

POLICY NAME: MSU NAGPRA Policy and Procedures

POLICY NUMBER:

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I. POLICY STATEMENT

As a public university Michigan State University (MSU) is guided by a commitment to excellence that is based on the values of collaboration, equity, excellence, integrity and respect in its teaching, research, and public engagement. The University’s strategic plan, [MSU 2030: Empowering Excellence, Advancing Equity and Expanding Impact](#), outlines a 10-year vision for an institution that will be known for “significantly expanded opportunity and advanced equity, elevated its excellence in ways that attract vital talent and support, and renewed and restored its sense of community” (p. 12). MSU’s collections policies and procedures will accord with these values and vision both in current practice and in future actions.

In its approach to collections acquisitions, stewardship and care, Michigan State University recognizes the importance of the [2007 United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#), in particular the rights enumerated in articles 11-13:

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Michigan State University commits to working collaboratively with Indigenous Tribes, communities and Native Nations to facilitate the exercise of these rights in relation to university collections. We respect and support the sovereignty of Indigenous Nations and support UNDRIP's emphasis on the Free, Informed and Prior Consent of Indigenous peoples. This will serve as an important guiding principle on future collections practices, as well as a foundational principle for taking steps to recognize and reconcile how existing collections were acquired.

This commitment includes actively complying with the regulations and principles set out in the [Native American Graves Protection and Repatriation Act \(NAGPRA\)](#), the [Archaeological Resources Protection Act](#), the [National Historic Preservation Act](#), [UNESCO Convention on Cultural Property](#), and the [Natural Resources and Environmental Protection Act](#). More broadly, it includes respecting Indigenous peoples' rights to the ownership, interpretation, and transmission of collections, archives, intellectual property and data management that belong to and represent their heritage. We respect the rights of Indigenous and other historically marginalized communities to their own cultural patrimony and matrimony. As a public university dedicated to the creation of knowledge and interpretive practices, we respect and value modes of knowing and understanding that represent different histories, traditions, and practices.

We believe it is equally critical to position our approach to compliance and collaboration in relation to our larger understanding of the history of the University. These NAGPRA policies align with the MSU's commitment to interrogate that history, as outlined in *MSU 2030*:

Today, we recognize we have not collectively acknowledged the connection between land-grant universities and the systematic seizure and dispossession of

land from Native Americans as well as the role the federal government's support for agriculture played in relentless westward expansion. Acknowledging this history, we also understand that, as we go forward, use of "pioneer" in combination with "land-grant" as a descriptor for MSU does not align with our values of respect and our commitments to diversity, equity and inclusion.

To honor this commitment requires us to tell a more complex and inclusive story. The land Michigan State's main campus occupies was ceded by Indigenous people in the 1819 Treaty of Saginaw. These lands are the ancestral, traditional and contemporary lands of the Anishinaabeg – Three Fires Confederacy of Ojibwe, Odawa and Potawatomi peoples. Land granted to benefit Michigan State in association with the Morrill Act was situated in both the Upper and Lower Peninsulas of Michigan, ceded in the 1819 treaty and two treaties in 1836. But because Michigan State operates in every county in Michigan, with programs, facilities and land across the state, we occupy or use land ceded in every treaty negotiated in Michigan between the late 1700s and early 1840s (learn more at project.geo.msu.edu/geogmich/images/indianreservation.jpg). Treaties like these were negotiated under duress and were often the result of coercion, abuse and violence.

The impact on Indigenous peoples created by Michigan State's founding was not only indirect. A map representing MSU's first year shows a Native encampment by the Red Cedar River near Old College Field. This camp appears to have been used seasonally and provided a base for hunting, fishing and processing maple sap. Loss of land, diminished access to natural resources and forcible relocation adversely affected Indigenous people's well-being and cultures in significant ways that still reverberate today.

Reflecting upon Michigan State's past and the relevance of its land-grant mission today allows us to make intentional choices about how we frame and express our identity in the future. As the founding land-grant, we have a particular responsibility not only to raise awareness of the full history of Michigan State and land-grant universities, but also to elevate the voices of Indigenous people and cultures and take steps to forge authentic connection and collaboration with Native American and Indigenous communities historically affected by land-grant policies (pp 4-5).

MSU commits to the use and narration of this history as just one effort at reconciliation with this past and as a means of starting to move forward in positive and respectful ways. This includes the repatriation of Ancestors, funerary objects, sacred objects, and objects of cultural patrimony – as necessary under NAGPRA – but moving beyond the strict letter of the law. We believe that for MSU to fulfill its stated institutional values of collaboration, equity, excellence, integrity, and respect (*MSU 2030*)--as well as to become a leader in diversity, equity, and inclusion as articulated [MSU's Diversity, Equity, and Inclusion Plan \(2021\)](#)--the University must work collaboratively with Indigenous and other marginalized communities towards reconciliation. The NAGPRA policies below were developed as part of that collaborative process, both in the way in which they drafted, and in the

implementation steps that involve open, meaningful consultation from the initial identification of cases through repatriation.

II. SCOPE

This policy applies to all of Michigan State University, including all Michigan State University owned property.

III. DEFINITIONS

These policies use definitions from NAGPRA when addressing specific sections of the federal legislation. We have worked in consultation with Tribes to use terminology that goes beyond that legal language where appropriate, and we are committed to ensuring that the ways we describe our processes as well as the ways that we carry them out are respectful to the Ancestors and their descendant communities.

