

CALIFORNIA STATE UNIVERSITY, FULLERTON

REPATRIATION POLICY

I. POLICY SUMMARY

- A. The purpose of this Policy is to guide California State University, Fullerton's (CSUF) Repatriation or Disposition of its archaeological Collections to Lineal Descendants, Native American Tribes, or Native Hawaiian Organizations in fulfillment of NAGPRA and CalNAGPRA. Compliance with NAGPRA and CalNAGPRA is not the sole goal of the Repatriation effort. CSUF is committed to strengthening and extending its relationships with surrounding Native American Tribes and communities, including original inhabitants of the land on which the campus sits. Towards these goals, this Policy seeks to make the institutional process transparent and accessible to all parties interested in the NAGPRA and CalNAGPRA process.
- B. CSUF is committed to meeting the requirements and processes of NAGPRA and CalNAGPRA, in close collaboration and partnership with Native American Tribes and their representatives whose ancestors' remains are currently in CSUF's Possession or Control. CSUF will closely adhere to the guidance of the Native American Heritage Commission (NAHC), CSU systemwide Policy, the National NAGPRA Program, Lineal Descendants, Culturally Affiliated or potentially Culturally Affiliated Native American Tribes, and Native Hawaiian Organizations, as applicable. To fulfill these commitments, CSUF will allocate fiscal, capital, and human resources to support its institutional goal.
- C. This Policy is intended to establish consistent procedures and protocols for Consultation, Repatriation and Disposition, and Collections Management. This Policy is intended to ensure that determinations of Cultural Affiliation, and decisions on the Repatriation and Disposition of Native American Human Remains and Cultural Items will be the result of transparent communication, Consultation, collaboration, evaluation, and review between CSUF and Native American Tribes.
- D. This Policy applies to all Collections physically located on CSUF property, including leased and owned facilities, or in the legal Control or Possession of CSUF.
- E. California Assembly Bill AB 389 requires the California State University to adopt and implement systemwide policies and procedures to better implement federal NAGPRA. In the matter of a conflict between this Policy and the implemented systemwide Policy, the systemwide Policy will apply.
- F. CSUF recognizes that Repatriation laws and regulations include terms that may contribute to denying Ancestral Remains of their humanity, objectifying important or sacred Cultural Items, and disconnecting present-day Native Americans and Native Hawaiians from their ancestral past. Due to the use of these terms in relevant laws and regulations, these terms may appear in this document. Whenever possible, CSUF has substituted respectful terminology for compliance vocabulary. CSUF seeks to recognize the unique and enduring relationships between Native American Tribes and their ancestors and material culture.

II. DEFINITIONS

A. Terms

1. **Aboriginal Territory [State Aboriginal Territory]:** Under NAGPRA § 10.11(b)(2)(ii), “Aboriginal occupation may be recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims, or a treaty, Act of Congress, or Executive Order.” Under CalNAGPRA § 8012(m), “State Aboriginal Territory” is lands identified as aboriginally occupied by one or more California Native American Tribes. State Aboriginal Territory may be recognized by any of the following: Consultation with California Native American Tribes, treaties, including those agreed to but not ratified, a final judgment of the federal Indian Claims Commission or the United States Court of Claims, an act of the United States Congress, or an executive order.
2. **Accession:** The state or act of adding an item or items to CSUF Collections.
3. **Burial Site:** Under NAGPRA § 10.2(d)(2), a “Burial Site” is any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which, as part of the death rite or ceremony of a culture, individual Human Remains were deposited, and includes rock cairns or pyres which do not fall within the ordinary definition of gravesite. Under CalNAGPRA § 8012(b), a “Burial Site” refers to, except for cemeteries and graveyards protected or recognized under another state law, a natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which Human Remains were deposited as a part of the death rites or ceremonies of a culture.
4. **California Indian Tribe (also described as California Native American Tribe):** Under CalNAGPRA, a Tribe located in California to which either of the following applies:
 - a) It meets the definition of Indian Tribe under the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).
 - b) It is not recognized by the federal government, but is a Native American Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Consultation pursuant to Section 65352.3 of the Government Code. CalNAGPRA § 8012(c).
5. **Collections:** “Collections,” as used in this Policy, refers to all artifacts and other materials originating or collected from an archaeological or historic site, as well as the records of fieldwork that document the site. Collections may also include ethnographic materials such as basketry or ceramics.
6. **Confidential Information:** Any information shared by a Tribe during the Consultation process regarding Tribal Traditional Knowledge and places that have traditional Tribal cultural significance, including the locations of Native American graves, cemeteries, and sacred places, and specific information identified as “Confidential” by a consulting Tribe.
7. **Consultation:** The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, achieving agreement. Consultation includes ongoing meaningful dialogue

regarding Cultural Affiliation and the identification of Cultural Items throughout the Inventory and Summary processes with the goal of Repatriation or Disposition. Consultation will be conducted in a manner that is respectful of Tribal sovereignty, and will recognize the Tribes' potential need for confidentiality with respect to Tribal Traditional Knowledge and all Tribal information shared during Consultation. CalNAGPRA § 8012(e).

8. **Control:** Under NAGPRA, "Control" refers to having a legal interest in Native American Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony sufficient to lawfully permit the Museum or federal agency to treat the objects as part of its collection for purposes of NAGPRA whether or not the Human Remains, Funerary Objects, Sacred Objects or Objects of Cultural Patrimony are in the Physical Custody of the Museum or federal agency. Generally, a Museum or federal agency that has loaned Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony to another individual, Museum, or federal agency is considered to retain Control of those Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony for the purposes of NAGPRA. 43 C.F.R. § 10.2(a)(3)(ii). Under CalNAGPRA, "Control" means having ownership of Native American Human Remains and Cultural Items sufficient to lawfully permit an agency or Museum to treat the object as part of its collection for purposes of CalNAGPRA, whether or not the Human Remains and Cultural Items are in the Physical Custody of the agency or Museum. Human Remains and Cultural Items on loan to an agency or Museum from another person, agency, or Museum will be deemed to be in the Control of the lender. CalNAGPRA § 8012(f).
9. **Controlling Agency:** "Controlling Agency," as used in this Policy, means the institution or agency with legal Control or Possession of Human Remains or Cultural Items subject to NAGPRA or CalNAGPRA. The Controlling Agency is responsible for NAGPRA and CalNAGPRA compliance, unless otherwise agreed.
10. **Cultural Affiliation [Culturally Affiliated]:** Cultural Affiliation means that there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between members of a present-day Native American Tribe or Native Hawaiian Organization and an identifiable earlier group. Cultural Affiliation is established when the preponderance of the evidence -- based on geographical, kinship, biological, archaeological, anthropological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion, reasonably leads to such a conclusion. 43 C.F.R. § 10.2(e).
11. **Cultural Items:** Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony, all as defined by 43 C.F.R. § 10.2 and 25 U.S.C. § 3001. For the purposes of CalNAGPRA, the term "Cultural Items" has the same meaning as found in 25 U.S.C. § 3001 as it read on January 1, 2020, except that it means only those items that originated in California and are subject to the definition of reasonable, as defined in CalNAGPRA § 8012(l). An item is not precluded from being a cultural item solely because of its age. CalNAGPRA § 8012(g). The following is the definition of "Cultural Items in 25 U.S.C. § 3001, as of January 1, 2020, and which remains current as of the date of issuance of this Policy. "Cultural Items" means Human Remains and:
 - a) **'Associated Funerary Objects'** (AFOs) which shall mean 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, and both the Human Remains and Associated Funerary Objects are presently in the Possession or Control of a Federal agency or Museum, except that other items exclusively made for burial purposes or to contain Human Remains shall be considered as Associated Funerary Objects.

- b) **'Unassociated Funerary Objects'** which shall mean 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 the 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 Native American Tribe,
- c) **'Sacred Objects'** which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents, and
- d) **'Objects of Cultural Patrimony'** which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Native American Tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group."

