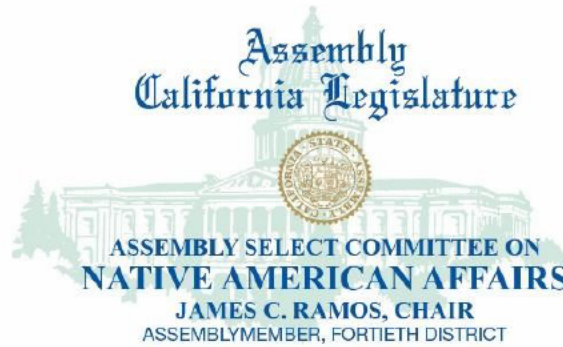


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March 28, 2022

Hon. Rudy Salas, Chair
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

UPDATED/RECEIVED
05/16/2022

Dear Assemblymember Salas:

We, the undersigned, ask that the Joint Legislative Audit Committee (JLAC) approve this request to audit the California State University (CSU) system's compliance with both the Native American Graves Protection and Repatriation Act (NAGPRA) and California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA). Under these acts, all agencies and museums that receive state funding and possess Native American remains and cultural artifacts must inventory those remains and items for repatriation to the appropriate tribe.

In June of 2020, the California State Auditor issued a report of its review of the University of California system and its compliance with the repatriation acts. Audit findings included:

- Inadequate policies and oversight resulting in uneven compliance and decision making criteria,
- Vastly uneven rates of repatriation of collections,
- No system-wide NAGPRA policy or standardized process for reviewing evidence of tribal affiliation for remains,
- Lack of tribal representation on university NAGPRA committees, and
- Dramatic decrease in number of California tribes permitted to seek the repatriation of remains because of 2015 change in federal regulations, despite Legislature's desire to allow more tribes to recover remains.

A similar audit has not been conducted of the California State University system, although it also possesses hundreds of remains and cultural items. Disturbing incidents involving San Jose State University have come to light making us question overall compliance of CalNAGPRA and NAGPRA and whether the remains and artifacts in question are handled with the respect they deserve and demanded by state and federal law. Discussions with the CSU administration,

although respectful, have not assuaged our concerns and resolution will require more information.

We therefore request that the State Auditor's Office conduct an audit regarding CSU compliance with the repatriation acts. We also ask that the audit include the following items in the scope of work and any other items the auditors may find relevant:

- Conduct a survey of all CSU campuses obtaining the following information:
 - What remains and artifacts are in their possession, and
 - Since 1990, what remains and artifacts they have repatriated, to whom, when, and where.
- Review the CSU Chancellor's policies, practices, and any committee efforts regarding CALNAGRA and NAGPRA.
- Conduct a thorough review of four CSU campuses for CalNAGPRA and NAGPRA compliance;
 - Two of the four campuses should include the San Jose State University and California State University, Chico;
 - The other two campuses should be selected by the State Auditor's Office.
- Review of proper storage and inventory procedures and practices as well as any social media policies regarding remains and artifacts.
- Review campuses' efforts to return remains and artifacts to tribes and review any delays in their return.
- Review of transparency and mediation procedures.
- Review whether the CSU campuses have representative and active participation of tribal community members on committees and other university bodies that make and monitor CalNAGPRA compliance policies and staff training.
- Review campus engagement with the California Native American Tribal Governments and the California Native American Heritage Commission in its compliance process.
- Interview tribal representatives on CSU CalNAGPRA and NAGPRA about the responsiveness of CSU faculty and administration to their concerns and timeliness of response.

State legislation (AB 2836, Chapter 823, Statutes of 2018) ordering a state audit of the UC compliance with CalNAGPRA and NAGPRA declared the current treatment of Native American human remains and cultural items are incongruent with California values that include the importance of respect for cultural resources and government-to-government consultation. The legislation further declared that it is the intent of the Legislature to repatriate the thousands of human remains that were removed from their final resting places and now located in California museums and institutions to the appropriate California Native American tribes for proper cares

as required by federal and state law. This same declaration is also applicable to the California State University system, and we respectfully request an audit of its campuses.

As the issue of repatriation of Native American remains and artifacts is a long standing issue despite passage of federal and state legislation and inquiry, we also strongly urge the State Auditor's Office to undertake extensive follow up audit work after an appropriate time following the report to the legislature.

We respectfully request that you approve this audit of the California State University system as detailed above. If approved, I ask that the State Auditor's Office begin this audit in October or November 2022. Please contact my staff member, Maria Lopez, at Maria.Lopez@asm.ca.gov or (916) 319-2040.

Sincerely,



James C. Ramos, Chair
California Native American Legislative Caucus

Jim Cooper

Print Name



Signature

Sabrina Cervantes

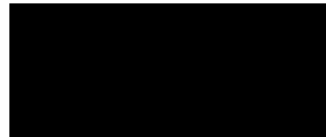
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Phil Ting

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Luz Rivas

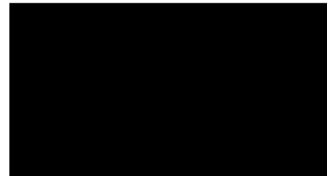
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