Meaningful consultation involves recognizing that Indigenous communities, Tribes and Native Nations are equal players and should have free, prior, and informed consent for any decisions that will affect Indigenous cultural patrimony. This begins by working as joint partners in developing the consultation process. The process should ensure that Indigenous communities and leaders are involved in decisions involving scheduling, as well as the best mode of and location for any in-person meeting. Should consultations need to take place on the MSU campus, MSU will work to facilitate travel and accommodation for those who do not live or work within easy traveling distance and to discuss needs for financial support.

MSU commits to approaching its NAGPRA compliance through meaningful consultation throughout the full NAGPRA process, including: timely reporting of new cases and information; full sharing of documentation; open conversations and decision-making about care and treatment; joint inventory development through discussions of all drafts through final submission; inclusion of multiple modes of evidence in cultural affiliation determinations; and decisions about repatriation requests and physical transfer. A written record of consultation will be kept in the NAGPRA files for all consultations.

NAGPRA defines the requirements, procedures, and processes for the repatriation of Native American and Native Hawaiian Ancestral Remains, funerary objects, sacred objects, and objects of cultural patrimony. For the purposes of the legislation, this includes:

Native American: of, or relating to, a tribe, people, or culture that is indigenous to the United States. MSU will also consult with lineal descendants, Indian tribes, and Indian groups that are not federally recognized.

Native Hawaiian organization (NHO): any organization that serves and represents the interests of Native Hawaiians, who are descendants of the indigenous peoples who, before 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii, has as a primary and stated purpose the provision of services to Native Hawaiians, and has expertise in Native Hawaiian affairs, and shall include the Office of Hawaiian Affairs, Native Hawaiian organizations (including 'ohana) who are registered with the Secretary of the Interior's Office of Native Hawaiian Relations, and Hawaiian Homes Commission Act Beneficiary Associations and Homestead Associations.

Ancestral (Human) Remains: the physical remains of the body of a person of Native American ancestry. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item.

Associated objects: objects that were placed with human remains that are presently in the possession or control of the institution. Associated funerary objects are included in the inventory process described below.

Cultural affiliation: a reasonable connection between human remains or cultural items and an Indian Tribe or Native Hawaiian organization based on a relationship of shared group identity. Cultural affiliation may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the human remains or cultural items.

Delivery of written documents: Requests for repatriation, claims for disposition, invitations to consult, or notices for publication will be sent by one of the following methods: 1) email, with proof of receipt, 2) personal delivery with proof of delivery date, 3) Private delivery service with proof of date sent, or 4) certified mail. Communications to the Manager, National NAGPRA Program, must be sent electronically to nagpra_info@nps.gov.

Duty of Care: requirement that a museum cares for, safeguard, and preserve any human remains or cultural items in its custody or in its possession or control. A museum must 1) consult with lineal descendants, Indian Tribes, or Native Hawaiian organizations in the storage, treatment, or handling of human remains or cultural items; 2) make a reasonable and good faith effort to incorporate and accommodate the Native American traditional knowledge of lineal descendants, Indian Tribes, or Native Hawaiian organizations in the storage, treatment, or handling of human remains or cultural items; and 3) Obtain free, prior and informed consent from lineal descendants, Indian tribes or Native Hawaiian organizations prior to allowing any exhibition of, access to, or research on human remains or cultural items. Research includes, but is not limited to, any study, analysis, examination, or other means of acquiring or preserving information about human remains or cultural items.

Funerary object: an object that, as part of the death rite or ceremony of a culture, is reasonably believed to have been placed with individual human remains either at the time of death or later. Funerary objects are either associated or unassociated.

Holding or collection: an accumulation of one or more objects, items or human remains for any temporary or permanent purpose, including academic interest, accession, catalog, comparison, conservation, education, examination, exhibition, forensic purposes, interpretation, preservation, public benefit, research, scientific interest, or study.

Inventory: a simple itemized list of the sets of any human remains and associated funerary objects in a holding or collection that incorporates the results of consultation and makes determinations about cultural affiliation.

Object of cultural patrimony: an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than

property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

Possession or control: means having a sufficient interest in an object or item to independently direct, manage, oversee, or restrict the use of the object or item. A museum may have possession or control regardless of the physical location of the object or item. Custody through a loan, lease, license, bailment, or other similar arrangement is not sufficient interest to constitute possession or control.

Record of Consultation: documentation of the results of consultation that describes the concurrence, disagreement, or nonresponse of the consulting parties to the identifications made in the summary or inventory.

Right of possession: possession or control obtained with the voluntary consent of an individual or group that had authority of alienation.

Sacred object: a specific ceremonial object which is needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

Summary: a written description of a holding or collection that contains an unassociated funerary object, sacred object, or object of cultural patrimony.

Unassociated objects: objects where the individual human remains with which they were placed are not in the possession of the institution. An unassociated funerary object must be identified by a preponderance of the evidence as related to known individual human remains whose location is unknown, related to specific individuals or families, or removed from a specific burial site of an individual culturally affiliated with a particular Indian Tribe. Unassociated objects are included in the summary process described below.

IV. POLICY

This policy provides information and guidance on MSU's framework and procedures for fulfilling its responsibilities under the federal [Native American Graves Protection and Repatriation Act \(NAGPRA\)](#) (25 U.S.C. 3001-3013, 43 CFR Part 10). NAGPRA provides a process for the repatriation of Ancestral Remains and associated funerary objects (done through the Inventory process), for the return of unassociated funerary objects, sacred objects, and objects of cultural patrimony (done through the Summary process), and for the handling of inadvertent discoveries of human remains on federal or tribal land. As an institution receiving federal funds, MSU must comply with the terms of NAGPRA.

