

# Tribal Consultation and Repatriation Policy

Contact: NAGPRA Coordinator

Effective Date: September 26, 2023

Version History: 1.4

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## Background

The Native American Graves Protection and Repatriation Act of 1990 (“NAGPRA”), 25 USC 3001-13, recognizes the rights of lineal descendants, culturally affiliated Native American Tribes and Native Hawaiian organizations to (i) Native American human remains and associated funerary objects as well as (ii) unassociated funerary objects, (iii) sacred objects, and (iv) objects of cultural patrimony that are in the possession or control of federal agencies and museums that receive federal funds. These and other terms used in this policy are defined in the NAGPRA and in the Appendix ([Glossary of Terms](#)). The Henry Ford (the “Museum” or “THF”) as the recipient of federal funds is subject to NAGPRA.

*Statement on Language: The Henry Ford intends no disrespect in its use of the NAGPRA lexicon and acknowledges that the use of language since the passing of NAGPRA has become more mindful, and that there may be more adequate terminology that can be used.*

## Purpose

The Henry Ford acknowledges that human remains removed from tribal and federal lands belong to lineal descendants and that cultural objects similarly removed belong to Tribes and Native Hawaiian Organizations (“NHO”). This policy affirms THF’s commitment to treat human remains and cultural objects with dignity and respect and, when in possession of human remains and objects subject to NAGPRA, to work diligently and with due care towards their return to their rightful holders. This policy sets out the way the Museum will meet and exceed the requirements of NAGPRA and its Regulations (43 CFR 10.1-10.17) and THF’s commitment to undertake consultation and repatriation with and to federally recognized Tribes, NHO, and lineal descendants.

## Scope

All THF employees, volunteers, and affiliates (“Personnel”) must comply with this policy. The policy governs all Museum activities including but not limited to acquisitions, collections, inventory practices, maintenance, excavation, display and dispositions. This policy covers the four different categories of objects subject to NAGPRA (associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony as those terms are defined in the [Glossary of Terms](#)) and human remains (both culturally affiliated and culturally unidentifiable).

## Definitions

See [Glossary of Terms](#).

## Policy

### 1. General

Any and all funerary objects, sacred objects, objects of cultural patrimony, and human remains that are in THF’s collections, possession, or are otherwise inadvertently discovered will be held in trust by the

Museum until they can be repatriated in a respectful and dignified manner to rightful lineal descendants, tribal nations and/or NHO and consistent with the requirements of this policy.

## 2. Acquisitions and Curatorial Plan

- A. *Curatorial Plan.* Human remains and objects subject to NAGPRA will not be part of the Museum's curatorial collections plan nor shall be acquired by the Museum except under the following conditions:
1. comply with the consultation requirements in section 4 of this policy, as applicable;
  2. develop and implement a plan of care and disposition that is endorsed by the NAGPRA Oversight Committee; and
  3. with the approval of the Museum's President.
- B. *Potential Acquisitions.* Museum Personnel must participate in appropriate NAGPRA training before undertaking new acquisitions either subject to this policy or otherwise relating to Native culture or lineage. Acquisitions potentially subject to NAGPRA and outside the scope of the Museum Curatorial Plan are prohibited. All acquisitions relating to indigenous cultural or lineage, must conform to applicable Guidelines for Respectful Care, Handling and Dialogue. When in doubt, Personnel should consult with the NAGPRA Coordinator.

## 3. Consultation and Repatriation

- A. The Museum will promptly develop and execute a consultation plan for any activity subject to consultation requirements by this policy that must include the following milestones, as appropriate:
1. THF will contact relevant Tribes and NHO to share relevant information.
  2. Tribes and NHO will be invited to engage in consultation to establish a dialogue and discuss next steps in the repatriation process, as applicable.
  3. Consultation may occur remotely or in-person as the circumstances require and taking into account the preferences of Tribal representatives. In-person consultation may occur on THF's campus, tribal offices, or another mutually convenient location.
  4. THF will work to establish formal communication and coordination between THF and Tribes or NHO through an authorized Tribal or NHO representative identified via the National Association of Tribal Historic Preservation Officers, official Tribal letterhead that has been signed by the head of the Tribe, or based on Tribal resolutions.
  5. THF will freely share information about collections with Tribes and NHO while safeguarding sensitive information.
  6. THF will recognize and respect cultural sensitivities of Tribes and NHO regarding cultural items subject to repatriation and respond accordingly.
- B. Upon confirmation of rightful holder and/or lineal descendant, the Museum will endeavor to:
1. Expediently respond to formal repatriation requests.
  2. Examine all pertinent information including oral tradition as evidence for requests.
  3. Fulfill duties such as finalizing assessment of cultural affiliation, filing applicable notices for publication in the *Federal Register* within the required time limits, and completing the 30-day waiting period.
  4. If no competing claims are received, then the Museum will move forward with physical repatriation.
- C. Disposition for Culturally Unidentifiable Human Remains if discovered:

