

# Native American Grave Protection and Repatriation Act (NAGPRA) Policy

RP-11-006

## About This Policy

**Effective Dates:**

01-01-2015

**Last Updated:**

01-01-2015

**Responsible University Administrator:**

Vice President for Research

**Policy Contact:**

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## Scope

This policy applies to all University researchers, faculty, students, and staff who have or may have access to human remains, funerary objects, sacred objects, and objects of cultural patrimony covered by the federal statute known as the Native American Grave Protection and Repatriation Act (NAGPRA).

## Policy Statement

It is the policy of Indiana University to comply with NAGPRA (25 U.S.C. § 3001 et seq. (1990)) and its implementing federal regulations (43 C.F.R. pt. 10).

NAGPRA covers four types of Native American objects: human remains, funerary objects, sacred objects, and objects of cultural patrimony.

NAGPRA applies when these covered remains and objects are indigenous to Alaska, Hawaii, and the continental United States, but not to territories of the United States, and also when said objects are:

- (i) In Federal possession or control; or
- (ii) In the possession or control of any institution or State or local government receiving Federal funds; or
- (iii) Excavated intentionally or discovered inadvertently on Federal or tribal lands.

Any University researcher, faculty, student, and staff member who is, or believes he or she may be, in possession of remains or objects covered by this policy must notify the NAGPRA Director. The repatriation of all items under NAGPRA must be conducted according to the procedures designed by the Office of the NAGPRA Project at IU, together with the NAGPRA [working group] in compliance with the NAGPRA statute and implementing regulations.

## Reason For Policy

The NAGPRA statute was developed as a systematic process for determining the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated. As a state-funded institution in possession of remains and objects covered by NAGPRA, Indiana University is obligated to comply with the requirements of the statute. At the same time, various University units maintain cultural collections as a public trust for the University and the people of the State of Indiana. These units are responsible for preserving all

collections according to high museum standards, while fulfilling the University's mission to provide education and understanding about humanity's past and present through teaching, research, and public service.

Indiana University strives to be respectful of lineal descendants, Indian tribes or groups, and Native Hawaiian organizations whose ancestral remains, funerary objects, sacred objects, or cultural objects may be in IU's possession. The University also strives to treat human remains, funerary objects, cultural objects, and objects of cultural patrimony currently under its control in a respectful and dignified manner.

## Procedure

The NAGPRA Project at Indiana University has developed procedures that track the requirements of the statute and implementing regulations. These procedures can be found at <link>.

## Definitions

**Native American** - means of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.

1. **Human remains** - means the physical remains of the body of a person of Native American ancestry. 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.
2. **Funerary objects** - means items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains.
3. **Sacred objects** - means items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
4. **Objects of cultural patrimony** - means items having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member.

## Sanctions

Violations of the NAGPRA statute may result in substantial fines to Indiana University. Violations of Indiana University policy by an individual, including the failure to avoid a prohibited activity or obtain required approvals, will be dealt with in accordance with applicable university policies and procedures. Depending on the individual and circumstances, such sanctions could involve the offices of Human Resources, Vice Provost or Vice Chancellors for Academic Affairs, campus Deans of Students, Office of the General Counsel, and/or appropriate law enforcement agencies.

Failure to comply with university policies may result in sanctions relating to the individual's employment (up to and including immediate termination of employment in accordance with applicable university policy); the individual's studies within the university (such as student discipline in accordance with applicable university policy); civil or criminal liability; or any combination of these.

## History

This policy was established in 2015.

## Related Information

[Native American Graves Protection and Repatriation Act \(25 U.S. Code 3001 et seq.\)](#)  
[Native American Graves Protection and Repatriation Act Regulations; Final Rule](#)