



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

Preamble

The Native American Graves Protection and Repatriation Act of 1990 ([25 U.S.C. § 3001 et seq.](#)) and related federal regulations ([43 C.F.R. Part 10](#)) (collectively known as "NAGPRA") outline a process for any institution or state or local government agency (including institutions of higher learning such as Rutgers University) in the United States that receives federal funds to return certain human remains, funerary objects, sacred objects, and objects of cultural patrimony to Native American and Alaska Native Nations, Native Hawaiian organizations, and lineal descendants who demonstrate the necessary connections to the human remains, belongings, and beings.

The Rutgers–New Brunswick NAGPRA Staff acknowledges its moral and ethical responsibility to manage human remains and cultural items appropriately while adhering to relevant policies, laws, regulations, and ethical standards. Aligned with our institution's values and applicable laws, Rutgers–New Brunswick is fully dedicated to repatriating human remains, belongings, and beings from Native American, Alaska Native, and Native Hawaiian communities and their lineal descendants, as well as unethically acquired human remains of non-Native American, Alaska Native, and Native Hawaiian ancestry. We prioritize engaging with these communities and their lineal descendants throughout this process.

Rutgers–New Brunswick acknowledges that ethical compliance with NAGPRA extends beyond merely executing the law and regulations. It also involves adopting best practices in research and education while honoring our responsibilities to Native American, Alaska Native Nations, and Native Hawaiian organizations, whose relatives, belongings, and beings are held within the institution. Therefore, these procedures and the related Policy encompass the review of all human remains held by the institution to ensure Rutgers–New Brunswick adheres to ethical standards concerning proper provenance and care. We recognize similar discussions at academic, national, and

international levels, including the United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)) and pertinent UNESCO declarations and ethical codes, as well as the ethical concerns and standards established by the Association of American Museums (AAM), the Society for American Archaeology (SAA), the American Anthropological Association (AAA), and the American Association of Biological Anthropologists (AABA). Rutgers–New Brunswick's NAGPRA and Human Remains efforts are also guided by federal laws such as the National Historic Preservation Act ([16 U.S.C. § 470](#)) and New Jersey state laws, including N.J.S. §§ 2C:22; 23:7-1.2; 27:5J-1; 40:10D; 58:4-14.

Rutgers–New Brunswick maintains a campus-wide NAGPRA and Human Remains Policy alongside the established procedures outlined in this document. The NAGPRA and Human Remains Procedures aim to ensure compliance across Rutgers–New Brunswick with the NAGPRA and Human Remains Policy.

It is the obligation of all members of the Rutgers–New Brunswick community to comply with this Policy. Researchers or units found non-compliant with Rutgers–New Brunswick NAGPRA and Human Remains policies and procedures will be referred to their respective Deans for a detailed review and further action.

NAGPRA Staff

Established in 2024, the NAGPRA staff ensures compliance across campus with NAGPRA and related laws, regulations, and ethical standards concerning human remains, belongings, and beings. The NAGPRA Coordinator at the respective Chancellor-led unit (“NAGPRA Coordinator”), in cooperation with the NAGPRA Program Director, has the authority to develop NAGPRA and Human Remains processes and procedures and to make decisions regarding compliance.

Advisory Committee

The NAGPRA Coordinator appoints the NAGPRA Advisory Committee (“Committee”) for Rutgers–New Brunswick. This standing committee comprises Rutgers–New Brunswick campus members with diverse expertise and experience, especially those with knowledge and experience in NAGPRA, related laws, and ethics, as well as those with connections to Native American communities and experience working collaboratively with Native Nations. The NAGPRA Program Director acts as an ex-officio

member. The committee will address the potential needs of units that identify collections subject to the NAGPRA and Human Remains policy during campus inventory.