- 12. **Culturally Unidentifiable (CUI):** Human Remains and Cultural Items in a Museum or federal agency collection for which no Lineal Descendant or Culturally Affiliated Native American Tribe or Native Hawaiian Organization can be identified through the Inventory process. 43 C.F.R. § 10.2(e)(2).
- 13. **Deaccession:** "Deaccession" is the act of permanently removing an Accessioned item from a collection. In this Policy, Deaccessioning from CSUF collections may occur through the Repatriation or Disposition process as described in NAGPRA or CalNAGPRA, or through a voluntary transfer that is not required under NAGPRA or CalNAGPRA.
- 14. **Disposition:** "Disposition" is the transfer of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony (43 C.F.R. § 10.2(g)(5)). Specifically, as used in this Policy, Disposition means the transfer of Control of Culturally Unidentifiable Human Remains, with or without Associated Funerary Objects (as distinguished from "Repatriation," which applies only to transfer of culturally affiliated Human Remains and Cultural Items) (43 C.F.R. § 10.2(g)(5)(iii)).
- 15. **Federally Recognized Native American Tribe:** An Indian Tribe or Native Hawaiian Organization as defined by NAGPRA (See 25 U.S.C. § 3001(7) & (11). Indian Tribe means any Tribe, band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for special programs and services

provided by the United States to Indians because of their status as Indians. Native Hawaiian Organization refers to any organization which (A) serves and represents the interests of Native Hawaiians, (B) has as a primary and stated purpose the provision of services to Native Hawaiians, and (C) has expertise in Native Hawaiian Affairs, and shall include the Office Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

16. **Human Remains (also described as Ancestral 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. For the purposes of determining Cultural Affiliation, Human Remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item (43 C.F.R. § 10.2(d)(1)).
17. **Inventory:** Under NAGPRA, an “Inventory” is the item-by-item description of Human Remains and Associated Funerary Objects. (NAGPRA § 10.2(g)(2)). Under CalNAGPRA, an “Inventory” is an itemized list that summarizes the collection of Native American Human Remains and Associated Funerary Objects in the Possession or Control of an agency or Museum. This itemized list may include the Inventory list required under the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq. and CalNAGPRA § 8012(h)).
18. **Lineal Descendant:** A “Lineal Descendant” is an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Native American Tribe or Native Hawaiian organization or by the common law system of descentance to a known Native American individual whose remains, funerary objects, or sacred objects are being claimed under NAGPRA or CalNAGPRA (43 C.F.R. § 10.2(b)(1)).
19. **Museumⁱ:** CSUF falls under the definition of a Museum under both NAGPRA and CalNAGPRA. Under NAGPRA, “Museum” means any institution or state or local government agency (including any institution of higher learning) that has Possession of, or Control over, Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony and receives federal funds (43 C.F.R. § 10.2(a)(3)). Under CalNAGPRA, “Museum” means an agency, Museum, person, or entity, including a higher educational institution, that receives state funds. For purposes of this subdivision, “receives state funds” means that the Museum has received funds after January 1, 2002, from a state agency through a grant, loan, or contract, other than a procurement contract, or other arrangement by which a state agency makes available aid in the form of funds. State funds provided for any purpose to a larger entity of which the Museum is a part of are considered as the Museum receiving those funds. (CalNAGPRA § 8012(i)).
20. **NAGPRA/CalNAGPRA-eligible Human Remains or Cultural Items or NAGPRA/CalNAGPRA-eligible Collection:** Human Remains or Cultural Items that are required to be reported in a NAGPRA or CalNAGPRA Inventory or Summary.
21. **Notice of Inventory Completion:** A “Notice of Inventory Completion,” required by NAGPRA, summarizes the contents of an Inventory of Native American Human Remains and Associated Funerary objects and their geographical and cultural affiliation in sufficient

detail to enable other individuals, Native American Tribes, and Native Hawaiian Organizations to determine their interest in claiming the inventoried items. The notice is published in the Federal Register when a Museum has made a determination of Cultural Affiliation or identified a Lineal Descendant for Native American Human Remains and Associated Funerary Objects in its Possession or Control. Repatriation may not occur until at least 30 days after publication of the Notice in the *Federal Register*.

22. **Notice of Intent to Repatriate:** A “Notice of Intent to Repatriate,” required by NAGPRA, is published when a Museum receives, reviews, and accepts a Claim by a Tribe for Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony. The Notice describes Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony being claimed in sufficient detail to enable other individuals, Native American Tribes, and Native Hawaiian organizations to determine their interest in the claimed objects. Repatriation may not occur until at least 30 days after publication of the Notice in the *Federal Register*.
23. **Physical Custody:** “Physical Custody,” as used in this Policy, refers to the state of physically holding an item or property such as archaeological Collections.
24. **Possession:** Under NAGPRA § 10.2(a)(3)(i), “Possession” is having Physical Custody of Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony, with a sufficient legal interest to lawfully treat the objects as part of its collection for purposes of the federal NAGPRA regulations. Generally, a Museum or federal agency would not be considered to have Possession of Human Remains, Associated Funerary Objects, Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony on loan from another individual, Museum, or federal agency. Under CalNAGPRA § 8012(j), “Possession” refers to having Physical Custody of Native American Human Remains and Cultural Items with a sufficient legal interest to lawfully treat the Human Remains and Cultural Items as part of a collection. “Possession” does not include Human Remains and Cultural Items over which the Museum has Control but that are currently on loan to another person or entity.
25. **Provenance:** The chronology of the ownership, Physical Custody or location of an artifact or object.
26. **Provenience:** The precise location where an artifact, object, or sample was recovered archaeologically.
27. **Request (also described as a Claim):** A “Request” as used in this Policy is a Claim by a Lineal Descendant or Native American Tribe for Cultural Affiliation or State Cultural Affiliation to Human Remains or Cultural Items, or a Request for the transfer of Human Remains or Cultural Items, under either a Repatriation Request or a Disposition Request. A Requestor is a person, Native American Tribe, or Native Hawaiian Organization making such a Request.
28. **State Cultural Affiliation [State Culturally Affiliated]:** Under CalNAGPRA § 8012(n), “State Cultural Affiliation” means that there is a reasonable, as defined in CalNAGPRA § 8012(l), relationship of shared group identity that can reasonably be traced historically or precontact between members of a present-day California Indian Tribe and an identifiable

earlier Tribe or group. State Cultural Affiliation must be based on one or more of the following: geography, kinship, biology, archaeology, linguistics, folklore, oral tradition, historical evidence, Tribal Traditional Knowledge, or other information or expert opinion, that reasonably leads to the conclusion of State Cultural Affiliation. CalNAGPRA § 8012(n).

29. **Stewardship:** The care of Human Remains and Cultural Items by a Museum or Controlling Agency.
30. **Summary:** Under NAGPRA § 10.2(g)(1), a “Summary” is the written description of collections that may contain Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony required by NAGPRA §10.8. Under CalNAGPRA § 8012(o), a “Summary” is a document that summarizes the collection of Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony in the Possession or Control of an agency or Museum. This document may include the Summary prepared under the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.).
31. **Traditional Care:** “Traditional Care” refers to Collections care practices developed in Consultation with Tribal Representatives that may include, but are not limited to, specific storage arrangements, posted advisories, and community access for cultural use or other specific guidelines, prohibitions, and best practices in the curation of Human Remains and Cultural Items.
32. **Tribal Representative(s):** The principal leaders of a Native American Tribe or the individuals officially designated by the governing body of a Native American Tribe or as otherwise provided by Tribal code, Policy, or established procedure as responsible for matters relating to NAGPRA and/or CalNAGPRA under this Policy.
33. **Tribal Traditional Knowledge:** Under CalNAGPRA § 8012(p), “Tribal Traditional Knowledge” refers to knowledge systems embedded and often safeguarded in the traditional culture of Indian Tribes and Lineal Descendants, including, but not limited to, knowledge about ancestral territories, Cultural Affiliation, traditional cultural properties and landscapes, culturescapes, traditional ceremonial and funerary practices, lifeways, customs and traditions, climate, material culture, and subsistence. Tribal Traditional Knowledge is expert opinion.
34. **Tribe:** An Indian Tribe or Native Hawaiian Organization as defined by NAGPRA (25 USC § 3001 (7) & (11)), or a California Indian Tribe as defined by CalNAGPRA § 8012(c).

III. CONSULTATION

A. Overview

1. Consultation is a critical element of NAGPRA and CalNAGPRA implementation at various stages of the Repatriation or Disposition process including the preparation of Inventories, Summaries, and federal Notices, as well as Collections management. Successful Consultations involve developing relationships between CSUF and the consulting Tribes based on honest, open, and transparent communication and respect. The importance of building collaborative relationships is a core value of this Policy and process.