1. The Museum will engage in consultation with appropriate Tribes or NHO within applicable time limits when moving to transfer or dispose of culturally unidentifiable human remains.
  2. The Museum will gather and make available appropriate and relevant documentation to assist THF and indigenous parties in consultation(s) required by this policy.
  3. The Museum will seek to develop a proposed disposition that is mutually agreeable to Tribes or NHO that are reasonably likely to have a relationship with the human remains.
- D. Unclaimed NAGPRA Objects
1. Following the above process, if the Museum has objects that after evaluation are not subject to NAGPRA or are unclaimed, then the Museum may use or exhibit these objects digitally or physically provided that such use or exhibit can be done in a manner that satisfies the THF Guidelines for Respectful Care, Handling and Dialogue.
  2. Where feasible, the Museum will engage in consultation with the most likely to be affiliated Tribe(s) or NHO to ensure that use is acceptable.
  3. If materials cannot be used, the Museum will, as appropriate and feasible, incorporate traditional care and knowledge as part of their Guidelines for Respectful Care, Handling and Dialogue.

#### 4. Compliance and Responsibilities

- A. *Policy Oversight and Enforcement.* The NAGPRA Coordinator is charged with implementing this policy and the NAGPRA Oversight Committee (Co-chaired by Chief Operating Officer and Vice President of Historical Resources and Chief Curator) is charged with providing oversight of policy compliance.
- B. *Suspected and Real Violations.* Upon learning of any suspected allegations of or actual violations of this policy, NAGPRA, or the laws or policies of an Indian Tribe, Personnel must promptly advise the NAGPRA Coordinator who will immediately notify the NAGPRA Oversight Committee. The Oversight Committee will promptly initiate, in coordination with appropriate Museum Personnel, investigation and resolution procedures. The Museum's Tribal Liaison (or other staff appointed by the Museum President) will assist in notifying the affected Indian Tribe(s).
- C. The Oversight Committee is responsible for conducting reviews required by this policy and reviewing the Annual Report of NAGPRA activities prepared by the NAGPRA Coordinator.

#### 5. Concerns, Disputes and Appeals

- A. The Museum will make available reporting channels to field concerns regarding THF consultation or repatriation activities. The NAGPRA Oversight Committee will respond to reported concerns, investigate as needed, and work with relevant parties towards resolution and mutual understanding.
- B. The Museum will provide a process for disputes and appeals regarding affiliation and repatriation determinations. In these cases, the Tribal Liaison will work with external parties towards resolution and mutual understanding.

#### 6. Violations and Enforcement

The NAGPRA Oversight Committee or its designee is authorized to review policies, programs, initiatives, and other activities to determine if they violate this policy. It is within the Oversight Committee's discretion to recommend that appropriate Museum leadership immediately put on hold

policies, programs, initiatives, and other activities under review for compliance with this policy until it is determined that it satisfies the requirements of this policy. If compliance with this policy cannot be established, Museum leadership may indefinitely suspend the activity. Violations of this Policy may result in disciplinary action as provided for in the Standards of Conduct and Work Rules section of the Employee Handbook and equivalent section in the Volunteer Handbook, up to and including termination or dismissal.

## Supplementary Materials/Appendices

Glossary of Terms

NAGPRA Oversight Committee Charter/Roster

Forms

Request for Consultation (in person)

Request for Consultation (virtual)

Concerns

Guidelines for Respectful Care, Handling and Dialogue

## Glossary of Terms

**Cultural affiliation** means “a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group.” 25 USC 3001 (2).

**Funerary object** means an object that, as a part of the death rite or ceremony of a culture, is reasonably believed to have been placed with individual human remains either at the time of death or later. Funerary objects may be either associated or unassociated.

