



The Valentine Museum NAGPRA Procedure Manual





The Valentine

Position Statement

From the The Native American Graves Protection and Repatriation Act (NAGPRA), Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048:

"The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990, to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony."

The Valentine is committed to ensuring our complete compliance with NAGPRA guidelines and requirements while also engaging with tribal leadership, members of the community and other institutions to create a thoughtful, open process.

Outlined within the Valentine's mission is a commitment to use Richmond's past to inform our community's present and shape its future. Efforts to fulfill this commitment often lead to uncomfortable but important conversations about where we have been, where we are and where we hope to be. If we are committed to telling the nuanced story of the city we call home, we must also be willing to share a more complete history of the original Valentine collection, which, like many museum collections in the late-19th century, had its origins in ethnographic items removed from native burial mounds.

In the Valentine's case, items were removed from sacred sites in Virginia and the Carolinas from the 1870s through the 1900s.

We must recognize our founders' role in the excavation of Native American cultural material and the responsibility we have to serve the affected populations and redress the cultural consequences of these excavations. In accordance with our mission, we hope to use our understanding of the museum's own history to guide the development of a transparent, respectful process that complies with both the legal requirements and spirit of NAGPRA in the 21st century.

Please contact the Registrar, Rachel Asbury Cole at 804-649-0711 ext. 329 or rasburycole@thevalentine.org for any questions or to request a consultation at the Valentine.





Valentine Museum

NAGPRA Access, Use, and Exhibition

Procedure

The mission of the Valentine is to engage, educate, and challenge a diverse audience by collecting, preserving, and interpreting Richmond's history. To realize this, the museum cares for the collection according to best practices, makes available the collection for examination and study, and supports education through exhibition and loans. Through its collections, exhibitions and programs it reflects and interprets the broad issues and diverse communities that define the history of Richmond and its surrounding counties.

The Valentine is committed to ensuring our complete compliance with Native American Graves Protection and Repatriation Act (NAGPRA) guidelines and requirements while endeavoring to fully realize the spirit of the law in the 21st century. The Valentine recognizes the unique nature of NAGPRA-eligible collections and strives to balance its collections access, use and exhibition accordingly. This policy applies to all NAGPRA-eligible human remains, funerary objects, sacred objects and objects of cultural patrimony in the museum collection regardless of cultural affiliation. Collection material with unknown NAGPRA eligibility are governed by the Valentine Museum's general collections management policy.

Access to NAGPRA-eligible collections

Valentine Museum staff access to NAGPRA-eligible collections

As a part of professional curation, museum collections staff will conduct routine and essential collection management activities per museum best practices until such a time as cultural affiliation is established. These activities can include documenting, rehousing, condition monitoring, and preventive conservation when necessary to ensure the stability and preservation of objects and collections. As part of its compliance efforts, museum staff will also conduct inventory of collections, which may involve consultation with tribal members, other museum curators, and scholars who possess the specialized knowledge or training needed to provide accurate identifications or determine cultural affiliation.

For NAGPRA-eligible collections that are culturally affiliated, but have yet to be requested for repatriation, the Valentine Museum will honor the expressed wishes of the lineal descendant(s) and/or culturally affiliated tribal officials and traditional religious leaders for collections management procedures to the best of its ability and so long as those procedures do not endanger the museum collection or restrict collections staff from a basic level of access.

In the event that inadvertent access to NAGPRA-eligible objects and collections occur as a result of the normal collection management activities or research activities on other, unrelated, collections, the relevant curator and registrar should be notified of the discovery as soon as possible, and the items placed in a safe, secure location.

This policy should not be construed as precluding museum or emergency personnel access to NAGPRA-related objects and collections in the case of an emergency (e.g., fire, flood, etc.) that places the objects, collections, and/or associated records at risk of serious harm.

Tribal affiliate access to NAGPRA-eligible collections

The Valentine Museum recognizes the importance of religious and ceremonial activities and will coordinate access to culturally affiliated material for lineal descendant(s) and/or culturally affiliated tribal officials and traditional religious leaders for such purposes. Certain religious and ceremonial activities, such as those that include smudging or placement of offerings, will need to be balanced with the museum's obligation to protect all of its collections from the potential harm of pest infestations or other damage that may be introduced into a collections area. The Valentine Museum is committed to honoring the importance of these ceremonies and working with lineal descendant(s) and/or culturally affiliated tribal officials and traditional religious leaders to fulfill the needs of all parties.





Use of NAGPRA-eligible collections

In order to establish cultural affiliation, museum staff may consult with outside parties to conduct non-destructive research such as visual inspections and documentary reviews for the purposes of identification. Any research involving techniques that go beyond the bounds of non-destructive analysis will not be considered to determine cultural affiliation.

