

CAMPUS POLICY

Native American Graves Protection and Repatriation Act (NAGPRA) and Human Remains Policy

Section Title: Rutgers–New Brunswick Policy

1. Policy Statement

As a land-grant institution, Rutgers–New Brunswick has a responsibility to acknowledge the Native Nations on whose land we reside and to work with Native Nations to ensure that Native American, Alaska Native, and Native Hawaiian human remains and funerary objects, sacred objects, and objects of cultural patrimony are managed and repatriated by Rutgers–New Brunswick in a respectful, dignified, and legally compliant manner.

This Policy details the process Rutgers–New Brunswick has adopted to oversee compliance with the Native American Graves Protection and Repatriation Act, [25 U.S.C. § 3001 et seq.](#) (1990), and its implementing federal regulations, [43 C.F.R. Part 10](#) (collectively “NAGPRA”). NAGPRA applies to any institution or State or local government agency (including any institution of higher learning) within the United States that receives Federal funds and has possession or control of a holding or collection of Native American, Alaska Native, or Native Hawaiian human remains, funerary objects, sacred objects, and objects of cultural patrimony.

This Policy will further govern the acquisition and use of all human remains at Rutgers–New Brunswick for teaching, research, collections care, training, and display purposes. Rutgers–New Brunswick respects the rights of Native American, Alaska Native, and Native Hawaiian descendant communities. This means that communications regarding consultations, documentation for NAGPRA, cultural affiliation, and repatriation will be kept confidential to the extent allowed by state and federal law. New knowledge and information acquired as part of the NAGPRA process will not be made public until repatriation is completed unless legally required or with explicit permission from relevant descendant communities.

Rutgers–New Brunswick shall develop an internal process to ensure Rutgers–New Brunswick’s compliance with NAGPRA and the University’s internal policies and procedures for research ethics. This policy intends to improve transparency and accountability to promote and strengthen relationships between Rutgers–New Brunswick, Native Nations and descendant communities.

2. Reason for Policy

To provide a framework for Rutgers–New Brunswick to conduct its activities in compliance with federal and state laws and regulations and Rutgers–New Brunswick’s internal policies and procedures for research ethics and compliance relating to NAGPRA and human remains.

3. Who Should Read This Policy

All Rutgers–New Brunswick community members, including Deans, faculty members, staff, students, and administrative leadership.

4. The Policy

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A. The Responsible Executive of this policy is the Rutgers–New Brunswick Chancellor. Day-to-day oversight and implementation of this Policy is through the Rutgers–New Brunswick Native American Graves Protection and Repatriation Act Program Director and staff (“Rutgers–New Brunswick NAGPRA Director or Staff, as applicable”). The Rutgers–New Brunswick NAGPRA staff will work closely with all Rutgers–New Brunswick units to ensure compliance with this Policy. Rutgers–New Brunswick units will consult with and not act independently of the Rutgers–New Brunswick NAGPRA staff on matters relating to or covered under this policy.

B. The Rutgers–New Brunswick NAGPRA Coordinator will appoint the Rutgers–New Brunswick NAGPRA Advisory Committee (“Committee”). The Committee will advise Rutgers–New Brunswick staff on NAGPRA policy, procedures,

communications, tribal relations, and the process for repatriating human remains and cultural items.

C. The Rutgers–New Brunswick NAGPRA staff, in consultation with the Rutgers–New Brunswick NAGPRA Advisory Committee, will develop and maintain procedures for Rutgers–New Brunswick’s implementation of NAGPRA.

D. Rutgers–New Brunswick prohibits all teaching, research, collections care, training, and display that utilizes confirmed or potential NAGPRA collections, including human remains and cultural items unless approved by the Rutgers–New Brunswick NAGPRA Advisory Committee. The NAGPRA Program Director and staff will consult with the relevant tribal entities as necessary. This approval process is outlined in the procedures maintained by the NAGPRA staff in conjunction with the Rutgers–New Brunswick NAGPRA Advisory Committee.

1. It is not Rutgers–New Brunswick policy to retain human remains without knowledge of their provenance and without consent of the relevant community. Regardless of cultural affiliation, all human remains in Rutgers–New Brunswick’s possession must have proper provenance documented before considering use in teaching, research, collections care, training, and display.
2. This prohibition excludes the following:
 - i. Work done by, or under the direction of, the Rutgers–New Brunswick NAGPRA staff to determine cultural affiliation; and
 - ii. Medical treatment or research, with tissue or other biological samples from an individual voluntarily donated by that individual or next-of-kin, or forensic examination conducted at the request of an accredited law enforcement authority.

E. Any member of the Rutgers–New Brunswick community who is or may be in possession or control of human remains or cultural items will notify the NAGPRA Program Director and cooperate with NAGPRA procedures to satisfy all obligations under law and policy.

The university’s consultation regarding, and repatriation of, NAGPRA collections will be conducted according to applicable law and to the procedures developed by the Rutgers–New Brunswick NAGPRA staff in consultation with the Rutgers–New Brunswick NAGPRA Advisory Committee.

G. NAGPRA is federal law, and non-compliance may result in civil and/or criminal liability. Non-compliance with the law or with relevant university policies and procedures, engaging in a prohibited activity, or failure to obtain required approvals, will be subject to discipline in accordance with applicable Rutgers–New Brunswick policies and procedures, including referral to the appropriate Dean.

H. There are no exceptions to this policy.

5. Definitions

Consultation or Consult: The exchange of information, open discussion, and joint deliberations made between all parties in good faith to: (1) Seek, discuss, and consider the views of all parties; (2) Strive for consensus, agreement, or mutually acceptable alternatives; and (3) Enable meaningful consideration of the Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organization.

Cultural Items: A funerary object, sacred object, or tangible object of cultural patrimony according to the Native American traditional knowledge of a lineal descendant, Native American Nation, Alaska Native Nation, or Native Hawaiian organization.

Funerary Objects: Any object reasonably believed to have been placed intentionally with or near human remains and connected, either at the time of death or later, to a death rite or ceremony of a Native American culture according to the Native American tradition knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. It does not refer to objects returned or distributed to living persons according to traditional custom after a death rite or ceremony.

Human Remains: The physical remains of the bodies and parts of bodies of once living homo sapiens. This does include, but is not limited to, biological samples and any accompanying photographs and reports of the human remains. 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.

Lineal Descendant: (1) A living person tracing ancestry, either by means of traditional Native American kinship systems, or by the common-law system of descent, to a known individual whose human remains, funerary objects, or sacred

objects are subject to this part; or (2) A living person tracing ancestry, either by means of traditional Native American kinship systems, or by the common-law system of descent, to all the known individuals represented by comingled human remains (example: the human remains of two individuals have been comingled, and a living person can trace ancestry directly to both of the deceased individuals).

Native American: Of, or relating to, a tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States Government to Indians because of their status as Indians by its inclusion on the list of recognized Indian Tribes published by the Secretary of the Interior under the Act of November 2, 1994 (25 U.S.C. 5131).

Objects of Cultural Patrimony: Objects having ongoing historical, traditional, or cultural importance central to a Native American group, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization. An object of cultural patrimony may have been entrusted to a caretaker, along with the authority to confer that responsibility to another caretaker. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member.

Sacred Objects: Items needed by traditional Native American religious leaders for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.