Though NAGPRA often involves the repatriation of museum collections, the legislation applies to all research, teaching, and exhibition collections across MSU, as well as to Ancestral Remains, funerary objects, sacred objects, and objects of cultural patrimony retained by individual faculty in their teaching and research roles. It also impacts MSU's approach to inadvertent discoveries made on MSU controlled land (through, e.g., construction) and to Ancestral remains that may be brought to campus by external parties for expert identification or analysis. It will be of particular relevance to the MSU Museum,

MSU Broad Art Museum, MSU Libraries, Department of Anthropology, MSU Forensic Anthropology Lab, Campus Archaeology, and Infrastructure Planning and Facilities, but it applies to all MSU units.

Moving from the letter of the law to the spirit of the law at MSU

Under the U.S. Department of the Interior, National NAGPRA emphasizes the guiding principle of [facilitating respectful return](#) when approaching compliance work under federal regulations: “By enacting NAGPRA, Congress recognized that human remains of any ancestry “must at all times be treated with dignity and respect.” Congress also acknowledged that Ancestral Remains and objects removed from federal or tribal lands belong, in the first instance, to lineal descendants, Indian Tribes, and Native Hawaiian organizations. With this law, Congress sought to encourage a continuing dialogue between museums and Indian Tribes and Native Hawaiian organizations and to “promote greater understanding between the groups” while at the same time recognizing “the important function museums serve in society by preserving the past.” ([US Senate Report 101-473](#)).

All of MSU’s policies for NAGPRA compliance and related work with collections should be undertaken in the spirit of facilitating respectful return at every stage of the process. Facilitation is a process that involves continual dialogue among equal partners committed to common goals and the creation of shared understandings. MSU’s institutional commitment to diversity, equity, and inclusion involves recognizing our responsibility in expanding access to information and knowledge, lowering barriers that might hinder that access, and acknowledging multiple modes of understanding.

In support of these values, we commit to engaging in consultations and developing relationships that are open and transparent, grounded in mutual respect, and guided by the premise of equal dignity and rights. MSU is committed not only to following the letter of the law to maintain legal compliance, but to embracing the spirit of the law in respecting Indigenous cultural patrimony and heritage. The following procedures are designed to fulfil the legal requirements as well as embrace our role in reconciliation and redressing the wrongs of the past through meaningful consultation, collaboration, and the recognition of Indigenous sovereignty. Going beyond the letter of the law entails recognizing practices of colonization and cultural genocide, practices that are a part of how and when museums, archival, and teaching collections such as those at MSU were established. It likewise means actively considering how current activities on campus, including physical disturbance of the land or new construction, might result in inadvertent finds and archaeological collections associated with Indigenous groups and stakeholder communities.

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V. POLICY PROCEDURES

Inventory Process. NAGPRA requires that MSU develops inventories of Native American ancestral remains and associated funerary objects in consultation with tribal representatives. An *inventory* is defined as a simple itemized list of the sets of human remains and associated funerary objects in a holding or collection along with the results of consultation and determinations about cultural affiliation.

MSU New Cases

MSU's Office of the Provost and Office of Research Regulatory Support will ensure that regular collections audits will take place, and the results will be documented and retained in the University NAGPRA records. The NAGPRA Program Manager (working with Tribes, Native Hawaiian organizations, curators, faculty, or staff who maintain the collections) will help to identify potentially NAGPRA-eligible Ancestral Remains and associated funerary objects. The NAGPRA Program Manager will provide a monthly report to the NAGPRA Advisory Committee on ongoing audits.

Ancestral Remains that are identified in the MSU Forensic Anthropology Laboratory will be treated according to the regular processes and timelines below. **Appendix C** outlines the Laboratory processes and procedures for documentation and notification that will ensure compliance with MSU and federal NAGPRA policies.

If Ancestral Remains and associated funerary objects are identified within any MSU collections, they must be reported immediately to the NAGPRA Program Manager and the Vice Provost for University Arts and Collections. A case number will be assigned, and the process outlined in the NAGPRA Inventory flow chart [figure 1] will be followed, including the institution of a research, teaching and exhibition moratorium. This moratorium ensures our compliance with the Duty of Care requirement. The MSU NAGPRA care and treatment plan [outlined in Appendix A] will be followed, all known documentation and information will be preserved in the MSU NAGPRA permanent records, and the NAGPRA Program Manager will prepare a report to present at the next monthly NAGPRA Advisory Committee. The Vice Provost for University Arts and Collections will provide a monthly update on progress on NAGPRA cases to the Provost and Executive Vice President for Academic Affairs.

- I. No later than **30 business days** after the identification of Ancestral Remains and associated funerary objects, MSU will initiate the consultation process with Tribal and NHO representatives. The purpose of the

consultation will be to share any known information that will help to determine the cultural affiliation of ancestral remains and associated cultural items, to agree on a care and treatment plan and the process for moving Ancestral Remains or cultural items to the MSU NAGPRA collection space, and to develop the inventory. An invitation to consult must be initiated by MSU in writing (see the definition for Delivery of Written Documents definition), but follow-up will be conducted by telephone, video calls, or in-person conversation in a format and process mutually agreed on between MSU and Tribal or NHO representatives.

