



UNIVERSITY OF CALIFORNIA

Michael V. Drake, MD
President

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CAMPUSES

Berkeley
Davis
Irvine
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Merced
Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz

MEDICAL CENTERS

Davis
Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

DIVISION OF AGRICULTURE AND NATURAL RESOURCES

June 14, 2024

The Honorable Scott D. Wiener
Chair, Joint Legislative Budget Committee
1020 N Street, Room 553
Sacramento, California 95814

Dear Senator Wiener:

Pursuant to Section 92618 of the Education Code, enclosed is the University of California's annual report to the Legislature on California Native American Graves Protection and Repatriation Act Compliance.

If you have any questions regarding this report, Interim Associate Vice President and Director Cain Diaz would be pleased to speak with you. Cain can be reached by telephone at (510) 987-9350, or by e-mail at Cain.Diaz@ucop.edu.

Sincerely,

Michael V. Drake, MD
President

Enclosure

cc: Senate Budget and Fiscal Review
The Honorable John Laird, Chair
Senate Budget and Fiscal Review Subcommittee #1
(Attn: Mr. Christopher Francis)
(Attn: Mr. Kirk Feely)
The Honorable David A. Alvarez, Chair
Assembly Education Finance Subcommittee #3
(Attn: Mr. Mark Martin)
(Attn: Ms. Sarah Haynes)
Mr. Hans Hemann, Joint Legislative Budget Committee
Mr. Chris Ferguson, Department of Finance
Ms. Gabriela Chavez, Department of Finance
Mr. Gabriel Petek, Legislative Analyst Office
Ms. Jennifer Pacella, Legislative Analyst Office
Mr. Ian Klein, Legislative Analyst Office
Provost and Executive Vice President Katherine S. Newman

Executive Vice President and Chief Financial Officer Nathan Brostrom
Interim Senior Vice President Meredith Turner
Vice President Theresa A. Maldonado, Ph.D., P.E.
Associate Vice President and Director Kathleen Fullerton
Interim Associate Vice President and Director Cain Diaz
Executive Director Kathleen Erwin

UNIVERSITY OF CALIFORNIA

Report to the State Legislature on California Native American Graves Protection and Repatriation Act Compliance

The University of California provides the following report in response to Section [92618](#) of the California Education Code, which states:

(b) On or before June 30, 2024, and annually thereafter, the University of California is strongly urged to report each institution's progress towards completing repatriation pursuant to the act.

(c) The office of the President of the University of California is strongly urged to provide available funding to sufficiently support each institution's efforts towards completing repatriation pursuant to the act.

(d) The University of California is strongly urged to prohibit use of any Native American human remains or cultural items for purposes of teaching or research at the University of California.

Background

The University of California (UC) is committed to fully implementing the requirements of both the federal Native American Graves Protection and Repatriation Act ([NAGPRA](#)) and the California Native American Graves Protection and Repatriation Act ([CalNAGPRA](#)). [AB 2836](#), passed on Sept. 27, 2018, required UC to adopt and implement a systemwide repatriation policy and establish systemwide and campus-level committees to review and advise UC on NAGPRA and CalNAGPRA implementation. It also required two audits by the California State Auditor (CSA), commencing in 2019 and 2021. [AB 275](#), passed on Sept. 29, 2020, revised and recast the process of creating CalNAGPRA inventories and summaries. Finally, [AB 226](#), passed on Oct. 12, 2023, strongly urged UC to submit annual progress reports on repatriation compliance, to provide funds to support repatriation efforts, prohibit use of any Native American human remains or cultural items for purposes of teaching or research at UC, and required two more CSA audits. This report provides a summary of activities in response to these measures.

UC Repatriation Progress

UC has taken significant steps to advance repatriation across the system. These actions include the development of the [UC Native American Cultural Affiliation and Repatriation Policy](#) (UC NAGPRA Policy), the creation of systemwide and campus implementation and oversight committees, and the commitment of \$10.4 million from the UC Office of the President (UCOP) to bolster campus repatriation efforts. In addition, UCOP hired a full-time Systemwide Repatriation Coordinator in February of 2023 to support all campuses and to coordinate implementation activities across the system.