2. CSUF will engage in Consultation that is guided by the principles below. The Repatriation Coordinator or the appropriate CSUF representative will:
 - a) Foster relationships that acknowledge and respect a Tribe's sovereignty, cultural protocols, and cultural and religious practices and knowledge.
 - b) Seek out and foster these relationships with designated Native American Tribal Representatives, such as Tribal Historic Preservation Officers (THPOs), cultural directors, Elders councils, preservation or cultural committees, or other representatives as designated by the Tribe.
 - c) Make multiple repeated contacts using a variety of methods.
 - d) Accommodate reasonable Tribal needs.
 - e) Cover travel costs for Tribal consultants.
 - f) Invite all Tribes to Consultation that have a cultural or geographical interest in collections under the Control or Possession of CSUF.
 - g) Identify and address Tribal concerns about this process in a timely manner.
 - h) Provide access for consulting Tribes to relevant information, including information known to CSUF about Ancestral Remains or Cultural Items that are the subject of the Consultation and upon request, information about other collections containing Native American objects from the Tribe's area of interest.
 - i) Provide flexible meeting schedules and agendas, with opportunities for Tribal input on schedules and agendas.
 - j) Demonstrate meaningful engagement with Tribes, which exemplify trust and relationship building.
3. Consultation may be in the form of in-person meetings, phone calls, video/remote conferencing, and written correspondence. Consultation may take place in any format that is agreeable to all parties. The Repatriation Coordinator, or an appropriate CSUF representative, will consult individually with each Tribe, unless multiple Tribes request to consult jointly, as appropriate. In such cases, CSUF will consult jointly with the Tribes for that meeting or Repatriation effort.

B. Initiation

1. The Repatriation Coordinator, or an appropriate CSUF representative, will initiate Consultation as required by law when:
 - a) Drafting new Inventories or Summaries or updating existing Inventories or Summaries, as will occur when new Ancestral Remains or potential NAGPRA or CalNAGPRA-eligible Cultural Items are identified, or when any other new information is identified that may require a change to an existing Inventory or Summary, or;
 - b) Conducting proactive re-evaluations of previous Culturally Unidentifiable Items (CUI) determinations, in order to meet NAGPRA and CalNAGPRA requirements.
2. All Tribes, both Federally Recognized, Non-Federally Recognized, that may be potentially Culturally Affiliated with a collection will be contacted for consultation.
3. CSUF may inform the non-Federally Recognized Tribes that, under NAGPRA, the option exists to partner with a Federally Recognized Native American Tribe that can sponsor their

Request.

4. When the Repatriation Coordinator begins Consultation, an initial communication by certified letter will be sent to the Tribal Representative listed on the national Department of the Interior Tribal Leaders Directory or on the California NAHC's CalNAGPRA Tribal contact list. This letter will be part of determining if a Tribe has an interest in participating in the Consultation process, believe they are Culturally Affiliated with Native American Ancestral Remains and/or Cultural Items, or if they know of other Tribes that may have an interest.
5. If a Tribe expresses interest in participating in Consultation, Consultation may proceed at a time and in a format that is mutually agreeable.
6. If no response is received from the Tribe and verification of receipt such as a certified letter receipt card exists, the Repatriation Coordinator will attempt additional communication by multiple means, such as by U.S. mail, phone, email, or website contact form. A minimum of four (4) attempts will be made to contact each potentially Culturally Affiliated Tribe. If no response is received after repeated and varied attempts of contact, the Repatriation Coordinator will document the no reply and move forward with the Repatriation and/or Disposition process with other consulting Tribes.
7. If no response is received and there is no verification that the communication has been received, the Repatriation Coordinator will contact the Tribe's general contact information such as the email or phone number listed on the Tribe's website to confirm the contact information for that Tribe. CSUF may also reach out to the NAHC to verify or update contact information for Tribal Representatives. If the original contact information was incorrect, the Repatriation Coordinator will make four (4) additional attempts to contact the Tribe's corrected contact information.
8. If a Tribe verbally communicates that they are not interested in participating in Consultation, the Repatriation Coordinator will request formal written notice via email or U.S. mail confirming that position.
9. The Repatriation Coordinator will document verbal or in-person communication to the extent possible.

C. Requests for Consultation

1. If a Tribe has requested Consultation, the Repatriation Coordinator will provide written acknowledgment of the request within ten (10) business days of receipt.
2. The Repatriation Coordinator will work with the consulting Tribes to provide any needed documentation related to Collections, Ancestral Remains, or Cultural Items of interest prior to Consultation meetings. Documentation may include catalogs, reports, maps, field notes, Accession records, summaries of NAGPRA or CalNAGPRA related information, photos, past Inventories and Summaries, federal Notices, published Tribal information, and other relevant documents.
3. Consultation will be conducted with Tribal Representatives authorized by their Tribal government to consult on the Tribe's behalf concerning Repatriation.

D. Requests for Information Regarding Collections

1. If a Tribe has requested information regarding CSUF holdings such as location information, inventories, or field records, the Repatriation Coordinator will acknowledge the request within ten (10) business days. Within sixty (60) days from the receipt of the request, the Repatriation Coordinator will provide the requested information or the status of the work being done on the request.

E. Consultation Meetings

1. In-person Consultations should occur at a mutually agreeable location and CSUF should try to reduce barriers to in-person Consultation.
2. Prior to in-person Consultation meetings, CSUF may request additional information from the consulting Tribal Representative including:
 - a) Names and titles of all attendees
 - b) Whether Tribal Elders will be in attendance and if there are any additional needs that should be addressed
 - c) Which Collections or Cultural Items are to be viewed and to what extent is the Collection to be viewed (entire Collection, Funerary Objects only, documentation, etc.)
 - d) If Ancestral Remains are to be viewed
 - e) If there are any space requirements needed such as a private meeting space or area to perform or prepare for ceremonies
 - f) If any elements such as water, fire, or smoke are to be used
 - g) If there are any preferences for CSUF representatives to be in attendance or available to assist
 - h) If handicapped accessibility is required
 - i) If or how many parking permits will be needed
 - j) Other requests or suggestions about how to have a successful Consultation
3. CSUF will use this information to make necessary accommodations to ensure access and engagement. Requests for pre-consultation information do not obligate the Tribe to explain any ceremony or tradition or provide any interpretation of events.
4. The Repatriation Coordinator will work with Tribal Representatives to identify the Collections and Cultural Items that will be viewed. Specific requests regarding Ancestral Remains will be solicited, including if the Ancestral Remains will be viewed and the space and conditions in which the viewing will take place.
5. When preparing for Consultation, the Repatriation Coordinator will review all known information about the Ancestral Remains or Cultural Items, and identify potentially Culturally Affiliated Tribes or State Culturally Affiliated Tribes and Aboriginal or Tribal lands from where the Ancestral Remains and/or Cultural Items were removed. Sources of information that may be useful in researching potentially relevant Tribes include the National NAGPRA Program and NAHC resources, previous NAGPRA Federal Register Notices, Indian Claims Commission Decisions, ratified and unratified treaties, and federal land claims.

6. CSUF will endeavor to make meetings as comfortable, respectful, and productive as possible. During Consultation meetings, CSUF representatives will listen and engage respectfully. For example:
 - a) An appropriate CSUF administrator will receive and welcome the Tribe.
 - b) Tribes will have an opportunity for a traditional opening if requested, or provide traditional offerings as relevant.
 - c) Access to associated records and Ancestral Remains, Cultural Items, and other requested materials will be provided.
 - d) Written meeting notes and a list of action items will be provided to Tribal Representatives to ensure accuracy and shared understanding by all participants. Such notes and other information shared by the Tribe during Consultation should be maintained as part of the Consultation record. For any major action items or decision points, it should be noted whether the Tribe concurred with these action items or decision points. If the Tribe does not concur, the Repatriation Coordinator, the appropriate CSUF administrator, and the Tribe will attempt to come to an understanding.
 - e) CSUF will work with Tribes to identify and facilitate any requests for traditional care and/or restrictions for Ancestral Remains and objects in the care of CSUF.
 - f) CSUF will record identifications of Cultural Items made by Tribal Representatives in accordance with CalNAGPRA § 8013(b)(1)(c)(ii) and 8013(c)(2). These Tribal identifications may include broad categorical identifications, including, but not limited to, the identification of everything from a Burial Site as a Funerary Object, regalia objects or other items as Sacred Objects, or the identification of everything from a specific site as a Sacred Object because that site is considered a sacred site.

F. Confidentiality

1. CSUF respects the rights of Tribes to their Tribal Traditional Knowledge. Consultation may result in the compilation of a variety of data that should remain Confidential. This includes, but is not limited to:
 - a) Tribal Traditional Knowledge and Tribal information shared during the Consultation
 - b) Traditional cultural properties and boundaries
 - c) Evidence provided by Tribes for Cultural Affiliation determinations or for identifying Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony
2. Through Consultation, CSUF and Tribes will identify all documentation and information shared that will have restricted access and the extent of such restriction, recognizing the Tribes' potential need for confidentiality with respect to Tribal Traditional Knowledge and Tribal information shared during the Consultation.

