Background

The University of California, Davis (UC Davis) is fully committed to the repatriation and transfer of human remains and cultural items as required by the Native American Graves Protection and Repatriation Act (NAGPRA) and California NAGPRA (Cal-NAGPRA). UC Davis houses Native American human remains and cultural items subject to NAGPRA in three separate campus repositories including the Department of Anthropology Museum, the Museum of Wildlife and Fish Biology, and the Shields Library Special Collections. The majority of materials subject to NAGPRA is housed in the Department of Anthropology Museum, which curates archaeological and ethnographic collections, primarily from California. In 2014, UC Davis reorganized NAGPRA compliance responsibilities by centralizing compliance under the Office of the Provost and Executive Vice Chancellor, and hiring a NAGPRA Project Manager, charged with developing a proactive consultation program.

UC Davis, in policy and practice, recognizes the rights of Native Americans to the repatriation or disposition of Native American human remains and cultural items, while simultaneously recognizing that human remains and cultural items can provide valuable information to further learning, teaching, and research.

Scope

UC Davis holds or held Native American human remains from approximately 325 individuals, approximately 12,000 associated funerary objects, and 155 unassociated funerary objects. Human remains and cultural items were primarily obtained between 1960 and 1987 as a result of excavations in anticipation of development projects or University sponsored field schools. In addition, human remains were inadvertently discovered and transferred to the campus by Coroners or individuals.

Approximately 16% of human remains (51 of the 325 individuals) and 72% of associated funerary objects (8,600 of the 12,000 objects) have been determined to be culturally affiliated, or share a group identity that can be traced between a federally recognized Native American tribes and an identifiable earlier group. Notices of Inventory Completion for all culturally affiliated human remains and funerary objects have either been published in the Federal Register or submitted to National NAGPRA for publication. UC Davis’s holdings of Native American human remains and cultural items are primarily limited (approximately 99%) to Northern and Central California. The remaining human remains (approximately 1%) originate from Arizona and Oregon. UC Davis previously held human remains from Alaska which were successfully repatriated in 2016. The majority of human remains and cultural items were removed from aboriginal lands of federally recognized tribes. UC Davis holds human remains and cultural items from one site that may likely be associated with non-federally recognized Indian groups.

Summaries

Summaries of collections that may contain unassociated funerary objects, sacred objects, and objects of cultural patrimony were submitted to potentially affiliated tribes with invitations to consult in 1993 and subsequently by the deadlines established by the future applicability regulations. Summaries were also provided to the National Park Service and National NAGPRA as required. UC Davis reported approximately 150 accessions through NAGPRA summaries with invitations to consult to over 530 tribes. UC Davis holds 155 objects known to meet the definition of unassociated funerary objects.
Repatriations under NAGPRA Summaries require tribes to initiate the repatriation process with written claims. In 2018, a tribe claimed 13 unassociated funerary objects. UC Davis and UC fully supported this claim. The Federal Register Notice of Intent to Repatriate was published. The tribe has since requested UC Davis continue to house the items while reburial location can be confirmed.

In 2018, UC Davis reported newly acquired cultural materials housed in the Shields Library under the NAGPRA Summary process. UC Davis does not have any information to indicate these items meet the definition of sacred objects, objects of cultural patrimony, or unassociated funerary objects, but invites tribal consultation.

In 2019, UC Davis consulted with one tribe about previously reported materials that are likely sacred items under NAGPRA. These items lack specific provenience information. UC Davis is developing a process to re-report these materials, invite information about possible cultural affiliation, and invite claims or joint-claims.

One consulting tribe has asserted generally that entire collections are funerary objects, sacred objects, or objects of cultural patrimony. There are no other outstanding claims under the Summary process. Consultations with tribes are on-going.

**Inventories**

UC Davis’s NAGPRA Inventories were submitted to potentially affiliated tribes with invitations to consult and the National Park Service in 1995 and subsequently by the deadlines established by the future applicability regulations. UC Davis has completed 55 NAGPRA Inventories, 15 of which were determined to be culturally affiliated, 40 of which were determined to be culturally unidentifiable. In 1995 cultural affiliation determinations were made based on available information, primarily linguistic and archaeological information. Inventories are currently being systematically re-evaluated in consultation with tribes to re-consider cultural affiliation determinations and ensure accuracy and completeness. UC Davis is actively engaged with tribes to better understand traditional lines of evidence as well as consider newly available scientific information. In the last year UC Davis has culturally affiliated five sites previously determined to be culturally unidentifiable, and is actively engaged and anticipates additional sites will be affiliated. In addition, UC Davis is systematically reviewing collections to ensure all eligible materials, human remains and funerary objects, are included on revised Inventories. Through this review process, UC Davis has identified a significant number of objects determined to be funerary objects, and added them to revised Inventories.

**NAGPRA Reorganization and Institutional Support**

In 2011, Provost and Executive Vice Chancellor Ralph Hexter convened and charged a NAGPRA Advisory Committee to provide recommendations on campus policies, procedures, and compliance efforts. This committee includes campus representatives from a number of disciplines as well as representatives from two local tribes. In 2014, as a result of these discussions, the campus hired a NAGPRA Project Manager, centralized NAGPRA compliance activities under the Office of the Provost, and dedicated additional campus resources to NAGPRA. The NAGPRA Project staff now includes three full-time dedicated staff members and is charged with developing a proactive compliance program. In addition,
the Assistant Executive Vice Chancellor and Senior Campus Counsel carefully oversee NAGPRA compliance activities. In 2016, Professor Beth Rose Middleton Manning, Professor of Native American Studies, with strong relationships in many California Indian communities was appointed to represent the campus on the UC Systemwide Advisory Group. These changes demonstrate the campus’s commitment to improving NAGPRA compliance and relationships with Native American tribes.

