

UC Native American Cultural Affiliation and Repatriation Policy

Tribal Consultation Guidance

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I. Purpose and Background

This document provides guidance for UC campuses engaging in Tribal Consultation as required by Federal NAGPRA ([25 U.S.C. §§ 3001](#) and [43 C.F.R. § 10.2](#)), California NAGPRA (CalNAGPRA) ([Cal. Health & Safety Code § 8012](#)), and the [University of California Policy on Native American Cultural Affiliation and Repatriation](#) (hereinafter “UC Policy”). Consultation is a critical element for repatriation and Tribes should be consulted throughout the inventory, summary, repatriation and disposition processes.

II. Definition

Consultation is:

“The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, achieving agreement. Consultation will be conducted in a manner that is respectful of tribal sovereignty, and will recognize the tribes’ potential need for Confidentiality with respect to Tribal Traditional Knowledge and all tribal information shared during the consultation.” (CalNAGPRA § 8012(e))

III. UC Policy Consultation Guidance

The Consultation guidance contained in Section V.B.1 of the UC Policy is copied below for convenience. However, this document adds additional guidance, practical tips and examples in text boxes below and referenced appendices.

All successful Consultations involve relationship building and respect. Repatriation Coordinators must seek out and foster these relationships with the designated Tribal Representatives, such as tribal historic preservation officers (THPOs), cultural directors, elders councils, preservation or culture committees, and/or

other representatives. Repatriation Coordinators must engage in Consultation that reflects the principles and characteristics outlined below.

- Relationships that acknowledge and respect a Tribe's sovereignty, cultural protocols, and cultural and religious practices and knowledge;
- Multiple repeated contacts using a variety of methods;
- Accommodations for tribal needs in facilitating respectful Consultation;
- Invitations to all Tribes that have a cultural or geographical interest;
- Identification and addressing of tribal concerns in this process;
- Full access to consulting Tribes of relevant information throughout this process, including information known to the University about Human Remains or Cultural Items that are the subject of the Consultation and upon request, information about other collections containing Native American objects from the Tribe's area of interest;
- Flexible meeting agendas and schedules, with opportunity for tribal input on agendas and schedules; and
- Actions demonstrating meaningful engagement with Tribes, which exemplify trust and relationship building.

General Notes on Consultation Principles

As sovereign nations, Tribes must be accorded the same respect, formality and deference as would be appropriate for foreign sovereign nations. Consider having campus leadership such as the Chancellor's Designee sign off on official communication or be present to greet tribal Chairs at the beginning of a Consultation.

The importance of Consultation early and often on all aspects of the NAGPRA/CalNAGPRA process cannot be overemphasized, including on details, the significance of which may be misjudged absent Consultation. Avoid presuming that dominant cultural norms or standard university/museum practices are universally applicable and understood. Detailed and consistent communication can help identify some of these differences ahead of time.

Consultation includes ongoing meaningful dialog regarding Cultural Affiliation and the identification of Cultural Items throughout the Inventory and Summary processes, with the goal of Repatriation. Consultation may be in the form of in-person meetings, phone calls, video/remote conferencing, and written correspondence. UC campuses should work collaboratively with each other when engaging in Consultation with Tribes that may have Human Remains or Cultural Items in collections across multiple campuses.

The importance of building collaborative relationships is a core value of this policy. To fulfill this value, Repatriation Coordinators should work with other campus departments to foster UC/Native American relationships. Some examples of this approach are:

- Facilitating a meeting with a student recruiter focused on Native American communities when a Tribe visits the campus for a NAGPRA Consultation;
- Informing a Tribe of, and connecting them with, UC archives that may be of interest to the Tribe;
- Supporting efforts to build relationships with Native American students on campus; and
- Developing a holistic campus wide approach to relationship building with full acknowledgment that diversity is valued and supported.

The Repatriation Coordinator will consult individually with each Tribe. UC recognizes that multiple Tribes may request to consult jointly as appropriate. If all Tribes agree, UC will consult jointly with the Tribes for that meeting or Repatriation effort.

When engaging in Consultation, Repatriation Coordinators will take the steps below.

a. Initiation. The Repatriation Coordinator will initiate Consultation as required by this policy, as early as possible when:

- 1) Drafting new Inventories or Summaries or updating existing Inventories or Summaries, as will occur when new Human Remains or potential NAGPRA/CalNAGPRA-eligible Human Remains or Cultural Items are identified, or when new information is identified that may require a change to an existing Inventory or Summary; and
- 2) Conducting proactive re-evaluations of previous CUI determinations, in order to meet CalNAGPRA requirements, as described in Section VI.