G. Cultural Affiliation Determination

1. In evaluating items to establish their Cultural Affiliation or State Cultural Affiliation, CSUF will consult with Tribal Representatives and use the types of evidence and standards of evidence stipulated by NAGPRA and/or CalNAGPRA (i.e., geographical, kinship, biological,

archeological, anthropological, linguistic, folklore, oral tradition, historical evidence, other information or expert opinion, and Tribal Traditional Knowledge).

2. In determining State Cultural Affiliation, the identification of Cultural Items under CalNAGPRA, and in decisions related to the CalNAGPRA Repatriation process, CSUF will consider Tribal Traditional Knowledge provided by Tribes during Consultation. “Deference shall be provided to Tribal Traditional Knowledge, oral histories, documentation, and testimonies relative to other relevant categories of evidence.” (CalNAGPRA § 8016(d)(6).)
3. CSUF will consider the totality of circumstances and evidence and make determinations of Cultural Affiliation or State Cultural Affiliation based on the preponderance of the evidence, including Tribal Traditional Knowledge and oral histories, when possible, regarding whether there is a relationship of shared group identity that can be reasonably traced historically or prehistorically between members of the requesting Tribe and an identifiable earlier group or individual with respect to the Ancestral Remains and Cultural Items being requested.
4. In some cases, Tribal oral histories and Tribal sources of evidence may be the only evidence available when making determinations of affiliation. Decisions must be made in consideration of the line(s) of evidence that are available without prejudice owing to the absence of other lines of evidence. For example, anthropological evidence need not be present if Tribal oral historical evidence is available to evaluate Cultural Affiliation. Cultural Affiliation or State Cultural Affiliation will not be precluded solely because of some gaps in the record (43 CFR 10.14 (d)). Further, Requestors do not have to establish Cultural Affiliation or State Cultural Affiliation with scientific certainty (43 CFR 10.14 (f)). A single line of evidence may be sufficient to establish Cultural Affiliation.
5. A determination of Cultural Affiliation will be based upon an overall evaluation of the totality of the circumstances and evidence pertaining to the connection between the Requesting Tribe and the material being claimed.

H. Culturally Unidentifiable (CUI) Determination

1. Ancestral Remains and Funerary Objects that cannot be adequately related to a contemporary Tribe are designated as Culturally Unidentifiable (CUI). There may be insufficient evidence regarding the culture or chronology of a collection that can be used to establish relationships to a present-day group. Designating remains as Culturally Unidentifiable does not restrict the Disposition of the remains to Tribes (43 CFR 10.11). If a CUI determination is or has been made, CSUF will consult with Tribes that can reasonably be believed to be Culturally Affiliated. This would include all Tribes whose State Aboriginal Territory includes the area from which the objects were removed. Prior to Consultation, the Repatriation Coordinator will assemble all available information on the background of these collections in an effort to discern their place of origin and which Tribes would have standing to request Disposition.
2. The Repatriation and Disposition section of this Policy provides information about the Disposition process and the priority order of Requestors.
3. In accordance with CalNAGPRA, CSUF will review and update previous determinations of Culturally Unidentifiable Items in the collection to determine whether Cultural Affiliation

and/or State Cultural Affiliation can be determined.

I. Inventories and Summaries

1. CSUF is required, through Consultation, to generate and maintain Inventories and Summaries in accordance with NAGPRA and CalNAGPRA. The content of Inventories and Summaries is largely the same under NAGPRA and CalNAGPRA. CalNAGPRA also requires that CSUF submit Inventories and Summaries for collections originating in California to the NAHC.
2. Under CalNAGPRA, CSUF must consult with potentially Culturally Affiliated California Indian Tribes prior to new or additional Inventory work (Section 8013 of the California Health and Safety Code subdivision (b)(1)(B)).

J. Inventories

1. Inventories of Human Remains and Associated Funerary Objects are comprised of two separate documents:
 - a) A list of all Human Remains and Associated Funerary Objects that are identified as being, or that are likely to be, Culturally Affiliated with one or more present-day Native American Tribes or Native Hawaiian Organizations. The list must indicate for each collection of Human Remains and Associated Funerary Objects (if any) whether Cultural Affiliation is clearly determined or likely based upon the preponderance of the evidence; and
 - b) A listing of all Culturally Unidentifiable Human Remains and Associated Funerary Objects for which no Culturally Affiliated present-day Native American Tribes or Native Hawaiian Organizations can be determined.
2. Inventories must include the following information, to the greatest extent possible:
 - a) Geographical information such as the county, city, or other location information of the area of disinterment of Ancestral Remains or source of Cultural Items
 - b) Site information such as the site name or number
 - c) Collection information such as item or lot numbers, Collection type, and Collection history
 - d) Means and details of acquisition including if the items were removed by an archaeologist, ethnographer, collector, or donor and their names, if known
 - e) Date of removal from site and the date of Accession or acquisition by CSUF
 - f) Testing or treatment performed
 - g) Minimum Number of Individuals (MNI)
 - h) Descriptions and details of identified Associated Funerary Objects
 - i) Tribal identifications, and Cultural Affiliation as well as the basis for that determination
 - j) Contact information for a CSUF representative
 - k) Inventory status (preliminary vs. final), under CalNAGPRA
 - l) Repatriation status, under CalNAGPRA

K. Summaries

1. Summaries must describe Collections in the Possession or Control of CSUF that may contain Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony for the purpose of providing information to Tribes that may wish to file claims of Cultural Affiliation to, and Requests for the Repatriation of, such Cultural Items.
2. Summaries must include the following information, to the greatest extent possible:
 - a) An estimate of the number of objects in the Collection or portion of the Collection
 - b) A description of the kinds of objects included
 - c) The means, dates, and locations in which the Collection or portion of the Collection was acquired, if known
 - d) Information relevant to identifying Lineal Descendants, Cultural Affiliation and/or state Cultural Affiliation, if available
 - e) Summaries prepared or updated under CalNAGPRA must also include the State Aboriginal Territory from which the items were removed, if known

IV. REPATRIATION AND DISPOSITION

A. Requests for Repatriation

1. Any Federally Recognized or non-Federally Recognized Tribe may submit a written Request for the return of Ancestral Remains and/or Cultural Items. Regardless of whether the Request is made under NAGPRA or CalNAGPRA, CSUF will process the Request, in compliance with the requirements of law. The federal and state processes for responding to a Request may occur concurrently or consecutively. Nonetheless, CSUF is required to comply with the order of priority (43 C.F.R. § 10.6) given in the federal NAGPRA requirements:
 - a) Lineal Descendants (for Human Remains and Associated Funerary Objects only)
 - b) Federally Recognized Tribes that Request Repatriation, in the following order:
 - (i) Tribe on whose Tribal lands the items were excavated or discovered
 - (ii) The Tribe that is determined to have the closest Cultural Affiliation to the items
 - (iii) The Tribe that aboriginally occupied the area where the items were excavated or discovered
 - c) Federally Recognized Tribes that Request Disposition
 - d) Non-Federally Recognized Tribes that Request Disposition

B. Requests Under NAGPRA

1. When all the criteria for Cultural Affiliation and Repatriation set forth in NAGPRA (43 C.F.R. § 10.10) are met, and at least thirty (30) days have passed since the publication of any required Notices in the Federal Register, CSUF will work with the Requesting Tribe to expeditiously transfer Control, Possession, and Physical Custody of the Ancestral Remains and/or Cultural Items. If a Tribe is unable to immediately receive Possession and Physical Custody, a Stewardship agreement may be executed between CSUF and the Tribe.

C. Requests Under CalNAGPRA

1. California Native American Tribes filing Requests for the return of Ancestral Remains and/or Cultural Items with which they have State Cultural Affiliation must file a claim with the NAHC and/or CSUF, as specified by CalNAGPRA § 8014(b). Claims may be filed with the NAHC, who will notify CSUF of the Claim, or directly with CSUF, who will notify the NAHC of the Claim.
2. For a Lineal Descendant Requesting the Repatriation of Native American Human Remains and/or Cultural Items listed in CSUF's Inventory or Summary or items that are believed to be in the Control or Possession of CSUF, the Requestor must take the following action:
 - a) File a claim for the Human Remains and/or Cultural Items with the NAHC or CSUF, and;
 - b) Demonstrate that they can trace their ancestry directly and without interruption by means of the traditional kinship or village system of the appropriate California Indian Tribe, or by the common law system of descendance, to a known individual whose Human Remains or Cultural Items are being claimed.
3. For California Native American Tribes Requesting the Repatriation or Disposition of Native American Ancestral Remains and/or Cultural Items listed in CSUF's Inventory or Summary or Cultural Items that are believed to be in the Control or Possession of CSUF, the Requesting Tribe must take the following action:
 - a) File a written Claim for the Human Remains and/or Cultural Items with the NAHC or CSUF, and;
 - b) Demonstrate one or both of following:
 - (i) That there is a relationship of shared group identity that can be reasonably traced historically or precontact with an earlier identifiable group from which the Ancestral Remains or Cultural Items originated and the claiming California Native American Tribe, and/or;
 - (ii) The Ancestral Remains or Cultural Items were removed from the state aboriginal territory of the claiming California Tribe.
4. Written Requests for Repatriation can be made to CSUF by letter. A Request letter should be from the Tribal Representative with authorization from the governing authority, on Tribal letterhead, and include a description of the Requested Collection items along with any reference data such as Accession numbers, site name/site number, state/county or origin of Collection, and catalog numbers (if appropriate) as listed in CSUF's Inventories, Summaries, and the Federal Register citation (if applicable).

