

UNIVERSITY POLICY FOR GENERAL ADMINISTRATION

Policy No. UPGA-8

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA) POLICY

1 General Information.

- 1.1 Scope: This policy provides for the ~~collection, storage, inventory, care, and~~ repatriation/~~disposition~~ of Native American ~~human~~ remains and ~~specified objects, cultural items~~ in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA or the Act). This policy was revised and updated in August 2025 to address updates to federal regulations (43 CFR Part 10) in January 2024.
- 1.2 Authority: W. Va. Code §18B-1-6; 25 U.S.C. 3001, *et. seq.*
- 1.3 Passage Date: October 25, 2018
- 1.4 Effective Date: November 26, 2018
- 1.5 History: This policy implements the guidelines for compliance with NAGPRA

2 “Policy” It is Marshall University’s intent and policy to comply with NAGPRA and all its regulations, and relevant state laws and regulations regarding Native American human remains and cultural items.

- 2.1 Marshall University (hereafter Marshall) is a “museum” as defined by NAGPRA.
- 2.2 Marshall’s NAGPRA policy is precisely that of NAGPRA and of the regulations for its implementation.
- 2.3 Marshall will not intentionally collect Native American human remains or cultural items specified under NAGPRA without full documentation of compliance with the Act and with relevant state laws.
- 2.4 Native American human remains and cultural items specified under the Act that are included in gifts, donations, bequests, or acquired as federally confiscated property, or in any other legal manner, will be accessioned and held in trust by Marshall and their disposition will be determined by procedures and processes specified in NAGPRA and relevant state laws, regulations and Marshall’s Administrative Procedures. Remains and objects will be deaccessioned in accordance with Marshall’s Administrative Procedures.
- 2.5 Any items potentially covered by NAGPRA that are acquired by Marshall after the date that this policy revision is accepted will be reported to the appropriate Indian tribe(s) and Native Hawaiian organizations.

2.6 Marshall shall develop administrative procedures to implement this policy.

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2.62.7 Marshall will follow duty of care procedures as defined under NAGPRA to care for, safeguard, and preserve any human remains or cultural items in its custody, possession, or control. This includes consulting with lineal descendants, Indian Tribes, or Native Hawaiian organizations on the appropriate storage, treatment, and handling of human remains or cultural items; making a good faith effort for incorporating and accommodating the traditional knowledge of descendants in the storage, treatment, and handling of human remains and cultural items; and obtaining free, prior, and informed consent

from lineal descendants, Indian Tribes, or Native Hawaiian organizations prior to any exhibition of, access to, or research on human remains or cultural items.