The Rutgers–New Brunswick NAGPRA Advisory Committee is tasked with developing processes and procedures to safeguard all human remains, as well as funerary belongings, sacred belongings, and objects of cultural heritage belonging to Native American, Alaska Native, and Native Hawaiian communities, in accordance with laws, regulations, and best practices. Additionally, the Committee will formulate communication strategies and informational materials to clarify expectations for employees and units; advise the NAGPRA Program Director on matters as necessary; and provide counsel to the NAGPRA Coordinator regarding relationships with Native Nations and the repatriation process for remains, belongings, and culturally significant items.

Definitions and Terminology

This terminology clarifies the meaning of the Rutgers–New Brunswick NAGPRA and Human Remains procedures. The use of "belongings" and "beings" replaces the term "objects" used in federal law, shifting the focus from collectors and researchers to the people and communities who created, utilized, and imbued these items with meaning and purpose. This avoids inanimate language for otherwise animate beings, such as non-human animals.

Belongings or beings of Cultural Patrimony: Belongings or beings that hold ongoing historical, traditional, or cultural significance to a Native American group, as defined by the traditional knowledge of an Indian Tribe or Native Hawaiian organization. An object of cultural patrimony may be entrusted to a caretaker, who has the authority to assign that responsibility to another caretaker. These objects hold such vital importance that they cannot be alienated, appropriated, or transferred by any individual member of the tribe or organization.

Campus Community: Students, university employees— including but not limited to adjunct and clinical faculty, visiting faculty, and postdoctoral appointees— and visiting scientists and scholars engaged in research or scholarship at Rutgers–New Brunswick facilities or off-campus locations.

Funerary Belongings and Beings: Any item believed to have been intentionally placed with or near human remains and connected either at the time of death or later

to the death rites or ceremonies of a Native American culture, as understood by a lineal descendant, Indian Tribe, or Native Hawaiian organization. This does not include objects or items returned or distributed to living individuals according to traditional customs after a death rite or ceremony.

Human Remains: The physical remains of bodies and body parts of once-living Homo sapiens. The term excludes remains or parts of remains that can reasonably be considered to have been freely given or naturally shed by the individual from whom they were obtained, such as hair used for making ropes or nets. This includes, but is not limited to, biological samples and any accompanying photographs and reports of the human remains.

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).

NAGPRA-Eligible: Any Native American, Alaska Native, or Native Hawaiian belonging, beings, collections, or human remains are considered NAGPRA-eligible and subject to tribal consultation to determine NAGPRA eligibility.

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).

Sacred Belongings or Beings: Belongings or beings required by contemporary Native American religious leaders for current adherents to practice traditional Native American religious practices, based on the traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Procedures

A. Communications

The NAGPRA staff will oversee and review all official campus communications related to NAGPRA, and/or human remains. Any unit or personnel within Rutgers–New Brunswick who believes they or their unit may possess human remains or NAGPRA-eligible collections must notify the Rutgers–New Brunswick NAGPRA staff. The NAGPRA staff has the authority to examine any human remains or NAGPRA-eligible collections to determine whether they are potentially subject to federal NAGPRA law or the NAGPRA and Human Remains policy.

B. Acquisition of Human Remains and NAGPRA-Eligible Collections

Rutgers–New Brunswick will not accept human remains or collections subject to NAGPRA through loan, transfer, donation, or bequest without written approval from the NAGPRA Staff.

The Rutgers University Foundation and all Rutgers–New Brunswick employees responsible for overseeing loans, gifts, and bequests will collaborate with the NAGPRA staff regarding potential acquisitions and potential and current loans to ensure they comply with this policy. Failing to do so undermines the purpose of the NAGPRA and Human Remains policy and procedures and increases the burden of legal and ethical compliance on Rutgers–New Brunswick.

Human remains and NAGPRA-eligible collections obtained through research and fieldwork carried out by members of the Campus Community will adhere to these procedures. Those members will contact the NAGPRA staff to develop a plan for the proper care of the collections and human remains in line with relevant federal and state laws, ethical standards, and university policies and procedures.

