

Reason for Policy

To guide the institution's procedures and practices regarding the custody and repatriation of human remains.

Entities Affected by this Policy

University of Oregon faculty, staff, officers of administration, and students.

Web Site Address for this Policy

[Provided by Office of the University Secretary after policy is posted online]

Responsible Office

The Office of the Vice President for Research & Innovation has responsibility for monitoring and recommending changes to this policy in consultation with University Audit, General Counsel, and Strategic Enterprise Risk Management and Compliance.

This policy will be subject to review on a regular basis or as needed to ensure its effectiveness and alignment with evolving legal frameworks, ethical standards, and best practices regarding the repatriation of human remains. Amendments may be made as necessary, with meaningful input from impacted communities and relevant stakeholders.

For questions about this policy, please contact the office of the Vice President for Research and Innovation at vpri@uoregon.edu or 541-346-2090.

Enactment & Revision History

Day-Month-Year – [text]

Policy

Policy Statement:

The University of Oregon is committed to fostering respectful and ethical practices regarding human remains within its academic and research activities, and in conformance with federal and state laws, international conventions and treaties. Recognizing the importance of repatriation of human remains, this policy emphasizes the responsible custody and, as

appropriate and possible, the return of human remains to their respective communities. The University of Oregon honors the spiritual, cultural, and ancestral rights of all peoples, ensuring their voices and perspectives are respected and integrated into the custody and repatriation of human remains. By acknowledging and respecting the rights, beliefs, and cultural practices of all peoples, the University strives to contribute to healing, reconciliation, and the preservation of humanity's shared heritage for future generations.

Definitions:

a) Human Remains:

Refers to any whole or parts of human individuals that are in physical custody of the University of Oregon and/or for which the University of Oregon is responsible. This may include but is not limited to bones, teeth, hair, or tissue. In the event that there is ambiguity as to what constitutes Human Remains in University of Oregon custody, the Human Remains Review Committee will be consulted.

b) Consent:

The agreement by an individual, tribe, government, or organization with the authority to make such an agreement, made with the full knowledge of the circumstances surrounding, the risks involved and the alternatives relevant to the human remains. For purposes of this policy, the authority to provide consent rests with a direct lineal descendant of the human remains or the Tribal Nations or other governments or culturally affiliated communities or organizations associated with the human remains subject to their own customary decision-making structures.

Guiding Principles:

a) Respect for Human Rights and Ethical Responsibility:

University of Oregon recognizes and respects the inherent rights of all peoples to self-determination, cultural heritage, and ancestral remains, and commits to following federal and state laws, international conventions and treaties. The Native American Graves Protection and Repatriation Act¹ (NAGPRA) is one of the cornerstones of this work. The scope of the University of Oregon's policy encompasses any human remains that are in physical custody of the University of Oregon and/or for which the University of Oregon is responsible, including but not limited to those covered by NAGPRA.

University of Oregon upholds the ethical responsibility to handle human remains with dignity, compassion, and sensitivity, acknowledging that they represent the lives, identities, and

spiritual beliefs of individuals and communities. All interactions concerning acquisitions or past acquisitions must be inclusive of stakeholders and be carried out with mutually respectful dialogue.

b) Commitment to Research with Consent:

The American Association of Biological Anthropologists (AABA) Code of Ethics² states that when doing research all biological anthropologists have an ethical obligation to consult actively with individuals or groups with whom they are doing research. The goal of this consultation is to establish a working relationship that can be beneficial to all parties. The American Journal of Biological Anthropology³ Editorial Board therefore expects any researcher working with human remains associated with descendant communities to adhere to this obligation and engage in community consultation where appropriate or possible.

Research that involves human remains associated with descendant communities should be accompanied by a statement identifying the method and time of community consultation, institutional permissions granted, legal status, and, where possible, permission of affiliated communities to conduct the research and publish the findings. While it may not be possible or relevant to obtain these permissions in some cases – for example, in regions of the world where descendant groups are unable to be identified – when a permission statement is not feasible, authors are expected to provide a statement of why consultation is not feasible.

c) Commitment to Evolving Best Practices:

University of Oregon commits to following applicable federal and state laws, international conventions and treaties. University of Oregon will continue to engage in local, national, and international discussions as appropriate. As legal and ethical norms evolve, so will policy and process to ensure that best practice standards continue to be employed. It is the University's expectation that units will provide discipline-specific training to this end.

d) Collaborative Engagement:

Any acquisition or past acquisition that may be the subject of a dispute or concern should be subject to review by the University of Oregon. This includes ensuring that best practice standards, including engagement with diverse stakeholders, are applied. University of Oregon is committed to engaging in consultation, and collaboration with communities and their representatives, fostering trust, mutual understanding, and shared decision-making throughout the process.

e) Commitment to Repatriation:

The University of Oregon prioritizes the repatriation of human remains, as appropriate. Where repatriation is determined to be appropriate and possible, University of Oregon will make

attempts, within reason, to seek the potential for shared stewardship or the return of human remains to individual descendants or generally recognized claimant communities.

