



NAGPRA/CalNAGPRA Moratorium on Native American Remains and Cultural Items

CSU Bakersfield Policy

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Provost and Vice

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General Description

Purpose:

California State University, Bakersfield is fully committed to meeting the legal expectations prescribed in the Native American Graves Protection and Repatriation Act (NAGPRA) and its state equivalent. The California Native American Graves Protection and Repatriation Act (CalNAGPRA), passed by the State Legislature in 2001, and revisions in 2019 and 2020, mandates that all entities that receive state funding and have possession or control over collections of human remains or cultural items must establish a procedure for the identification and return of those human remains and cultural items to the appropriate Tribes, and consult with Tribes regarding steps leading to repatriation. CalNAGPRA also gives the Native American Heritage Commission (NAHC), a state agency, oversight to ensure compliance.

With this moratorium directive, CSUB continues its journey to fully satisfying the standards of compliance outlined by these culturally and morally relevant legal frameworks. To this end, CSUB is in the process of identifying the location of all Native American human remains and cultural items on campus and will be consulting with the appropriate Tribes to repatriate relevant items. This process may take years. CSUB has begun to invest in facilities, security, software, and NAGPRA-related personnel to assist with the important work and bring CSUB into compliance.

This moratorium is a cornerstone of CSUB's academic and ethical commitment to Native American and Indigenous communities across the nation and the world. As described, all research, scholarship, and teaching using Native American human remains and cultural items that are potentially subject to NAGPRA and CalNAGPRA will cease immediately. CSUB has established the Native American Consultation and Repatriation Committee which, with Tribal representatives, will guide future compliance activities. Lastly, CSUB joins many universities, museums, and repositories, both nationally and internationally in recognizing our institutional roles in indigenous hardship.

Scope:

All Academic Departments

Policy/Procedure

Background

The federal Native American Graves Protection and Repatriation Act (NAGPRA), and the California Native American Graves Protection and Repatriation Act (CalNAGPRA), require the protection of Native American graves on federal and state lands and the return of Native American human remains and cultural remains. Additionally, CalNAGPRA requires all entities that receive state funding and have possession or control over collections of California Native American human remains and cultural items to engage in consultations with California Native American Tribes to create inventories of those human remains and cultural items for repatriation. Further as a state agency, CSUB has a duty to consult with Tribes for their recommendations about how CSUB should handle human remains and cultural items while they are in CSUB’s custody.

Statement Text

As part of CSUB’s commitment to NAGPRA, CalNAGPRA, and working with Native and Indigenous communities, the university is placing a moratorium on the research, teaching, display, imaging, and circulation of human remains and cultural items (including archival material, notes, movies, and data) that are potentially subject to NAGPRA and CalNAGPRA. The current collections at CSUB will remain locked and secure, with access overseen by the NAGPRA/CalNAGPRA Coordinator. Further, CSUB will not accept additional collections for curation purposes.

The university requests that all university property that contains Native American human remains and cultural items or are from Native American cultural sites that have been removed from campus or loaned to/borrowed by other scholars or entities, be returned to campus as soon as possible. To facilitate a return or if additional items are found, please send a notification to your Dean, Tribal Liaison (David Silva), and CalNAGPRA/NAGPRA Coordinator (Claudia Catota).

This moratorium will remain in place until the CSUB Native American Consultation and Repatriation Committee establishes procedures in consultation with tribal partners.