



Mary Gauvain  
Telephone: (510) 987-0887  
Email: mary.gauvain@ucop.edu

*Chair of the Assembly of the Academic Senate  
Faculty Representative to the Regents  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200*

May 28, 2021

**SUSAN CARLSON, VICE PROVOST  
ACADEMIC PERSONNEL**

**Re: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

Dear Susan,

As requested, I distributed for systemwide Senate review a set of proposed revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation (NACAR). Nine Academic Senate divisions and one systemwide committee (UCFW) submitted comments. These comments were discussed at Academic Council's May 26 meeting and are attached for your reference.

We understand that the Policy is intended to update UC's compliance with the federal and state versions of the Native American Graves Protection and Repatriation Act (NAGPRA), and to strengthen UC policy and practices related to the curation, repatriation, and disposition of Native American remains and cultural items in the University's custody.

The Academic Senate commented on prior versions of the NACAR policy in November 2019 and June 2020. We understand that in July 2020, the University paused the concluding review of the final interim policy to incorporate elements of Assembly Bill 275, which made additional changes to CalNAGPRA. The updated policy just reviewed by the Senate adds several provisions of AB 275, including a requirement that UC campuses prepare preliminary inventories and summaries of all items in their custody by January 1, 2022, and defer to tribal traditional knowledge, oral histories, documentation, and testimonies in their analyses and decisions about cultural affiliation and repatriation. The revised policy also includes new procedures for tribes to submit claims and disputes.

The Senate strongly supports the goals of the policy to prioritize repatriation, better incorporate tribal input into UC processes, and increase the promptness and consistency of UC's responses to repatriation requests. Senate reviewers find the new revisions appropriately responsive to comments from previous systemwide reviews and of AB 275 requirements.

Senate groups at the campuses emphasize that campuses with NAGPRA-eligible remains and cultural items or collections will require additional resources and staffing to meet the compliance requirements, and that even if resources are provided immediately, it will be difficult for some campuses to meet the January 2022 compliance deadline, especially given pandemic-related disruptions. Campuses will need additional systemwide and/or state funding to support this work, as well as flexibility around the deadline, if possible. We also recommend that the policy clarify the membership of the campus repatriation committee and its relationship to the systemwide committee.

The Senate is concerned that a small group of faculty will end up doing much of the work to carry out this policy. Also, many of these faculty are in small departments, often from underrepresented groups, and are heavily engaged in teaching and mentoring. The fact that the work will be demanding, closely scrutinized, and under a strict timeline, will only compound the demands on these faculty. They will need to be provided with resources and support to implement the policy. Also, the University needs to ensure that their work on the policy is appropriately considered in the academic review process, especially for junior scholars when they are reviewed for tenure.

Finally, we draw your attention to some comments in the reviews that seem helpful in developing the policy. Some reviewers pointed to the need for clearer definitions of what remains and cultural objects are covered in the policy and step-by-step guidelines about how to handle specific objects and types of remains. Several comments pertain to research, specifically if there will be any interim agreements regarding ongoing research projects using such materials, especially for projects that involve the type of collaboration with tribal members and tribal knowledge that is envisioned in the policy. There are also questions about if and how future requests that involve potential use of such objects will be carried out. There are also questions about whether the proposed policy has been reviewed and vetted by the California Native American Tribes, which is essential for transparency and the ultimate success of the policy. Lastly, there was a request to replace the term “cultural patrimony” with an appropriate legal term to avoid sexist connotations, especially given that many native tribes are matriarchal and/or matrilineal.

We appreciate the opportunity to comment. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary Gauvain". The ink is dark and the signature is fluid, with the first and last names clearly legible.

Mary Gauvain, Chair  
Academic Council

cc: Provost Brown  
Academic Council  
Senate Directors  
Executive Director Baxter

Encl.



320 STEPHENS HALL  
UNIVERSITY OF CALIFORNIA

May 18, 2021

MARY GAUVAIN  
Chair, Academic Council

*Subject: Systemwide Review of Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation*

Dear Chair Gauvain:

On May 10, 2021, the Council of the Berkeley Division (DIVCO) discussed the proposed *Presidential Policy on Native American Cultural Affiliation and Repatriation*, informed by written comments from the Committee on Research (COR); and the Committee on Diversity, Equity, and Campus Climate (DECC). DIVCO endorses the proposed policy and the enclosed committee comments. I wish particularly to draw your attention to a point made in both committee letters: this is the right thing to do, we strongly support it, and it will require additional resources. As a System, we must provide adequate resource the offices doing the important work of repatriation.

Please see attached.

Sincerely,

A handwritten signature in blue ink that reads 'Jennifer Johnson-Hanks'.

Jennifer Johnson-Hanks  
Professor of Demography and Sociology  
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Ronald Cohen, Vice Chair, Berkeley Division of the Academic Senate  
Dennis Levi, Chair, Committee on Research  
Lok Siu, Chair, Committee on Diversity, Equity, and Campus Climate  
Jocelyn Surla Banaria, Executive Director, Berkeley Division of the Academic Senate  
Deborah Dobin, Senate Analyst, Committee on Research  
Linda Corley, Senate Analyst, Committee on Diversity, Equity, and Campus Climate



April 28, 2021

PROFESSOR JENNIFER JOHNSON-HANKS  
Chair, Berkeley Division of the Academic Senate

*Re: COR comments on proposed Presidential Policy on Native American Cultural  
Affiliation and Repatriation*

At its April 21<sup>st</sup> meeting, COR reviewed the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation. This is the latest revision of the policy, written in response to the state's CalNAGPRA law, which extends the provisions of the federal NAGPRA to California tribes. The committee understands the need for a revised policy and endorses the revision.

