
188 work immediately and notify the County Coroner. If the Coroner determines that the remains are of  
189 Native American origin, the Coroner will notify with Native American Heritage Commission of the  
190 discovery within 24 hours.)

191  
192 3.200 Archaeological studies conducted on the campus of the University itself shall be conducted in  
193 accordance with all of the policies and principles enumerated in this document, in addition to a study plan  
194 drawn up in conformity with NAGPRA and the National Historic Preservation Act as amended through 1992,  
195 and with A Cultural Resources Management Plan for California State University, Long Beach, copies of which  
196 are available for reference at the University Library, the Office of the Academic Senate, and the Office of  
197 Physical Planning and Facilities Management. This study plan must be approved by the President of the  
198 University following a recommendation made by the Committee on Native American Burial Remains and  
199 Cultural Patrimony (established in Section 1.300). The provisions of Section 3.000 of this document shall  
200 apply to all such studies.

201  
202 3.300 Any new archaeological discovery made by University personnel shall be reported within 30 days to  
203 the appropriate regional archaeological information center. In the case of discoveries made on campus, the  
204 appropriate archaeological information center is the one maintained at UCLA.

205  
206 3.400 Whenever the University is offered any opportunity to obtain items of Native American cultural  
207 patrimony, either through gift or by purchase, the University, prior to completing the acquisition, shall  
208 determine the cultural affiliation of the items and consult with the appropriate tribal authorities (as defined  
209 in section 2.300) to determine that they have no intention of asserting a claim to the items. If the tribal  
210 authorities do plan to assert a claim to the items, the University shall not complete the acquisition or accept  
211 the gift.

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**EFFECTIVE: April 1, 1996**  
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