An **Indian Tribe** is any Tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**Human remains** refers to the physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets.

A **lineal descendant** is an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian Tribe or Native Hawaiian organization or by the common law system to a known Native American individual whose remains, funerary objects, or sacred objects are being requested.

A **Native Hawaiian organization includes** any organization that: (a) serves and represents the interests of Native Hawaiians, (b) has as a primary and stated purpose the provision of services to Native Hawaiians, and (c) has expertise in Native Hawaiian Affairs and includes the Office of Hawaiian Affairs.

**Object of cultural patrimony** means an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether the individual is a member of the Indian Tribe or Native Hawaiian organization. Such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

**Sacred object** means a specific ceremonial object which is needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

## NAGPRA Oversight Committee

### Purpose

The Native American Graves Protection and Repatriation Act Compliance Oversight Committee (“Committee”) is charged by the President and CEO with overseeing and reviewing the ongoing work related to the proper handling of artifacts subject to NAGPRA law to ensure the institution respectfully engages Indigenous communities with the purpose of repatriation while remaining compliant with federal law.

### Scope

The Committee will focus on oversight of the NAGPRA compliance program and rely on the NAGPRA Coordinator, Tribal Liaison, Communications Team, and Legal Counsel to perform the necessary work and tasks. The Committee will be an avenue for anyone to voice concerns, both internal and external, to ensure that proper steps are taken in compliance with NAGPRA and internal policy. The NAGPRA Policy defines certain reviews and communications that need to be made to and/or by the Committee. It will also be the responsibility of the Committee to request and review the NAGPRA program’s Annual Report compiled to report on program activities and repatriation progress and the Committee will recommend and prepare compliance reports to the Board of Trustees as necessary and at least on an annual basis.

### Roster

#### Sponsor

President and CEO

#### Co-Chairs

Vice President of Historical Resources and Chief Curator

Chief Operating Officer

#### Team

Chief Registrar

Senior Director of Media Relations and Studio Production

Senior Director of Government Relations and Special Assistant to the President

Associate Registrar and NAGPRA Coordinator

Director of Government Affairs and External Relations

Vice President of Marketing and Chief Marketing Officer

Tribal Liaison

External forms

Request for Consultation (in person)



# THF NAGPRA Consultation Request Form

**The Henry Ford requests the following information to prepare for your visit. Please return this completed form to the NAGPRA Coordinator at least three (3) weeks prior to your desired visit. Please attach additional sheets if you need more space. Thank you.**

**Name of Tribe:** \_\_\_\_\_

**Please provide at least three potential dates for your visit:**

**Preferred arrival time:** \_\_\_\_\_

**Name of Tribal or NHO Contact, address, email, and phone number:**

**Please list the names and titles of each representative who will visit:**

**What collections would you like to view? Please be as specific as possible.**

**What are your priorities for viewing the collections? Please describe what takes precedence (i.e. reviewing documentation, viewing funerary objects or cultural objects, etc.).**

**All of the materials subject and potentially subject to NAGPRA have been consolidated into a central, private storage location. The requested materials will be moved to an accessible meeting area for consultation. The location selected will allow some religious and/or ceremonial activities to be privately conducted.**

**Are there any special considerations we should take into account when planning your consultation visit? This may include religious/ceremonial accommodations, privacy concerns, accessibility needs, dietary restrictions, technical needs, desire to tour storage or the museum, etc.**

**Will smudging or other ceremonies requiring a flame occur? Yes      No**

**If yes, due to fire suppression, smudging must be done outdoors. A private area near the room where consultation will occur will be made available. Candles may be allowed in the space as long as they are fully contained within a votive and removed following the ceremony or visit.**

**Directions, including parking information, will be sent when your visit is confirmed.**

**Please return form by email to [Repatriation@TheHenryFord.org](mailto:Repatriation@TheHenryFord.org) or by mail to:**

**Registrars Office  
ATTN: NAGPRA Coordinator  
The Henry Ford  
20900 Oakwood Blvd.  
Dearborn, MI 48124**

Request for Consultation (virtual)

