



# SOCIETY FOR CALIFORNIA ARCHAEOLOGY

SCA EXECUTIVE BOARD | 1692 MANGROVE AVENUE #153 | CHICO, CA 95926 | 530-342-3537 | GLENN@SCAHOME.ORG

July 6, 2020

Dr. Janet Napolitano  
President, University of California  
Office of the President  
1111 Franklin Street  
Oakland, CA 94607

Dear President Napolitano,

The Society for California Archaeology (SCA) was founded in 1967 and is the largest regional archaeological society in the United States with 1000 members and a diversity of archaeological knowledge and expertise, including academic, cultural resource management, museum, avocational, and other backgrounds. The SCA actively engages and collaborates with California Native American communities and we count tribal members and other indigenous peoples among our membership. For this reason, we felt it appropriate and timely to comment on the draft UCOP Native American Cultural Affiliation and Repatriation Policy.

First, the SCA Board wants to emphasize that we support repatriation of ancestral remains, funerary objects, sacred objects and objects of cultural patrimony pursuant to NAGPRA and CalNAGPRA. It is critically important that tribal representatives are the decisionmakers in the treatment and identification of their ancestors and cultural items. We have reviewed the draft UCOP policy and last year's legislation AB 2836 and offer the following comments.

Definitions of key terms and phrases in the draft policy are consistent with both state and federal CalNAGPRA/NAGPRA laws. It is of utmost importance that decision makers at the campus level have first-hand experience and training in these definitions to ensure CalNAGPRA/NAGPRA eligible materials are not overlooked. Training, at a minimum, or professional experience applying these definitions is very important for campus level committee members and Repatriation Coordinators.

Based on our analysis, the draft policy is consistent with and clearly implements AB 2836. It is consistent with the state law's position to encourage repatriation to California Tribes and Native Hawaiian Organizations. The draft policy is also consistent with the state law in terms of the procedures for establishing and the makeup of committees at both the campus and system wide levels. We suggest that consideration be given for establishing term limits on these committees as a way of encouraging and maintaining a healthy dialogue and diversity of perspectives. For similar reasons, the Systemwide Committee should include at least some members that were not members of the Cultural Affiliation and Repatriation Policy Advisory Workgroup.

We urge that makeup of committees be as diverse as possible, with all stakeholders represented, including UC professionals that conduct archaeological research in partnership with Tribes or descendent communities and individuals. Furthermore, expertise and a comprehensive knowledge of archaeological methods and museum management is strongly recommended for committee members and campus repatriation coordinators. Collections of Native American objects that were acquired via archaeological excavation or unfortunate collecting methods and associated documentation are often complex and incomplete, having been collected for well over 100 years with varying degrees of quality control. It is essential that at least some committee members, especially repatriation coordinators have training, or even better, experience with the complexities of such collections. The decisions made at the campus level will be critically important for just repatriations and those decisions must be fully informed by experience and expertise.

The SCA board finds that the proposed policy on the disposition of culturally unaffiliated human remains offers clear procedures for addressing a long standing and important issue.

We would like to point out the magnitude of the task at hand. Some campuses have huge collections and the requirements to repatriate all CalNAGPRA/NAGPRA eligible materials will prove to be a mammoth undertaking. Just one example illustrates this point. The policy requires that campuses search for overlooked NAGPRA items, including searching through unsorted collections for fragmentary human remains. The quantity of unsorted collections at some campuses is massive. The costs will likely exceed campus budgets and the prescribed timelines are likely too short to accomplish the task by the currently stated deadlines. It does not appear that realistic estimates of the cost of and time necessary for accomplishing the UCOP policy goals have been made.

The policy should also include more assistance for Native American participation as repatriation efforts can impose substantial financial and logistical costs on claimants, whose resources may be limited. Such a commitment would also have the effect of increasing repatriation efforts as it would remove a financial obstacle to repatriation.

The draft policy addresses potential conflicts of interest, which is important. The policy should be explicitly clear that all conflicts of interest, especially financial conflicts, must be avoided at all levels, including the campus level. The policy should include more detail concerning what types of relationships would constitute a conflict of interest and how they should be treated if they exist.

The draft policy prohibits research on NAGPRA materials undergoing the repatriation process unless granted explicit permission by the Tribes. This is both appropriate and consistent with the current approach of the SCA. The SCA is committed to collaborative research with Tribes. Archaeologists have in the past and will in the future assist Tribes in learning about their past and protecting sacred sites from destruction. The SCA has gone through a long evolution since its inception in terms of its relationships with Native Americans, and we currently strive for collaboration, not confrontation.

There are examples of fruitful community-based research and heritage preservation work, within and outside of California, that the SCA Board hopes will become the norm. The rewards for such work are great and have led to cutting edge discoveries and new frontiers in research that incorporates and includes questions of interest to descendant communities. As it is important to recognize that such work involves developing long-term relationships that involve significant time and effort, we strongly encourage the UCOP to support collaborative research frameworks on the campus or lab level, recognizing and highlighting existing partnership and consultation efforts of its faculty and the descendant communities they work with.

Finally, we would like to congratulate the Working Group on their efforts. Developing a fair and effective policy is no easy undertaking. Their efforts have largely been successful and we offer the comments contained in this letter in a constructive and collaborative spirit. Please consider the SCA to be ally and resource in these ongoing efforts. The SCA, as an organization that is independent from the UC, we offer our expert assistance in this ongoing process. We are available to discuss, review, comment, or participate as archaeological subject matter experts in the repatriation process in any way that you might find helpful. The point of contact for further information or discussion is Southern Vice President Glenn Russell ([glenn@scahome.org](mailto:glenn@scahome.org)).

Sincerely,



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