COR notes that the UC Berkeley campus has a very large number of Native American remains and cultural objects, so this policy will have a major impact on the campus. In an area as complex as this and with as many stakeholders, implementation of the policy will be critical to its success. To support its implementation, COR recommends the following:

- That the systemwide policy or Berkeley's guidelines include clear definitions of what remains and cultural objects are covered, perhaps in a decision-tree format
- That there be step-by-step guidelines for faculty and staff regarding how to handle specific types of remains and objects
- That a clear process for conflict resolution be developed and supported
- That the report of the VCRO's task force on NAGPRA, written a few years ago, be refined and serve as a basis for implementation
- That the campus develop and implement a comprehensive and detailed plan for communicating about the policy, so that it's understood and adopted in practice by everyone working with these remains and objects

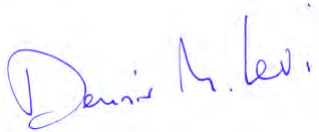
COR notes that UCOP policy is already going with the broader scope of the California regulations, since it does refer to UNDRIP; however, we invite UCOP to consider a broader scope for future policy revisions.

In addition, COR notes that there are ongoing research projects on the Berkeley campus that integrate tribal knowledge with scholarly work. The committee believes that encouraging and further developing projects such as these could help create positive and collegial relationships between tribes and the campus that would help enable the successful implementation of the policy.

Lastly, given the size of UC Berkeley's collections of Native American remains and cultural objects and the importance of implementing this policy in a timely and thorough manner, COR asks that UCOP support the campus' request for additional funding for more staff to work on the repatriation effort.

Thank you for the opportunity to comment.

With best regards,

A handwritten signature in blue ink that reads "Dennis M. Levi". The signature is written in a cursive, flowing style.

Dennis Levi, Chair  
Committee on Research



May 3, 2021

PROFESSOR JENNIFER JOHNSON-HANKS

Chair, 2020-2021 Berkeley Division of the Academic Senate

*Re: DECC's Comments on the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation*

The Committee on Diversity, Equity, and Campus Climate (DECC) reviewed the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation on April 15, 2021. We also took this opportunity to invite Professor Sabrina Agarwal, Chair of UC Berkeley's NAGPRA Advisory Committee, to speak on the work of the committee and to learn more about the implementation process. DECC supports the proposed revisions and affirms the critical importance of policy implementation.

The Phoebe A. Hearst Museum of Anthropology at UC Berkeley has one of the country's largest collections of Native American remains and cultural artefacts. Given the size and complexity of the collection, Berkeley has been slower than other UC campuses in the work of repatriation and disposition. Because the implementation of this policy is absolutely necessary, DECC underscores the need to ensure that sufficient resources are provided. Of critical concern is the adequate hiring and training of staff to properly perform the requirements outlined in the policy. It is also crucial that space, such as lab and ceremonial space, be made available so that the work of documentation, analysis, consultation, disposition, and repatriation is carried out with cultural sensitivity and respect.

The proper implementation of this policy will improve the general campus climate by creating a less hostile and more inclusive environment, especially for our Native American campus and community members. It can also facilitate better relations between UC Berkeley and Native Americans; and in doing so, it will broaden awareness of Native American issues and concerns, support indigenous language revitalization programs, and enhance the recruitment and retention of Native American students, staff, and faculty.

Thank you for the opportunity to comment on these revisions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lok Siu', written in a cursive style.

Lok Siu

Chair, Committee on Diversity, Equity, and Campus Climate

LS/lc



DAVIS DIVISION OF THE ACADEMIC SENATE  
ONE SHIELDS AVENUE  
DAVIS, CALIFORNIA 95616-8502  
(530) 752-2220  
academicsenate.ucdavis.edu

May 19, 2021

**Mary Gauvain**  
Chair, Academic Council

**RE:** Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

Dear Mary,

The proposed revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation were forwarded to all standing committees of the Davis Division of the Academic Senate. The Committee on Affirmative Action and Diversity (AA&D) responded.

Though AA&D has concerns with NAGPRA itself (which this policy follows), AA&D does think that this updated policy version takes into account comments from previous consultations on the draft policy. AA&D notes that the policy contains "important language that recognizes context and the importance of Indigenous evidence of relatedness to support repatriations as well as establishing requirements for consent before teaching or research."

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Tucker", is written over a light blue rectangular background.

Richard P. Tucker, Ph.D.  
Chair, Davis Division of the Academic Senate  
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate  
Michael LaBriola, Assistant Director, Systemwide Academic Senate  
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate



May 10, 2021

**Richard Tucker**

Chair, Davis Division of the Academic Senate

**RE:** Request for Consultation – Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

Dear Richard:

The Committee on Affirmative Action and Diversity has reviewed the RFC – Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation and support the proposed policy. The policy keeps in line with NAGPRA, which the committee feels is a flawed law that does not go far enough to provide redress and efficient repatriation. However, this updated version does take into consideration previous comments made about prior proposed policy versions. This policy contains important language that recognizes context and the importance of Indigenous evidence of relatedness to support repatriation as well as establishing the requirements for consent before teaching or research.

Sincerely,

A handwritten signature in dark ink, appearing to read "JV Torres", is positioned above the printed name and title.

Jose V. Torres

Chair, Committee on Affirmative Action and Diversity

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

March 5, 2021

Mary Gauvain, Chair  
Academic Council

**Re: Third Systemwide Review of the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

Dear Chair Gauvain,

The Irvine Division has no further comments on the proposed policy beyond those shared during the previous two rounds of systemwide review, and respectfully declines to opine. Our campus has no materials that would be affected by this policy.