Note on Culturally Appropriate Handling and Treatment

- Consultation regarding handling and treatment should occur throughout the NAGPRA/CalNAGPRA process. The Campus Repatriation Coordinator should reach out to Tribes as early as possible. For example, outreach is appropriate as soon as the Repatriation Coordinator learns about a collection of Native American materials that was not previously reported. Importantly, CalNAGPRA requires consultation **prior to new or additional inventory work being conducted, *and* following preparation of preliminary inventories and summaries.** (See [Section IV](#) of this document and UC Policy Sections V.B.1.i.6 and V.J.1 for more information.)
- It may be helpful to walk Tribal Representatives through common museum practices (e.g. use of nitrile gloves, archival plastics, rolling carts etc.) to offer opportunities for comment and guidance.

Initiation of Consultation will include the opportunity for the Tribe(s) to meet with the Campus Committee for brief introductions at the next scheduled meeting, provided the Campus Committee has time to accommodate such meeting without significant impact to its planned agenda.

When a Repatriation Coordinator initiates Consultation, an initial communication (e.g., letter or email) with sufficient information will be provided to Tribal Representatives to determine if they have an interest in participating in the Consultation process, believe they are Culturally Affiliated

with Native American Human Remains and/or Cultural Items, and if they know of other Tribes that may have an interest. If no response is received, the Repatriation Coordinator will attempt additional notifications using alternative means, such as by U.S. mail or phone.

Notes on Communication

Methods

It can be helpful to establish preferred methods of communication for the Tribes as well as for individual Tribal Representatives. Some examples are:

- Tribal offices without broadband internet access may prefer phone calls over video conferences
- THPOs who travel frequently may prefer receiving text messages
- Tribes instituting a policy of digital recordkeeping may not want to receive information packets in the mail

Timeline and Pacing

A mutually agreed upon timeline for Consultation could help set clear expectations for both campuses and Tribes. Tribal Representatives may have preferences for when or how often they would like to be contacted, how many meetings they would like to have, and through what means (virtual, in-person, etc.). If possible, setting dates for multiple Consultation meetings far ahead of time could help everyone manage schedules. Additionally, ascertain what information Tribal Representatives would like to receive at each step. For example, some may want full catalog records to be provided as soon as Consultation is initiated, while others may not need that level of information at that time. Similarly, be clear about what is needed from the Tribe at each step of the Consultation process.

- b. Response to Consultation Request.** If a Tribe has requested Consultation, the campus Repatriation Coordinator will acknowledge receipt of the request within five (5) business days.
- c. Response to Information Request.** Requests for information must be acknowledged within five (5) business days. Within sixty (60) days from the receipt of the request and no less than monthly thereafter, the campus Repatriation Coordinator will provide the requested information or the status of the work being done on the request.
- d. Preparation.** The campus Repatriation Coordinator will review all known information about the Human Remains or Cultural Items, and identify potentially Culturally Affiliated Tribes or State Culturally Affiliated Tribes and traditional Aboriginal lands or tribal lands from where the Human Remains and/or Cultural Items were removed, regardless of whether the Tribes are currently physically present in the area. Sources of information that may be useful in researching potentially relevant tribes include National NAGPRA and NAHC resources, previous NAGPRA Federal Register notices, and federal land claims.

Note on Collaborating with Other Campuses

While preparing for Consultation, other campuses should be queried about whether they hold items from the same site(s), or if they have associated notes, reports, maps, or other documents. If all parties are agreeable, joint Consultation with multiple UC campuses could expedite repatriation and lessen the burden on Tribes.

Similar inquiries and collaborations could be made with other institutions (e.g. CSUs, other museums, or government agencies) that may hold relevant items or records.

- e. Participants.** Consultation will be conducted with Tribal Representatives authorized by their tribal government to consult on the Tribe's behalf concerning Repatriation.

Note on Authorized Tribal Representatives

It is important to ensure that the individuals you are consulting with are authorized representatives of their Tribe. Certain roles can be independently verified; for example, recent election results can confirm that an elected official's position is current, or THPOs can be looked up in the National Association of Tribal Historic Preservation Officers (NATHPO) directory. If the Tribal Representative does not hold a role that can be easily verified, it would be appropriate to inquire if there is a tribal resolution or other official designation that can be provided. Approach this issue delicately and be clear that it is a matter of due diligence, and not intended to challenge anyone's authority.