Prior to repatriation of human remains and cultural items, institutions must consult with tribes and submit NAGPRA-related notices for publication in the Federal Register. Notices are an important step in the repatriation process, because once a notice is published and after a 30-day waiting period, institutions may move forward with any claims received from tribes. To date, the UC system has [submitted Notices of Inventory Completion](#) (NICs) for the remains of 10,391 Native American individuals and 253,756 associated funerary objects, representing 63% of the remains held by UC. The number of human remains published in NICs has increased 130% since UC implemented the NAGPRA Policy in June 2020 (first as interim, then as final in January 2022).

Of the remains and items published in NICs, 5,863 individuals and 207,437 associated funerary objects have been repatriated¹. Most of the remains and items not yet repatriated have been claimed by multiple tribes and are awaiting dispute resolution by the Native American Heritage Commission (NAHC). Additionally, UC has repatriated 6,677 unassociated funerary objects, 1,695 sacred objects, and 1,685 objects of cultural patrimony. See Tables 1 and 2, respectively. More information can be found on the [UC Repatriation Dashboard](#).

Table 1. Cumulative campus breakdown of human remains and associated funerary objects published in the Federal Register and repatriated.

<i>Campus</i> ²	Human Remains Published in Federal Register Notices	Human Remains Repatriated	Associated Funerary Objects Published in Federal Register Notices	Associated Funerary Objects Repatriated
<i>UC Berkeley</i>	7,094	2,612	124,551	98,437
<i>UC Davis</i>	267	249	54,298	49,612
<i>UC Irvine</i>	-	-	-	-
<i>UCLA</i>	2,067	2,063	51,658	51,248
<i>UC Merced</i>	-	-	-	-
<i>UC Riverside</i>	31	8	10,880	4,029
<i>UC San Diego</i>	486	485	94	86
<i>UC San Francisco</i>	-	-	-	-
<i>UC Santa Barbara</i>	417	417	12,246	3,996
<i>UC Santa Cruz</i>	29	29	29	29
<i>Systemwide Total</i>	10,391	5,863	253,756	207,437

Table 2. Cumulative campus breakdown of the repatriation of unassociated funerary objects, sacred objects, and objects of cultural patrimony.

<i>Campus</i> ³	Unassociated Funerary Objects Repatriated	Sacred Objects Repatriated	Objects of Cultural Patrimony Repatriated
<i>UC Berkeley</i>	118	1,671	1,660
<i>UC Davis</i>	13	0	9
<i>UC Irvine</i>	-	-	-
<i>UCLA</i>	4,625	20	3
<i>UC Merced</i>	-	-	-
<i>UC Riverside</i>	1,921	0	13
<i>UC San Diego</i>	0	0	0
<i>UC San Francisco</i>	-	-	-
<i>UC Santa Barbara</i>	0	4	0
<i>UC Santa Cruz</i>	0	0	0
<i>Systemwide Total</i>	6,677	1,695	1,685

¹ Under federal NAGPRA, repatriation is defined as the transfer of legal control of human remains or cultural items to a tribe. Legal transfers without physical transfer only occur at the request of the tribe.

² UC Irvine and UC San Francisco do not have anything to report. UC Merced accepted possession of one human remain for the purpose of facilitating repatriation in March 2024.

³ No cultural items have been identified at UC Irvine, UC Merced, and UC San Francisco.

Compliance with Assembly Bill No. 2836 (AB 2836)

[AB 2836](#), passed in 2018, required UC to adopt and implement a systemwide repatriation policy (in consultation with California Indian Tribes) and establish systemwide and campus-level committees to review and advise UC on NAGPRA and CalNAGPRA implementation. It also required two audits by the California State Auditor (CSA), commencing in 2019 and 2021.