Invitations to consult will include an initial draft of the inventory, a timeline for consultation, and the names of all identified consulting parties. Should a new consulting party be identified during consultation, MSU will send a new invitation to consult within **14 business days**.

MSU will respond to written requests to consult within **14 business days**. A written record of the consultation will be kept on file for all consultations.

MSU will share all information with Tribes and NHOs that could help to establish cultural affiliation. Before information is shared in writing or electronically, MSU will consult on how to respectfully provide that information (e.g., what is the best means for providing information; is there sensitive information that needs to be shared in a secure format; should digital or physical images be sent if they exist already; what can and cannot be imaged to provide additional information if requested).

- II. If during consultation and on recommendation of the NAGPRA Advisory Committee to the Vice Provost for University Arts and Collections and the Associate Vice President for Research Regulatory Support a determination is made that cultural items are not NAGPRA eligible, the MSU Cultural Collections Policy process will be followed.
- III. Using the totality of evidence collected at MSU and during consultation, MSU will make a determination on cultural affiliation. Evidence used to establish cultural affiliation may include anthropological, archaeological, biological, folkloric, geographical, historical, kinship, linguistic, oral traditional information, or other relevant information or expert opinion including Native American traditional knowledge. The determination must be one of the following: i) cultural affiliation is identified clearly by the information available, ii) cultural affiliation is identified reasonably by the geographic location or acquisition history, or iii) cultural affiliation cannot be clearly or reasonably identified.

The NAGPRA Advisory Committee will review the cultural affiliation determination and provide a summary of their review to the Vice Provost for University Arts and Collections and the Associate Vice President for Research Regulatory Support. The Vice Provost for University Arts and Collections and the NAGPRA Program Manager will share the final determination with the consulting Tribes before submitting the inventory to

the National NAGPRA Program. The inventory must be submitted no later than 2 years after initial discovery.

- IV. A Notice of Inventory completion will be submitted to the National NAGPRA Program and to all consulting parties, no later than 6 months after inventory submission. The federal publication process and waiting period will be followed. Final edits made during the publication process will be shared with consulting Tribes and NHOs. These edits will be returned to the National NAGPRA program no later than 14 days after receipt.

- V. At any point after the publication of the notice of inventory completion, any Indian Tribe or NHP may submit a written request for repatriation of human remains or associated funerary objects. Requests received prior to publication of the notice will be dated to the same date the notice is published.

- VI. Requests for repatriation will receive a written response no earlier than 30 days after publication of the notice, but no later than 90 days after receiving the request. This written response will state that either the request meets the criteria, does not meet the criteria, or that we have received competing requests.

- VII. **No later than 90 days** after responding to a request for repatriation that meets the criteria, the Ancestors and associated funerary objects may be returned to a group claiming them.
 - The legal transfer of control for the Ancestors and associated funerary objects will be to all Tribes or NHOs that have requested repatriation. The transfer of control is done through a written repatriation statement, a copy of which is also sent to the Manager, National NAGPRA Program. This transfer of control is considered the official deaccession from Michigan State University collections.
 - The Tribe(s) to which the Ancestors will be physically returned will be determined through consultation with those Tribes requesting disposition.
 - Should an objection or counter claim be received, MSU will reassess the affiliation decision through the process described in step 3 above.

- VIII. If no information is available to establish cultural affiliation, MSU will, through consultation, work to find a proposed disposition that is mutually agreeable to the consulting Tribes or NHOs. As a result of this consultation, MSU may 1) agree in writing to transfer the human remains or associated funerary objects to an Indian Tribe or Native Hawaiian organization, 2) decide in writing to reinter the human remains or associated funerary objects according to applicable laws, or 3) receive a request for repatriation

and respond to that request. No later than 30 days after agreeing to transfer or deciding to reinter the human remains or associated funerary objects, MSU will submit a notice of proposed transfer or reinterment, a copy of which will be sent to all consulting parties and to the National NAGPRA Program. Following the federal publication process and waiting period, 30 days after publication the transfer or reinterment may be completed. A written statement on the completion of the transfer or reinterment will be sent to the Manager, National NAGPRA Program.

Repatriation Inquiries or Claims

Potential claimants may reach out to the NAGPRA Program Manager with requests for inventories or items to which they may be culturally affiliated via letter, e-mail, or the online request intake form. The NAGPRA Program Manager will notify the Vice Provost for University Arts and Collections and the director/dean of the relevant unit. Requests will be responded to within **30 days**, and MSU will provide access to records, catalogues, relevant studies, or other pertinent data that will help determine the geographical origins, cultural affiliation, and acquisition history of the ancestral remains and associated funerary objects. Correspondence will be maintained in the NAGPRA permanent records and associated with the inventory case number. Collections visits will be coordinated by the NAGPRA Program Manager with the director/dean of the relevant unit.

Summary Process. NAGPRA requires that MSU examine their collections for any objects that may meet the definitions of unassociated funerary objects, sacred objects, or objects of cultural patrimony. A summary of these items is to be provided to Tribes with whom the items may potentially be culturally affiliated. A Summary is a written description of a holding or collection that contains an unassociated funerary object, sacred object, or object of cultural patrimony. A summary must include the estimated number and a general description of the holding or collection, including any potential cultural items; the geographical location by county or State where the potential cultural items; the acquisition history of the potential cultural items, other information relevant for identifying a lineal descendent or an Indian Tribe or Native Hawaiian organization with cultural affiliation, and any object as an unassociated funerary object, sacred object, or object of cultural patrimony, and the presence of any potentially hazardous substances used to treat any of the unassociated funerary objects, sacred objects or objects of cultural patrimony, if known.

