Native American Graves 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 Graves Protection and Repatriation Act (NAGPRA).

Policy Statement


NAGPRA covers four types of Native American items: 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.

Indiana University prohibits all research involving Native American human remains under the legal control of the University without the permission of the affiliated or interested federally recognized Native American tribe(s).

Any university researcher, faculty, student, or staff member who is, or believes he/she/they may be, in possession of remains or objects covered by NAGPRA must notify the Director of the Indiana University Office of the Native American Graves Protection and Repatriation Act ("IU NAGPRA Office").

The determination of the status and disposition of any remains or objects under NAGPRA will be made by the IU NAGPRA Office in consultation with the Vice President of Research, the Vice President and General Counsel, and the relevant federally recognized tribes, in accordance with IU NAGPRA Office procedures. Any required repatriation will be implemented in compliance with NAGPRA and its implementing regulations.

Reason For Policy
Indiana University Policy: Native American Graves Protection and Repatriation Act (NAGPRA) Policy

NAGPRA provides 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 culturally or geographically affiliated.

As a state-funded institution in possession of remains and objects covered by NAGPRA, Indiana University is obligated to comply with NAGPRA’s requirements. The University is also committed to being 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 the University’s possession.

Subject to NAGPRA and this Policy, some University units maintain cultural collections as a public trust for the University, the people of the State of Indiana, and Native American tribes, as part of the University’s research, teaching, and service mission. These units are responsible for treating human remains, funerary objects, cultural objects, and objects of cultural patrimony currently under the University’s control in a respectful and dignified manner, and for preserving all collections according to the highest scholarly, professional, and ethical standards.

Procedure

The NAGPRA office at Indiana University has developed procedures that track the requirements of the statute and implementing regulations. Please contact the NAGPRA office for more information.

Definitions

Native American: Of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii.

Human Remains: 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.

Associated Funerary Objects: Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been intentionally placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a federal agency or museum; items exclusively made for burial purposes or to contain human remains are also associated funerary objects.

Unassociated Funerary Objects: Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of a federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe.

Sacred Objects: 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.

Objects of Cultural Patrimony: 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 and was updated in 2022.

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