



NATIVE AMERICAN HERITAGE COMMISSION

January 19, 2024

To: Commissioners, Native American Heritage Commission
From: Mario Pallari, Staff Counsel
Re: Summary: State Auditor's Report on California State University System's Repatriation Compliance

I. SUMMARY OF STATE AUDITOR'S REPORT

On June 29, 2023, the State Auditor completed his audit report evaluating the CSU system's compliance with federal and state NAGPRA laws. The auditor surveyed all 23 campuses and conducted 4 on-site reviews at the campuses with the largest collections (Chico State, Sacramento State, San Diego State, and San Jose State Universities). Of the 21 campuses with Native American collections, the audit found the following:

- The CSU system has “historically had hundreds of thousands of remains and cultural items subject to NAGPRA ” and CalNAGPRA.
- More than ½ have not repatriated any remains or cultural items to tribes.
- Only 1 campus has returned the majority of its NAGPRA/CalNAGPRA collection to tribes.
- More than ½ do not even know the extent of their collections having not completed inventory processes. “Campuses reported a lack of prioritization and dedicated funding for NAGPRA as the main reasons they have not completed their reviews of their collections.”
- Only 6% of reported collections have been repatriated.
- At least 6 campuses failed to comply with CalNAGPRA's consultation requirements in reviewing their collections and 4 campuses simply failed to submit inventories by the required 2022 deadline.
- 10 campuses “reported that they lack the funding necessary to comply with NAGPRA and CalNAGPRA and that they have not historically prioritized ensuring that they obtain needed funding.”
- Only 11 campuses (out of 21 with NAGPRA collections) had any sort of NAGPRA/CalNAGPRA committee overseeing the process.
- The majority of campuses with collections failed to employ full-time coordinators and at least 1 coordinator (Bakersfield) “acknowledged that she does not have any experience with NAGPRA or CalNAGPRA and that she serves as the campus chief diversity officer and special assistant to the campus's president.” “Sonoma's repatriation coordinator is also a staff archaeologist for the campus's Anthropological Studies Center and manages the campus's anthropology collections.”
- “The Chancellor's Office has not provided the guidance and oversight necessary for campuses to comply with NAGPRA and CalNAGPRA. For example, it has not issued a systemwide policy to provide guidance to campuses, nor has it ensured that campuses prioritize funding for their repatriation activity.”

- The Chancellor’s office “has delegated accountability and oversight of NAGPRA and CalNAGPRA activities to the individual campuses, contributing to the CSU campuses making little progress in returning its collections to tribes.”
- “Although the Chancellor’s Office is responsible for overseeing the CSU’s academic and administrative responsibilities, it has not issued a systemwide policy to guide campuses’ repatriation activities. It is only now in the very early stages of planning to develop a policy.”
- “The Chancellor’s Office has taken little action to ensure that campuses have prioritized providing adequate funding to repatriate their collections. It also has not provided dedicated funding to campuses for NAGPRA efforts, even when campuses have asked for it.”
- “In addition to lacking a strong administrative structure, the Chancellor’s Office currently has no mechanisms for overseeing campuses’ repatriation activity.”
- At least 2 campuses that did repatriate collections failed to follow NAGPRA in doing so.
- “[B]ecause campuses have not prioritized compliance with NAGPRA and CalNAGPRA, the campuses generally lack the policies, funding, and staffing necessary to follow the law and successfully repatriate their collections.”
- None of the 4 campuses subject to onsite audits had a comprehensive policy for repatriation but relied upon informal draft policies or departmental policies.
- Of the campuses surveyed with repatriation policies, only 1 (San Jose) sought tribal input on its most recent policy changes.

The audit made the following recommendations:

- The Legislature ensure that CSU makes adequate progress in meeting NAGPRA/CalNAGPRA including requiring annual reports on systemwide progress in the repatriation process.
- The Chancellor monitor campus efforts to review collections and require the completion of inventories by December 2024.
- Issue a systemwide NAGPRA policy “establishing consistent repatriation processes and training requirements, in consultation with California tribes and the Native American Heritage Commission.”
- Create a systemwide NAGPRA oversight committee by December 2023.
- By December 2023 implement a process for campuses to periodically report their repatriation activity to the systemwide oversight committee.
- For campuses with more than 100 remains and cultural items, establish campus repatriation oversight committees and by June 2024 hire at least one full-time experienced repatriation coordinator.
- By December 2023, create a formalized administrative structure including assigning someone in the chancellor’s office with overseeing the work of the systemwide CalNAGPRA project manager.
- By June of 2024, require each campus with NAGPRA collections to estimate the funding and resources needed to complete repatriation “in an appropriate and timely manner.”
- Require the chancellor to review the reasonableness of campuses’ estimates and “provide the required funding from existing systemwide or campus resources or seek additional funding from the Legislature, to ensure that campuses have adequate funding to support their NAGPRA and CalNAGPRA activities.”