Sincerely,



Jeffrey Barrett, Chair  
Academic Senate, Irvine Division

Cc: Joanna Ho, Chair Elect-Secretary  
Kate Brigman, Executive Director  
Gina Anzivino, Associate Director



May 14, 2021

Mary Gauvain  
Chair, UC Academic Senate

**Re: (Systemwide Senate Review) Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

Dear Chair Gauvain,

The Divisional Executive Board, councils, and committees appreciated the opportunity to review the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation. The Executive Board reviewed the proposal and divisional committee feedback at its meeting on May 13, 2021. Members appreciated the importance of the proposal as a step forward for the university. The Executive Board unanimously and enthusiastically endorsed the proposal as written.

Sincerely,



Shane White  
Chair  
UCLA Academic Senate

Encl.

Cc: Jody Kreiman, Vice Chair/Chair Elect, UCLA Academic Senate  
Michael Meranze, Immediate Past Chair, UCLA Academic Senate  
April de Stefano, Executive Director, UCLA Academic Senate

May 7, 2021

To: Shane White, Chair, UCLA Academic Senate

From: Megan McEvoy, Chair, Undergraduate Council

**Re: Systemwide Senate Review: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

---

The revisions to the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation were circulated to members of the Undergraduate Council for independent review and comment.

The Council appreciates that this policy and its revisions were developed in collaboration with the Cultural Affiliation and Repatriation Policy Advisory Workgroup, which includes four members nominated by the Native American Advisory Council; and in close consultation with California Native American tribes and the Native American Heritage Commission (NAHC).

Thank you for the opportunity to opine. If you have any questions, please contact us via the Undergraduate Council's analyst, Aileen Liu, at [aliu@senate.ucla.edu](mailto:aliu@senate.ucla.edu).

cc: April de Stefano, Executive Director, Academic Senate  
Jody Kreiman, Vice Chair/Chair Elect, Academic Senate  
Aileen Liu, Committee Analyst, Undergraduate Council  
Michael Meranze, Immediate Past Chair, Academic Senate

April 28, 2021

Shane White, Chair  
Academic Senate

**Re: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

Dear Chair White,

At its meeting on April 28, 2021 the Faculty Welfare Committee reviewed the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation.

Members declined to opine.

If you have any questions, please contact us via the Faculty Welfare Committee's interim analyst, Elizabeth Feller, at [efeller@senate.ucla.edu](mailto:efeller@senate.ucla.edu).

Sincerely,

Huiying Li, Chair  
Faculty Welfare Committee

cc: Jody Kreiman, Vice Chair/Chair Elect, Academic Senate  
Michael Meranze, Immediate Past Chair, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Elizabeth Feller, Interim Analyst, Faculty Welfare Committee  
Members of the Faculty Welfare Committee

April 28, 2021

Shane White, Chair  
Academic Senate

**Re: Systemwide Review: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

Dear Chair White,

At its meeting on April 7, 2021, the Council on Research (COR) had an opportunity to assess the revisions to the Proposed Presidential Policy on Native American Cultural Affiliation.

Members are in support of the revisions and wish to reaffirm the Council's previous statement on the issue, dated September 30, 2019.

Thank you for the opportunity to review and comment. If you have any questions for us, please do not hesitate to contact me at [julianmartinez@mednet.ucla.edu](mailto:julianmartinez@mednet.ucla.edu) or via the Council's analyst, Elizabeth Feller, at [efeller@senate.ucla.edu](mailto:efeller@senate.ucla.edu).

Sincerely,

Julian Martinez, Chair  
Council on Research

cc: Jody Kreiman, Vice Chair/Chair-Elect, Academic Senate  
Michael Meranze, Immediate Past Chair, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Elizabeth Feller, Principal Policy Analyst, Council on Research  
Members of the Council on Research

April 20, 2021

To: Shane White, Chair  
Academic Senate

Re: **Systemwide Review: Proposed Presidential Policy on Native American Cultural  
Affiliation and Repatriation**

Dear Chair White,

The Committee on Diversity, Equity and Inclusion has reviewed the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation and find it to be carefully thought-out, fair, and timely.

We appreciate being given the opportunity to comment and we look forward to the University's ongoing engagement with the issues that this policy addresses. If you have any questions, please do not hesitate to contact me at [yarborou@humnet.ucla.edu](mailto:yarborou@humnet.ucla.edu) or the Interim Committee on Diversity, Equity and Inclusion Analyst, Taylor Lane Daymude at [tlanedaymude@senate.ucla.edu](mailto:tlanedaymude@senate.ucla.edu).

Sincerely,



Professor Richard Yarborough, Chair  
Committee on Diversity, Equity and Inclusion



OFFICE OF THE ACADEMIC SENATE  
ROBIN DELUGAN, CHAIR, ACADEMIC SENATE  
[senatechair@ucmerced.edu](mailto:senatechair@ucmerced.edu)

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343

**May 12, 2021**

**To: Mary Gauvain, Chair, Academic Council**

**Re: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

The proposed Presidential Policy on Native American Cultural Affiliation and Repatriation was distributed for comment to the Merced Division Senate Committees and the School Executive Committees. The following committees offered several comments for consideration. Their comments are appended to this memo.