- f. Records.** Campuses should maintain a record of all communications in a communication log. Communication may be through standard mail, email, phone, and in-person as the occasion warrants. When using non-written forms of communication, a follow-up email or letter should be sent within a day to ensure that agreed to decisions and next steps are accurate. Any formal notes should be offered and reviewed by the consulting parties to ensure accuracy before they are accepted into the formal record. Consistent and repeated contact best assures progress.
- g. Meetings.** For meetings, campuses should work with Tribal Representatives to find a mutually agreeable time, place, format, agenda, and arrangements for special requests (such as smudging space, parking, meals, and documentation). The Repatriation Coordinator should inquire about whether there are barriers to tribal participation. To the extent possible, the Repatriation Coordinator should attempt to alleviate any barriers. This may also include travel support through grants or allocation of funding.

Note on Meeting Preparations

Identify a private location away from public view. Students or other staff who might be present in adjacent rooms should be notified and briefed on appropriate behavior. If there are times that adjacent areas may be more crowded (e.g. between class periods, during museum opening hours) consider avoiding those times or areas.

Budget ample time on meeting agendas and do not rush or interrupt Tribal Representatives. Instead, allow discussions to flow naturally. Understand that talking about Human Remains and Cultural Items and visiting storage spaces and laboratories can be painful and emotional.

Offer drinks/water. Depending on the length of the Consultation, it may be appropriate to offer food or snacks to Tribal Representatives.

Ensure there will be seating available in all locations to be visited, including workrooms and collections spaces.

You may need to work with your campus fire prevention/safety unit if smudging will take place.

Set shared expectations on costs that will be covered by UC and reimbursement processes and timelines.

- h. Materials.** The campus Repatriation Coordinator should work with the consulting Tribes to provide any needed documentation related to collections and Human Remains prior to Consultation meetings. Documentation may include catalogues, reports, maps, field notes, accession registers, summaries of NAGPRA related information, notices, tribal information in UC's possession (such as tribal histories, linguistics, recordings, and folklore), and other relevant documents. The Repatriation Coordinator will also provide a list of Tribes that are, or have been, consulted regarding particular Human Remains and Associated Funerary Objects. (NAGPRA § 10.9(b)3.i)

Note on Sensitive or Restricted Documentation

Ascertain if there are any materials or documentation that the consulting Tribes do not want to view during consultation, such as images of Human Remains and Cultural Items. Be specific about the types of documentation that will be shared – for example, notebook sketches or 3-D prints of Human Remains and Cultural Items may also need to be avoided.

- i. Consultation Meetings.** During Consultation meetings, the campus Repatriation Coordinator will listen and engage respectfully. The Repatriation Coordinator will endeavor to make meetings as comfortable, respectful, and productive as possible. Consultation will include:

- 1) Making cultural arrangements, such as beginning meetings with a traditional land acknowledgment, providing an opportunity for a traditional opening if requested, or traditional offerings as relevant.

Note on Protocols and Ceremonies

Consider beginning Consultations with a round of introductions so that all participants may share their backgrounds, roles, and the authority with which they are acting. This may be protocol for some Tribes, and it can also aid in building relationships.

Tribes may express a desire to include museum/university staff in ceremonies to receive spiritual care or cleansing. Check in with staff ahead of time about whether they are comfortable with being smudged, having protective substances applied to

their bodies, or participating in any other form of ceremonial practice. If declining, communicate this discreetly and respectfully.

- 2) Providing access to associated records and requested Human Remains, Cultural Items, and other requested materials. (See also Section V.J.3 and Flowcharts on UC's NAGPRA Website.)

Note on Interacting with Collections

Before collections tours, inform Tribal Representatives what to expect. Gain understanding as to whether there are materials they cannot view or be in proximity to, even if such material is from another culture.

If there are plans to physically interact with Human Remains, Cultural items, or other requested materials, ensure that there are shared expectations around museum practices and cultural protocols, for example whether Tribal Representatives will be required to wear gloves, or whether food and drink is prohibited. Explain the reasoning behind such practices (e.g. potential contamination with pesticides) and consider alternatives (e.g. briefly touching items with clean, dry hands and thoroughly washing hands afterwards).