MSU New Cases

MSU's Office of the Provost and Office of Research Regulatory Support will ensure that regular collections audits will take place, and the results will be documented and retained in the University NAGPRA records. The NAGPRA Program Manager (working with Tribes, Native Hawaiian organizations, curators, faculty, or staff who maintain the collections) will help to identify potentially NAGPRA-eligible unassociated funerary objects, sacred objects, or objects of cultural patrimony. The NAGPRA Program

Manager will provide a quarterly report to the NAGPRA Advisory Committee on ongoing audits.

Should NAGPRA-eligible objects be identified within MSU collections, they must be reported immediately to the NAGPRA Program Manager and the Vice Provost for University Arts and Collections. A case number will be assigned, and the process outlined in the NAGPRA Summary flow chart [\[figure 2\]](#) will be followed, including the institution of a research, teaching, and exhibition moratorium, per the required Duty of Care. The MSU NAGPRA care and treatment plan [outlined in Appendix A] will be followed, all known documentation and information will be preserved in the MSU NAGPRA permanent records, and the NAGPRA Program Manager will prepare a report to present at the next monthly NAGPRA Advisory Committee.

If according to existing records, the University has the Right of Possession, the objects (including those mentioned above) do not fall under NAGPRA. “Right of possession” means 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 or 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.

MSU is committed to consulting with Tribes and NHOs about the respectful care and treatment, display and use of culturally sensitive objects, including those that are not NAGPRA eligible. Objects for which MSU retains Right of Possession fall under the MSU Cultural Collections Policy, and consultation will follow the processes described in that document.

- I. No later than **6 months** after the identification of potentially NAGPRA-eligible unassociated funerary objects, sacred objects, or objects of cultural patrimony, MSU will provide a written summary to the National NAGPRA Program. No more than 30 days after compiling the summary, MSU will invite Tribes and NHOs to consult with us. The summary will be sent to those from whose Tribal lands unassociated funerary objects, sacred objects, or objects of cultural patrimony originated; that are, or are likely to be, culturally affiliated with unassociated funerary objects, sacred objects, or objects of cultural patrimony; and from whose aboriginal lands unassociated funerary objects, sacred objects, or objects of cultural patrimony originated.
- II. Written requests for consultations by potential claimants will be responded to within **14 business days**. The purpose of the consultation will be to share any known information that will help to determine whether objects can be culturally affiliated to a specific group, to agree on a care and treatment plan and the process for moving objects to the MSU NAGPRA collection space, and to determine the types of objects that might be unassociated funerary objects, sacred objects, or objects of cultural patrimony (see figure 2). MSU will respond to the request in writing, but follow up will be conducted by telephone, video calls, or in-person conversation in a format and process mutually agreed on between MSU and Tribal or NHO representatives. A

written record of the consultation will be kept on file in the NAGPRA archives.

Should a new consulting party be identified during consultation, MSU will send a new invitation to consult within **14 business days**.

MSU will share all information with Tribes and NHOs that could help to establish cultural affiliation. Before information is shared in writing or electronically MSU will consult on how to respectfully provide that information (e.g., what is the best means for providing information; is there sensitive information that needs to be shared in a secure format; should digital or physical images be sent if they exist already, what can and cannot be imaged to provide additional information if requested).

Tribes and NHOs may submit a written claim, a request for repatriation, for the return of objects to which they may be culturally affiliated. The NAGPRA Advisory Committee will review the claim(s) and provide a summary recommendation to the Vice Provost for University Arts and Collections and the Associate Vice President for Research Regulatory Support. The Vice Provost for University Arts and Collections and the NAGPRA Program Manager will share the final determination with the consulting Tribes and NHOs before submitting a Notice of Intended Repatriation. Requests for repatriation will be responded to in writing no later than 90 days after receipt, copying all other consulting parties.

- III. No later than 30 days after responding to a request for repatriation, a notice of intended repatriation will be submitted to the National NAGPRA program and to all consulting parties. The federal publication process and waiting period will be followed. Final edits made during the publication process will be shared with consulting Tribes and NHOs. Edits received from National NAGPRA will be made and resubmitted within 14 days.
- IV. **30 days** after the publication of the Notice (no later than 90 days), control of the unassociated funerary objects, sacred objects and objects of cultural patrimony will be transferred to the Tribe or NHO claiming them in a written repatriation statement. A copy of the repatriation statement will be sent to the Manager, National NAGPRA program as well. This transfer of control is considered the official deaccession from Michigan State University collections. Should a counter claim be received during the 30-day waiting period, MSU will reassess the affiliation decision through the process described in step 2 above.

Requests for Information to help identify unassociated funerary objects, sacred objects, and objects of Cultural Patrimony

Tribes and NHOs may contact the NAGPRA Program Manager and request access to database inventories, written records, or other information about objects to which they may be culturally affiliated. Requests should be made in writing via letter, e-mail or the online request intake form. The NAGPRA Program Manager will notify the Vice

Provost for University Arts and Collections and the Director associated with the collection. Requests will be responded to within **14 business days**, and MSU will provide access to records, catalogues, relevant studies, or other pertinent data that will help determine the geographical origins, cultural affiliation, and acquisition. Collections visits will be coordinated by the NAGPRA Program Manager with the Director associated with the collection.

