SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL

Re: Systemwide Review of Proposed Revised Presidential Policy on Native American Cultural Affiliation and Repatriation

Dear Susan,

As you requested, I distributed for systemwide Senate review the proposed revised Presidential Policy on Native American Cultural Affiliation and Repatriation. Nine Academic Senate divisions (UCB, UCD, UCI, UCLA, UCM, UCR, UCSD, UCSC, and UCSF), and three systemwide committees (UCAF, UCAADE, and UCFW) submitted comments. These comments were discussed at Academic Council’s October 23, 2019 meeting and are attached for your reference.

We understand that the Policy is intended to update UC’s compliance with the federal and state versions of the Native American Graves Protection and Repatriation Act (NAGPRA), and strengthen UC policy and practices related to the curation, repatriation, and disposition of Native American remains and cultural items in the University’s custody. Recent State legislation included several mandates to UC concerning its NAGPRA policies, processes, and consultation procedures, and UC has revised its Policy substantially to comply with legislation. The revised Policy assigns responsibility for overall policy implementation and compliance to a joint systemwide committee. It also asks the six UC campuses with NAGPRA-covered holdings to establish local committees to assess campus implementation of the policy and review claims for cultural affiliation and requests for repatriation or disposition of human remains.

Council strongly supports the broad goals of the Policy, to prioritize repatriation, better incorporate tribal input into UC processes, and increase the promptness and consistency of UC’s responses to repatriation requests. We also draw your attention to some of the comments, concerns, and suggestions made in the Senate letters.

First, the proposed policy calls for at least one member of the campus committee to be a member of an American Indian or Native American Studies Program. However, not every campus with a NAGPRA-eligible collection has such a program. (UCSC, for instance, has a NAGPRA-eligible collection but not such a program.) Council recommends incorporating additional flexibility into the requirements for the composition of committees in ways that prioritize expertise over specific discipline. In addition, reviewers emphasized the need for a clear and fair process to determine tribal affiliation and to adjudicate claims of ownership of artifacts and remains in instances when
multiple tribes claim ownership, or when a committee cannot identify an affiliated tribe. Merced also suggested adding a reciprocity provision to enable Merced to seek assistance from colleagues at other campuses should it find itself in the position to potentially acquire NAGPRA-eligible items.

In addition, Council suggests including an option for tribes to request systemwide review and approval for repatriation when there are collections of human remains or cultural/funerary items on multiple campuses. The systemwide committee might also consider how to address remains and artifacts in UC’s possession from outside of the United States. Finally, we encourage the University to articulate a strong systemwide funding commitment, to ensure successful and effective implementation.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Kum-Kum Bhavnani, Chair
Academic Council
cc: Academic Council
Senate Directors