- [Committee on Research \(CoR\)](#)
- [Committee for Diversity and Equity \(D&E\)](#)
- [Committee on Faculty Welfare and Academic Freedom \(FWAF\)](#)
- [Committee on Library and Scholarly Communication \(LASC\)](#)
- [School of Engineering Executive Committee Chair](#)

CoR was unclear as to whether Repatriation Coordinator is a new position, at what level or category it will be hired, or if these repatriation duties will be assigned to existing staff or faculty. If this position is mandated for each campus, CoR suggests it be funded by UCOP. CoR also pointed out that considerations, language, or acknowledgement for researchers currently working with cultural items falling under this policy are potentially lacking. Can interim agreements be made for researchers who identify objects that are currently the focus of their research? Can they become "authorized individuals" as referenced in Footnote 37? Specifically, in Part VI. REPATRIATION IMPLEMENTATION PLAN, one of the numbered points of the plan could be to address any ongoing research with associated cultural items and a process for researchers to apply for potential authorization if applicable.

D&E and FWAF endorsed the proposed policy, noting that it fully incorporates AB 275 requirements.

LASC also endorsed the proposed policy and found it to be carefully written and sensitively delineates important policies to resolve this crucial problem.

The School of Engineering Executive Committee solicited comments from faculty and received none. However, the Chair of the Executive Committee made two suggestions. First, though the term "cultural patrimony" (page 5) is a legal definition, it would be appreciated if the UC would consult a legal (or other) scholar who can identify an appropriate synonym that is less embedded in sexism. Second, the



Chair inquires whether this proposed policy has been vetted by the California Native American Indian Tribes. They were not listed in Provost Brown's transmittal letter as stakeholders who opined. Presenting Tribal feedback provides better transparency and context for Senate review.

Divisional Council reviewed the committees comments via email and supports their various points and suggestions.

The Merced Division thanks you for the opportunity to comment on this proposed policy.

Sincerely,

A handwritten signature in cursive script, reading "Robin M. DeLugan".

Robin DeLugan  
Chair, Divisional Council  
UC Merced

CC: Divisional Council  
Hilary Baxter, Executive Director, Systemwide Academic Senate  
Michael LaBriola, Assistant Director, Systemwide Academic Senate  
SOE EC Chair Keske  
LASC Chair DePrano  
Senate Office

# UNIVERSITY OF CALIFORNIA, MERCED

---

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

---



SANTA BARBARA • SANTA CRUZ

---

ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE ON RESEARCH  
KARA MCCLOSKEY, CHAIR  
kmcloskey@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343

**April 5, 2021**

**To:** Robin DeLugan, Chair, Division Council

**From:** Kara McCloskey, Chair, Committee on Research (COR)

A handwritten signature in black ink, appearing to read "Kara McCloskey".

**Re:** Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

---

At its April 1 meeting, CoR reviewed the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation. We offer the below comments.

With regard to the Repatriation Coordinator for each campus, it was not clear if this is a new position, nor at what level or category that it will be hired at, or if these repatriation duties will be assigned to existing staff or faculty. If the latter, it does not seem feasible that existing staff or faculty can handle these duties, which are important and carry a large workload. CoR suggests that if this position is mandated for each campus, then it needs to be funded by systemwide.

Considerations, language, or acknowledgement for researchers currently working with cultural items falling under this policy are potentially lacking. Can interim agreements be made for researchers who identify objects that are currently the focus of their research? Can they become "authorized individuals" as referenced in Footnote 37? Specifically, in Part VI. REPATRIATION IMPLEMENTATION PLAN, one of the numbered points of the plan could be to address any ongoing research with associated cultural items and a process for researchers to apply for potential authorization if applicable.

We appreciate the opportunity to opine.

cc: Senate Office

# UNIVERSITY OF CALIFORNIA, MERCED

---

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

---



SANTA BARBARA • SANTA CRUZ

---

ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE FOR DIVERSITY AND EQUITY

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343  
(209) 228-7930

**April 12, 2021**

**To: Robin DeLugan, Senate Chair**

**From: Committee for Diversity and Equity (D&E)**

**Re: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

The Committee for Diversity and Equity (D&E) reviewed [the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation](#), which has undergone substantial revisions since D&E first reviewed the Interim Policy in September 2019. D&E is pleased to endorse the proposed Policy which has been revised to fully incorporate AB 275 requirements.

The Committee for Diversity and Equity appreciates the opportunity to opine.

cc: D&E Members  
Fatima Paul, Executive Director, Senate Office  
Senate Office

# UNIVERSITY OF CALIFORNIA, MERCED

---

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

---



SANTA BARBARA • SANTA CRUZ

---

ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM  
CAROLIN FRANK, CHAIR  
cfrank3@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343  
(209) 228-4369

**MARCH 31, 2021**

**To:** Robin DeLugan, Chair, Divisional Council

**From:** Carolin Frank, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

**Re:** Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

---

At its March 31 meeting, FWAF reviewed [the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation](#). FWAF is cognizant that the proposed policy has been revised to ensure that the policy fully incorporates the requirements of the California Bill, AB 275, which was signed into law, effective January 1, 2021, and made substantial changes to the California Native American Graves Protection and Repatriation Act.

FWAF's review found the revisions that were introduced to be appropriate for addressing the concerns about the policy's alignment with the AB 275 requirements, and is pleased to endorse the proposed policy.

FWAF appreciates the opportunity to opine.

cc: Senate office

# UNIVERSITY OF CALIFORNIA, MERCED

---

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

---

ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATIONS  
MARIA DEPRANO, CHAIR  
mdeprano@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343

**Monday, April 5, 2021**

**To:** Robin DeLugan, Senate Chair

**From:** Maria DePrano, Chair, Committee on Library & Scholarly Communications (LASC) & LASC Committee Membership

**Re:** Proposal for Presidential Policy on Native American Cultural Affiliation and Repatriation

---

LASC has reviewed the Proposal for Presidential Policy on Native American Cultural Affiliation and Repatriation. The committee finds that the proposed policy is carefully written and sensitively delineates important policies to resolve this crucial problem.

LASC supports the implementation of the policy and appreciates the opportunity to opine.