Process for inadvertent discoveries on MSU controlled land

In campus planning for construction or maintenance, Campus Archaeology will be consulted about potential for sensitive sites. Should inadvertent discoveries occur during construction or maintenance on campus, Campus Archaeology will immediately be notified for consultation. If human remains or objects might be NAGPRA eligible, the NAGPRA processes in this document will immediately be followed, including notification of Tribes.

Permissible processes to determine NAGPRA Eligibility and cultural affiliation

Information used to establish ancestry and cultural affiliation may include anthropological, archaeological, biological, folkloric, geographic, historical, kinship, linguistic, oral traditional information, and other relevant information or expert opinion. Every effort will be made to identify ancestry using context, recovery location, and associated artifacts, in addition to visual inspection and non-invasive measurements. MSU may need to conduct an initial visual analysis of Ancestral Remains and objects in order to provide estimates of an individual's ancestry, age-at-death, sex, and stature, along with estimates of MNI, trauma and pathology. This will only be done after permission has been received from the Tribes, unless it is necessary to determine if the individual is an Ancestor. All analyses will be non-destructive and reversible. Additional surety measures will be followed: no identification markings will be made on Ancestral Remains; there will be no attempt to clean off existing markings, materials or remaining organic or ceremonial materials; there will be no intrusive or destructive examination (including but not limited to DNA, scraping, destructive dating). Additionally, no destructive chemicals or pesticides will be used. No photography or other imagery will be created unless requested during tribal consultations. Any imagery (e.g., photography, sketches, drawing, painting, 3D scanning, radiographs, etc.) collected before NAGPRA-eligible designation will be kept with Ancestral Remains and returned during repatriation.

Policies for accepting or acquiring new collections and loans

MSU will not knowingly accept or acquire collections that include Ancestral Remains or associated funerary objects that are (or were) separated from Ancestral Remains for the purposes of donation, loan, or acquisition. Should a donated or transferred collection be found to include (or have included) Ancestral Remains or NAGPRA-eligible objects after

they are received at MSU, a new NAGPRA case will be started using the procedures for consultation outlined above in 1.2 or 2.2. If a potential loan, donation, or acquisition includes unassociated funerary objects, sacred objects, or objects of cultural patrimony, MSU will, to the fullest extent possible, engage in meaningful consultations with potentially culturally affiliated Tribes before those objects are transferred to or accepted by MSU. If tribal consultation identifies potential NAGPRA eligibility for objects in MSU control, MSU will start the NAGPRA process as detailed in the statute, regulations, and policies above.

Communications surrounding MSU NAGPRA cases and collections

As a public institution, MSU operates under principles and requirements of open communication. However, we also recognize that repatriation involves Ancestors and sacred objects that are part of living as well as historical traditions and cultures. We will not circulate images in public communications (e.g., social media, news stories), and we will consult with affiliated groups when planning communications to ensure that language and content are respectful, appropriate, and inclusive of Tribal perspectives and knowledge.

Process for review of NAGPRA policies and procedures

The Provost's Office, working with the Office of Research Regulatory Support and in consultation with the NAGPRA Advisory Committee, will conduct a comprehensive review of these policies every five years. Any of these parties may request a review of parts of the policy that interfere with or impede complying with the law or facilitating respectful consultation or repatriation. Changes in NAGPRA regulations will prompt a comprehensive review within 6 months of the date in which the revised regulations take effect. The final review and approval of the policies will reside with the Provost and Executive Vice President for Academic Affairs.

VII. VIOLATIONS

Employees or students who violate this policy may be subject to discipline. Additionally, failure to comply with this policy can result in Michigan State University becoming non-compliant with NAGPRA. This federal law includes its own penalties for institutions not in compliance with the Act.

VII. RELATED INFORMATION AND ATTACHMENTS

Appendix A: MSU Standard Care and Treatment Plan for collections subject to NAGPRA

Michigan State University (MSU) affirms the Care and Treatment plan and commitments outlined below. These general protocols are in place to guide the care and treatment of Native American and Indigenous Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony. The procedures below are not intended to replace NAGPRA consultation, but rather to ensure the dignified and respectful treatment of these Remains and Objects and to align with our required Duty of Care. Specific instructions and protocols for care and treatment will be developed in consultation with the Tribes and tribal representatives who represent the lands from which the Ancestral remains and objects were removed using the NAGPRA care and treatment checklist.

1. All Ancestral Remains and Indigenous objects are sacred.
2. All NAGPRA-eligible Ancestral remains and objects are subject to the MSU moratorium on teaching, research, and exhibition, as is any imagery of them.
3. Ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony will stay together, housed in a single room, in a separate facility from other collections, objects and remains; the room will be accessible for Elders, Spiritual Leaders, and Traditional Practitioners, with consideration to nearby parking and barrier-free access.
4. Access to NAGPRA collections is strictly limited to those directly involved in consultations, transfers, preservation and care, or inventory.
5. Prior to a scheduled visit from tribal representatives, Elders, Spiritual Leaders and Traditional Practitioners, MSU shall ensure that relevant stakeholders (e.g., fire department, physical plant, etc.) have been contacted to ensure ceremonies can occur without interruption (e.g., smudging).
6. Any considerations regarding proper handling or viewing of Ancestral remains or objects will be decided through Tribal consultation.
7. Museum standard shelving/storage will be provided in a temperature-and pest-controlled space with secured access control.
8. Temporary and removable identification tags may be appropriate and should be discussed during consultation.
9. There will be no new identification markings made on Ancestral Remains or Objects.
10. There will be no attempt to clean off existing markings, materials or remaining organic or ceremonial materials from Ancestral Remains or Objects.
11. Any inorganic materials (e.g., plastic, bubble wrap, pencil boxes, etc.) will be removed from storage with Ancestral remains and objects. Materials will be retained and returned in repatriation.
12. There will be no intrusive or destructive examination of any kind (e.g., DNA testing, scraping, carbon dating, etc.).
13. There will be no photography of Ancestral Remains. Imagery (e.g., photography, sketches, drawing, painting, 3D scanning, radiographs, etc.) collected before NAGPRA-eligible designation will be kept with Ancestral remains and returned during repatriation. Digital imagery may be shared with Tribes during consultation

upon request to assist in affiliation determinations; MSU copies will not be retained after repatriation.