Rutgers–New Brunswick personnel may submit requests to the NAGPRA staff to approve the acquisition of human remains and NAGPRA-eligible collections. The NAGPRA Program Director, in collaboration with the Rutgers–New Brunswick NAGPRA Advisory Committee, will evaluate all requests. All approved acquisitions will be subject to university policies and procedures.

If a collection is identified as potentially NAGPRA-eligible or unprovenanced human remains are located and are not documented, the responsible unit will inform the NAGPRA staff within fifteen (15) working days of becoming aware of the issue.

C. Determination of Status and Disposition for Transfer of Legal Title

The determination of the status and disposition of any human remains, belongings, and beings subject to federal NAGPRA law will be made by the NAGPRA Coordinator in consultation with the NAGPRA staff, Office of General Counsel, and, as appropriate, the relevant federally recognized Native Nations. Any required repatriation will be carried out in accordance with federal NAGPRA law and its implementing regulations at the discretion of the NAGPRA staff.

D. Care of Human Remains and NAGPRA-Eligible Collections

When human remains and/or potentially NAGPRA-eligible collections are reported to the NAGPRA staff, it will engage in due diligence to determine whether the collection is subject to NAGPRA, including through consultation with Native Nations. This process may require review by the Rutgers–New Brunswick NAGPRA Advisory Committee.

If a collection is determined to be NAGPRA-eligible, the NAGPRA Staff will be responsible for ensuring compliance and care. Units will establish procedures for the care, inventory, and disposition of NAGPRA-eligible collections and all human remains. Specifically, units will sequester and secure any NAGPRA-eligible collections and human remains according to the guidelines set by the NAGPRA Staff.

The Rutgers–New Brunswick NAGPRA staff will maintain an updated inventory of human remains and all collections governed by federal NAGPRA law, which will be accessible to the NAGPRA Coordinator and General Counsel.

E. Consultation for NAGPRA-Eligible Collections

NAGPRA requires the university to engage in government-to-government consultations with federally recognized tribal nations. The NAGPRA staff will conduct all communications related to NAGPRA. Individual units will not initiate NAGPRA-related communications on the university's behalf.

Only the NAGPRA Staff will consult with designated representatives from federally recognized tribal nations and the National NAGPRA Program. Consultation may include in-person meetings, emails, phone calls, or video conferences. During these meetings, the NAGPRA Program Director will keep records of the decisions made regarding university NAGPRA collections and communicate those findings to all involved parties.

The university will consider NAGPRA requests from non-federally recognized groups only if they have been invited to participate in consultations by a federally recognized tribal nation.

F. Use of and Access to Human Remains and NAGPRA Collections

The January 2024 amendment to the NAGPRA regulations (43 CFR Part 10) mandates free, prior, and informed consent for accessing, researching, or exhibiting NAGPRA collections. Access to areas housing confirmed NAGPRA collections will be restricted to NAGPRA staff, tribal partners, and individuals who receive written permission from the Rutgers–New Brunswick NAGPRA Program Director. Rutgers–New Brunswick NAGPRA staff will document and report such collections through consultations with tribal partners.

Whenever possible, the university will accommodate tribal partners in accessing NAGPRA collections for ceremonial or religious purposes. Please contact Rutgers–New Brunswick NAGPRA staff to discuss advance arrangements for these activities.

The use of NAGPRA-eligible collections for research, teaching, exhibition, imaging, and/or circulation is not allowed without written permission from the Rutgers–New Brunswick NAGPRA Staff and the relevant tribal nations. The use of loaned collections also requires written consent from the loaning party. Requests to use NAGPRA-eligible collections can be directed to the Rutgers–New Brunswick NAGPRA Program Director. All requests will be reviewed by the Rutgers–New Brunswick NAGPRA Advisory Committee, which will respond within 30 days of the request date.

If a previously unknown NAGPRA-eligible collection is identified, it will immediately be subject to a use moratorium until the relevant tribal nations can be determined and a proper process established. The Rutgers–New Brunswick NAGPRA Advisory Committee will review these collections and associated projects.