

Research and Access Policy and Procedures

Overview

The San Diego Archaeological Center's (Center) Research and Access Policy and Cultural Resources Department (CRD) aim to offer research opportunities to academic and archaeological professionals, historians, cultural specialists, and other qualified individuals, including Tribal and descendent community members. The research related goals of the Center's CRD are to:

- 1) Preserve cultural resources for long-term curation with guidance from consulting Tribal Nations and other communities,
- 2) Determine cultural affiliation(s) of cultural resources and aid in repatriation in accordance with Federal NAGPRA and CalNAGPRA,
- 3) Facilitate and initiate research,
- 4) And disseminate research results to affiliated Tribal Nations, descendant communities, academic institutions, and the public when appropriate.

Research and Access to Cultural Resources

The Center encourages the use of cultural resources for research. Access to cultural resources, including documentation and archival materials, is by appointment only.

Access

- Approval of access requests is subject to the availability of Center staff.
- Anyone requesting entry to archival spaces or storage areas must fill out a Visitor Access Form beforehand.
- Any individual requesting access to data and/or archival information, (i.e., archival materials, site data, report information, catalog data) must fill out a Research and Access Request prior to access. Information provided to researchers is subject to Center approval.
- All persons requesting access to any documentation or cultural resources at the Center must read and adhere to the Center's Native American Graves Protection and Repatriation Act (NAGPRA) Policy and Procedures provided.

Non-Native American Cultural Resources

Researchers interested in accessing non-Native American materials at the Center shall read, complete, and sign the Research and Access Request agreement and return it to Center staff at least three weeks prior to their requested date of access. Multi-component sites that have pre/post contact Native American cultural resources must follow the policy as stated below.

Native American Cultural Resources

The Center views consultation with affiliated Tribal Nations and descendant communities as essential to research design. Their perspectives must be incorporated into research planning, conduct, and the dissemination of results for Native American cultural resources.

Pursuant to 43 CFR 10.1(d)(3) the Center is “precluded from allowing any exhibition of, access to, or research on Human Remains or cultural items without obtaining free, prior, and informed consent from lineal descendants, Indian Tribes, or Native Hawaiian organizations”.

Researchers interested in accessing Native American materials at the Center shall read, complete, and sign the Research and Access Request agreement and submit their Research Proposal and CV/resume to Center staff for review.

Research and access to Native American cultural resources housed at the Center requires approval of the affiliated Tribal Nation(s), lineal descendants, and/or descendent communities. Tribal Nation(s) and/or descendants will dictate what they need from the researcher for approval. A letter of approval from the Tribal Nation(s) and/or descendants will be needed for submission to the Center before any research requests are granted.

Requesting parties seeking approval are strongly encouraged to allow ample time for communication and review. Researchers shall provide the Center copies of letters and any other documents given to Tribal Nation(s) and/or descendants.

Established agreements between the Center and affiliated Tribal Nation(s) and/or descendants may also require that Tribal community members or researchers from descendent communities receive approval to research or access certain cultural resources. Research permissions or community authorized consent is not needed for lineal descendants of individuals pictured in photographs, archives, or makers of cultural resources.

Depending on Tribal preference, Center staff may share contact information with the affiliated community or send a request on the researcher’s behalf. However, this will depend on the affiliated Tribe and their preferences on procedure. Ultimately, the researcher is solely responsible for contacting Tribal representatives to gain research approval.

All research results will be shared with the Tribal Nation(s) and/or descendants once the research is completed.

Requirements

The following documents are required when submitting a Research and Access Request:

- A brief resume
- Research proposal, including goals and expected outcomes (scholarly research, Tribal Nation/Member/descendant use, land use planning, cultural resource management, education, emergency management, and/or other purposes considered proper by the Center).

- Student researchers must provide a letter of support from the faculty members advising them on their project.

Once reviewed by Center staff:

- Letters of approval from affiliated Tribal Nations and descendant communities, and other supporting documents, when applicable

Qualifications for Access:

- College students (with letter from their faculty advisor)
- Professional researchers*
- Qualified archaeologists*
- Academics*
- Cultural Resource Management (CRM) Professionals*
- Members of affiliated Tribal Nations
- Lineal descendants

Qualifications are subject to review and approval by Center staff and references upon request. It is up to the Center staff to withhold sensitive site information from a requesting researcher.

*Meeting at a minimum, either the [Secretary of the Interior's Professional Qualifications Standards](#), the California State Personnel Board Specification for [State Historian II](#) or [Associate State Archaeologist](#).

Terms of Use for Research of Cultural Resources

Approval may be revoked at any time by the Center and by affiliated Tribal Nations, lineal descendants, and descendent communities when applicable.

Researchers must acknowledge the San Diego Archaeological Center in any publications or photographs produced using Center materials.

The Center must be provided with a copy of the final products before submission /or publication.

