

## **SHARED STEWARDSHIP AND ETHICAL RETURNS POLICY**

### **University of Oregon Museum of Natural and Cultural History**

#### **AWARENESS AND ENGAGEMENT**

The University of Oregon Museum of Natural and Cultural History (MNCH) recognizes the value of community representation in its collections, the benefit of preserving and making available to the public a diverse range of collections, stories, and histories, and the role of museums as collaborative custodians of cultural and historical legacies.

Although MNCH may have legal title or custody of the collections it holds in trust for the benefit of the public, continued retention or sole stewardship of certain collections may cause harm to communities and be fundamentally inconsistent with the MNCH's ethical standards and values. The MNCH is committed to working transparently and in consultation with descendants, communities, and relevant governmental and regional stakeholders to consider matters of shared stewardship and the potential return of collections, based on ethical considerations.

#### **ACKNOWLEDGEMENT AND INTENTION**

The MNCH acknowledges that the unethical removal of items from communities has caused harm to the well-being of those communities and that continuing to hold items may cause further harm. The University of Oregon and the MNCH aspire to establish authentic, mutually beneficial relationships with affected communities because we believe they lead to social justice, better collection stewardship, and improved research. We are committed to transparent and respectful engagements, meaningful consultation, collaboration, and prompt responses to inquiries and requests.

#### **PURPOSE AND APPLICATION**

The MNCH developed this policy in response to contemporary collections stewardship and ethical standards, and in compliance with the 2023 [Standards for Museums with Native American Collections](#). Its purpose is to guide the stewardship of its collections and the fostering of relationships with associated communities. This policy applies to MNCH biological, archaeological, ethnographic, and geological collections along with their associated collection data, images, and documentation. Treatment of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony is governed by Federal and Oregon State laws, including the Native American Graves Protection and Repatriation Act (NAGPRA) and Indian Graves and Protected Objects (ORS 97.740-97.760). The University of Oregon Human Remains Policy also emphasizes the responsible custody and, as appropriate and possible, the return of human remains to their respective communities. The present policy applies to those MNCH holdings not covered elsewhere.

#### **OVERVIEW**

Since being established alongside the creation of the U of O, the MNCH has acquired collections originating from a variety of sources, including private collectors, Indigenous peoples and communities, non-profit and for-profit organizations, and governmental entities. Throughout this time, ethical norms and professional best practices related to collecting have evolved,

particularly with respect to collecting cultural heritage (tangible and intangible) from individuals and communities. As a result, the MNCH must review its acquisition and maintenance policies for its collections in light of modern ethical and professional standards.

#### AUTHORITIES and RESPONSIBILITIES

The MNCH may enter into **Shared Stewardship** arrangements based on ethical considerations. The MNCH may also deaccession and return collections in appropriate circumstances based on ethical considerations, henceforth referred to as **Ethical Returns**. The MNCH Executive Director, in consultation with the MNCH Associate Director, makes the final decision on returning items to requestors after engaging shareholders or affected communities. The MNCH makes this policy accessible on the MNCH website.

#### SHARED STEWARDSHIP AGREEMENT AND DEACCESSION

##### a. Definitions

- **Access** is the physical examination, research, sampling, tour viewings, access to analog and digital data, or other uses.
- **Claims** are formal repatriation requests made consistent with the MNCH policy.
- **Deaccession** is the process used to remove permanently an object from the MNCH's collection.
- **Ethical Returns** are the act of giving back to a more rightful owner based on ethical considerations when not required by law. In making an ethical return, technical legal defenses such as statute of limitations are not asserted as a means to retain ownership or possession.
- **Inquiries** are requests for information separate from submission of a claim. Note: certain information requests may be subject to Oregon's Public Records Law and will require review by the University of Oregon.
- **Provenance/provenience** is the information about the original location, source, or rights to an item or collection.
- **Requests** are requests from parties asking for certain MNCH action.
- **Returns** are the act of relinquishing ownership status and stewardship responsibilities over a collection or items thereof.
- **Shared stewardship agreements** are agreements whereby the MNCH and an outside shareholder agree to a set of conditions for the care of a collection or items. Shared stewardship agreements do not result in changes to ownership status and may result in changes to physical care, access, and use practices.
- **Standing** is a requesting party's position relative to a collection or item within the MNCH's care or custody. A party with standing may request action, enter into a shared stewardship agreement, and/or receive returns.