D. Evaluation of Requests for Repatriation

1. All Claims for Repatriation will be transmitted to the Repatriation Coordinator who will create a file for documents related to the Claim and track its progress. The Repatriation Coordinator will acknowledge in writing the receipt of the Claim and mail or email that acknowledgement to the Requestor within thirty (30) days of receipt. The Repatriation Coordinator will notify the Advisory Committee of the Claim and provide the NAHC with a

copy of the Claim if the Requestor has not already done so.

2. After CSUF receives a Request for Repatriation, the Repatriation Coordinator will compile available evidence to try to verify that the Requesting Tribe has been affiliated to the Collection and there is sufficient evidence to substantiate that affiliation. Types of evidence include those listed in NAGPRA §10.14(e) and CalNAGPRA §8011(n). If there is insufficient information, the Repatriation Coordinator may communicate with the Requestor for additional information.
3. If Requests are submitted to the NAHC directly, CSUF has thirty (30) days to file an objection with the NAHC, based on its good faith belief that the Requested Ancestral Remains or Cultural Items are not Culturally Affiliated with the Requesting California Native American Tribe, have not been removed from the California Native American Tribe's state aboriginal territory, or are not subject to Repatriation. The Repatriation Coordinator will draft the objection with input from the Advisory Committee, if applicable.
4. In accordance with CalNAGPRA §8016, following the receipt and evaluation of a Request for Repatriation, CSUF must repatriate Ancestral Remains and Cultural Items if all of the following criteria have been met:
 - a) The requested Ancestral Remains or Cultural Items meet the definitions of Human Remains or Cultural Items that are subject to Inventory and Summary requirements.
 - b) The Lineal Descendant, State Aboriginal Territory, or State Cultural Affiliation of the Ancestral Remains or Cultural Items is established.
 - c) If CSUF is unable to present evidence that, if standing alone before the introduction of evidence to the contrary, this would support a finding that CSUF has a right of Possession to the requested Ancestral Remains or Cultural Items.
 - d) None of the exemptions listed in Section 10.10(c) of Title 43 of the Federal Code of Regulations apply.
 - e) All other applicable requirements of regulations adopted under NAGPRA have been met, including, but not limited to, the completion of a Summary and Inventory, Consultation with California Indian Tribes, and publication of Notices of Inventory Completion and Notices of Intent to Repatriate in the Federal Register, and prior to Disposition of Culturally Unidentifiable Human Remains to a Native American Tribe not recognized by the federal government, obtain the concurrence of the United States Department of the Interior (CalNAGPRA § 8016).
5. If the above conditions are met, there are no other Requests for particular Ancestral Remains and/or Cultural Items, and there is no unresolved objection, CSUF will expeditiously transfer Control, Possession, and Physical Custody of the requested Ancestral Remains and Cultural Items to the Requesting Tribe as laid out in this Policy.

E. Disposition of Culturally Unidentifiable (CUI) Human Remains and Associated Funerary Objects

1. Under NAGPRA, Ancestral Remains and Cultural Items that are not found by a preponderance of the evidence to be Culturally Affiliated with a Federally Recognized Tribe are classified as "Culturally Unidentifiable," regardless of whether those Ancestral Remains

and Cultural Items may have been found to have State Cultural Affiliation with a non-Federally Recognized California Tribe.

2. In the case of Culturally Unidentifiable Ancestral Remains and Associated Funerary Objects, CSUF will attempt to determine Cultural Affiliation during the Inventory process through Consultation with Tribes reasonably believed to be Culturally Affiliated with the Ancestral Remains and Associated Funerary Objects.
3. In accordance with NAGPRA (43 C.F.R. § 10.11), CSUF will initiate Consultation regarding the Disposition of Culturally Unidentifiable Ancestral Remains and Associated Funerary Objects:
 - a) Within ninety (90) days of receiving a Request from a Federally Recognized Native American Tribe to transfer Control of Culturally Unidentifiable Ancestral Remains and Associated Funerary Objects, or;
 - b) If no Request for Consultation is received, before any offer to transfer Control of Culturally Unidentifiable Ancestral Remains and Associated Funerary Objects.
4. The Consultation shall be with Tribes whose Aboriginal Territory includes the area from which the Ancestral Remains and Associated Funerary Objects were removed. Tribal Traditional Knowledge shall be used to establish State Cultural Affiliation and identify Associated Funerary Objects. Prior to Consultation, the Repatriation Coordinator will assemble all available information on the background of these portions of the Collection in an effort to discern their precise place of origin to the extent possible and which Tribes may have standing to request Disposition.
5. If Consultation results in a determination that Ancestral Remains and Associated Funerary Objects previously determined to be Culturally Unidentifiable can be Culturally Affiliated with a Federally Recognized Native American Tribe, the process of Repatriation of the Human Remains and Associated Funerary Objects proceed under NAGPRA, including publication of Notices in the Federal Register, as outlined in this Policy.
6. If Cultural Affiliation cannot be identified in Consultation, Disposition of the items may proceed. CSUF will offer the transfer of Control of those items according to the priority order of:
 - a) The Native American Tribe or Native Hawaiian organization from whose Tribal land, at the time of the excavation or removal, the Ancestral Remains were removed
 - b) The Native American Tribe or Tribes that are recognized as aboriginal to the area from which the Ancestral Remains were removed.
7. For Disposition, the Repatriation Coordinator will verify that the Requesting Tribe has standing to submit a Request by reviewing the locations of Tribal or Aboriginal Territory. The Repatriation Coordinator will also verify that Consultation did not result in a determination of a Lineal Descendant or Cultural Affiliation through a review of the Consultation record. Summaries of these verifications will be presented to the Advisory Committee by email or at a regularly scheduled meeting, as applicable.
8. NAGPRA distinguishes Federally Recognized Tribes from non-Federally Recognized Tribes

and does not give standing to Non-Federally Recognized Tribes to Request Cultural Affiliation. NAGPRA does allow for Disposition of Culturally Unidentifiable Ancestral Remains and Associated Funerary Objects to Non-Federally Recognized Tribes, under certain circumstances. CSUF will process Claims from Non-Federally Recognized Native American Tribes in compliance with the NAGPRA 43 C.F.R. § 10.11 and CalNAGPRA § 8016.

9. Because NAGPRA gives priority to Federally Recognized Tribes, a Non-Federally Recognized Tribe may partner with a Federally Recognized Tribe, or ask a Federally Recognized Tribe to sponsor their Request. The Repatriation Coordinator will inform the Non-Federally Recognized Tribe of this strategy, if applicable.
10. To avoid delay of Disposition to a Requesting Tribe, after making a good faith effort to consult with all Tribes from whose Tribal lands, at the time of the removal, the Ancestral Remains and Associated Funerary Objects were removed and with all Tribes from whose Aboriginal Territory the Ancestral Remains and Associated Funerary Objects were removed, and after a response period of thirty (30) days following the Request's publication on the NAHC website, CSUF will proceed with carrying out the Disposition.
11. In accordance with NAGPRA (43 C.F.R. § 10.11(c)), CSUF must offer to transfer Control of the Culturally Unidentifiable Human Remains and Associated Funerary Objects in the following priority order:
 - a) Federally Recognized Tribes or Native Hawaiian Organizations from whose Tribal land, at the time of the removal, the Ancestral Remains and Associated Funerary Objects were removed.
 - b) Federally Recognized Tribes or Native Hawaiian Organizations that are recognized as aboriginal to the area from which the Ancestral Remains and Associated Funerary Objects were removed. Aboriginal Territory may be recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims, or by a treaty, Act of Congress, or Executive Order.
12. If none of the Tribes identified above agree to accept Control, the campus may offer to transfer Control of Culturally Unidentifiable Ancestral Remains and Associated Funerary Objects to another Federally Recognized Tribe or to a Non-Federally Recognized Tribe. Under NAGPRA, Disposition to a Non-Federally Recognized Tribe may only take place after receiving a recommendation from the Secretary of the Interior or authorized representative (43 C.F.R. § 10.11(c)(2)(ii))29).
13. Disposition may not occur until at least thirty (30) days after publication of a Notice of Inventory Completion in the Federal Register and thirty (30) days after publication of the Request for Disposition on the NAHC website.
14. California Tribes, including both those that are Federally Recognized Tribes and Non-Federally Recognized Tribes, may submit Requests under CalNAGPRA §8014.