**Cc:** Senate Office



## SCHOOL OF ENGINEERING

University of California, Merced  
5200 N. Lake Road | Merced, CA 95343  
PHONE: 209-228-4411  
FAX: 209-228-4047

April 5, 2021

To: UC-M Academic Senate

From: Catherine Keske (Chair), School of Engineering Executive Committee

Re: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

Dear Senate Chair DeLugan:

SoE ExComm appreciates the opportunity to opine. Our Committee solicited but did not receive comments from our colleagues. However, I wish to offer one suggestion and one comment for consideration.

- 1) Suggestion re: use of term “cultural patrimony” (page 5): Though this is a legal definition, it would be appreciated if the UC would consult a legal (or other) scholar who can identify an appropriate synonym that is less embedded in sexism.
- 2) Comment: Has this document been vetted by the California Native American Indian Tribes? They weren’t listed as partaking in the System Review, according to Provost Brown’s transmittal letter. Presenting Tribal feedback provides better transparency and context for Senate review.



CHAIR, ACADEMIC SENATE  
RIVERSIDE DIVISION  
UNIVERSITY OFFICE BUILDING, RM 225

JASON STAJICH  
PROFESSOR OF BIOINFORMATICS  
RIVERSIDE, CA 92521-0217  
TEL: (951) 827-6193  
EMAIL: JASON.STAJICH@UCR.EDU

May 12, 2021

Mary Gauvain, Chair, Academic Council  
1111 Franklin Street, 12th Floor  
Oakland, CA 94607-5200

**RE: (Systemwide Senate Review) Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

Dear Mary,

Executive Council strongly supports the subject proposal. Members expressed gladness regarding the *Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation* and voiced accolades and gratitude for the scholars involved in drafting a “cutting edge and important policy for the University to have” and appreciation for the level of consultation and collaboration that went into its drafting.

Finally, I also include the positive consultative feedback provided by Riverside’s Committee on Diversity, Equity, & Inclusion, Committee on Library and Information Technology, and the Committee on Research. Also included are supportive comments from the faculty executive committees of the College of Engineering, College of Humanities, Arts, and Social Sciences, College of Natural and Agricultural Sciences, and the School of Medicine.

Sincerely yours,

*Jason Stajich*

Professor of Bioinformatics and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate  
Cherysa Cortez, Executive Director of UCR Academic Senate Office

April 23, 2021

TO: Jason Stajich, Chair  
Riverside Division of the Academic Senate

FROM: Lucille Chia, Chair *Lucille Chia*  
CHASS Executive Committee

RE: Review of Proposed Presidential Policy on Native American Cultural  
Affiliation and Repatriation

---

The CHASS Executive Committee is in full and enthusiastic support of this policy, especially after listening to the comments of Professors Clifford Trafzer and Rebecca (Monte) Kugel, both experts in Native American history and culture, whom we invited to our meeting on April 7, 2021. In particular, we appreciated Professor Trafzer's remarks concerning the UC President's Native American Advisory Council that proposed the new policy 2-3 years ago. He is currently on the NAGPRA Faculty Committee and the Working Group making final changes to the document we reviewed and noted that Working Group will continue to fine tune and change the policy as needed, even after adoption.



17 April 2021

To: Jason Stajich, Chair  
Riverside Division

From: Theodore Garland, Jr., Chair, Executive Committee  
College of Natural and Agricultural Science

Re: Systemwide Proposed Pres Policy/Nat Amer Cultural Affiliation &  
Repatriation

The CNAS Executive Committee reviewed this proposal and has no  
comments.

Sincerely,





## *Academic Senate*

### **COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION**

March 11, 2021

To: Jason Stajich, Chair  
Riverside Division Academic Senate

From: Xuan Liu, Chair  
Committee on Diversity, Equity, & Inclusion

Re: Proposed Presidential Policy on Native American Cultural Affiliation and  
Repatriation

The Committee on Diversity, Equity, and Inclusion reviewed the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation and unanimously supports the policy.



## *Academic Senate*

April 7, 2021

To: Jason Stajich, Chair  
Riverside Division

From: Hai Che, Chair  
Committee on Research

Re: 20-21. SR. **Proposed Presidential Policy on Classification of Gifts and Sponsored Awards**

The committee reviewed the proposed policy on Native American Cultural Affiliation and Repatriation and had no comments



## *Academic Senate*

April 29, 2021

To: Jason Stajich, Chair  
Riverside Division


From: Alejandra Dubcovsky, Chair  
Committee on Library and Information Technology

RE: Systemwide Review: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

The committee discussed this proposed policy and had no additional comments.

