

# Native American Graves Protection and Repatriation Act (NAGPRA)

**Policy Owner:** President

**Effective date:** 03/01/26

**Approval date:** 03/01/26

**Schedule for Review:** Spring 2031

## Policy Summary:

The policy addresses NAGPRA compliance for Fort Lewis College (“the College”) in its entirety [25 U.S. Code Chapter 32, NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058); the NAGPRA Regulations (43 CFR Part 10); and all subsequent amendments and regulation updates].

## Policy Statement:

The Native American Graves Protection and Repatriation Act (NAGPRA), enacted on November 16, 1990, addresses the disposition and repatriation of certain Native American cultural items and ancestral remains (human remains) under the control of federally funded agencies and institutions (“museums”), as well as the ownership or control of cultural items and ancestral remains discovered on Federal or Tribal lands after November 16, 1990. The statute and regulations outline the rights and responsibilities of lineal descendants, federally recognized Native American Tribes (including Alaska Native villages), Native Hawaiian Organizations (NHOs), Federal agencies, and museums under the Act, and provide procedures for complying with NAGPRA. Depending on the category of cultural item in question and its cultural affiliation, NAGPRA provides lineal descendants, federally recognized Native American Tribes, and NHOs a process to transfer the cultural item to them.

Because the College receives Federal funding, it is legally a museum subject to NAGPRA and all its amendments, regulations, procedures, and processes. Compliance with NAGPRA is therefore the responsibility of the College as a whole under the leadership of the President. It is not the responsibility of any one academic department, school, or center of the College.

In addition, the College’s unique history as a Native American-serving institution compels it to proactively strive to go above and beyond the letter of the law in its compliance with NAGPRA in ways that entail attention to collaboration, social justice, reciprocity, equal exchanges, and public education. In other words, compliance with NAGPRA at the College entails respecting both the letter and the spirit of the law.

## Overview

Fort Lewis College is dedicated to the respectful and dignified treatment of Native American ancestral remains and the wishes of living descendants. The College adheres to NAGPRA statutes and Colorado state laws regarding Native American ancestral remains and associated funerary objects. Additionally, the College is committed to working collaboratively in consultation with lineal descendants, Native

American Tribes, and Native Hawaiian Organizations to identify, repatriate, and/or steward cultural items as defined under NAGPRA.

### **Specific Guidelines**

The NAGPRA statute addresses Native American ancestral remains, associated funerary objects, unassociated funerary objects, items of cultural patrimony, and sacred objects possessed or controlled by federal agencies and museums. It also addresses the inadvertent discovery of Native American remains and cultural items, illegal trafficking in Native American ancestral remains and cultural items, and repatriation of Native American ancestral remains and cultural items. In addition, the statute contains provisions regarding duty of care, civil penalties for non-compliance, competitive grants to assist with compliance, and the establishment of a National Review Committee.

### **Collection Acquisition**

The College will not intentionally collect or purchase cultural items identified as potentially eligible under NAGPRA.

### **Ongoing Compliance**

NAGPRA compliance is an ongoing process that the College may expect to address in perpetuity. The College will update federally reportable inventories of Native American ancestral remains and/or summaries of Native American cultural object collections when previously unrecognized NAGPRA cultural items and/or ancestral remains are identified in existing collections.

### **Deaccessioning and Transfer**

The College may need to deaccession and transfer collections of Native American cultural objects and ancestral remains that were officially acquired and curated at the Center of Southwest Studies (CSWS) and by the Department of Anthropology through: a) prior donation to the College or to the Fort Lewis College Foundation (“the Foundation”); or b) the archaeological permitting process. Deaccessioning or transferring collections from the College in the course of NAGPRA compliance requires final review and documented assent from the President of Fort Lewis College.

### **Duty of Care**

- **Storage, Treatment, and Handling:** The College shall consult with lineal descendants, Native American Tribes, or Native Hawaiian Organizations on, and make a reasonable and good faith effort to incorporate and accommodate Native American Traditional Knowledge in, the appropriate storage, treatment, and handling of ancestral remains and cultural items.
- **Access, Exhibition, and Research:** The College will seek the consent of lineal descendants, Native American Tribes, or Native Hawaiian Organizations prior to allowing access to, the exhibition of, or research on ancestral remains or cultural items. All requests should be made to the NAGPRA Coordinator, who will then consult as needed with officially designated representatives of the affiliated Tribe(s). Approved requests will be facilitated by the NAGPRA Coordinator, the Director of the Center of Southwest Studies, the Curator of Archaeological Collections (Anthropology), and/or the Curator of Osteological Collections (Anthropology), depending on the request.
- See the Fort Lewis College Duty of Care Protocol, which was developed in collaboration with Tribal consultants and FLC stakeholders, for more information. This protocol will be reviewed and updated as needed to ensure alignment with NAGPRA regulations, guidance from our Tribal partners, and best practices in cultural heritage stewardship.

### Claims

NAGPRA claims from Native American Tribes shall first be directed to the NAGPRA Coordinator as the designated FLC representative on NAGPRA projects. Claim requests will be processed in consultation with the appropriate FLC designated authorities and stakeholders. Communication, custody, and/or repatriation will proceed in accordance with regulatory procedures outlined in 43 CFR 10.9, 10.10, and 10.11, respectively.

### NAGPRA Compliance Governance

- **President:** Delegated State of Colorado authority to do business on behalf of the State with Native American Tribes. Responsible for overall oversight of NAGPRA compliance at Fort Lewis College and official government-to-government communication and the transfer of collections.
- **Vice President of Diversity Affairs:** Advisor to the President on matters related to diversity affairs. Oversees FLC Tribal Advisory Council. NAGPRA Coordinator will give reports to this group on NAGPRA progress as requested and will communicate with the Vice President about consultation projects and other relevant work as needed.
- **NAGPRA Coordinator:** Responsible for day-to-day NAGPRA activities at Fort Lewis College. This includes collections inventory, summary, communication, and consultation with Native American Tribes. Reports on NAGPRA to President and VP of Diversity Affairs; works closely with the Provost, Center of Southwest Studies Director, Curator of Archaeological Collections (Anthropology), and Curator of Osteological Collections (Anthropology). Point of contact for all internal and external inquiries about NAGPRA projects.
- **Provost:** Oversees Academic Affairs, including the Center of Southwest Studies and academic departments with NAGPRA collections.
- **Center of Southwest Studies Director:** Responsible for legal compliance at the Center and supports Center-specific NAGPRA work. Supervises and conducts annual review of the NAGPRA Coordinator.
- **Curator of Archaeological Collections (Anthropology Department):** Provides expertise on anthropological NAGPRA collections. Oversees NAGPRA procedures and protocols for FLC field schools.
- **Curator of Osteological Collections (Anthropology Department):** Represents Fort Lewis College on NAGPRA initiatives involving ancestral remains. Provides osteological expertise as needed.

### Responsibilities:

**For enforcement of the policy:** FLC NAGPRA Coordinator

**For oversight of the policy:** FLC President, Provost, and Vice President of Diversity Affairs

**For procedures for implementing policy:** FLC NAGPRA Coordinator, Center of Southwest Studies Director, Curator of Archaeological Collections (Anthropology Department), and Curator of Osteological Collections (Anthropology Department)

### Review and Revision History:

The original NAGPRA policy (dated March 26, 2018) was revised in 2026 with input from key stakeholders to align with updated federal NAGPRA regulations, evolving compliance requirements, and current best practices in consultation, stewardship, and repatriation.