

POLICY CONCEPTS: INSTRUCTIONS AND GUIDELINES

All policy proposals – including new policy concepts, proposed revisions, or suggested repeals – must be submitted via the form on page 2 to the Office of the University Secretary with appropriate supporting information and documents. Completed submissions are forwarded to the University Senate (academic policies) or the President’s Policy Advisory Council (PAC), which ensures proper routing through the policy-making process. (See UO Policy I.03.01 for more information.)

Please keep the following definition of a university policy in mind as you develop your concept:

A University Policy (“Policy”) is a policy that (1) has broad application or impact throughout the University community, (2) must be implemented to ensure compliance with state or federal law, (3) is necessary to enhance the University’s mission, to ensure institutional consistency and operational efficiency, or to mitigate institutional risks; or (4) is otherwise designated by the Board [of Trustees] or the President [of the University] as a University Policy.

A policy establishes rights, requirements or responsibilities. Excluded from this definition are things such as, but not limited to, implementation guides, operating guidelines, internal procedures, and similar management controls and tools.

To help facilitate as smooth a process as possible, please consider the following:

1. Consult as many stakeholders as possible *prior to submitting* your concept. A primary role for the PAC is to ensure that appropriate offices, departments or groups are consulted.
2. Run your concept by the Office of General Counsel (OGC) *prior to submission*. OGC review is a required step in policy-making.
3. Please use the proper template – email uopolicy@uoregon.edu to obtain either (a) the new policy template (new proposals) or (b) the Word version of the existing policy in its proper template (for redlines/revisions).
4. A “redlined” version of your concept in Word is required for proposed revisions. This must be done using the appropriate Word version (see #3, above).
5. Include any appropriate related resources that will be useful to those reviewing the concept. Links are preferred, but supplemental documents are of course acceptable for items not online. Examples of such items include any associated procedures or unit level policies (even if in draft form), or other policies or procedures related to, overridden by, necessary as a result of, or otherwise affiliated with your concept;
6. Please submit all documents as individual files.
7. Someone from the responsible office or proposing unit will need to attend a PAC meeting to explain the concept and answer any questions.

Please email uopolicy@uoregon.edu if you have any questions. Thank you!

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Anna Shamble, Chief of Staff, Office of the VP for Research & Innovation
Policy Title & # (if applicable):	Human Remains Policy
Submitted on Behalf Of:	Office of the Vice President for Research & Innovation
Responsible Executive Officer:	Anshuman Razdan, Vice President for Research & Innovation

SELECT ONE: **New Policy** **Revision** **Repeal**

Click the box to select

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**

If yes, which attorney(s): Carson Campbell

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

This proposed policy was created with the intent of guiding the institution's procedures and practices regarding the custody and repatriation of human remains.

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

Native American Graves Protection and Repatriation Act

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

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

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

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

STATEMENT OF NEED

What does this concept accomplish and why is it necessary?

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. This policy aims to honor 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.

AFFECTED PARTIES

Who is impacted by this change, and how?

The proposed policy has outlines expectations for the treatment of 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. It may impact faculty, staff, and collections (and by extension the students) involved in the study of human remains, as well as personnel and visitors involved with on-campus museums. Potentially affected units include but are not limited to the Museum of Natural and Cultural History, the Department of Anthropology, and the Department of Human Physiology.

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

Name	Office	Date
Jason Younker	Assoc VP & Advisor to the President	2/23/24
Jason Younker	Representing Native American Advisory Council	7/1/24
Allison Blade	Office of the Provost	9/23/24
Frances White	Department of Anthropology	2/23/24
Stephen Frost	Department of Anthropology	2/23/24
Jon Runyeon	Department of Human Physiology	2/23/24
Todd Braje	Museum of Natural and Cultural History	2/23/24
Carson Campbell	Office of the General Counsel	2/23/24 & 9/30/24
Anshuman Razdan	Vice President for Research and Innovation	2/23/24
Torben Rick	(External) Smithsonian National Museum of Natural History	2/23/24
William Farquhar	(External) University of Delaware	2/23/24

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

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. This policy aims to honor 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.

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.

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 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 possible, 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.

Conclusion:

University of Oregon is committed to upholding this Human Remains Policy, placing a significant emphasis on the 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 humanities shared heritage for future generations.

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.

Review:

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 every five years 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.

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/>)

Human Remains Review Committee Charge

The Human Remains Review Committee (HRRC) was initiated in Fall 2024. The goal of this committee is to provide informed, interdisciplinary consultation when human remains are identified as candidates for possible repatriation. The HRRC's mission is to inform and guide the Office of the Vice President for Research and Innovation (OVPRI) on federal and state laws, international conventions, treaties and best practices with regard to repatriation and the ethical treatment of human remains. The scope of this committee encompasses any human remains that physically reside at the University of Oregon and/or for which the University of Oregon is responsible, including but not limited to those covered by the Native American Graves Protection and Repatriation Act unless addressed through a separate process.

Appointed by the VPRI, the membership of the Human Remains Review Committee is on a two-year basis and should reflect units that have responsibility for human remains at the institution. This committee will be chaired by the designee from the Office of the Vice President for Research & Innovation. Standing members include representatives from Office of the General Counsel and a Presidential designee such as the Assistant Vice President, Advisor to the President on Sovereignty and Government-to-Government Relations. Membership will also include a representative from the departments of Anthropology, Human Physiology, and from the Museum of Natural and Cultural History. Additional members may be added if deemed relevant by the VPRI, based on context of issue. The committee will meet at least once during each academic year, and as needed for consultation on potential repatriation.