##### b. Policies and Process

The MNCH adheres to the following policies regarding shared stewardship and ethical return of objects in its collections:

- The MNCH may enter into shared stewardship arrangements with communities in appropriate circumstances, based on ethical considerations. Shared stewardship arrangements may include, but are not limited to, collaborative consultations for the respectful attribution, documentation, interpretation, display, care, storage, access, use, or disposition of collections. Shared stewardship arrangements must be documented in a written agreement approved by the MNCH Executive Director.
- The MNCH may deaccession and return collections in appropriate circumstances based on ethical considerations. Before collections may be deaccessioned and returned for ethical reasons, a full review process must be undertaken and a set of criteria established for returns and approved by the MNCH Executive Director. Before the MNCH can deny a claimant's request for return of a collection for ethical reasons, the MNCH Executive Director must be consulted and provide approval.
- The MNCH must establish and implement readily accessible processes for descendants, communities, and other parties with claims to request shared stewardship or return of collections based on ethical considerations. These processes will prioritize transparency, respectful engagement, meaningful consultation, and prompt responses to requests.

c. Approvals and Denials

The **Requestor** will receive a copy of the findings and final determination, with the notification of approval or denial of the request including the basis for the decision. If a request for ethical return is denied, the MNCH may offer shared stewardship terms. If a request for a specific shared stewardship term is denied, the MNCH will communicate with the requestor to explore whether other terms are mutually agreeable. If the request results in a denial of both ethical return and shared stewardship, the requestor will receive the findings, final determination, and decision including the basis for the decision.

d. Determinations

Parties requesting action by the MNCH must first be determined to have standing to make such a request. Decisions on **Standing** of the requesting party are made by the MNCH Executive Director, in consultation with the MNCH leadership team, considering the factors below. Requestors are encouraged to provide information in support of their assertion of **Standing**.

- What is the nature of the requestor's relationship to the item?
- Are there competing requests regarding the item?
- Were any prior requests for return not governed under then-current policy?

- Is the requestor an official representative of the cultural group or home community where the item(s) originated?
- Is the requestor authorized to act on behalf of a cultural group?
- Is the requestor a lineal descendant of the person(s) who owned the item?
- Do other groups potentially have an interest or have standing relative to the item(s) in question?

Determinations on the **ETHICS** of an acquisition are made by the Executive Director using recommendations by the MNCH Associate Director, the MNCH Director of Anthropological Collections, the MNCH Assistant Director of Anthropological Collections, and any appropriate Curator of the collection. Recommendations will be based on a report from the Director of Anthropological Collections and/or appropriate Curator that addresses the factors below.

- How was the item originally obtained?
- How was the item acquired by the MNCH?
- Is there evidence that the item(s) was legally acquired but was acquired forcibly from a party under duress, through coercion, or without consent from the rightful owner(s)?
- Is there any evidence that an unfair price was paid for a purchased item?
- Would retaining the item perpetuate harm?
- Would returning the item to the requestor redress the harm or unethical circumstances of acquisition?

**Ethical Determinations** for returns will NOT be based upon:

- Requestor's ability to meet the MNCH standards for care.
- Requestor's intended use or management practices.
- The artistic, historical, cultural, or monetary value of the requested item(s).

**Ethical Determinations for shared stewardship:** The MNCH acknowledges that museums may traditionally have different policies as they relate to collections care and curation. The MNCH will collaborate with communities to integrate ethical standards and interests of stakeholders.

Items under consideration for return or shared stewardship terms will be sequestered or otherwise restricted from ongoing research projects, access, destructive sampling, or other uses until the final disposition of the inquiry/request is made.

#### e. Final Decisions

All final decisions will be communicated to the inquiring or requesting parties in writing. Denials will include the basis for the decision. Documentation of all decisions will be filed at the MNCH, with entries for each relevant collection item made in the MNCH's collections information system. Where collections or items will be returned or subject to a shared stewardship agreement, the MNCH welcomes the requesting party to participate in the preparation of the

items for return or further decisions around the ongoing physical care of items remaining within the custody of the MNCH.

#### INFORMATION SHARING

MNCH's receipt and response to inquiries and requests for ethical returns and shared stewardship are a matter of museum and public record. However, MNCH will ask the **Requesting Party** about their wishes regarding any publicity or other public notice regarding the inquiry, request, and ultimate action.