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Native American Graves Protection and Repatriation Act *The University of California Lacks the Accountability and Urgency Necessary to Promptly Return Native American Remains and Cultural Items*

Background

The 1990 Native American Graves Protection and Repatriation Act (NAGPRA) allows federally recognized Native American tribes to request the return of human remains (remains) and cultural items from government agencies and museums, including the University of California (university). In 2001, California enacted CalNAGPRA, which provided a mechanism for California tribes that do not have federal recognition to also request the return of remains and cultural items. Both NAGPRA and CalNAGPRA require the university to compile information about remains or potential cultural items it has and then consult with tribes to determine if they wish to claim these remains or items. In the past, the university has struggled to comply with provisions in NAGPRA and CalNAGPRA and expeditiously return remains and cultural items to tribes. This is the third of four audits that CalNAGPRA requires our office to conduct to evaluate the university's compliance with NAGPRA and CalNAGPRA.

Key Findings

- » Despite years of external attention, the Office of the President has not effectively overseen the university's compliance with NAGPRA.
- » Although campuses have made some progress in repatriating remains and cultural items over the past five years, the university still does not know how much work remains to achieve full repatriation.
 - Campuses still hold the remains of thousands of individuals, as well as hundreds of thousands of potential cultural items.
 - Despite the likelihood that campuses will continue to discover previously unknown remains and cultural items, campuses' searches for undiscovered NAGPRA collections are not complete, and the Office of the President has not systematically kept track of the searches campuses have performed.
- » The Office of the President has not created an oversight environment that ensures accountability for compliance with NAGPRA.
 - The Office of the President has not ensured that campuses develop repatriation timelines, despite requiring such timelines in its systemwide policy.
 - The Office of the President has not established systemwide performance goals, meaning that the office cannot adequately assess campuses' progress or determine whether campus budgets are appropriate.
- » Recent changes to NAGPRA's regulations hamper the university's ability to return specified remains and certain cultural items to California tribes that are not federally recognized.

Key Recommendations

- » To ensure that the university appropriately prioritizes NAGPRA, the Legislature should consider appropriating funding specifically for NAGPRA and CalNAGPRA compliance while also placing conditions on that funding.
- » To effectively monitor and direct the university's compliance with NAGPRA, the Office of the President should do the following:
 - Direct campuses to develop schedules for searching all campus locations for undiscovered remains or items.
 - Direct campuses to develop clear timelines for finishing specific repatriation activities.
 - Establish systemwide performance goals and metrics for key repatriation activities and require campuses to report on progress.
 - Annually assess the university's goals and update them as necessary by revising existing goals or by adding or removing goals.
 - Engage tribes to study the cost the tribes incur during repatriation and report to the Legislature.
 - Update its systemwide policy to acknowledge the limitations placed on the university by NAGPRA's updated regulations.

The University's Performance in Four Key Areas Hinders Its Ability to Comply With NAGPRA



**Knowing the
Size of Its Collections**



**Caring Well for
Its Collections**



**Planning for and
Monitoring Repatriation**



**Funding Repatriation,
Including Tribal Support**