Subject to the terms of this Agreement, any data acquired while conducting research shall only be used for scholarly research, Tribal Nation/Member/descendant use, land use planning, cultural resource management, education, emergency management, and/or other purposes considered proper by the Center.

Other than as allowed by this Agreement or required by law, data acquired under this Agreement shall not be sold, leased, marketed, loaned, transferred, published, or otherwise redistributed without written permission from the San Diego Archaeological Center.

Data acquired under this Agreement shall be used by the researcher in full compliance with applicable federal, state, local, and other governmental laws and regulations related to historical and cultural resources, information and properties.

Recipient shall notify the Center at once upon the occurrence of any violation, whether intentional or unintentional throughout the duration of any term of this Agreement, including, but not limited to, the unauthorized release, distribution, and/or use of data.

Upon termination of this Agreement by the Center, the researcher shall cease the use of all data and certify in writing that this Agreement and any related data shall not be further used in any way.

Appendix

Definitions

Affiliated Tribal Nations or Cultural Affiliation

Affiliation is identified by the geographical location, provenience, or acquisition history of the cultural resource(s).

There is a reasonable connection between Human Remains or cultural items and an Indian Tribe or Native Hawaiian organization based on a relationship of shared group identity. Cultural affiliation may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the Human Remains or cultural items.

- A culturally affiliated Tribal Nation may meet the definition of Indian tribe under the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) which states:
 - Any Tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), recognized as eligible for the special programs and services provided by the United States Government to Indians because of their status as Indians by its inclusion on the list of recognized Indian Tribes published by the Secretary of the Interior under the Act of November 2, 1994 (25 U.S.C. 5131) or,
- It is not recognized by the federal government, but is a Native American tribe located in California that is on the contact list kept by the Native American Heritage Commission (NAHC) for the purposes of consultation pursuant to Section 65352.3 of the Government Code.

Consultation

The exchange of information, open discussion, and joint deliberations made between all parties in good faith and to:

- (1) seek, discuss, and consider the views of all parties;
- (2) strive for consensus, agreement, or mutually acceptable alternatives; and
- (3) enable meaningful consideration of the Native American traditional knowledge of lineal descendants or affiliated Tribal Nations.

Cultural Items

A funerary object, sacred object, or object of cultural patrimony according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Cultural Resources

- Aspects of a cultural system that is valued by, or significantly representative of, a culture or that holds significant information about a culture.
- Cultural resources may be tangible entities or cultural practices.
- Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places and as archaeological resources, cultural landscapes, structures, museum objects and archives, and ethnographic resources for Federal management purposes.
- Also includes cultural items as that term is defined in Section 2(3) of the Native American Graves Protection and Repatriation Act [25 USC 3001(3)]; and archaeological resources, as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 [16 USC 470bb (1)]
- Historic properties are any precontact historic or post contact historic district, site, building, structure, or object included, or eligible for inclusion, in the National Register of Historic Places.
- Historic properties also include artifacts, records, and material remains, which are related to districts, sites, building structures, or objects.
- Archival documentation includes field notes, photographs, catalogs, and any other document pertaining to the above definition of Cultural Resources.

Curation

Curation at the Center begins with an initial evaluation, including the assessment of the project report and catalogs when the materials are first brought in to review for any Human Remains, cultural items, or sensitive information, followed by a physical reconciliation of materials against their original catalog (including the count and weight), replacement of non-archival bags and boxes with archival quality materials, and creation of final documentation, such as an Executive Summary, Master Catalog, Box Inventories, and box labeling. All digital documents will be saved on the Center's secure server.

Descendant Communities

A group of people who share a connection to a specific place or region through their ancestors.

Lineal Descendent

(1) A living person tracing ancestry, either by means of traditional Native American kinship systems, or by the common-law system of descent, to a known individual whose Human Remains, funerary objects, or sacred objects are subject to this part; or

(2) A living person tracing ancestry, either by means of traditional Native American kinship systems, or by the common-law system of descent, to all the known individuals represented by comingled

Human Remains (example: the Human Remains of two individuals have been comingled, and a living person can trace ancestry directly to both deceased individuals).

Native American Graves Protection and Repatriation Act (NAGPRA)

Since 1990, Federal law has provided for the protection and return of Native American Human Remains, funerary objects, sacred objects, and objects of cultural patrimony. By enacting NAGPRA, Congress recognized that Human Remains of any ancestry "must at all times be treated with dignity and respect." Congress also acknowledged that Human Remains, and cultural items removed from Federal or Tribal lands belong, in the first instance, to lineal descendants, Indian Tribes, and Native Hawaiian organizations. With this Law, Congress sought to encourage a continuing dialogue between museums and Indian Tribes and Native Hawaiian organizations and to promote a greater understanding between the groups while at the same time recognizing the important function museums serve in society by preserving the past.