Consultation

UC Davis has developed a proactive outreach and consultation program. In the last three years approximately 42 tribes have been invited to consult on NAGPRA Inventories or Summaries. Fourteen tribes have come forward to engage in the consultation process. Consultations range from phone calls, emails, and letters to in-person visits. In the last three years UC Davis has consulted with twelve tribes in-person either at UC Davis or tribal offices. The majority of these consultations have occurred over multiple in-person visits.

In order to help tribes obtain funding to build capacity for both consultation and repatriation, the NAGPRA Project Manager teaches NAGPRA courses including NAGPRA Essentials and a NAGPRA Grant Writing course offered through the National Preservation Institute. These courses are offered throughout the country, but most frequently in California. Courses have been offered four times in California since 2015, with multiple California tribes attending.

Claims

Native American human remains and cultural items may be transferred to tribes after publication of Notices in the Federal Register and valid claim by relevant tribes. UC Davis has received relatively few NAGPRA claims, a total of 11 since NAGPRA was enacted, the first of which was received in 2000. Five claims have been accepted and the materials repatriated or transferred; two claims have been accepted and are pending repatriation arrangements. Two tribes has claimed human remains and funerary objects but requested that they be held by UC Davis until reburial can be arranged. In the meantime, control has been transferred to the claimant tribe. Of the unresolved claims UC Davis is actively consulting with two claimant tribes. One tribe has indicated that they are currently not ready to consult.

Approximately 70% of culturally affiliated remains published in Notices of Inventory Completion (34 of the 48 individuals) have been claimed and/or repatriated. UC Davis is actively consultation for the remaining 14 individuals and anticipates claims. When requested, UC Davis provides template claim letters to simplify the NAGPRA process.

Consulting tribes have expressed a variety of barriers to making claims including repatriation funding, reburial lands, or coordination of repatriations with other institutions. When tribes identify repatriation funding as a barrier to repatriation, NAGPRA staff are ready to assist or write NAGPRA Repatriation Grants to support tribal efforts. Two such NAGPRA Repatriation grants have been successfully funded. At the request of one consulting tribe, NAGPRA staff traveled to Barrow, Alaska to personally transfer human remains and participate in the reburial ceremony. When asked, NAGPRA staff are willing to help facilitate conversations about reburial on public or private lands.

UC Davis Policy on Curation and Repatriation of Native American Human remains and Cultural Items
UC Davis has a robust Policy on the Curation and Repatriation of Native American Human Remains and Cultural Items (PPM 220-50). This policy became effective July 31, 2017 after review of other policies and best practices from other institutions across the country and extensive consultation with California Indian tribes, and faculty and staff. UC Davis invited all tribes with whom we were consulting on NAGPRA an opportunity to consult on the draft policy. The fifteen tribes consulted were identified based on the geographic location of remains housed at UC Davis. Four tribes provided feedback, most of which was directly addressed or incorporated. The process to develop policy and consult took approximately a year and a half and was done with the strong consideration of tribal input and balance of the campus’s various responsibilities as a public university.

The UC systemwide policy and NAGPRA law provides discretion to the campuses on a number of key issues. UC Davis campus policy addresses many of these issues including research access, transfer of culturally unidentifiable associated funerary objects, claims by non-federally recognized tribes, and dispute resolution processes.

UC Davis received feedback from many tribes regarding their concern about research access to human remains and cultural items. The UC Davis policy now requires researchers requesting access to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to seek input from relevant tribes. Human remains and cultural items that are culturally affiliated or pending repatriation or disposition require explicit written permission from relevant tribes.

The return of culturally unidentifiable associated funerary objects is not mandated by NAGPRA, however, by policy UC Davis offers these materials to claimant tribes, subject to approval of the Office of the President. While the campus has very few Inventories associated with non-federally recognized tribes, the new campus policy provides an opportunity for non-federally recognized tribes to engage in the NAGPRA process. In absence of requests from federally recognized tribes, requests from non-federally recognized tribes are generally recommended for disposition.

Federal Agency Collections

In addition to human remains and cultural items under UC control, UC Davis holds human remains and cultural items under the control of the U.S. Army Corps of Engineers, Bureau of Reclamation, and Fish and Wildlife Service. Federal agencies are responsible for NAGPRA compliance and all decision making for these collections. UC Davis facilitates this process when requested.

Research

In the last ten years, the UC Davis Department of Anthropology Museum has provided research access to human remains and funerary objects through six separate research loans. Five loans included human remains, while one loan included associated funerary objects. All of the loans included analytical sampling that is destructive in nature. Broadly, these studies include radiocarbon dating, ancient DNA, stable isotope analysis, and analysis of dental calculus (plaque). The most comprehensive research project was a broad survey on the evolution of diet, health, mobility, violence, and genetic makeup in California. This loan was a multi-year project and included human remains from 22 different sites. The majority of the results have been described in peer reviewed articles, or papers presented at academic conferences. Research was primarily conducted by UC Davis faculty and their graduate students, however, one research loan was made directly with a Native American tribe. The above research loans
were all initiated prior to the promulgation of UC Davis’s current policy, which requires tribal consultation.

In addition, some Native American tribes have actively partnered with UC Davis faculty when researching human remains not under UC Davis’s control. One federally recognized tribe recently brought human remains repatriated from another University to UC Davis for analysis to better understand the life histories of these individuals prior to reburial. In these cases, tribal representatives and faculty work closely together in developing a research plan and interpreting results. In addition, tribal representatives routinely co-author articles with UC Davis faculty conducting analysis.