- 3) Providing a written description of the Repatriation/Disposition decision-making, dispute resolution, and complaint processes.
- 4) As soon as possible, but no later than twenty-one (21) calendar days after the meeting, providing draft written meeting notes and a list of action items to Tribal Representatives to ensure accuracy and understanding by all participants. Such notes and other information shared by the Tribe during Consultation should be maintained as part of the Consultation record. For any major action items or decision points, it should be noted whether the Tribes concurred with these action items or decision points. If the Tribe does not concur, the Repatriation Coordinator and the Tribe will endeavor to reestablish an understanding. The Tribe can also file a complaint in accordance with Section V.I.1 in order to pursue resolution.

Note on Consultation Follow-Up

When following up with Tribal Representatives, it may be helpful to ask if they have anything to add to the Consultation record. Apart from giving additional opportunity to comment, this could also allow Consultation attendees who were not comfortable speaking up to share their thoughts. There may be important information that could not be shared in that moment or in the presence of others.

- 5) Together with Tribes, identifying all documentation and information shared that will have restricted access and the extent of such restriction, recognizing the Tribes' potential need for confidentiality with respect to Tribal Traditional Knowledge and tribal information shared during the Consultation.

Note on Tribal Confidential Information

When deciding whether and how to record/document information shared during Consultations, be conscious of the fact that University records are generally subject to public disclosure under the California Public Records Act (CPRA). CPRA does include provisions exempting certain kinds of records from its disclosure requirements (including an exemption for certain “records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects”). Under the UC Policy, the University will not disclose Confidential Information without Tribal consent unless otherwise required by law. Still, given the possibility of CPRA requests, thoughtful consideration should be given to whether/how information is documented. Discuss this with consulting Tribes ahead of time. Let Tribes know that confidential information is not required to establish cultural affiliation. Also consider summarizing the outcome of a discussion or recording only what is necessary. For example, if knowledge about ancestral territory is shared through storytelling, the Repatriation Coordinator could note that the Tribe has provided geographical lines of evidence without writing down the entire story.

- 6) Working with Tribes to identify and facilitate any requests for traditional care and restrictions for Human Remains and objects in the care of the campus. (See also Section V.J.1 for more details.)
 - 7) Informing non-Federally Recognized tribes that the option exists to partner with a Federally Recognized tribe that can sponsor their Request and offering to assist in this process at the request of the non-Federally Recognized tribe.
 - 8) Collecting identifications of Cultural Items made by Tribal Representatives, which the campus must record in accordance with CalNAGPRA § 8013(b)(1)(c)(ii) and 8013(c)(2). These tribal identifications may include broad categorical identifications, including, but not limited to, the identification of everything from a Burial Site as a Funerary Object, regalia objects as Sacred Objects, or the identification of everything from a specific site as a Sacred Object because that site is a sacred site.
- j. **Updates.** The campus Repatriation Coordinator must keep affected Tribes promptly informed of all UC and campus decisions, relevant news and information about affiliated or otherwise relevant collections, and publication of notices by National NAGPRA and the NAHC. The Repatriation Coordinator will also provide quarterly updates to Tribes with whom they are consulting.

Campus Committee Review Packets

When the Repatriation Coordinator and Tribe(s) reach a consensus to proceed to a Campus Committee review, the Repatriation Coordinator must prepare a Review Packet for the Campus Committee and invite the Tribe(s) to review the Review Packet and provide supporting or supplemental information. The Review Packet contains an initial recommendation & analysis by the Repatriation Coordinator, draft or existing Inventory or Summary (or Inventory or Summary

supplements), draft Notice of Inventory Completion for Human Remains and Associated Funerary Objects or Notice of Intent to Repatriate for Requests for Objects of Cultural Patrimony, Sacred Objects and Unassociated Funerary Objects, and any other documents necessary for the Campus Committee to make its determination. At a minimum, the Review Packet should: (1) identify all Tribes and their representatives who were consulted and when, (2) identify all Tribes who asserted Cultural Affiliation or State Cultural Affiliation, (3) all comments submitted by Tribe(s) for inclusion in the Review Packet, and (4) document any lines of evidence regarding Cultural Affiliation or State Cultural Affiliation. Tribes will be provided at least 30 days to review the packet. Tribes may add additional information or letters to the Review Packet and may attend the Committee meeting where their request will be presented.

