



UNIVERSITY OF GEORGIA

NATIVE AMERICAN GRAVES PROTECTION & REPATRIATION ACT POLICY

A. POLICY PURPOSE

The United States Congress passed the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990. NAGPRA requires institutions that receive federal funding to:

- (i) Inventory their collections;
- (ii) Consult with Lineal Descendants, Federally Recognized Native American Tribe(s), and Native Hawaiian Organizations; and
- (iii) Repatriate Ancestral Remains or Cultural Items that meet specific criteria.

The University of Georgia, as a recipient of federal funding, must comply with NAGPRA. This Policy establishes the procedures by which the University ensures that it is aware of its NAGPRA-eligible Ancestral Remains and Cultural Items that meet criteria under NAGPRA (hereafter NAGPRA-eligible cultural resources) and complies with its obligations under NAGPRA. The NAGPRA Compliance Committee, formed by this Policy, is charged with managing overall NAGPRA compliance on behalf of the University of Georgia. Certain capitalized terms used in this Policy are defined in the NAGPRA regulations and set forth in Section C., below.

B. POLICY

1. GOVERNANCE ROLES

The President has delegated authority concerning NAGPRA-related issues to the Provost. The Provost has delegated the implementation of this Policy to the Vice President for Research, who shall appoint the Institutional NAGPRA Program Coordinator to administer the Policy.

Other units at the University of Georgia have distinct roles and responsibilities in the institution's NAGPRA compliance efforts. Those units may function as stewards of NAGPRA collections in the Possession and Control of the University. The Laboratory of Archaeology is one such unit and serves as a model for NAGPRA compliance for other University units. The Franklin College of Arts and Sciences has general administrative authority over the Laboratory of Archaeology, including its finances, facilities, policies, and practices.

The Institutional NAGPRA Program Coordinator will be responsible for managing the submission of inventories, summaries, notices, and other communications to the National NAGPRA office. Furthermore, the Institutional NAGPRA

Program Coordinator will be responsible for the day-to-day administration of the NAGPRA program and NAGPRA Compliance Committee (described below) activities, including setting agendas in collaboration with the chair and maintaining minutes and other records. The Institutional NAGPRA Program Coordinator will serve as a voting member of the NAGPRA Compliance Committee.

2. COMMITTEE RESPONSIBILITIES

a. The NAGPRA Committee

This Policy establishes a NAGPRA Compliance Committee (the "Committee") to promulgate and enforce policies and processes that ensure NAGPRA compliance on all the University's campuses, including the inventorying of NAGPRA-eligible cultural resources, consulting with Lineal Descendants, Federally Recognized Native American Tribe(s), and Native Hawaiian Organizations, and repatriation of NAGPRA-eligible cultural resources. Standard operating procedures to operationalize this policy will be developed, approved, and periodically reviewed by the Committee. The overarching mission of the Committee is to safeguard and ensure the ethical treatment of NAGPRA-eligible cultural resources and the good faith discovery process of University units that may have Control or Possession of NAGPRA-eligible cultural resources.

The Committee shall coordinate the University's compliance with the requirements of NAGPRA and may determine the most appropriate way to ensure such compliance.

The Provost will appoint the Committee in consultation with the Vice President for Research, and the Committee will consist of at least five voting members (total number at any time to be determined by the Provost) with broad perspectives on University and NAGPRA-related matters, including, members from a combination of the following units/groups (one individual may represent two or more of the following units/groups where applicable), with required Committee membership as indicated:

- Institutional NAGPRA Program Coordinator (required)
- The Vice President for Research and/or their designee (required; non-voting)
- The Laboratory of Archaeology
- A Federally Recognized Tribe
- The Institute of Native American Studies
- An Academic School/College other than the Franklin College of Arts and Sciences
- The Office of Inclusive Excellence

Programmatic support to the Committee will be provided by the Institutional NAGPRA Program Coordinator and the Vice President for Research and/or their designee. Legal advisory support to the Committee will be provided by the Office of Legal Affairs. Third-party consultants may be engaged by the Committee for specific subject matter expertise at the discretion of the Committee and with the approval of the Vice President for Research.

The University may become aware of NAGPRA-eligible cultural resources in the Custody or Possession of other units on the University's campuses, whether through self-reporting to the Institutional NAGPRA Program Coordinator, through a collaborative discovery process with the Committee, or through a referral from a third party.