F. Competing Claims

1. CSUF and/or the NAHC may receive competing Requests for Repatriation or Disposition from multiple Tribes that are listed as Culturally Affiliated, State Culturally Affiliated, and/or that are otherwise eligible to submit a Request for Repatriation or Disposition.

2. For competing Requests made by California Tribes, if there is more than one Request for Repatriation or Disposition for the same Ancestral Remains or Cultural Item(s), the NAHC will notify the affected parties of this fact in accordance with CalNAGPRA § 8016 and resolve the dispute through mediation or other means.
3. For Requests made under NAGPRA, Tribal Representatives may also seek resolution with the National NAGPRA Review Committee per NAGPRA 43 C.F.R. § 10.17.
4. Once the competing Requests are resolved, CSUF will complete Repatriation or Disposition to the specified Tribe.

G. Dispute Resolution

1. If any other dispute arises between CSUF and consulting Tribes, attempts will be made to resolve the issue through informal consultation and negotiation. If a resolution is not found, the issue will be raised with the CSU CalNAGPRA Project Manager and the NAHC, as applicable. If the dispute remains unresolved and relates to a federal NAGPRA claim, a request can be made to the National NAGPRA Program Manager for review.

H. Publication of Notices

1. During the Consultation process, the Repatriation Coordinator will draft a Notice of Inventory Completion or Notice of Intent to Repatriate, as required by NAGPRA. These drafts will be shared for review with the appropriate Lineal Descendants or Tribal Representatives who participated in Consultation with CSUF. Concerns about the content of the Notice will be negotiated. Once the Repatriation Coordinator receives written assent regarding the contents of the Notice, or following a 15-business day review period, the Repatriation Coordinator will submit the Notice to the National NAGPRA Office for publication in the Federal Register. The Notice will also be submitted to the NAHC for publication on their website.
2. Once the National NAGPRA Program notifies CSUF of the publication of the submitted Notice, CSUF will inform the Tribes contacted for consultation on the Ancestral Remains or Cultural Items included in the Notice that the Notice has been published in the Federal Register, as applicable. The Repatriation Coordinator will also transmit a copy of the published Notice to those Tribes.
3. Following the publication of the Notice of Inventory Completion or Notice of Intent to Repatriate:
 - a) No Repatriation or Disposition may occur within the initial thirty (30) day period after publication to allow for additional groups to Claim Collections,
 - b) CSUF must respond to any Claims within sixty (60) days, and,
 - c) Claims may be submitted at any time until a transfer of Control occurs.
 - d) CSUF will transfer Control of Collections as soon as allowable and practical.

I. Transfer of Control

1. If CSUF has a Request for Repatriation in hand at the time of the publication of the Notice of Inventory Completion or Notice of Intent to Repatriate in the Federal Register, and no additional Requests are submitted during the 30-day waiting period, CSUF will transfer Control of the claimed Collection as soon as possible to the Requesting Tribe. If the Claim is made by a California Tribe, the Request will also be published on the NAHC website.
2. If CSUF has a Request in hand at the time of the Notice publication and additional Requests are received during the 30-day waiting period, CSUF will process these Requests as described in this Policy. Transfer of Control will not be made until all competing Requests are resolved.
3. If after publication of a Notice of Inventory Completion or Notice of Intent to Repatriate in the Federal Register, no Requests have been received by CSUF, the Collection will be held by CSUF until the time a Request is received. Once a Request is received, CSUF will follow the process of processing a Request as described in this Policy.
4. Under CalNAGPRA, CSUF shall repatriate the requested Ancestral Remains or Cultural Items to the Requesting California Tribe within thirty (30) days after posting the Request for Repatriation or Claim on the NAHC's website, unless a Notice of Inventory Completion or Notice of Intent to Repatriate is required under NAGPRA. If the federal Notice waiting period extends beyond the 30-day period, CSUF shall repatriate the Requested Ancestral Remains or Cultural Items to the Requesting California Tribe following the required 30-day waiting period after Notice publication in the Federal Register (Section 8016 of the California Health and Safety Code subdivision (b)).
5. To finalize the transfer of Control, CSUF will send a NAGPRA and CalNAGPRA Transfer of Control Document to the Requestor. This document acknowledges those Lineal Descendants, Native American Tribes, or Native Hawaiian organizations as being the legal Controller of the Requested Collection(s). A copy of the NAGPRA and CalNAGPRA Transfer of Control Document needs to be signed by the Lineal Descendants or authorized Tribal Representatives and returned to CSUF for the transfer of Control to be finalized and the transfer of Possession and Physical Custody to proceed.
6. Once Control is transferred, CSUF will not accept any additional Requests for Consultation or any new evidence from potential Lineal Descendants, Native American Tribes or Native Hawaiian organizations attempting to substantiate Cultural Affiliation to the particular Ancestral Remains, Cultural Items, or Collections or substantiate Tribal or Aboriginal Territory status from which the particular Ancestral Remains or Cultural Items originated.
7. If the transfer of Possession and Physical Custody does not occur within ninety (90) calendar days of the transfer of Control or if a Tribe is unable to accept Possession and Physical Custody, a Stewardship agreement will be executed. Stewardship agreements will be time-limited with the possibility of written extensions, as needed.

J. Transfer of Physical Custody

1. Prior to the transfer of Possession and Physical Custody, an Inventory cross-check may be done between the physical objects of the transfer and the finalized Inventory as reported to the National NAGPRA Program and/or NAHC. Tribal Representatives may decline to

perform this Inventory cross-check. The cross-check ensures that the process is transparent and that all reported Ancestral Remains and Cultural Items are accounted for prior to the transfer. The Inventory cross-check would be completed by the Tribal Representatives accepting receipt of the Ancestral Remains or Cultural Items through Repatriation or Disposition. CSUF staff will be present during this process and may help in the cross-check, if invited to participate by the Tribal Representatives accepting receipt. At the completion of the Inventory cross-check by Tribal Representatives, if applicable, all boxes will be sealed with tape and marked to indicate that the box has been checked and is acceptable for transfer. The results of the Inventory cross-check or if the Tribal Representatives decline to perform an inventory cross-check will be noted in the record of the transfer attached to the NAGPRA and CalNAGPRA Transfer of Possession and Physical Custody Document.

2. A NAGPRA and CalNAGPRA Transfer of Possession and Physical Custody Document will require signatures upon physical transfer of the Collection. The document will specify the contents of the transfer and the names of the Tribal Representatives and CSUF personnel present at the transfer. The President's Designee will sign on this document on behalf of CSUF.
3. CSUF will generate a record of every Repatriation and Disposition it completes. These records will permanently document the contents, recipients, and processes observed for all Repatriations and Dispositions (43 C.F.R § 10.10(f)(1)). This record will be maintained in both electronic and hard copies in the CSUF archives under restricted access.

V. COLLECTIONS MANAGEMENT

1. CSUF recognizes that Tribes have long been excluded from the conversation about the care and use of archaeological Collections after their acquisition by institutions, including universities. This Policy seeks to outline the processes to involve Tribes in the Stewardship and management of CSUF Collections. Deference will be given to Tribal wishes regarding the care for and use of the Cultural Items housed at CSUF, whenever possible.

A. Duty of Care

2. Prior to Repatriation or Disposition, CSUF has a duty to care for, safeguard, and preserve all Ancestral Remains or Cultural Items in its Control, Possession, or Physical Custody.

B. Accepting New Ancestral Remains or NAGPRA or CalNAGPRA-Eligible Cultural Items

1. CSUF will not accept Control, Possession, or Physical Custody of Ancestral Remains or new Cultural Items known or reasonably believed to be NAGPRA or CalNAGPRA-eligible, except in limited circumstances. Acceptance of Control, Possession, or Physical Custody may be considered if requested by a Tribe, private collector, or other entity for CSUF to act as an intermediary for the sole purpose of Repatriation or Disposition or if in the best interest of the items (e.g. they will be sold or destroyed unless accepted by CSUF).
2. If Physical Custody but not Control or Possession is accepted by CSUF, the Controlling Agency, entity, or individual will remain responsible for NAGPRA and/or CalNAGPRA

compliance. If Control and Possession are accepted by CSUF, the University will initiate the Repatriation or Disposition process as quickly as possible.