University of Oregon will actively engage in educational initiatives, awareness campaigns, and ongoing dialogue to promote understanding, respect, and cooperation regarding repatriation issues within the academic community and broader society.

f) Preservation of Knowledge:

The University of Oregon recognizes the importance of preserving knowledge, research, and educational opportunities. However, consistent with applicable federal and state laws, international conventions and treaties, and ethical best practices, the University of Oregon also acknowledges that such preservation should be balanced with the rights and wishes of communities and the well-being of their members. Ethical and respectful use of collections must be carried out with mutually respectful dialogue.

Repatriation Process:

a) Identification and Documentation:

University of Oregon will undertake efforts, where appropriate and possible, to identify and document human remains in physical custody of the University of Oregon and/or for which the University of Oregon is responsible, including relevant information such as cultural affiliation and provenance.

Under the aegis of OVPRI, and in accordance with federal and state laws, international conventions and treaties, the University of Oregon will support a process through which communities or their designated representatives may submit formal repatriation requests to University of Oregon. The University will undertake timely review of such requests, recognizing the importance of returning human remains to their rightful custodians.

b) Review:

Under leadership of the Vice President for Research & Innovation (VPRI), the Office of the Vice President for Research & Innovation convenes a standing committee, called the Human Remains Review Committee, to consider circumstances of potential repatriation for human remains that are not addressed through another existing process (e.g. as mandated through NAGPRA). The Review Committee will conduct a process to consider the particular situation, evaluating potential repatriation situations based on legal obligations, ethical considerations, cultural and historical context, and the best interests of impacted communities.

Recommendations will be made collaboratively, aiming to reach mutually agreeable solutions

and honoring the wishes and spiritual beliefs of the communities involved. The Review Committee will make non-binding recommendations to the VPRI.

c) Notification, Consultation and Repatriation Requests:

Upon the recommendation of the Human Remains Review Committee, the University of Oregon OVPRI or designated unit will work to notify potentially affected communities, relevant tribal or cultural authorities, and appropriate government agencies. This notification will initiate a process of consultation, providing opportunities for communities to share their perspectives, express their wishes, and participate in decision-making.

d) Timely Repatriation:

Where repatriation is determined to be appropriate, University of Oregon, through the responsible units, will make every reasonable effort to facilitate the timely repatriation of human remains. This may involve coordinating logistics, as determined mutually between the University of Oregon and the stakeholders. In the event of unrepatriable items, the Human Remains Review Committee will make a recommendation based on the principles above.

Confidentiality and Privacy:

a) Respect of Confidentiality

To the fullest extent permitted by law, the University of Oregon will respect the confidentiality and privacy of information obtained during this process, ensuring that sensitive details related to individuals, families, and communities are appropriately protected.

b) Public Communication

Public communication regarding repatriation efforts will be conducted with the utmost sensitivity and respect for the wishes of impacted individuals and communities, recognizing that publicizing certain information may cause distress or harm.

Public requests for information will follow the requirements of Oregon's Public Records Law and the University of Oregon's public records request process⁴.

Implementation:

The university administration, through OVPRI, will charge units with the responsibility to integrate these principles into policies, plans, programs, procedures, and practices.

Units have the responsibility to keep proper records for any new incoming and outgoing remains, ensuring proper permissions and following the federal and state laws, international conventions and treaties at that time. Units will be required to report to the central database, maintained by OVPRI, every two years.

Related Resources

¹ Native American Graves Protection and Repatriation Act

(<https://www.nps.gov/subjects/nagpra/index.htm>)

² American Association of Biological Anthropologists (AABA) Code of Ethics

(<https://bioanth.org/about/committees/ethics/>)

³ American Journal of Biological Anthropology (<https://bioanth.org/>)

⁴ University of Oregon's public records request process (<https://publicrecords.uoregon.edu/>)