- k. Potential Disagreement.** In the event that Cultural Affiliation is unclear or there is potential disagreement about the identification of Cultural Items, the Repatriation Coordinator will transmit a detailed explanation to the consulting Tribe(s) and information on possible paths to change the outcome, and how and to whom to file a complaint or appeal. Under CalNAGPRA § 8013, if a consulting California Indian tribe disagrees with the contents of a preliminary Inventory or Summary that has been submitted to the NAHC, the preliminary Inventory or Summary must either be revised to correct the disputed information or the NAHC will offer to initiate dispute resolution as described in CalNAGPRA § 8016. (See also Sections V.C and V.I.)
- l. Resources.** To the extent permitted by UC or third party resources and at the request of Tribe(s):
- 1) The Repatriation Coordinator may partner with and assist Tribe(s) in seeking state/federal grants or other available UC or third-party resources to facilitate Consultation and Repatriation; and
 - 2) UC will provide for necessary costs incurred by the Tribes, including stipends for tribal and other experts, travel, meals, and overnight accommodations.

Note on Gifts

Gifts may be offered by University representatives when hosting a consultation. These might include traditional gifts, simple homemade crafts or foods, or items like university-branded mugs and bags. Tribal Representatives may also offer gifts as part of cultural protocols. Ensure compliance with UC policies for gifts given or received. See [Policy G-42](#) for rules on gifts presented to non-employees and [PPSM-82](#) for accepting personal gifts as a UC employee.

- m. Repatriation Logistics.** The campus Repatriation Coordinator will offer to assist, as needed or requested, with transfer/Repatriation logistics, which may include stewardship agreements, coordinating reburial lands, coordinating with Tribes to identify alternate sources of funding for reburial preparation costs, and applying for NAGPRA Repatriation grants.

IV. NAHC Summary of Consultation Requirements for Inventories and Summaries under CalNAGPRA

The Native American Heritage Commission (NAHC) provides a handy summary of the [CalNAGPRA Inventory and Summary Consultation Requirements](#) and the timing of such requirements. These are copied here for convenience.

AB 275 requires consultation with California Indian tribes during the creation of the preliminary inventories and summaries and after submission to the Commission.

“Consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, achieving agreement. Consultation between agencies or museums and California Indian tribes shall be conducted in a manner that is respectful of tribal sovereignty. Consultation also shall recognize the tribes’ potential need for confidentiality with respect to tribal traditional knowledge and all tribal information shared during the consultation. Cal. Health & Saf. Code, § 8012, subd. (e).

During the preparation of a preliminary inventory:

- Museums or agencies must 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 identifying human remains and associated funerary objects, burial site, or ceremonial items. *Id.*, § 8013, subd. (b)(1)(B).
- Museums or agencies must consult with California Indian tribes reasonably believed to be culturally affiliated with the items, during the compilation of the preliminary inventory, as part of the determination of affiliation. *Id.*, § 8013, subd. (b)(1)(D).
- If the agency or museum cannot determine which California Indian tribes are believed to be culturally affiliated with the items, tribes that may be culturally affiliated with the items, in consultation with the Commission, shall be consulted during the compilation of the preliminary inventory. *Id.*
- The museum or agency must engage in consultation with California Indian tribes as part of the completion of the inventory. *Id.*, § 8013, subd. (b)(2).
- The Commission may assist with the identification of California Indian tribes, but the agency or museum bears the obligation to contact and consult with the California Indian tribes. *Id.*
- Museums or agencies must also provide the original and any updated catalogues to the consulting California Indian tribes. *Id.*, § 8013, subd. (b)(1)(F).

During the preparation of a preliminary summary:

- Museums or agencies must engage in consultation with California Indian tribes as part of the completion of the preliminary summary and shall defer to tribal recommendations for appropriate handling and treatment. *Id.*, § 8013, subd. (c)(1)(2).
- The agency or museum must also record any identifications of cultural items made by tribal representatives. The identifications may include broad categorical identifications, including, but not limited to, the identification of regalia objects as sacred objects or the identification of everything from a specific site as a sacred object because that site is a sacred site. *Id.*
- The Commission may assist with the identification of California Indian tribes, but the agency or museum bears the obligation to contact and consult with the California Indian tribes. *Id.*

Tribal Review Period, which follows the posting of a preliminary summary/inventory:

- Each agency or museum must consult with California Indian tribes and tribally authorized government officials and tribally authorized traditional religious leaders. *Id.*, § 8013, subd. (c)(1).
- Once an agency or museum provides a copy of its preliminary inventory and summary to the Commission, the agency or museum must consult with California Indian tribes that may be culturally affiliated with the human remains and cultural items. *Id.*, § 8013, subd. (j).
- The Commission may assist with the identification of California Indian tribes, but the agency or museum bears the obligation to contact and consult with the California Indian tribes. *Id.*
- The consultation process shall include all of the following:
 1. Preliminary inventories and summaries shall be reviewed by culturally affiliated and potentially culturally affiliated California Indian tribes, who shall have the ability to concur or disagree with the information in the preliminary inventory or summary. Tribal concurrence, disagreement, or nonresponse shall be noted on the preliminary inventory or summary by the Commission at the end of the 30-day review period. If a consulting California Indian tribe disagrees with the contents of the preliminary inventory or summary, the agency or museum shall either revise the preliminary inventory or summary to correct the disputed information or the Commission shall offer to initiate dispute resolution. *Id.*, § 8013, subd. (j)(1).
 2. The status of the inventory or summary shall be changed from preliminary to final by the Commission once all responding California Indian tribes listed in the inventory or summary concur with the information in the inventory or summary. *Id.*, § 8013, subd. (j)(2).
 3. An inventory or summary that has been finalized may be moved back to preliminary status at the request of a consulting California Indian tribe if inaccuracies are found in the finalized inventory or summary prior to repatriation. *Id.*, § 8013, subd. (j)(3).
 4. The designation of an inventory or summary as preliminary or final is intended to reflect whether consulting California Indian tribes agree with the decisions and identifications of the agencies and museums who are preparing these documents. An inventory or summary does not need to be marked as final for a California Indian tribe to place a claim. Nothing in this section shall be construed to mean that an agency or museum may delay the repatriation of items in a final inventory or summary. *Id.*, § 8013, subd. (j)(4).

V. Additional Tools and References

1. [Checklist](#). Campus Repatriation Coordinators may use the attached checklist as a reminder and to ensure compliance with the UC Policy.
2. [Tribal consultation under AB 52: Requirements and Best Practices](#). Although not directly related to CalNAGPRA, the Native American Heritage Commission's guidance for consultation under AB 52 (for proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated) could be helpful in understanding the principles of tribal consultations.
3. [Guidelines for Collaboration](#). The [Indian Arts Research Center, School for Advanced Research](#), an organization whose goal is "to bridge the divide between creativity and scholarship by supporting initiatives and projects in Native American studies, art history, and creative expression that illuminate the intersections of the social sciences, humanities, and arts," has developed two sets of guidelines intended as a resource for museums and communities that include Native American Tribes and tribal members planning and carrying out collaborative work. Although the guidelines are not NAGPRA specific, they may be a useful resource for gaining a better understanding of the perspectives of both museums and of communities that include Native American Tribes and tribal members.
4. [Consultation Resources - Native American Graves Protection and Repatriation Act \(U.S. National Park Service\) \(nps.gov\)](#). The National Park Service provides a variety of consultation resources, including contact and aboriginal lands information.
5. UC Consultation and Repatriation Flowcharts ([Repatriation and Disposition Flowchart \(including Consultation\) \(pdf\)](#) and [Repatriation and Disposition Flowchart Narrative \(pdf\)](#)). These UC flowcharts are intended to provide clarity on the consultation and repatriation/disposition processes. Note: These documents will be updated to reflect current CalNAGPRA procedures as amended by AB 275. Updated versions will be published upon completion.
6. [NAHC CalNAGPRA Flowchart](#). The Native American Heritage Commission's flowchart is a visual aid intended to assist Tribes and institutions in navigating the statutory requirements and best practices of CalNAGPRA.

VI. Consultation Checklist

As stated in Section V.B. of the Native American Cultural Affiliation and Repatriation Policy, Consultation is a critical element required at various stages (i.e., Inventory, Summary, Repatriation, and Disposition), and should be offered as early as possible.

All successful Consultations involve relationship building and respect. This checklist is meant to assist Repatriation Coordinators, but above all, the campus should work with Tribes to arrange processes that meet the Tribe's needs.

a. Initiation.

Have you sent an initial communication to Tribal Representatives (e.g., letter or email) with sufficient information for the tribes to determine if they have an interest in participating in the Consultation process and believe they are or may be Culturally Affiliated with Native American Human Remains and/or Cultural Items?