Policy and Committees

In early 2019, UC formed the [President's Native American Advisory Council \(PNAAC\)](#), a body primarily consisting of indigenous leaders, established by then-UC President Janet Napolitano, to advise UC on a broad range of issues pertaining to Native Americans and Native Hawaiians at the university, including NAGPRA. In April 2019, a [Cultural Affiliation and Repatriation Policy Advisory Workgroup](#) was also established, comprised of four members nominated by the PNAAC and four members nominated by the UC Academic Senate, to make recommendations for a revised repatriation policy. UC then launched a two-year policy development process that was to conclude with a new policy issued by June 2020. This process included three open comment periods, four work sessions with Native American communities, online surveys, one-on-one conversations, and direct correspondence with stakeholders across California. However, the COVID-19 shutdown disrupted the momentum for this work, and an interim policy was issued in June 2020 to keep this effort on track. The final [UC Native American Cultural Affiliation and Repatriation Policy](#) was issued on December 17, 2021, with an effective date of January 1, 2022.

UC also [established](#) a Systemwide Native American Repatriation Implementation and Oversight Committee and six Campus Native American Repatriation Implementation Committees to review and advise UC on matters related to UC's implementation of NAGPRA and CalNAGPRA. Members are nominated by the NAHC and meet the eligibility criteria set out in AB 2836. Committees are comprised of equal numbers of tribal and UC representatives.

Implementation of Recommendations in CSA Report 2019-047

[CSA Report 2019-047](#) was released on June 11, 2020 and made [four recommendations](#) to UC regarding:

- Publishing the final systemwide NAGPRA policy no later than Aug. 2020,
- Requiring biannual reports from campuses to the UC Office of the President no later than Jan. 2021,
- Ensuring appropriate tribal representation on systemwide and campus committees no later than Nov. 2020, and
- Informing tribes about all known missing remains and artifacts no later than Aug. 2020.

As of January 2022, CSA assessed all four recommendations as [fully implemented](#).

Implementation of Recommendations in CSA Report 2021-047

[CSA Report 2021-047](#) was released on November 17, 2022 and made [six recommendations](#) to UC regarding:

- Monitoring UC Santa Barbara's efforts to identify and review its collections by July 2023,

- Issuing guidance by Feb. 2023 on appropriately responding to remains or cultural items found in the future and proactively working with partner institutions to facilitate repatriation,
- Establishing a uniform process for the campuses to consult with tribes by July 2023,
- Hiring full-time campus repatriation coordinators by July 2023 (for campuses with greater than 100 sets of remains),
- Requiring detailed campus repatriation plans by July 2023, and
- Ensuring that campuses identify adequate funding sources for NAGPRA implementation.

As of June 4, 2024, CSA assessed all six recommendations as [fully implemented](#).

Compliance with Assembly Bill No. 275 (AB 275)

[AB 275](#), passed on September 25, 2020, required museums to complete preliminary CalNAGPRA inventories and summaries of Native American human remains and cultural items under their legal control in consultation with California Indian Tribes by January 1, 2022, and thereafter to submit preliminary inventories and summaries to NAHC within 90 days. UC identified two challenges:

- The statute's direction for all California institutions to consult with all potentially affiliated California Indian tribes within a 15-month period exceeded the capacity of both the institutions and the tribes.
- CalNAGPRA summary requirements greatly expanded the number and scope of materials to be reported and deviated from NAGPRA processes (which do not require consultation on summary items prior to posting).

Though full consultation had not been completed, in the interest of greater transparency, UCOP advised campuses to submit inventories and summaries to the NAHC within 90 days of January 1, 2022, as stated in CalNAGPRA. However, NAHC determined that the uploaded inventories and summaries from UC and many other institutions did not meet the consultation requirements in the statute, and therefore could not be considered "preliminary." Nonetheless, NAHC appreciated that the information UC and others submitted was valuable to tribes. Thus, they decided to host it on NAHC's online Tribal Resource Database to make it accessible to tribes.