March 10, 2021

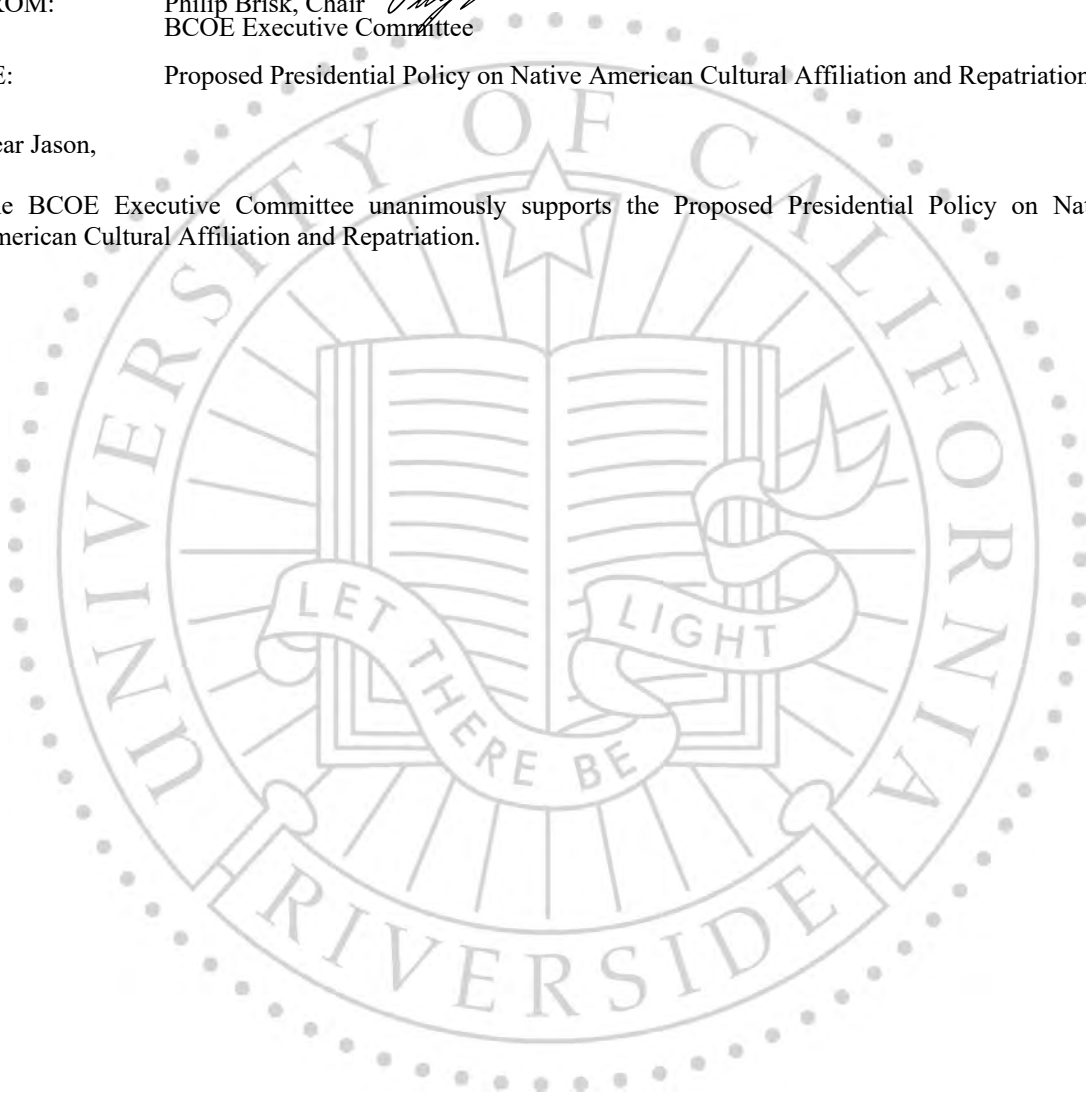
TO: Jason Stajich, Chair  
Academic Senate

FROM: Philip Brisk, Chair   
BCOE Executive Committee

RE: Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

Dear Jason,

The BCOE Executive Committee unanimously supports the Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation.





School of Medicine  
Division of Biomedical Sciences  
Riverside, CA, 92521

April 16, 2021

**To:** Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

**From:** Declan McCole, Ph.D., Chair, Faculty Executive Committee, and UCR School of Medicine

**Subject:** SOM FEC Response to Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

The SOM Executive Committee reviewed *Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation* at the regular meeting on April 15, 2021. SOM FEC is in agreement with the response to the community, historic, and tribal culture. SoM FEC approves the recommended changes.

Yours sincerely,

A handwritten signature in black ink that reads "Declan McCole".

Declan F. McCole, Ph.D.  
Chair, Faculty Executive Committee  
School of Medicine



**UC SANTA BARBARA**

Academic Senate  
Susannah Scott, Chair  
Shasta Delp, Executive Director

1233 Girvetz Hall  
Santa Barbara, CA 93106-3050  
<http://www.senate.ucsb.edu>

May 19, 2020

To: Mary Gauvain, Chair  
Academic Senate

From: Susannah Scott, Chair  
Santa Barbara Division 

Re: Systemwide Review of Proposed Revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation

The Santa Barbara Division distributed the proposed Revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation to the Committee on Diversity and Equity (CDE) and the Committee on Library, Information, and Instructional Resources (CLIIR). Both responses are attached for your consideration.

CDE found that the lack of background information made it very difficult to provide relevant comments on the proposed revisions. The documentation did not include information on which tribes were asked for input, or the process for repatriating human remains. These details would have been helpful to the committee's consideration of the proposed revisions, in addition to specifics about the campus implementation plan. With respect to the latter, CDE wanted to know more about the objects housed at UC Santa Barbara and how faculty will be involved. The committee plans to reach out to the UCSB NAGPRA Chancellor's Designee and Repatriation Coordinator in an effort to learn more.

CLIIR members recognized the need to update the policy for legal compliance. However, they are concerned that it may not be possible for the campus to meet the posted deadlines (beginning with January 1, 2022) for the preliminary Inventory and Summary of materials (described in C.5) given the limited access to campus during the pandemic. In addition, they note the substantial amount of additional work required to implement the policy, without corresponding funding.

A member of the committee recommends that Prof. Douglas Kennett, Curator of UCSB's Repository of Archaeological and Ethnographic Collections, be consulted about the impact of the policy on UCSB. Prof. Kennett has confirmed that the records of the campus Repository of Human Remains and Cultural Items will need to be updated and re-inventoried. Moreover, the process of repatriating the Human Remains and Cultural Items will require negotiation, time, protected land (for reburials), and funds. Although the required Repatriation Coordinator has

been appointed for the campus, funding will need to be allocated for the requirements to be completed.