14. There will be no use of destructive chemicals or pesticides on any surfaces or material.
15. MSU will use the Care and Treatment Checklist [included in forms below] during consultation to document any specific practices or protocols regarding materials to be used for housing, care, and handling. Documentation will be retained near the Ancestral remains or objects in the separate NAGPRA collections facility.

Appendix B: NAGPRA Advisory Committee: composition and members

Responsibility for campus wide NAGPRA implementation and policy resides in the Office of the Provost, in collaboration with Office of Research Regulatory Support. To advise the Provost's Office in effectively implementing NAGPRA, the Vice Provost for University Arts and Collections will convene the NAGPRA Advisory Committee. The committee membership will represent various disciplines as well as MSU units and disciplinary programs that are focused on Native American knowledge, issues, and perspectives, and it will include at least one representative not associated with MSU and selected by the Michigan Anishinaabek Cultural Preservation and Repatriation Alliance (MACPRA) members. Committee membership will be no fewer than 10. The MSU NAGPRA Program Manager will be a standing member of the committee; the Vice Provost for University Arts and Collections and the Associate Vice President for Research Regulatory Support will both be ex-officio members. Committee members will normally serve for at least one 2-year term.

The committee is charged with:

1. Drafting the MSU NAGPRA Policies, and periodically reviewing them once adopted;
2. Ensuring that MSU follows the NAGPRA Policy both in its procedures and in its stated goals and aims through its review of regular reports by the NAGPRA Program Manager and its participation in the NAGPRA process as outlined in the Policy;
3. Reviewing cultural affiliation determinations by MSU, as determined by the totality of evidence gathered in meaningful consultation;
4. Reviewing claims and requests for repatriation or disposition when there are competing or disputed claims or questions about evidence provided for a claim of kin or cultural affiliation and providing a recommendation to the Vice Provost for University Arts and Collections and the Associate Vice President for Research Regulatory Support;
5. Reviewing cases of culturally unaffiliated/unidentifiable Ancestral remains and cultural objects and providing a recommendation to the Vice Provost for University Arts and Collections and the Associate Vice President for Research Regulatory Support;

6. Advising in areas of interpretation related to the MSU NAGPRA Policies;
7. Advising in areas of interpretation related to culturally sensitive collections and materials (NAGPRA related but not NAGPRA eligible).

Appendix C: Analysis of human remains submitted to the MSU Forensic Anthropology Laboratory (MSUFAL)

Any human remains received into custody and introduced into evidence during MSUFAL casework (i.e., accessioned) must follow the standard procedures. At the time of accession, an MSUFAL master case file (i.e., case file) is created in accordance with MSUFAL Laboratory Manual, Part I, SOP 1.7 (MSUFAL Case File Management). As additional case information is received or generated, it is placed in the master file.

An initial preliminary assessment is conducted at the outset of analysis. This is not a formal analysis; rather it is a management tool that allows a senior MSUFAL staff member to quickly evaluate evidence for its probative value and, in turn, prioritize and synchronize formal analysis regarding the analytical caseload. Preliminary assessment may also determine the likelihood of obtaining DNA from biological evidence and if special measures are required to handle, store, or conserve the evidence.

MSUFAL staff typically conduct the preliminary assessment in accordance with MSUFAL Laboratory Manual, Part I, SOP 1.3 (Evidence Management & Security). At this time, human skeletal remains may be determined to be Ancestral Remains. If this occurs, all analyses will cease, and the Vice Provost for University Arts and Collections and the Research Compliance Office will be notified. However, it may not always be possible during the preliminary assessment to determine if human skeletal remains are Ancestral Remains. Therefore, a more thorough analysis may be necessary. At all times throughout the analytical process, if a determination is made that the human skeletal remains are Ancestral Remains, all analyses will cease.

Following the preliminary analysis, a more formal skeletal analysis is conducted by MSUFAL staff. This includes, but is not always limited to:

- Gross and microscopic examination of the individual skeletal elements.
- Selected reconstruction of fragmented remains to facilitate analyses in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.4 (Taphonomic Effects & Evidence Conservation).
- Photographic, radiographic, and digitization of selected observations (apart from the main assemblage) in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.1 (Forensic Imaging) and SOP 2.3 (Determining Biological Profiles and Trauma Analysis), respectively.
- Segregation of biological from non-biological and human from non-human biological material in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.4 (Taphonomic Effects & Evidence Conservation).
- Resolution of commingling in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.4 (Taphonomic Effects & Evidence Conservation).

