**NAGPRA POLICY**

The purpose of this policy is to outline the steps that should be taken before any item that may be subject to the Native American Graves Protection and Repatriation Act, or NAGPRA, is brought to MTS. While our business is not directly affected by NAGPRA, the "Duty of Care" provision added in January of 2024 requires that institutions subject to NAGPRA consult with the appropriate tribal representatives about certain issues regarding items that should, or potentially should, be repatriated while those items are still under the institution's legal control. The issues that would require this consultation are:

* The appropriate storage, treatment, or handling of these items, including making reasonable and good faith accommodations to incorporate traditional knowledge in these practices.
* To obtain free, prior, and informed consent before exhibition of, access to, or research on these items occurs.

As our work exclusively revolves around issues of "storage, treatment, [and] handling" of artifacts, and since consent would need to be obtained before we could be allowed access to these items, this provision should be reflected in our work.

**INITIAL CONTACT - EMAIL**

The following are the steps to be followed when contacted via email regarding the conservation of any Native American artifact. Not every step needs to be followed for every client. Stopping points for different types of clients (private individuals, for example) are typed in **bold**:

1) Establish if the person reaching out works for an institution or is a private client. Often, this information is in the initial request sent to the Studio Manager or Studio Assistant. If not, whoever received the request must send a follow up email asking for this information (i.e. "Is this a personal item that you are looking to have assessed, or is this part of a larger collection? If it is part of a collection, what institution does it come from?") **If they are a private client, no other steps are necessary, and we can continue as with any other requests for conservation.** If they are a representative of an institution, continue to step 2.

2) Establish whether this institution is subject to NAGPRA. If they are a federal agency, they must comply with NAGPRA, with the exception of the Smithsonian, which is follows a separate federal regulation regarding this subject. If they are another type of institution, look for their name in this database: <https://apps.cr.nps.gov/nagprapublic/Home/Inventory>. Every institution receiving federal funding that is known to have or to once have had Native American artifacts in its collection should be on this list. Either scroll through the "Museum or Federal Agency" drop down menu or enter some or all of the institution's name into the "Search Inventory" bar. **If the institution is not in this database, no further steps are necessary; continue as with any other request for assessment.** If they are in this database, continue to step 3.

3) Once it has been determined that an institution is subject to NAGPRA, email the original contact regarding MTS' NAGPRA policy. If the institution has a designated NAGPRA contact, consider cc'ing them on this email as they will likely have the easiest access to the documentation needed for the following process. This information can be found in the following database: <https://apps.cr.nps.gov/nagprapublic/Home/Contact>.

Let them know that we have this policy in place based on the "Duty of Care" provision added to NAGPRA in January 2024. Tell them that we need confirmation that the appropriate tribal representatives have been contacted and that either it has been determined that these items do not need to be repatriated under NAGPRA or that the representatives have given approval for the item(s) to be moved and conservation work to be done.

a) If the answer is that the item(s) do not need to be repatriated:

While there are searchable public databases pertaining to items that will or have been repatriated, there is no such database for objects that have been determined to not need to be repatriated. We can search the Inventories, Summaries, and Notices databases (<https://www.nps.gov/subjects/nagpra/databases.htm>) to see if the institution in question has been working toward NAGPRA compliance, but this will only tell us what items are being evaluated, have been repatriated, or are in the process of being repatriated. As such, documentation will be required from the institution to confirm that the item(s) in question are not subject to repatriation under NAGPRA. The following are a list of acceptable documentation options for confirmation:

* copies of internal institution specific paperwork used for tracking NAGPRA related determinations
* copies of letters or memos from tribal representatives confirming that they do not want the item(s) to be repatriated
* emails from tribal representatives confirming that they do not want the item(s) to be repatriated
* copies of notes taken at face-to-face meetings where this subject was discussed that confirm the item(s) do not need to be repatriated

Paperwork used as confirmation not included on this list will be considered on a case-by-case basis.

**Once confirmation that this item does not need to be repatriated has been received, continue as with any other request for assessment.**

b) if the institution has received approval from tribal representatives for the items to be transported and conserved:

At this time, there is no standardized paperwork for verifying this information. Examples of documentation that can provide confirmation include the following:

* copies of internal institution specific paperwork used to confirm this approval
* copies of letters or memos from tribal representatives confirming their approval
* emails from tribal representatives confirming their approval
* copies of notes taken at face-to-face meetings where this subject was discussed that confirm their approval

Paperwork used as confirmation not included on this list will be considered on a case-by-case basis.

4) **If approval has been confirmed, continue as with any other request for assessment.** Be mindful that there may be steps that need to be followed and conditions that need to be met outside of our normal practice based on information received by the institution from the tribal representatives. All efforts should be made to accommodate these stipulations, unless they are impossible or functionally impractical in our workspaces. In these cases, we should explain the situation to the client, and, if the stipulation is mandatory, politely decline the project. NOTE: some Native American artifacts should not be handled by women. While this information will likely be a part of the stipulations from tribal representatives, consider mentioning that MTS is staffed solely by women at this stage in the process in case it is an issue.

**OR**

If approval cannot be confirmed, explain to the client that we cannot move forward with a project like theirs without confirmation. Let them know we will be happy to discuss this project with them once they have consulted with the appropriate tribal representatives and have received their approval. If they have not heard of this new provision, feel free to direct them to the NAGPRA site concerned with this issue: <https://www.nps.gov/subjects/nagpra/upload/Duty-of-Care-FAQ.pdf>. **If the institution refuses to take the consultation step outlined in the "Duty of Care" provision, politely decline the project** and consider reporting the institution to the proper authorities (https://www.nps.gov/orgs/1335/contactus.htm).

**INITIAL CONTACT - PHONE CALL or FACE-TO-FACE MEETING**

The steps are basically the same for this process as for email requests. The main difference is that whoever is approached about assessing the items for conservation will need to broach the subject of our NAGPRA policy during the initial conversation rather than after researching the institution in the NAGPRA database. Nothing needs to be done if the item is being brought in by a private client. If the person represents an institution, mention that MTS has a policy for working with Native American textiles that relates to the Duty of Care provision of the NAGPRA regulations. Feel free to give them a copy of this policy, either via email or in printed form. Tell them we need to establish whether their institution is subject to NAGPRA, and, if it is, whether they have received consent from the appropriate tribal representatives for the item(s) in question to be conserved before moving on with their project. After this, proceed with the steps outlined above.

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