We thank you for the opportunity to comment.

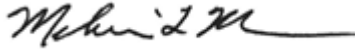


**Academic Senate  
Santa Barbara Division**

May 11, 2021

To: Susannah Scott, Divisional Chair  
Academic Senate

From: Melissa L. Morgan, Chair  
Committee on Diversity and Equity




**Re: Systemwide Review of Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation**

The Committee on Diversity and Equity (CDE) discussed the systemwide review of proposed Presidential Policy on Native American Cultural Affiliation and Repatriation. The Committee saw a prior version of this policy last year. CDE found that the lack of background information made it very difficult to provide relevant comments. The Committee wanted to know about which tribes have been asked for input and what the process for repatriating human remains will be. CDE also wanted to know more specifics about the campus implementation plan, such as what objects and remains UCSB has and how faculty will be involved. CDE is reaching out to the UCSB NAGPRA Chancellor's Designee and Repatriation Coordinator in an effort to learn more about local efforts.

CC: Shasta Delp, Executive Director, Academic Senate

May 5, 2021

To: Susannah Scott, Divisional Chair  
Academic Senate

From: Karen Lunsford, Chair   
Committee on Library, Information, and Instructional Resources

**Re: Comments on proposed revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation**

The Committee on Library, Information, and Instructional Resources reviewed the proposed revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation at its meeting on April 16, 2021. These revisions are intended to bring the policy into compliance with the federal Native American Graves Protection and Repatriation Act (NAGPRA) and with the California Native American Graves and Repatriation Act (CalNAGPRA). In particular, the revisions respond to changes to CalNAGPRA required by AB 275, which became effective January 1, 2021.

Committee members recognized the need for the policy to align with legal imperatives. However, they expressed concerns that meeting the deadlines (beginning with January 1, 2022) for the preliminary Inventory and Summary of materials (described in C.5) may no longer be possible given the pandemic given the limited access to campus. In addition, they noted the substantial amount of additional work that the policy will require, but apparently with no additional funding granted by UCOP. A committee member recommended that Prof. Douglas Kennett, Curator of UCSB's Repository of Archaeological and Ethnographic Collections, be consulted about the impact of the policy on UCSB.

Chair Lunsford contacted Prof. Kennett, who confirmed that UCSB and the Chumash community together curate an extensive Repository of Human Remains and Cultural Items. Although the Repository already keeps excellent records, they will need to be updated to align with the revised--and expanded--definitions of Cultural Items included in AB 275 and the proposed policy. The entire Repository will need to be re-inventoried. Moreover, the process of repatriating the Human Remains and Cultural Items will require negotiation, time, protected land (for reburials), and funds. Prof. Kennett confirmed that meeting the various policy deadlines under pandemic conditions will be difficult. In addition, each campus's Chancellor is responsible for funding the implementation of the policy, as there were no funds allocated by UCOP. Although the required Repatriation Coordinator has been appointed, funds still need to be allocated for the requirements to be completed.

CC: Shasta Delp, Executive Director, Academic Senate



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE  
LA JOLLA, CALIFORNIA 92093-0002  
TELEPHONE: (858) 534-3640  
FAX: (858) 534-4528

May 14, 2021

Professor Mary Gauvain  
Chair, Academic Senate  
University of California  
VIA EMAIL

Re: Divisional Review of UC Policy on Native American Cultural Affiliation and Repatriation

Dear Professor Gauvain,

The UC Policy on Native American Cultural Affiliation and Repatriation (NACAR) proposal was distributed to San Diego Divisional Senate standing committees and discussed at the May 10, 2021 Divisional Senate Council meeting. Senate Council endorsed the proposal.

Council did, however, provide some comments for consideration. The membership language for the Campus Committees and the parallel relationship with the Systemwide Committee needs further clarification. The policy does not clearly describe the role of the Chancellor's Designee in relationship to the Systemwide Committee: in what capacity they serve and whether or not they are an ex officio member of the Systemwide Committees. It is also unclear what the membership should be for the Campus Committee, whether the campus' Repatriation Coordinator is an ex officio member of that committee, and if staff will be supporting it. There is concern that the labor-intensive work required by the policy would fall disproportionately on the small number of Native American faculty in the UC System, many of them junior faculty. In this case, it is important for the policy to detail how this specific service to the University will be appropriately considered during their academic review process, particularly if someone is being reviewed for tenure.

The responses from the Divisional Committee on Research and an *ad hoc* committee of faculty subject matter experts are attached.

Sincerely,

A handwritten signature in black ink that reads "Steven Constable". The signature is fluid and cursive, with the first name "Steven" and last name "Constable" clearly legible.

Steven Constable  
Chair  
San Diego Divisional Academic Senate

Attachments

cc: Tara Javidi, Vice Chair, San Diego Divisional Academic Senate  
Ray Rodriguez, Director, San Diego Divisional Academic Senate  
Hilary Baxter, Executive Director, UC Systemwide Academic Senate

ACADEMIC SENATE: SAN DIEGO DIVISION, 0002  
UCSD, LA JOLLA, CA 92093-0002  
COMMITTEE ON RESEARCH

March 24, 2021

**STEVEN CONSTABLE, Chair**  
**Academic Senate, San Diego Division**

SUBJECT: Review of Proposed Presidential Policy on Native American Cultural Affiliation and Repatriation

The Committee on Research (COR) discussed the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation at their March 15, 2021 meeting. The Committee endorses the plan to increase the institutional commitment to responsibly and respectfully manage the items that the Native American Cultural Affiliation and Repatriation Policy discusses. Committee members were grateful for the comprehensive and careful approach described in the policy.