☐ Yes ☐ No ☐ Not Applicable

Have you requested guidance on appropriate handling and treatment prior to new or additional inventory work being conducted?

☐ Yes ☐ No ☐ Not Applicable

Have you requested that Tribes identify other Tribes that may have an interest?

☐ Yes ☐ No ☐ Not Applicable

Have you offered an opportunity for the Tribe(s) to meet with the Campus Committee for brief introductions, if possible, at the next scheduled meeting?

☐ Yes ☐ No ☐ Not Applicable

If you did not receive a response to an initial inquiry, have you attempted additional notifications using alternative means, such as by U.S. mail or phone?

☐ Yes ☐ No ☐ Not Applicable

Date of initial outreach: _____

Dates of subsequent attempts: _____

Have you established preferred methods of communication, such as video conferencing, phone calls, or text messages?

☐ Yes ☐ No ☐ Not Applicable

Have you offered to set a timeline and pace for consultation, e.g. how often Tribal Representatives would like to be contacted, how many meetings they would like to have, and through what means?

☐ Yes ☐ No ☐ Not Applicable

Have you ascertained what information Tribal Representatives would or would not like to receive at each step of consultation, e.g. detailed catalog records, certain types of documents?

☐ Yes ☐ No ☐ Not Applicable

b. Response to Consultation Request.

If applicable, have you acknowledged receipt of the request for Consultation within five (5) business days?

☐ Yes ☐ No ☐ Not Applicable

c. Response to Information Request.

Have you acknowledged requests for information within five (5) business days?

☐ Yes ☐ No ☐ Not Applicable

Have you provided the requested information within sixty (60) days from the receipt of the request?

☐ Yes ☐ No ☐ Not Applicable

If no, to above question, have you provided status of the work being done on the request monthly thereafter?

☐ Yes ☐ No ☐ Not Applicable

Dates of status updates: _____

d. Preparation.

Have you reviewed all known information about the Human Remains or Cultural Items, and identified potentially Culturally Affiliated Tribes or State Culturally Affiliated Tribes and traditional Aboriginal lands or tribal lands from where the Human Remains and/or Cultural Items were removed, regardless of whether the Tribes are currently physically present in the area? (Sources of information that may be useful in researching potentially relevant tribes include National NAGPRA and NAHC resources, previous NAGPRA Federal Register notices, and federal land claims.)

☐ Yes ☐ No ☐ Not Applicable

Have you queried other campuses about whether they hold items from the same site(s), or if they have associated notes, reports, maps, or other documents?

☐ Yes ☐ No ☐ Not Applicable

If yes, have you explored with the other campuses and the Tribes the possibility of a joint Consultation? (Note similar inquiries and collaborations could be made with other institutions (e.g. CSUs, other museums, or government agencies) that may hold relevant items or records.)

☐ Yes ☐ No ☐ Not Applicable ☐ Will explore at first meeting with Tribe

e. Participants.

Have you verified that the Tribal Representatives are authorized by their tribal government to consult on the Tribe's behalf concerning Repatriation?

☐ Yes ☐ No ☐ Not Applicable

f. Records.

Do you have a communication log recording all Consultation communications?

☐ Yes ☐ No ☐ Not Applicable

For non-written forms of communication, have you followed-up by email or letter within a day to ensure that agreed to decisions and next steps are accurate?

☐ Yes ☐ No ☐ Not Applicable

Have you offered the consulting parties the opportunity to review notes to ensure accuracy before they are accepted into the Consultation record?

☐ Yes ☐ No ☐ Not Applicable

g. Meetings.

Have you worked with Tribal Representatives to find a mutually agreeable time, place, format, agenda, and arrangements for special requests (such as smudging space, parking, meals, and documentation)?

☐ Yes ☐ No ☐ Not Applicable

Have you inquired about whether there are barriers to tribal participation, and to the extent possible, attempted to alleviate any barriers? *This may also include travel support through grants or allocation of funding.)

☐ Yes ☐ No ☐ Not Applicable

If you are providing funds (e.g. travel, accommodations, meals, stipends), have you set shared expectations on costs covered by UC and reimbursement processes and timelines?

☐ Yes ☐ No ☐ Not Applicable

Have you arranged for drinks, food, and seating as necessary?

☐ Yes ☐ No ☐ Not Applicable

h. Materials.