3. Loan agreements with other Controlling Agencies be time-limited. If the Controlling Agency fails to fulfill their NAGPRA and/or CalNAGPRA compliance responsibilities, Physical Custody of the Ancestral Remains or Cultural Items will be returned to the Controlling Agency upon expiration of the loan agreement and CSUF will notify potentially Culturally Affiliated Native American Tribes of this transfer. In the event that a Controlling Agency fails to fulfill their compliance responsibilities and refuses to accept Physical Custody of the Collections over which they are responsible after expiration of the loan agreement, CSUF will notify potentially Culturally Affiliated Native American Tribes of the status of the Collection and continue to care for the Collections in accordance with this Policy.
4. For all new loans to CSUF, a written loan agreement will be entered into, delineating the terms of the loan, including, if applicable, NAGPRA or CalNAGPRA compliance responsibilities. Written agreements will be time-limited and subject to regular review and renewal. NAGPRA/CalNAGPRA compliance remains the responsibility of the Controlling Agency unless otherwise agreed upon.

C. Stewardship Agreements

1. Tribes and Lineal Descendants with legal rights to the Control of Ancestral Remains or Cultural Items may need facilities for short-term storage. CSUF will consider requests from Tribes and Lineal Descendants to provide this service on a case-by-case basis, subject to space availability. Stewardship agreements for the storage of these items will be time-limited, with the possibility of written extensions, as needed. Written agreements may include the consent of the Tribe for housed Collections to be used in teaching and research but such consent is not a condition for a Stewardship agreement.

D. Existing Loans

1. CSUF holds loaned Collections for which NAGPRA or CalNAGPRA compliance is the responsibility of the Controlling Agency. All loaned Collections housed by CSUF must be covered by a current valid loan agreement. If existing loans do not have a valid agreement or if a loan agreement has been allowed to expire, a new loan agreement must be executed for the Collections to remain at CSUF. Whenever possible, Physical Custody of existing loaned Collections will be transferred or returned to the Controlling Agency, if such a transfer receives consent from potentially Culturally Affiliated Tribes.

E. Items Collected on Land Not Covered by NAGPRA or CalNAGPRA

1. CSUF faculty, researchers, and staff are required to abide by CSUF's UPS 640.000 *Rules for the Acquisition of Archaeological, Ethnographical, and Art Objects* including those Cultural Items that may have been removed from private property. Any Collections physically located on CSUF property, except those under a loan agreement from another Controlling Agency, regardless of whether they have been formally Accessioned, will be subject to this Repatriation Policy and the terms of NAGPRA and CalNAGPRA, as applicable.
2. Collections removed by CSUF-affiliated students, staff, or faculty from land not covered by

NAGPRA or CalNAGPRA, will be required to have current loan agreements. These loan agreements will detail the NAGPRA and CalNAGPRA compliance responsibilities and the resource burdens for all parties. Generally, CSUF will require the Controlling Agency of Collections subject to Repatriation laws be responsible for compliance with NAGPRA and CalNAGPRA.

F. Requests for Traditional Care

1. CSUF recognizes that Culturally Affiliated or potentially Culturally Affiliated Tribes may have recommendations or requests for the care, storage, and handling of Ancestral Remains and Cultural Items. Deference will be given to Tribal preferences regarding the handling of Collections and Traditional Care requests from Tribes will be considered, regardless of a Tribe's federal recognition status. Requests from authorized Tribal Representatives to incorporate Traditional Care into CSUF's Collections care will be accommodated, whenever possible.
2. For Ancestral Remains and Cultural Items, if a standard curation practice, such as placing human bone in plastic bags, conflicts with Traditional Care requests or Tribal preferences such as placing human bone in unbleached muslin, deference will be shown to the requested Traditional Care or Tribal preference, whenever possible. If there is disagreement or conflicting requests between Tribal consultants on preferences or Traditional Care, standard curation practices will be followed until a resolution or compromise can be arranged.
3. Traditional Care and Tribal preferences on handling will be discussed in Consultation. Requests for Traditional Care can be made via the CSUF CalNAGPRA website.

G. Previously Unreported Holdings

1. All newly identified items that are under the Control of CSUF and are thought to be potentially subject to NAGPRA or CalNAGPRA must immediately be managed and preserved in accordance with this Policy, unless otherwise advised by Tribes in Consultation. In addition, ongoing research or instructional use of those items must cease until a determination has been made about whether the items fall under NAGPRA or CalNAGPRA and whether CSUF has Control or Possession of the Ancestral Remains or Cultural Items. Also, CSUF, as required by NAGPRA and CalNAGPRA, will update their Inventories and Summaries when previously unreported Collections are obtained or discovered. If newly identified Ancestral Remains and Cultural Items subject to NAGPRA or CalNAGPRA are found, CSUF will comply with this Policy.
2. If Ancestral Remains or Cultural Items are found on CSUF premises for which a non-CSUF entity retains Control, these must either be returned to the Controlling Agency, or a written loan agreement must be entered into with the Controlling Agency, outlining the NAGPRA and CalNAGPRA compliance responsibilities of the Controlling Agency.
3. The Controlling Agency for each Collection housed by CSUF will be noted on the CSUF CalNAGPRA publicly available website.

H. Access Restrictions and Physical Security of Collections

1. Ancestral Remains and items known to be NAGPRA or CalNAGPRA-eligible, as well as items identified through Consultation to be NAGPRA or CalNAGPRA-eligible will be housed in a locked space, separate from all other unassociated Collections. CSUF personnel access to this locked space will be limited to essential personnel only. NAGPRA or CalNAGPRA-eligible Collections will be accessed by CSUF personnel as infrequently as possible, and only to perform tasks such as routine housekeeping, security checks, monitoring for pest or mold infestation, addressing maintenance issues, or for the purposes of NAGPRA or CalNAGPRA Repatriation.
2. Official representatives of Culturally Affiliated or potentially Culturally Affiliated Native American Tribes will be afforded access to the Collection and all information pertaining to the Collection upon request. Others authorized, in writing, by the official representative of the Tribe may also be permitted access, on a case-by-case basis. Access may be granted to individuals even if they are not actively making a NAGPRA or CalNAGPRA Claim. Advance notice is requested for access to Collections.

I. Research and Teaching Use of Ancestral Remains

1. CSUF will defer to Tribal policies and procedures regarding the research and examination of Native American Ancestral Remains, if such protocols exist. CSUF will consult with Tribes on any acceptable research or examination of Ancestral Remains, if any, such as age and sex determinations.
2. When no Tribal Policy is in place, CSUF will prohibit the use of Ancestral for the purposes of research or teaching, unless requested by a Culturally Affiliated Tribe in writing, except for the research necessary for the purposes of Repatriation. No testing that involves the destruction or alteration of all or part of Ancestral Remains will be undertaken, including radiocarbon sampling, unless by written request of the Culturally Affiliated Tribe.

J. Research and Teaching Use of Collections Housed at CSUF

1. Approval for the use of any portion of the Collections housed at CSUF, including Cultural Items known to be NAGPRA or CalNAGPRA-eligible, for the purposes of research or teaching requires prior Consultation with potentially Culturally-Affiliated Tribes and written Tribal consent for such use.
2. Requests for research on Collections housed at CSUF, from CSUF or non-CSUF personnel, must include a research proposal detailing the anticipated scope of work and demonstrating how the proposed research may be beneficial to the Culturally-Affiliated Tribes or Tribal partners. Approved researchers agree that a copy of any publication or report produced from the research will be sent to the Consulted Tribes, unless otherwise prohibited. It is the responsibility of the researcher to conduct Consultation regarding research use and demonstrate Tribal consent to the proposed research.
3. CSUF may request consent from Culturally Affiliated Tribes to allow unique Cultural Items be documented through non-destructive means such as 3D scanning. Written Tribal permission will be required before such documentation is completed.

K. Exhibiting Ancestral Remains and NAGPRA or CalNAGPRA-Eligible Cultural Items

1. CSUF will prohibit the exhibit or display of Ancestral Remains or Cultural Items known to be NAGPRA or CalNAGPRA-eligible or images of those Ancestral Remains or Cultural Items.
2. In the case that Culturally Affiliated Tribes express an interest in sharing Cultural Items with their communities and the larger public, CSUF may collaborate with Tribal Representatives to develop guidelines, procedures, or protocols to address proper and respectful handling and display.