Sincerely yours,

Victor Ferreira, Chair  
Committee on Research

cc: G. Cauwenberghs  
T. Javidi  
J. Lucius  
R. Rodriguez

**STEVEN CONSTABLE**

**Chair, San Diego Divisional Academic Senate**

April 30, 2021

SUBJECT: Ad Hoc Committee Review of the UC Policy on Native American Cultural Affiliation and Repatriation

Dear Chair Constable,

An ad hoc committee comprised of faculty from the Departments of Ethnic Studies (Ross Frank), Anthropology (Isabel Rivera-Collazo and Paul Goldstein), Scripps Institution of Oceanography (Isabel Rivera-Collazo), and Literature (Gloria Chacon) discussed the proposed revisions to the Presidential Policy on Native American Cultural Affiliation and Repatriation ("NACAR"). Additional faculty who attended a prior meeting, and others who have needed expertise pertaining to these issues, were unable to attend and will be/have been consulted for additional input.

The ad hoc committee endorsed the proposed amendments under the condition that all appendix, flow charts, and previous documents in the Interim NACAR Policy be accessible to all committee members before finalization since the flowcharts are not available yet on UCOP's NAGPRA website. Additionally, the language involving membership for the Campus Committees and the parallel relationship with the Systemwide Committee needs further clarification. The policy does not clearly describe the role of the Chancellor's Designee in relationship to the Systemwide Committee; in what capacity they serve and whether or not they are an ex officio member of the Systemwide Committees (section V.A.1.a). It is unclear the number and composition of members that should be included in the Campus Committee (section V.A.2.a), whether the campus' Repatriation Coordinator is an ex officio member of that committee, and if staff will be supporting it.

The committee is also concerned that on some campuses, UC San Diego for instance, the expertise and effort for advancing the NACAR policy during the initial approval and implementation process has burdened disproportionately junior faculty who have the appropriate experience and expertise in these issues. Once approved, especially on some campuses with little previous NACAR activity, a heavy workload associated with the compliance requirements of the policy will be added. The new policy should explicitly recognize the likelihood that campus and systemwide service may have a disproportionate effect on the small number of Native American faculty in the UC system, often earlier in their academic careers, and detail how this specific service to the University will be appropriately considered during their academic review process, particularly as they are being reviewed for tenure.

The inventory/summaries required by the policy are time and labor intensive. The deadline to submit a report is January 1, 2022 and the committee is concerned that UCSD has not done enough of this work in order to comply. There is no transparency on what has been done on campus already and what still needs to be done. Departments that have cultural artifacts should be identified as it would be helpful to know which ones have been accounted for already. This committee is suggesting that the Senate should investigate the status of the inventory activities and take the appropriate steps to meet the deadline.

cc: Tara Javidi, Vice Chair  
Ray Rodriguez, Director

**Office of the Academic Senate**

500 Parnassus Ave, MUE 230  
San Francisco, CA 94143-0764  
Campus Box 0764  
tel: 415/514-2696

[academic.senate@ucsf.edu](mailto:academic.senate@ucsf.edu)  
<https://senate.ucsf.edu>

Sharmila Majumdar, PhD, Chair  
Steven Cheung, MD, Vice Chair  
Pamela Ling, MD, Secretary  
Jae Woo Lee, MD, Parliamentarian

May 19, 2021

Mary Gauvain, PhD  
Chair, Academic Council  
Systemwide Academic Senate  
University of California Office of the President  
1111 Franklin St., 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

Re: Systemwide Review of Proposed Presidential Policy on Native  
American Cultural Affiliation and Repatriation

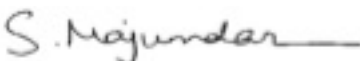
Dear Mary:

The San Francisco Division has reviewed Proposed Presidential Policy  
on Native American Cultural Affiliation and Repatriation.

We recognize that the current draft of this proposed policy has  
undergone iterative reviews and revisions to ensure that it incorporates  
recent changes to the California Native American Graves Protection and  
Repatriation Act.

In support of this policy, our Senate's Sustainability Committee reviewed  
it, noting that "decolonizing medicine and higher education is an integral  
component of sustainability."

Sincerely,



Sharmila Majumdar, PhD, 2019-21 Chair  
UCSF Academic Senate

Enclosures (1)

Cc: Chelsea Landolin, RN, MS, NP, Chair, UCSF Sustainability  
Committee



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)  
Shelley Halpain, Chair  
[Shalpain@ucsd.edu](mailto:Shalpain@ucsd.edu)

Assembly of the Academic Senate  
1111 Franklin Street, 12<sup>th</sup>  
Oakland, CA 94607-5200

May 19, 2021

**MARY GAUVAIN, CHAIR  
ACADEMIC COUNCIL**

**RE: Presidential Policy on Native American Cultural Affiliation and Repatriation (v. 3)**

Dear Mary,

The University Committee on Faculty Welfare (UCFW) has reviewed the proposed Presidential Policy on Native American Cultural Affiliation and Repatriation (v. 3), and we have several comments. We applaud the goals of repatriating Native American items and remains and of working to build stronger bonds with California's Native American population. As a logistical matter, however, we wonder if UC has the capacity to fulfill this request by January 1, 2022. The size and condition of holdings in UC archives are unknown, and specialty training will be needed to effect repatriation in a sensitive and timely manner. How UC will recruit and train this specialist workforce is unclear. UC should also lobby the state to share more of the cost of repatriation and stewardship.

Thank you for your support.

Sincerely,

Shelley Halpain, UCFW Chair

Copy: UCFW  
Hilary Baxter, Executive Director, Academic Senate  
Robert Horwitz, Academic Council Vice Chair