# THF NAGPRA Consultation Request Form

**The Henry Ford requests the following information to prepare for your virtual visit. Please return this completed form to the NAGPRA Coordinator at least three (3) weeks prior to your desired virtual visit. Please attach additional sheets if you need more space. Thank you.**

**Name of Tribe:** \_\_\_\_\_

**Please provide at least three potential dates and times for your virtual meeting:**

**Name of Tribal or NHO Contact, address, email, and phone number:**

**Please list the names, titles, and emails of each representative who will be meeting:**

**What collections would you like to view? Please be as specific as possible.**

**What are your priorities for viewing the collections? Please describe what takes precedence (i.e. reviewing documentation, viewing funerary objects or cultural objects, etc.).**

**All of the materials subject and potentially subject to NAGPRA have been consolidated into a central, private storage location. The requested materials will be moved to a location where a virtual meeting can happen. Are there any special considerations we should take into account when planning your virtual meeting? This may include religious/ceremonial accommodations, privacy concerns, technical needs, etc. If your Tribe or NHO uses a platform other than Microsoft Teams or Zoom, please include that here so we can be sure to use the best possible platform.**

**Unless specified above, a Microsoft Teams meeting link will be sent to the email addresses on the first page. If you have additional needs, please include them on additional pages or via email.**

**Please return form by email to [Repatriation@TheHenryFord.org](mailto:Repatriation@TheHenryFord.org) or by mail to:**

**Registrars Office  
ATTN: NAGPRA Coordinator  
The Henry Ford  
20900 Oakwood Blvd.  
Dearborn, MI 48124**

## Concerns

# Concerns

*Please fill out this form if you have a concern about any part of the NAGPRA process with The Henry Ford. A representative from the NAGPRA Oversight Committee will be in touch.*

## Personal information

Name

Affiliation

Email

Phone

**Please share your concerns.**

**How would you like to be contacted?**

## Guidelines for Respectful Care, Handling, Dialogue

The following guidelines will cover THF's commitment to respectful care, handling, and dialogue. THF acknowledges that this list is not exhaustive and will continue to expand as needed. Additionally, THF recognizes the obligation to accurately interpret collections with sensitivity and respect and will engage in dialogue with Indigenous stakeholders to share the beliefs of Indigenous peoples fairly and objectively.

### Access

1. Restrictions due to NAGPRA:
  - a. Digital Collections
    - i. Under no circumstances should images of Indigenous peoples' remains be digitized.
    - ii. If any additional images featuring Indigenous peoples' remains are discovered in Digital Collections, they will be removed promptly.
    - iii. Materials that have been identified as being potentially subject to NAGPRA shall not be digitized.
    - iv. If any materials that are on Digital Collections are identified as being subject to NAGPRA, they will be removed promptly.
  - b. Exhibitions
    - i. No object that is subject to NAGPRA may be displayed at any time. Any relevant collections found to be on display will immediately be removed from exhibit and placed in storage.
    - ii. Following consultation, some collections may remain in the collection. Only after consultation with Tribes or NHOs can they be cleared to use in exhibitions. Additional restrictions may apply based on Tribe or NHO requests.
  - c. Research and Special Access accessibility
    - i. All objects undergoing the NAGPRA process will be removed from exhibit/view immediately and kept from the public. Only authorized parties from Tribes and NHOs may view these objects as part of the consultation process.
    - ii. Only access requests for consultation will be permitted for these objects. Any other requests will be denied with the following statement sent to inquirers:
      1. We regret to inform you that **[collection/object/document]** is not available for **[view/research/etc.]**. If this inquiry is regarding engaging in consultation as defined under the Native American Graves Protection and Repatriation Act of 1990, 25 USC 3001-13, please contact [Repatriation@thehenryford.org](mailto:Repatriation@thehenryford.org).
    - iii. Based on the outcome of consultation the objects might be made accessible in the future.
    - iv. No tours or Special Access will be permitted to view NAGPRA materials.
    - v. While care is being taken to group all potential NAGPRA-eligible material together, some materials may remain in other storage locations.
    - vi. The Special Access Coordinator must contact the NAGPRA Coordinator to ensure that no Special Access events will result in the NAGPRA eligible objects being viewed.
2. Additional restrictions:



- a. THF is cognizant of the fact that some hold beliefs that the image of a deceased person is no different than human remains. Being mindful of this belief, wherever possible these materials will be grouped together in a known, restricted area or marked with a red dot sticker. The locations of these materials will be maintained by the NAGPRA Coordinator and shared with department staff, including Special Access.
3. Spiritual
  - a. Access to materials ahead of repatriation and/or materials that remain in the collection shall be granted to spiritual and/or religious practitioners so that they may provide the care they deem necessary in order to properly care for these materials.
  - b. This access will be provided by the NAGPRA Coordinator, and a staff member will be present when care is administered. In the case of gender restrictions, appropriate staff members will be on hand.
  - c. Practitioners will be advised on best practices and while gloves will be available, they will not be required to be worn.
  - d. Offerings of live organic materials may be left during the ceremony but will be removed upon the materials returning to storage.
  - e. Smudging or other offerings requiring burning materials may not happen indoors in any building on campus, but can be done prior to, and after the ceremony outside. A candle may be lit during the ceremony, but must be contained within a votive, done under supervision by staff in a manner deemed safe, with both the candle and incendiary device removed after the ceremony has been completed.
4. Alternative use
  - a. If the Tribe of NHO does not accept the materials offered, alternative agreements can be reached. This will be done on a case-by-case basis and relevant forms developed to meet these needs will be attached as addendums to this document.

## Cultural Sensitivity

As part of a larger effort to be more inclusive and mindful, THF recognizes that there may be materials that should not or cannot be seen by certain individuals. While, for the most part, acknowledging the context the potential offensive material is from is sufficient, there are materials that need to be off view for the public or just specific groups. The following list is not exhaustive and will likely change as more stakeholders are engaged in consultation including consultation done as part of NAGPRA.

1. Documentation
  - a. When bringing existing records up to current standards, ensure that all fields are checked for potentially offensive language, and brought up to Inclusive and Reparative Description standards (section d.) if applicable. The exception being if the offensive language is an unavoidable part of the object and/or document being catalogued.
  - b. If the record has been previously photographed or scanned, ensure that all views of the object or document that would be available online are free from offensive language (besides anything that is unavoidable, as in the first example).

- c. If there are unavoidable slurs or offensive language present on the object or document, a sensitivity narrative will need to be written by a curator or associated curator and attached to the record for use online.
  - i. Sensitivity narratives are used to contextualize all depictions of ethnic or racial stereotypes, and otherwise offensive objects and documents.
- d. Inclusive and Reparative Description
  - i. To help combat and repair antiquated, othering, or otherwise offensive or inaccurate language used in cataloguing, the Inclusive and Reparative Description team was formed with representatives from Registrars and Archives & Library to meet and implement language improvements to be used in cataloguing and finding aids.
  - ii. This team is a long-term commitment to ensuring that language used in cataloguing and in finding aids continues to best reflect the people and subjects being described.
  - iii. If an identity's terminology needs improvement, it can be suggested to the team for the next rotation. The terminology that has been reviewed as part of this team is:
    - a) [Indigenous peoples \(Indians of North America\)](#)

2. Storage

- a. All materials, not just NAGPRA-eligible materials will be stored according to best practices for that particular item type.
- b. Where feasible and appropriate, all materials identified as potentially being subject to NAGPRA will be kept separate from the rest of the collection.
- c. Highly offensive or sensitive objects will be handled according to size and content. For materials that cannot be moved, Tyvek covers can be fashioned. Red dots will mark the shelving unit(s) or storage location(s) of objects that should not be seen while on tours. Other solutions, such as grouping objects in a centralized location, will be explored to minimize the impact on storage and Special Access.

3. Traditional Knowledge labels



a.

- b. For objects not repatriated, specific protocol may be enacted following consultation with Tribes and NHOs. The protocols adopted will serve to steward the materials in the best and most respectful way possible.
- c. These labels will be used in both documentation and storage.
  - i. In cataloguing, these labels will be placed in the multimedia tab.
  - ii. In storage, these labels will adhere to the outermost layer of the object (i.e. box, folder, or a tag if just placed on the shelf as-is), as well as at the beginning of the shelf or storage unit.