

# **Policy and Procedures of the Laboratory of Archaeology of the University of British Columbia**

The Policy and Procedures are under review by the UBC Laboratory of Archaeology (LOA). We would be happy to consider any comments or suggestions about this document.

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## **1. Introduction**

The Laboratory of Archaeology (LOA) is committed to the scholarly study of the material evidence of past cultures. The study of these materials is an essential part of the Laboratory's responsibility to further knowledge of the past. The Laboratory recognizes the rights of descendants and originating peoples and is committed to dealing sensitively and responsibly with the First Nations groups on the care and disposition of these materials.

This document describes the Laboratory of Archaeology policies and procedures for the handling of cultural materials and human remains in its care at all stages of collection, curation, research, reporting of results, access, and repatriation. The following statement has two aims:

1. to facilitate cooperative relationships between the Laboratory of Archaeology and interested parties including First Peoples by describing the nature and operating procedures of the Laboratory of Archaeology, and
2. to describe the procedure for responding to requests for information on, access to and "transfer" of materials under the care of the Laboratory of Archaeology.

## **2. Definitions**

**2.1 Laboratory (LOA):** the Laboratory of Archaeology, University of British Columbia.

**2.2 Act:** *The Heritage Conservation Act* (RS Chap. 165, consolidated December 5, 1994) of the Province of British Columbia.

**2.3 Archaeology Branch:** The Archaeology Branch of the Ministry of Small Business, Tourism and Culture, Government of British Columbia.

**2.4 Permit:** A permit for archaeological investigation/inspection issued by the Archaeology Branch under the Heritage Conservation Act.

**2.5 Museum (MOA):** The Museum of Anthropology, University of British Columbia.

**2.6 Archaeological Materials:** This includes all artifacts, non-artifactual materials, soil and other samples, human remains, **and** supporting documentation recovered in the course of archaeological investigations.

## **3. Laboratory of Archaeology**

### **3.1 Administration**

The Laboratory of Archaeology (LOA) is administratively a part of the Department of Anthropology and Sociology, Faculty of Arts, at the University of British Columbia. The general operation of the Laboratory is overseen by a committee of permanent archaeology faculty who

are full time members of the Department of Anthropology and Sociology, and the Archaeology Curatorial / Research Assistant.

The Director of the Laboratory and the Curator of Archaeology for the Museum of Anthropology are appointed on a regular rotating basis by the archaeology faculty. The Director is responsible for overseeing the general operation of the Laboratory. The Curator of Archaeology is directly responsible for matters dealing with collections in the Laboratory. Both the Director and the Curator report to the Head of the Department of Anthropology and Sociology. The Curator also reports to the Director of the Museum of Anthropology.

### **3.2 Personnel**

Members of the committee administering the LOA include the Director of the LOA, Curator of Archaeology (MOA), Curator of Public Archaeology (MOA), faculty archaeologists (LOA and Classical, Near Eastern & Religious Studies), and the Archaeology Curatorial / Research Assistant.

### **3.3 Location of LOA Facilities**

Facilities of the Laboratory of Archaeology are located in the Anthropology and Sociology building (ANSO, 6303 N.W. Marine Drive, Vancouver V6T 1Z1) and in the Museum of Anthropology (MOA, 6393 N. W. Marine Drive, Vancouver, V6T 1Z2). LOA is a unit of the Department of Anthropology & Sociology: LOA's archaeological collections are not part of the Museum (MOA) collections. Materials curated by the LOA, and the conditions under which they were acquired and are held, distinguish LOA collections from MOA collections. The Laboratory of Archaeology does not own the materials it curates; rather it acts as a repository for collections held in trust for the Province and First Nations groups.

Archaeological materials curated in the Laboratory are located in LOA's facilities at both ANSO and MOA. Artifacts are stored in the Archaeology Teaching and Research Laboratories located in the MOA building; the supporting documentation collection is located in the Archaeology Documentation & Reading Room in the MOA building. Human skeletal remains are curated in a separate storage area of the Archaeology Research Laboratory, also in the MOA building.