Physical access for research purposes to culturally affiliated human remains, funerary objects, sacred objects and objects of cultural patrimony is prohibited without the expressed written consent of the affiliated tribal governing authority. In the event that written consent is obtained, the requestor(s) must submit a written proposal requesting access to, or the use of, particular object(s) or collection(s). Currently, research access to images and catalog information of culturally affiliated material is allowed but restricted to on site appointments only. Publication or reproduction of images, and catalog information, is prohibited.

Physical access for research purposes to culturally un-affiliated human remains is prohibited except in consultation with tribal members, other museum curators, and scholars who possess the specialized knowledge or training needed to provide accurate identifications or determine cultural affiliation. Currently, research access to images and catalog information of culturally un-affiliated material is allowed but restricted to on site appointments only. Publication or reproduction of images and catalog information is prohibited.

All researchers must follow Valentine Museum research request procedures. The museum reserves the right to restrict research access to any images and/or catalog information for NAGPRA-eligible material on a case-by-case basis or at the request of affiliated tribes or tribes under consultation.

All research proposals must have a sound research design, reasonable goals, appropriate methods, and promise to make a significant contribution to a body of scholarship or knowledge.

Image management and requests for NAGPRA-eligible collections

Valentine Museum collection staff may take documentary digital photographs of human remains or cultural objects during the course of identification, NAGPRA inventory compliance, standard collections management, or NAGPRA consultation efforts. The museum will consult with lineal descendant(s) and/or culturally affiliated tribal officials and traditional religious leaders on a case-by-case basis regarding the appropriateness and preferred strategies for using digital photographs, live/recorded video, or other media as part of a consultation.

Images of culturally-affiliated human remains, funerary objects, sacred objects and objects of cultural patrimony created to help facilitate the processes of identification, management, and/or consultation will remain under strict control and will not disseminated or published. This will help limit access to these images until such time as affiliated tribes request restriction, they are filed, deleted/destroyed, or turned over to the lineal descendants or tribal officials during the repatriation process.

Loan of NAGPRA-eligible collections

Loans of culturally affiliated NAGPRA-eligible human remains, funerary objects, sacred objects and objects of cultural patrimony is prohibited except with the expressed written consent of the governing tribal authority and only to museums or educational, cultural, or scientific institutions who are obliged to comply with NAGPRA law and regulations. The museum will collaborate with said affiliated tribes for short-term loans of human remains, funerary objects, sacred objects and objects of cultural patrimony for use in ceremonies or for exhibition in facilities or settings that the governing authority and traditional religious leaders approve and endorse in writing.





Loans of culturally un-affiliated NAGPRA-eligible material is prohibited except in consultation with tribal members, other museum curators, and scholars who possess the specialized knowledge or training needed to provide accurate identifications or determine cultural affiliation.

Exhibition of NAGPRA-Eligible collections

Exhibition of human remains

The Valentine Museum will not display culturally affiliated or unaffiliated NAGPRA-eligible human skeletal remains or images thereof.

Exhibition of funerary objects, sacred objects and objects of cultural patrimony

The Valentine Museum will not display culturally affiliated or unaffiliated NAGPRA-eligible funerary objects, sacred objects and objects of cultural patrimony. However, the museum recognizes that lineal descendant(s) and/or culturally affiliated tribal officials may have an interest in sharing such objects with their communities and the larger public. In such circumstances, the museum will collaborate with lineal descendant(s) and/or culturally affiliated tribal officials in the development of Co-Curation Agreements, which will address proper and respectful handling, and display protocols.





The Valentine Museum

NAGPRA Requests for Information and Consultation

Procedure

The Valentine Museum is committed to ensuring our complete compliance with NAGPRA guidelines and requirements while also engaging with tribal leadership, members of the community and other institutions to create a thoughtful, open process.

The Valentine Museum registrar will provide summaries or inventories regarding any object, collection, or portion of a collection with lineal descendants, Indian tribes/groups or Native Hawaiian organizations. As an exercise in due diligence, the Valentine Museum will repeat the process of disseminating information to solicit consultations at least every two years and will highlight any new or updated data.

Requests for Information

Upon request from lineal descendants, Indian tribes/groups or Native Hawaiian organizations, the Valentine Museum will provide access to existing records, catalogs, or other pertinent data for the sole purpose of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of objects covered by a summary or inventory.

All requests for information should be directed or forwarded to the Registrar, who will coordinate communication efforts and negotiate access to this information in a reasonable manner agreed to by all parties. Information will be photocopied and mailed or emailed when feasible and appropriate. Otherwise, an in-person or "virtual consultation" (i.e., live video conference (e.g., Skype), teleconference, etc.) visit will be arranged.