- Determination of the minimum number of individuals (MNI) in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.4 (Taphonomic Effects & Evidence Conservation).
- Determination of the biological profile (ancestry, sex, age-at-death, stature, and traits of individuation) in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.3 (Determining Biological Profiles and Trauma Analysis). Anthropological analysis of dentition is included in these procedures.
- Taphonomic observations (e.g., staining, postmortem modifications, etc.) in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.4 (Taphonomic Effects & Evidence Conservation).
- Findings and opinions are submitted in writing in accordance with MSUFAL Laboratory Manual, Part II, SOP 2.3 (Determining Biological Profiles and Trauma Analysis).

Chain of Custody

The purpose of following chain of custody procedures is to maintain the integrity of all forensically or potentially forensic-related materials prior to and during analysis, including during the collection, transportation, and storage of all materials to include human skeletal remains. Chain of custody is initiated at the time of receipt and does not assume curatorial services. This documentation serves three purposes: 1. Communication of analytical instructions for the MSUFAL laboratory. 2. Permanent record of the materials sent to the laboratory. 3. Documentation that samples were handled only by authorized personnel (to control tampering).

Analytical Outcomes

MSUFAL makes every effort to fully assess the ancestry (i.e., biocultural affinity, populations) of individuals in the laboratory. For suspected archaeological remains this assessment relies on three lines of evidence. These include: 1) context (i.e., where a set of remains was discovered and the items found in association with that individual), 2) osteological (i.e., the physical characteristics of the skeleton), and 3) historical (i.e., research into land use, the identities of the people buried in the area, and the cultural traditions of the communities within the region). These three lines of evidence—contextual, osteological, and historical—are of equal importance when assessing biocultural affinity. An accurate assessment is not possible until all three kinds of evidence are fully evaluated. After these lines of evidence are evaluated, a likelihood statement of biocultural affinity based on the strength of the assessment (highly likely, multiple affinities, or culturally indeterminate) can be prepared.

If Ancestral Remains are identified in the MSUFAL:

1. The care and treatment procedures shall be implemented as outlined in the Care and Treatment Plan.

2. Existing biological profile (age, sex, stature) data/MNI/pathology & trauma information will be compiled, but no additional research will be completed unless requested through consultation.
3. Images and other documentation shall be retained until consultation has taken place and a decision is reached with the appropriate Tribal representative.
4. Contact the Vice Provost for University Arts and Collections
 - a. The process for consultation then starts (MACPRA).
5. Transfer Ancestors from MSUFAL to MSU NAGPRA private facility
 - a. Formal resting place for ancestral remains not held formally.

The MSUFAL is periodically involved in the field recovery and/or excavation of human remains. In those cases, the MSUFAL typically consults for medical examiner offices and/or law enforcement agencies. In the majority of those cases, after recovery and/or excavation, the human remains are taken into evidence by the medical examiner's office in that jurisdiction in order to determine the medicolegal significance of the remains. In some cases during the recovery/excavation, MSUFAL personnel will be asked to offer an opinion on whether the remains are Ancestral Remains. In some of those cases it is possible to identify the remains as Ancestral Remains at the site of discovery. If this happens on State of Michigan land, MSUFAL personnel will contact both the appropriate Tribal representative and the DNR Archaeologist (as the DNR Archaeologist is responsible for archaeology on state land). In those cases where the Ancestral Remains are discovered on privately owned land, MSUFAL will offer to facilitate repatriation through the MSU NAGPRA process. Should the private landowner choose to transfer custody to MSU, MSUFAL will initiate the NAGPRA process by notifying the NAGPRA Program Manager and Vice Provost for University Arts and Collections. If the private landowner decides to retain the ancestral remains, MSUFAL will alert MACPRA and communicate with the Senior Archaeologist.

Figures

Figure 1: Inventory Process Flow Chart

Figure 2: Summary Process Flow Chart

Forms

Michigan State University Care and Treatment Checklist

Given the diversity of Native American tribal communities across the nation, different communities will have different requirements for the care and treatment of Native American Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony. This checklist will be completed in conjunction with tribal representatives during consultation, with the goal of fostering a shared understanding of, and plan for, care and treatment. The form will be completed in consultation and a copy will be retained in the NAGPRA Collections Annex.

Federal Register Notice: [INSERT APPROPRIATE DATE AND PAGE NUMBERS]

Description: Ancestors and associated funerary objects as described in the Federal Register notice of Inventory Completion referenced above.

Housing Needs

- 1) What are the cabinetry, shelving and storage requests (e.g., specific alignment/orientation)?
- 2) What materials should be used for storing the Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony (e.g., cotton cloth, muslin bags, cedar boxes, one individual per box, etc.)?
- 3) Are there any restrictions on who can handle certain objects?
- 4) How will access to the storage area be limited?
- 5) How will Ancestors from the same site be stored (e.g., together, close proximity, etc.)?

Tribal Representatives & Cultural Protocols

- 6) Who is the point of contact for the Tribe and how do they prefer to receive communication (e.g., letter, email, phone)?
- 7) How will tribal representatives be notified of staffing changes related to the care and treatment of Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony?
- 8) Does the Tribe want to receive a status update about Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony? If so, what is the scope and how often?
- 9) Are there cultural protocols that need to occur on a weekly, monthly or annual basis?
- 10) What is the process for elders, and tribal representatives to visit Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony?
- 11) How will the Ancestral Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony be handled and transported upon repatriation?

VIII. HISTORY

Action	Description
Issued:	1. [executive position/committee, month/date/year] 2. [month/date/year]
Approved by:	1. [committee, name, date] 2. [name] 3. [date]

Action	Description
Revised:	