Have you worked with the consulting Tribes to provide any needed documentation related to collections and Human Remains prior to Consultation meetings? (Documentation may include catalogs, reports, maps, field notes, accession registers, summaries of NAGPRA related information, notices, tribal information in UC's possession (such as tribal histories, linguistics, recordings, and folklore), and other relevant documents.)

☐ Yes ☐ No ☐ Not Applicable

Have you informed the Tribe about the type of documents and materials that are available, or will be seen in the facilities, and ascertained if there is anything that the consulting Tribes do not want to view during consultation?

☐ Yes ☐ No ☐ Not Applicable

Have you provided a list of Tribes that are, or have been, consulted regarding particular Human Remains and Associated Funerary Objects? (NAGPRA § 10.9(b)3.i)

☐ Yes ☐ No ☐ Not Applicable

i. Consultation Meetings.

Have you:

☐ Made cultural arrangements, such as beginning meetings with a traditional land acknowledgment, providing an opportunity for a traditional opening if requested, or traditional offerings as relevant?

☐ Provided access to associated records and requested Human Remains, Cultural Items, and other requested materials?

☐ Informed Tribal Representatives of what to expect in collections spaces, e.g. the use of gloves, whether food or drink is prohibited, potential interaction with contaminants?

☐ Provided a written description of the Repatriation/Disposition decision-making, dispute resolution, and complaint processes?

☐ As soon as possible, but no later than twenty-one (21) calendar days after the meeting, provided draft written meeting notes and a list of action items to Tribal Representatives to ensure accuracy and understanding by all participants?

- ☐ Have you maintained notes for the Consultation record?
- ☐ Together with Tribes, identified all confidential information, documentation, notes, and other shared information that will have restricted access and the extent of such restriction?
- ☐ For any major action items or decision points, have you noted whether the Tribes concurred with these action items or decision points?
- ☐ If the Tribe did not concur, have the parties endeavored to reestablish an understanding?
- ☐ Worked with Tribes to identify and facilitate requests for traditional care and restrictions for Human Remains and objects in the care of the campus?
- ☐ Informed non-Federally Recognized tribes that the option exists to partner with a Federally Recognized tribe that can sponsor their Request and offered to assist in this process?
- ☐ Collected and recorded identifications of Cultural Items made by Tribal Representatives (in accordance with CalNAGPRA § 8013(b)(1)(c)(ii))?

j. Updates.

Have you kept affected Tribes promptly informed of all UC and campus decisions, relevant news and information about affiliated or otherwise relevant collections, and publication of notices by National NAGPRA and the NAHC?

☐ Yes ☐ No ☐ Not Applicable

Have you provided quarterly updates to Tribes with whom you are consulting?

☐ Yes ☐ No ☐ Not Applicable

If/when applicable, have you provided an advance draft copy of the Committee Review Packet to the Tribe(s) for review and provided the opportunity for the Tribe(s) to add to the packet additional information or letters, and advised that they can attend the meeting where their request will be presented?

☐ Yes ☐ No ☐ Not Applicable

k. Potential Disagreement.

If Cultural Affiliation is unclear or there is disagreement about the identification of Cultural Items, have you transmitted a detailed explanation to the consulting Tribe(s) and information on possible paths to change the outcome, and how and to whom to file a complaint or appeal under CalNAGPRA § 8013?

☐ Yes ☐ No ☐ Not Applicable

If a consulting California Indian tribe disagrees with the contents of a preliminary Inventory or Summary that has been submitted to the NAHC, have you revised/corrected the disputed information or contacted NAHC to initiate dispute resolution as described in CalNAGPRA § 8016?

☐ Yes ☐ No ☐ Not Applicable

l. Resources.

If requested, have you partnered with and assisted Tribe(s) in seeking state/federal grants or other available UC or third-party resources to facilitate Consultation and Repatriation?

☐ Yes ☐ No ☐ Not Applicable ☐ If no, why not:

Have you offered to provide reimbursement for necessary costs incurred by the Tribes, including stipends for tribal and other experts, travel, meals, and overnight accommodations?

☐ Yes ☐ No ☐ Not Applicable ☐ If no, why not:

m. Repatriation Logistics.

Have you offered to assist, as needed or requested, with transfer/Repatriation logistics? (This may include stewardship agreements, coordinating reburial lands, coordinating with Tribes to identify alternate sources of funding for reburial preparation costs, and applying for NAGPRA Repatriation grants.)

☐ Yes ☐ No ☐ Not Applicable