Requests for Consultation

Under NAGPRA, federally recognized Indian tribes are distinguished from non-federally recognized groups. The Valentine Museum is required to conduct consultations with federally recognized Indian tribes for the purposes of repatriation or disposition. However, federal regulations neither require nor prohibit consultation with non-federally recognized groups.

The museum recognizes the right of all native peoples, including non-federally recognized groups, to make inquiries about possible cultural relationships to objects in its collection, to visit the collection, and to study them under normal museum procedures. The museum recognizes that the participation of such groups may lend a different and vital perspective to the future understanding of scholars and others studying the collections, and that such participation may assist Native Americans and Native Hawaiians in enriching their own cultural knowledge.

The Valentine Museum will strive to cultivate these relationships with non-federally recognized groups; however, within the framework of NAGPRA and its implementing regulations, federally recognized tribes are given legal primacy. Non-federally recognized groups seeking repatriation or disposition of objects, collections, or portions of collections are required by law to proceed according to a special set of procedures in which the Valentine Museum will participate to the extent permissible under law.

For the purposes of consultation, any lineal descendants, Indian tribes/groups or Native Hawaiian organizations interested in consulting on a particular object, collection, or portion of a collection must complete the Valentine Museum's NAGPRA Consultation Visit Request Form and submit it to the Registrar no later than three weeks before the desired consultation date to allow sufficient time for consultation preparations.

Upon receipt, the Registrar will coordinate consultation arrangements between the Museum's staff and the representatives requesting consultation. This coordination process will be carried out in writing, via email or by telephone, and will culminate, ideally, in a face-to-face consultation or, by mutual agreement, a "virtual consultation."





In the event of multiple requests to consult on the same summaries or inventories regarding any object, collection, or portion of a collection, all lineal descendants, Indian tribes/groups, and Native Hawaiian organizations requesting consultations will be given an opportunity to schedule and conduct their desired consultations. The Valentine Museum will work with the appointed representative to make sure that these requests for consultation are completed in a timely manner.

In the event that there are lineal descendants, Indian tribes/groups, and Native Hawaiian organizations that have not responded to the Valentine Museum's attempt(s) to initiate consultation with them, the Valentine Museum will proceed with drafting and publishing a notice of intent to repatriate or notice of inventory completion (leading to a disposition), as appropriate, once all requested consultations have been completed. Lineal descendants and those Indian tribes/groups and Native Hawaiian organizations with standing that have neither requested nor received a consultation will still be kept apprised of the repatriation or disposition process as it evolves so that they may exercise their rights accordingly.

As the repatriation or disposition process moves forward, any lineal descendants or Indian tribes/groups and Native Hawaiian organizations with standing can still request a consultation. Requests for consultation will be honored until the federally assigned deadline is reached on a notice of intent to repatriate or notice of inventory completion.

The Consultation Process

The Museum Director will oversee the entire consultation process and the Registrar will moderate the consultations and assist the lineal descendants or Indian tribe/group officials reviewing the collections. The consultation visit may also include Curators and other staff members as appropriate.

The Registrar will secure a note taker to record the minutes of the consultation. Following a consultation visit, the Registrar will review and file the minutes as part of the museum's NAGPRA records. A copy will also be provided to the lineal descendants or Indian tribe/group officials involved in the consultation. In the event of multiple requests to consult on the same summaries or inventories regarding any object, collection, or portion of a collection, a copy of the minutes will be made available to all parties involved.





NAGPRA CONSULTATION VISIT REQUEST FORM

We request the following information to prepare for your visit and make it as efficient and productive as possible. Please return this completed form to the Valentine Museum at least three (3) weeks prior to your visit. If you need more space, please attach additional sheets to this form. Thank you.

Name of tribe: _____

Date(s) requesting to visit (Please supply at least three alternatives):

Time of arrival to the museum (after 9am): _____

Name of tribal contact, address, email, and phone number:

Please list the names and titles of each representative who will visit:

What collections do you wish to view? Please be specific as possible - i.e., archaeological site name/number, type of collection (example: objects related to the Hopi), mound name, geographic site or specific catalog numbers.



What are your priorities in viewing the collections? (e.g., viewing human remains, funerary objects/artifacts, cultural objects, review of documentation, etc.)

Are there any special considerations we should take into account when planning your consultation? (e.g., religious/ceremonial accommodations, private meeting space, logistical assistance, technical needs, etc.)

Is handicapped access necessary? Yes No

Do you need directions to the museum? Yes No

For parking at the Valentine (to view collections), a space must be reserved for each individual car. How many parking spaces will your visiting party require? _____

Please return this form by email to rasburycole@thevalentine.org or by mail to:

Rachel Asbury Cole | Collections Project Manager/Registrar
The Valentine
1015 E Clay Street
Richmond, VA 23219

For questions, please contact Rachel Asbury Cole at (804) 649-0711 x329

