



## Native American Graves Protection and Repatriation Act

*The California State University Must Do More to Ensure the Timely Return of Native American Remains and Cultural Items to Tribes*

### Background

The 1990 federal Native American Graves Protection and Repatriation Act (NAGPRA) protected Native American gravesites and created a process by which federally recognized tribes can request from government agencies and museums the return of their human remains and cultural items (remains and cultural items). In 2001, California enacted CalNAGPRA, which provided a mechanism for California tribes that do not have federal recognition to submit repatriation claims to agencies such as the California State University (CSU). The Legislature amended CalNAGPRA in 2020 to require campuses to review their collections of remains and cultural items, to consult with tribes before performing this review, and to report their collections to the Native American Heritage Commission.

### Key Recommendations

To ensure the CSU makes adequate progress in meeting NAGPRA and CalNAGPRA's requirements, the Legislature should require the Chancellor's Office to annually report to the Legislature the CSU's system wide progress in repatriating its collections.

To ensure that campuses have identified all of the remains and cultural items in their NAGPRA collections and consistently follow NAGPRA and CalNAGPRA's requirements, the Chancellor's Office should do the following:

- Monitor campus efforts to review their collections and require the completion of these reviews by December 2024.
- Ensure that campuses properly consult with tribes by engaging in meaningful, timely discussion in a manner respectful of tribal sovereignty regarding protocols for handling and identifying remains and cultural items.
- Issue a systemwide NAGPRA policy establishing consistent repatriation processes and training requirements, in consultation with California tribes and the Native American Heritage Commission.
- Require campuses with more than 100 sets of remains or cultural items to have full-time, experienced repatriation coordinators by June 2024.

### Key Findings

- The CSU's campuses have not always complied with provisions in NAGPRA and CalNAGPRA.
  - » 12 of the 21 campuses with collections have not finished the reviews required by NAGPRA, and 16 campuses have little or no repatriation activity.
  - » Two campuses returned remains to tribes without following NAGPRA's requirements for notifying other tribes, and six campuses violated CalNAGPRA by handling collections without first consulting with tribes.
- Campuses lack the policies, funding, and staff to support repatriation.
  - » The four campuses we visited lack a comprehensive policy that incorporates best practices in areas such as collections management and working with tribes to advance repatriation.
  - » Several campuses reported that they do not have sufficient funding or staff to meet their responsibilities under NAGPRA and CalNAGPRA.
- The Chancellor's Office has not provided the guidance and oversight needed to ensure campuses prioritize NAGPRA.
  - » The Chancellor's Office has not required campuses to prioritize funding NAGPRA or estimate their funding needs, nor has it provided funding specifically to support NAGPRA.
  - » The Chancellor's Office has not created a system wide NAGPRA policy or implemented a strong administrative structure for overseeing campus NAGPRA activity.
  - » The Chancellor's Office has taken recent steps to provide more leadership, such as hiring a system wide project manager and taking initial steps to draft a system wide policy, but must do more to ensure the CSU prioritizes NAGPRA and CalNAGPRA.