



Executive Memorandum 23-021

June 26, 2023

From: Gayle E. Hutchinson, President

A handwritten signature in blue ink that reads "Gayle E. Hutchinson".

Subject: Interim Policy on the Control of Native American Human Remains and Cultural Items at Chico State

Policy Title:	EM 23-021: Interim Policy on Control of Native American Human Remains and Cultural Items at Chico State
Contact:	Office of the President
Supersedes:	
Revision:	
Enabling Legislation or Executive Order:	Native American Graves Protection and Repatriation Act(s) (NAGPRA) NAGPRA , CalNAGPRA , AB275

In acknowledgment of the historical, systematic mistreatment of California Native Americans, including the separation of Native American ancestral human remains and cultural items from Native American tribes, and the ongoing work to repatriate Native American human remains and cultural items that currently or in the future will be in the possession and control of California State University, Chico, I approve the Interim Policy on Control of Native American Human Remains and Cultural Items at Chico State, effective immediately.

The Federal Native American Graves Protection and Repatriation Act (NAGPRA) was passed by the 101st Congress in 1990 to safeguard Native American graves and to set policy for Native American ancestors, funeral artifacts, and repatriation. California legislators passed the California Native American Graves Protection Act (CalNAGPRA) in 2001, and in 2020, California State Assemblymember James Ramos introduced AB-275, which became law on January 1, 2022. Legislative Assembly, 2001; Legislative Assembly, 2020). When referring to NAGPRA, CalNAGPRA, and AB-275 compliance, the term NAGPRA will be utilized.

In accordance with AB 275: Native American cultural preservation, Chico State,

(5) Recognize(s) that California Indian tribes have expertise with regard to their tribal history and practices that concern the Native American human remains, cultural items, and tribal cultural resources with which they are traditionally and culturally affiliated and, because the federal and state repatriation processes call for a sufficient degree of analysis, include tribal traditional knowledge about the land and resources at issue in all decisions related to

repatriation processes. This includes treating tribal traditional knowledge as the authority with respect to determining cultural affiliation and the identification of cultural items so that it is given deferential weight to other lines of evidence. Tribal traditional knowledge meets the "reasonable" standard that is identified in California Native American Graves Protection and Repatriation Act of 2001. – AB 275: Native American cultural preservation

As such, all decisions regarding the possession, control, and access to Native American ancestral human remains and cultural items currently, and in the future, held by Chico State as an institution, shall be recognized as the purview of the Native American tribe for which the human remains, or cultural items are affiliated. Prior to tribal affiliation determination, or in the event that a tribal affiliation is indeterminable after diligent efforts to establish affiliation or an affiliated tribe is unable to provide repatriation for affiliated human remains or cultural items, the Chico State Office of Tribal Relations will have the authority to determine all decisions regarding the possession, control, and access to the ancestral human remains or cultural items.

The Office of Tribal Relations shall develop proactive processes in accordance with NAGPRA laws to identify and expedite the repatriation of Native American human remains and cultural items to affiliated tribes.