L. Photography of Ancestral Remains and NAGPRA or CalNAGPRA-Eligible Items

1. New images of Ancestral Remains will not be created, unless written consent is received by CSUF from a Tribal Representative, Lineal Descendant, or traditional religious leader.
2. With written consent from the Culturally Affiliated Tribes, new images of NAGPRA or CalNAGPRA-eligible objects such as Funerary Objects (both Associated and Unassociated), Sacred Objects, and Objects of Cultural Patrimony may be taken to document objects and Collections that will be returned through the Repatriation and Disposition processes. The images will not be made available for research, exhibition, presentations, or publications without the written consent of Tribal Representatives. These images will become part of the permanent Repatriation record to be retained in restricted-access archives at CSUF.

M. Social Media Use and Misuse

1. In accordance with this Policy's prohibition on the creation of new images of Ancestral Remains, under no circumstances are images of Ancestral Remains to be posted on social media platforms or any other publicly accessible website. Photographs and video of archaeological investigations which reference CSUF may not be posted on social media without express written permission from the President's Designee. This includes images of Ancestral Remains, artifacts, and ecofacts encountered during field investigations conducted under the auspices of CSUF. Only material and information whose dissemination is permitted may be published on social media or commented on.

N. Treatment and Contamination Disclosure

1. According to federal regulations 43 C.F.R. § 10.10(e), Museums and federal agencies "must inform recipients of Repatriations of any presently known treatment of the Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony with pesticide, preservatives, or other substances that present a potential hazard to the objects or to persons handling the objects."
2. If CSUF has documentation that Ancestral Remains or Cultural Items underwent intentional treatment (i.e., have the items been shellacked, treated with pesticide, repaired, etc.) or were intentionally or unintentionally exposed to potentially hazardous substances, it will inform Tribal consultants in writing. A lack of records does not mean that the Ancestral Remains or Cultural Items have not been subject to preservation treatment. Representatives from consulted Tribes will be requested to sign an Acknowledgement of Potential Inadvertent Contamination Document, acknowledging the treatments known to

have been done to the Human Remains or Cultural Items, as well as the possibility of unknown treatments or applications of substances. CSUF may offer to test Human Remains or Cultural Items for substances such as formaldehyde, arsenic, mercury, and lead, at the expense of CSUF. Written consent from the Tribe(s) for this testing will be required prior to testing.

3. CSUF will provide gloves (cotton, latex, or nitrile) and face masks for in-person Consultations and whenever Collection items may be handled by Tribal members.

O. Retention of Materials Associated with Ancestral Remains or NAGPRA or CalNAGPRA-Eligible Cultural Items

1. Original tags, labels, boxes, bags, packing material, ash, ochre, floral material, other organic material like leather, cordage, or bark, and soil adhering to Ancestral Remains or known to be associated with a burial will be stored with the associated Ancestral Remains and will not be discarded. Ancestral Remains will not be cleaned or brushed to remove adhered soil. Soil inadvertently loosened during handling will be collected, retained, and stored with the related Ancestor. All materials associated with Requested Ancestral Remains or Cultural Items will be offered for transfer through Repatriation or Disposition to the Requesting Tribe.

P. Non-CSU Agency-Controlled Collections

1. CSUF houses archaeological Collections by loan agreement that remain under the legal Control of non-CSU agencies including Caltrans and the U.S. Navy. CSUF will honor the collections management requests of the controlling agency unless they are in conflict with Tribal preferences expressed in Consultation, this Policy, or the CSU systemwide Policy. CSUF will also support the Repatriation of these Collections whenever possible, including coordinating Tribal Consultation visits and Collections viewings and transferring associated documentation to Tribal consultants and/or the controlling agency. NAGPRA and CalNAGPRA compliance remain the responsibility of the controlling agency, including conducting Tribal Consultation.

Q. Campus Surveys

1. In order to identify previously unreported Human Remains or Cultural Items and Collections possibly covered by NAGPRA or CalNAGPRA, CSUF will undertake annual campus-wide surveys. Survey questionnaires will be distributed to the deans and department chairs to request affirmation that the current and emeriti faculty and current staff of their departments have searched department offices, laboratories, or other spaces for Native American Human Remains and Cultural Items. The Repatriation Coordinator will be responsible for compiling survey responses and following up on departments reporting potential items or Collections. The campus survey instrument will be annually reviewed and revised by the Advisory Committee, if necessary, before dissemination.

VI. RESPONSIBILITIES

- A.** Three main institutional groups at CSUF work together to accomplish the Repatriation or

Disposition of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony in accordance with NAGPRA and CalNAGPRA.

B. University Leadership

1. The University President delegates authority concerning compliance with NAGPRA and CalNAGPRA and associated duties and responsibilities to the Provost.
2. The Provost includes compliance with NAGPRA and CalNAGPRA Repatriation and related efforts in their Division strategic plan, ensuring resources and direction to support the work. The Repatriation Coordinator supervises Inventory processes and ensures compliance with all relevant policies and laws. This position manages day-to-day operations and functions and coordinates activities to support successful Consultations. The Repatriation Coordinator maintains campus partnerships to advance the work. The various administrative units located in the Provost Office (e.g. Academic Resources and Projects, Communication Specialist) lead the cross-campus partnerships to achieve the goals of the Repatriation effort.

C. Campus CalNAGPRA Advisory Committee

1. The Provost or Provost's designee and Dean of the College of Humanities and Social Sciences (HSS) co-chair the CalNAGPRA Advisory Committee. The Advisory Committee is tasked with establishing a Repatriation process that is both respectful and deliberate. They provide feedback in the development and review of this Policy and its revisions. The Advisory Committee helps to create Consultation protocols and communicates with campus and community stakeholders, as appropriate. The Advisory Committee has representatives from surrounding Native American Tribes with knowledge of NAGPRA and CalNAGPRA. It also has representatives from the Office of the President, Department of Anthropology, Division of Student Affairs, and Academic Resource Projects.
2. Outside of regularly scheduled meetings, the Repatriation Coordinator will keep the Advisory Committee abreast of developments via a quarterly email, or more frequently as necessary. In addition, the website dedicated to this project will be updated from time to time in order to inform stakeholders and the public of the status and progress of CSUF's Repatriation process.
3. Following the adoption of CA AB 389, CSU campuses are required to convene campus-level NAGPRA Advisory Committees with membership criteria determined by statute. The creation of this committee at CSUF may alter the structure and membership of the CSUF CalNAGPRA Advisory Committee.

D. College of Humanities and Social Sciences (HSS)

1. HSS hosts the Archaeology Program, in the Division of Anthropology, the Archaeological Research Facility (ARF), and the Anthropology Research and Teaching Museum. The Dean of College of HSS and the Associate Dean are the primary conduits to the:
 - a) Archaeological Research Facility (ARF): The ARF houses prehistoric archaeological and ethnographic Collections and their associated archival

records that pertain to the prehistory and ethnohistory of Orange County and other areas of Southern California, as well as other regions of the world. The function of the ARF is to enhance education, research, and the pursuit of knowledge for the Department of Anthropology, the College of HSS, CSUF, and the general public. The Collections housed by ARF are subject to Inventory, Consultation, and Repatriation processes under NAGPRA and CalNAGPRA, as applicable.

- b) Anthropology Research and Teaching Museum: The Museum consists of rotating temporary displays of cultural materials for students to gain experience in the curation and display of anthropological Collections. The Museum does not display archaeological materials or any Cultural Items with the potential to be NAGPRA or CalNAGPRA-eligible. Section V. Collections Management describes procedures for display or exhibit of Collections Housed at CSUF.

VII. RESOURCES

[Native American Graves Protection and Repatriation Act](#), 25 U.S.C. §§ 3001-13

[Native American Graves Protection and Repatriation Regulations](#), 43 C.F.R. §§ 10.1-17

[California Native American Graves Protection and Repatriation Act](#), Cal. Health & Safety Code §§ 8010-30

[California Native American Graves Protection and Repatriation Act of 2001: California State University.](#), Assembly Bill 389, Government Code 7927.000 and Public Resources Code 5097.94

[California State University, Fullerton CalNAGPRA Website](#)

[California State University CalNAGPRA/NAGPRA Website](#)

[California Native American Heritage Commission Website](#)

[Auditor of the State of California Audit Report 2022-107](#)

¹ CSUF falls under the definition of “Museum” as defined in NAGPRA 43CFR§10.2(a)(3) and CalNAGPRA§8012(i).