Effective Date: **December 15, 2020**

POLICY

RESEARCH AND SCHOLARLY ACTIVITIES

Native American Graves Protection and Repatriation Act (NAGPRA) Policy

RESPONSIBLE OFFICE

Office of Research

As an institution receiving federal funds, Boston University is subject to the Native American Graves Protection and Repatriation Act and its implementing regulations (collectively, as they may be amended from time to time, referred to as “NAGPRA”). NAGPRA guides the disposition of Native American and Native Hawaiian cultural items and human remains under control of Federal agencies and institutions that receive Federal funding, as well as the ownership or control of Native American and Native Hawaiian cultural items and human remains discovered on Federal or tribal lands within the United States or its territories after November 16, 1990. The University is committed to complying with NAGPRA and to working with lineal descendants, traditional religious leaders, and Native American and Native Hawaiian organizations, both federally and non-federally recognized, with respect to determinations of cultural affiliation and repatriation of Native American and Native Hawaiian human remains, funerary objects, sacred objects, and objects of cultural patrimony in the University’s physical custody. The University is also committed to ensuring that all such human remains, funerary objects, sacred objects, and objects of cultural patrimony that are in

its physical custody are appropriately identified and treated with respect during that process.

Defined Terms

This policy references the bolded terms below and uses the definitions that have been assigned to those terms by NAGPRA. The following are summaries of those terms, as defined under NAGPRA as of the date of this policy.

Human remains means physical remains of the body of a person of Native American or Native Hawaiian ancestry.

Funerary objects means items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains.

Sacred objects means items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American or Native Hawaiian religions by their present-day adherents.

Objects of cultural patrimony means items having ongoing historical, traditional, or cultural importance central to the Native American tribe or Native Hawaiian organization itself, rather than property owned by an individual organization member.

This policy will collectively refer to Native American or Native Hawaiian human remains, funerary objects, sacred objects and objects of cultural patrimony as "**Cultural Items**".

Policy

1. Boston University shall comply with NAGPRA.
2. The Provost will designate an individual who will be responsible for managing the University's compliance obligations under NAGPRA and ensuring that the University appropriately maintains and repatriates Cultural Items in the University's physical custody (the "NAGPRA Coordinator"). The NAGPRA Coordinator will establish a committee to assist the NAGPRA Coordinator in managing the University's compliance obligations under NAGPRA (the "NAGPRA Review Committee").
3. All University faculty, staff, students and other parties working with University collections

("Covered Parties") are required to comply with this policy and related procedures. If a Covered Party becomes aware of Cultural Items in the University's physical custody about which the NAGPRA Coordinator has not previously been informed, the Covered Party must inform the NAGPRA Coordinator as soon as practicable.

4. Covered Parties may not knowingly acquire for the University or accept on the University's behalf any Cultural Items without the prior written approval of the NAGPRA Coordinator or an authorized designee. This includes any acquisition by donation, loan or gift, as well as any acquisition in connection with any teaching, research or other University-related activities.
5. Covered Parties may not use Cultural Items in research or teaching activities without the prior written approval of the NAGPRA Coordinator or an authorized designee.

Procedures

The University will develop procedures under this policy that outline the manner in which the University will comply with NAGPRA with respect to Cultural Items in the University's physical custody. The procedures will include consulting with lineal descendants and Native American tribes and Native Hawaiian organizations prior to making any recommendation as to cultural affiliation or repatriation.

Effective Date

The NAGPRA takes effect in the spring 2021 semester.

History

The NAGPRA was drafted by the University Council Committee on Research & Scholarly Activity. It was approved by the University Council on 12/15/20.

END OF POLICY TEXT

Additional Resources Regarding This Policy

Related Procedures:

- Native American Graves Protection and Repatriation Act (NAGPRA) Procedures

Related BU Websites:

- Research Support
  - Research Support Forms & Policies

Categories: Conflicts of Interest and Ethics in Research, Research and Scholarly Activities, Research Compliance and Safety Keywords: cultural items, funerary objects, graves, Hawaiian, human remains, NAGPRA, NAGPRA compliance, Native American, Native American Graves Protection Act, Native Hawaiian, remains, repatriation, sacred objects, University collections