Administrators of units that believe they have NAGPRA-eligible cultural resources must report this to the Committee via the Institutional NAGPRA Program Coordinator. Once the University is aware of previously unidentified NAGPRA-

eligible cultural resources, the University NAGPRA Committee shall determine whether that unit has sufficient policies, resources, and operating procedures to comply with the requirements of NAGPRA. One example of compliant operating procedures are those of the Laboratory of Archaeology. Units are obligated to comply with committee requirements for NAGPRA compliance concerning the inventorying of NAGPRA-eligible cultural resources, consulting with Lineal Descendants, Federally Recognized Native American Tribe(s), and Native Hawaiian Organizations, and repatriation of NAGPRA-eligible cultural resources.

At no time should a unit with presumptive NAGPRA-eligible cultural resources contact tribal representatives; these sensitive communications must go through the Tribal Liaison Subcommittee (see below).

Based on the process above, the Committee may identify one or more units on campus whose purpose and holdings make the unit(s) capable of NAGPRA implementation (each, a "NAGPRA Unit"). The Committee may delegate compliance responsibilities to a NAGPRA Unit at its discretion. The Committee shall monitor and oversee each NAGPRA Unit's compliance with this Policy and NAGPRA.

The Committee shall have the authority to review a NAGPRA Unit's policies and procedures for NAGPRA compliance from time to time at its discretion and direct that revisions be made to these policies and procedures if it is determined that such revisions are necessary to ensure continued compliance with NAGPRA.

The Committee may determine that it is necessary to transfer a collection of NAGPRA-eligible cultural resources from a unit holding such collections to the Laboratory of Archaeology in order to ensure compliance with NAGPRA. The need for such a transfer shall be determined by the Committee in consultation with the Laboratory of Archaeology and the unit holding the collection of NAGPRA-eligible cultural resources to be transferred; provided, that the decision to make such transfer shall rest with the Committee and the Laboratory of Archaeology.

Investigations into non-compliance with this Policy and the Committee's response to findings are governed by the Office of Research [Policy and Procedure for Responding to Allegations of Research Non-Compliance](#).

b. NAGPRA Tribal Liaison Subcommittee (TLS)

The NAGPRA Tribal Liaison Subcommittee (TLS) is a subcommittee of the NAGPRA Committee, with membership appointed by the Committee chair, and shall consist of at least two Committee members including one from the Laboratory of Archaeology. The TLS will be responsible for all communications with Lineal Descendants, Federally Recognized Native American Tribe(s), and Native Hawaiian Organizations regarding the UGA NAGPRA program. This subcommittee's activities consist of consultation on UGA-controlled collections. Consultation includes conveying NAGPRA information to assist in understanding the timeline of excavations, accessioning of collections, and the development of inventories and summaries and cultural affiliation of NAGPRA-eligible cultural resources. Additionally, the subcommittee will communicate traditional care practices while in the care of UGA, progress on preparing NAGPRA eligible cultural resources for repatriation, and their eventual repatriation. The subcommittee's role is ambassadorial and focused on sustaining respectful collaborations with Lineal Descendants, Federally Recognized Native American Tribe(s), and Native Hawaiian Organizations in fulfilling UGA's obligations in meeting the letter and spirit of NAGPRA.

c. The Laboratory of Archaeology

The Laboratory of Archaeology is a unit of the Department of Anthropology within the FCAS. The Director of the Laboratory of Archaeology reports to the Department Head of Anthropology and ultimately to the Franklin College of

Arts and Sciences Dean. As previously noted, the Laboratory of Archaeology is a unit with NAGPRA-eligible cultural resources. The Laboratory of Archaeology is committed to maintaining high curation standards and documentation for all of its collections, including the NAGPRA-eligible cultural resources within its archaeological and ethnographic collections. The Laboratory of Archaeology maintains compliance with NAGPRA, with this Policy, and its own [NAGPRA compliance policy](#). The Committee may review and recommend revisions to the Laboratory of Archaeology's policy from time to time at its discretion.

The Laboratory of Archaeology has agreed to serve as a resource to the Committee in its implementation of this Policy, including by providing subject matter expertise, facilitation of communications with Lineal Descendants, Federally Recognized Native American Tribe(s), and Native Hawaiian Organizations through their existing relationships, advising the Committee on NAGPRA matters, and acceptance of NAGPRA-eligible cultural resources transferred from other University units pursuant to this Policy.

C. DEFINITIONS

The University adheres to the definition of terms provided in the NAGPRA regulations (43 CFR §10.2). Capitalized terms not otherwise defined elsewhere in this Policy can be found in 43 CFR §10.2, as well as a glossary available on the UGA NAGPRA Compliance Office's website: <https://research.uga.edu/integrity-nagpra/nagpra-glossary/>

END OF POLICY