

## **CaNAGPRA/AB-275 Consultation Protocols for SJSU Collections**

SJSU will use the following protocols for consulting with Tribes about the handling and repatriation of cultural remains and ancestors, in compliance with AB-275 and CaNAGPRA. The University, in agreement with consulting Tribes, may edit or amend these protocols as they see fit. Consultations may take many forms (mail, phone, meetings) and will be documented. We respect the sovereignty of each Tribe and recognize that cultural differences exist; these protocols are meant to facilitate repatriation and reconciliation in culturally appropriate ways. Our goals in this process should include building stronger working relationships with Tribes as well as addressing injustices regarding the historical collection of their ancestors' cultural and human remains.

### **Consultations for Preliminary Inventories:**

AB-275 requires that the institution “consult, prior to new or additional inventory work being conducted, with affiliated California Indian tribes on any protocols to be used in the inventory process, including, but not limited to, all of the following: (i) Minimizing handling. (ii) Using a lot approach with a minimum number of individuals set at one. (iii) Identifying human remains and associated funerary objects, burial site, or ceremonial items with tribal expertise receiving deference.”

In these preliminary consultations the institution will: Introduce the site/collection for discussion (including providing map for location, general site information in remains curated and excavation dates, known chronology of the site, link to digitized written reports available to Tribes). Discuss factors for determining cultural affiliation: By AB-275, cultural affiliation based on: (1) Geography; (2) Kinship; (3) Biology; (4) Archaeology; (5) Linguistics; (6) Folklore; (7) Oral tradition; (8) Historical evidence; (9) Tribal traditional knowledge; (10) Other information or expert opinion. Recognize the tribes' potential need for confidentiality with respect to tribal traditional knowledge and all tribal information shared during the consultation. Focus on aboriginal territories with respect to the site location and tribal traditional knowledge and oral history for the region/location of the site (e.g. Tribal histories, or Tribal Historic/Cultural Preservation Officers). Develop protocols for the creation and update of inventories, focusing on any protocols or wishes for: minimizing handling during inventory stage; record keeping and identifying human remains and associated funerary objects, burial site, or ceremonial items; sorting of faunal materials previously not identified as human remains; management and appropriate handling of materials while in our care (e.g. ways Tribes prefer we handle or manage the sacred items, or ways they prefer us to not handle them). Discuss and clarify next steps and requests for repatriation or reburial, for planning purposes.

### **Consultations for Final Inventories:**

Review and finalize inventories, amend as needed and finalize cultural affiliation, refine appropriate handling and treatment procedures. Upon the request of Tribes, further documentation of site records will be requested from the state CHRIS record centers. Original and amended inventories to be provided to NAHC and Tribes at this stage.

Where cultural affiliation is disputed among consulting tribes SJSU will attempt to foster dialogue among tribes and reach out to NAHC for mediation if needed. Tribes who wish to voice

concerns or to request conflict resolution may contact the NAHC CalNAGPRA staff directly by emailing <[CalNAGPRA@nahc.ca.gov](mailto:CalNAGPRA@nahc.ca.gov)>.

Final outcome of claims requests or mediated discussions will be the named tribes who plan to take legal control of the collection(s). Plans can be developed for physical preparations of the boxes for return to Tribes, including putting labels on boxes to be repatriated.

Consultations for Repatriation:

Begin paperwork for SJSU protocols on physical and legal control transfers. Discussion of all logistics of physical transfer, land acquisition or access for reburial, equipment and other logistics for reburial, requests of SJSU for spiritual and/or ceremonial aspects of the transfer. All documentation and records of legal transfer shall be shared with the NAHC in compliance with AB-275. Discussion of plans for a potential reconciliation event on campus to foster healing and build better relationships with Tribes moving forward.