Consultation on CalNAGPRA inventories and summaries is ongoing, concurrent with NAGPRA consultation efforts (see below), with the timing and pace coordinated with tribes. When tribal consensus is reached, campuses provide updated information to NAHC to move the inventory or summary to "preliminary" and subsequently "final" status.

Compliance with Assembly Bill No. 226 (AB 226)

AB 226, passed on Oct. 12, 2023, strongly urged UC to submit annual progress reports on each campus' progress towards completing repatriation pursuant to CalNAGPRA, UCOP to provide funds to support these efforts, and UC to prohibit use of any Native American human remains or cultural items for purposes of teaching or research at UC. It also required two more CSA audits, to be conducted in 2024 and 2026. UC has taken or is prepared to take the following actions:

- UC is prepared to submit annual progress reports to the legislature. This document acts as the first of these requested reports.
- In November 2023, UCOP committed \$5.7 million towards campus repatriation activities over a three-year period, with an expectation that individual campuses will entirely support their respective repatriation activities after fiscal year 2026. In total UCOP has committed \$10.4 million since November 2021. UCOP will monitor campus budgets to ensure sufficient and appropriate resources are allocated, including support for tribal needs.
- [UC NAGPRA Policy](#) (Section V.J.4) already restricts research, instructional use, or any other use of Native American human remains or cultural items without explicit written authorization from culturally affiliated tribes.
- UC will be fully cooperative with the upcoming audits and will work to address any issues identified by CSA.

Revised Federal Regulations

In January 2024, the federal NAGPRA regulations ([43 C.F.R § 10](#)) were revised. Notable changes to the federal regulations include the following: a requirement to consult, culturally affiliate, and update inventories of human remains and associated funerary objects by January 10, 2029; the elimination of the pathway for repatriation directly to non-federally recognized tribes; and new reporting requirements for collections that are stored at, but not owned by, the institution. New duty of care regulations also require tribal consultation on storage and handling, and that free, prior, and informed consent must be obtained from tribes before researching, accessing, or exhibiting human remains and cultural items.

The UC NAGPRA Policy is undergoing revision to ensure alignment with the revised federal regulations. Because the UC NAGPRA Policy exceeded federal requirements at the time of its adoption and incorporated requirements from CalNAGPRA, some of the federal regulatory changes are already addressed in the UC NAGPRA Policy. For instance, the UC NAGPRA Policy and/or CalNAGPRA presently address the duty of care requirements⁴, deference to Tribal Traditional Knowledge⁵, restrictions on the use of human remains and cultural items⁶, and the re-review of all culturally unidentifiable items⁷. Other changes, particularly the exclusion of non-federally recognized tribes from the federal NAGPRA process, will require more substantive amendments to the UC NAGPRA Policy. UC will provide advanced copies of the proposed policy changes to the Systemwide Committee and the NAHC for their review and comment. As required by the UC NAGPRA Policy, UC will follow the Systemwide Committee's recommendation on additional tribal consultation, and as required by the [UC Policy on Policies](#), UC will also disseminate a draft to UC stakeholders for a UC systemwide comment period.

Future Plans

In addition to continuing repatriation efforts, UC plans to strengthen systemwide capacity and consistency by providing NAGPRA and CalNAGPRA trainings at campuses. A training series is under

⁴ H.S.C. 8013(b)(1)(B), UC NAGPRA Policy Section V.J

⁵ H.S.C. 8012(p), 8013(b)(1)(C)(ii); UC NAGPRA Policy Sections B, V.C.1, V.C.3

⁶ UC NAGPRA Policy V.J.4

⁷ H.S.C. 8025(a)(2)(D), UC NAGPRA Policy Section V.C.5.a

development. We will consult with the UC NAGPRA committees and other subject matter experts. We aim to generate awareness of NAGPRA/CalNAGPRA and its reporting requirements among broader campus audiences and build technical expertise for repatriation staff and committee members. NAGPRA regulation changes and the revised UC NAGPRA Policy will also be introduced through this training series. We expect to roll out the training series in the next year through June 30, 2025.

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