Non-artifactual materials (e.g., soil samples) are stored in the basement of the Anthropology and Sociology building (ANSO). Faculty and staff offices and the photographic documentation collection are in the Anthropology and Sociology (ANSO) building.

## **4. Description of Archaeological Materials Curated by the Laboratory of Archaeology.**

The Laboratory of Archaeology collections are largely the result of research investigations carried out by present and past archaeological faculty and graduate students. Almost all of the materials added since 1962 were obtained under provincial archaeological permits. Some collections resulted from Professor Charles Borden's research carried out prior to existence of the permit system (i.e., 1961). The Laboratory of Archaeology is not a general repository for archaeological material (unlike the Royal British Columbia Museum in Victoria) and its collection storage facilities have been essentially full for a number of years. However, the Laboratory may agree to curate new collections not obtained by the research of current faculty and graduate students under the following conditions:

1. new materials are from sites which are best represented in collections currently under the care of the Laboratory, and are not more fully represented in the collections in other institutions, and
2. there is room to store these new materials, and
3. this is the wish, officially expressed in the form of a Band Council Resolution or its equivalent, of interested First Nations groups.

The Laboratory will not accept new collections of human skeletal remains unless all of the above conditions have been met and Band Council Resolutions are received from *all* interested First Nations groups requesting that the Laboratory act as the temporary repository for the collection.

Day-to-day management of the collections is carried out by the Curatorial Assistant who curates the archaeological site records, specimen catalogues, field notes, and photographic records.

## **5. Liaison with First Nations**

As temporary custodians of First Nations cultural material and human remains, the Laboratory acknowledges and recognizes its responsibility to develop close working relationships with groups and organizations which have a claim to or interest in the cultural material and human remains in its care. In cases where the Laboratory of Archaeology is aware that a First Nations group has an interest in a particular collection, and where that interest has been communicated to the Laboratory in writing, the Laboratory will inform the group of any significant addition or change to the collection (see section 4.3 above).

## **6. In-Trust Relationships**

The Laboratory recognizes that it is the temporary custodian of archaeological materials for the legally recognized First Nations authorities in the territory from which the materials originated. The materials are held in trust by the Laboratory until such time as any relevant land claims in the Province have been resolved or until the transfer of materials to a First Nations group.

## **7. Extra-University Legislation and Policy**

All cultural materials and human remains obtained by faculty, students and researchers associated with the Laboratory will be treated in conformity with all relevant federal and provincial legislation governing such items. The Laboratory adheres to the U.B.C. Research Ethics Policy.

## **8. Management**

The Laboratory of Archaeology Committee regularly reviews operating procedures and policies for collection management.

### **8.1 Materials collected under permit**

The Laboratory curates materials collected under permit by U.B.C. faculty and students in the course of their academic research. In exceptional cases, the Laboratory may also accept materials from non-U.B.C. archaeological resource assessment and mitigation projects in cases where the materials originate from sites already represented in the collections (see Section 4, above). Such

exceptions are usually only made in order to preserve the integrity of the site assemblage as a whole.

## **8.2 Materials not collected under permit**

All archaeological materials that were collected prior to the enactment of the British Columbia Heritage Conservation Act, or that were received as donations, are treated as permit collections and are subject to the same provisions of this policy, although the exact legal status of these materials is not clear.

## **9. Valuation of Archaeological Material**

The Laboratory follows general professional archaeological practice of discouraging *any* financial assessment of archaeological artifacts in order to combat the illicit sale of artifacts and site vandalism.

## **10. Access to Collections**

Materials curated in MOA facilities are subject to standard museum security measures. Unrestricted access to the collections of archaeological materials and their documentation is limited to archaeology faculty and staff. Supervised access to the collections and documentation is permitted to visiting researchers (see section 11.1 below), and interested First Nations groups upon written application to the Curator of Archaeology.

Materials in the collections may be made available for study to university students registered in senior undergraduate or graduate courses, whose use of the collections will be closely monitored by a qualified instructor. In cases where detailed analysis of particular collections is proposed, the LOA will ensure that the relevant First Nations group(s) are notified in writing and any restrictions on the research will be complied with. Members of the general public and casual visitors are not allowed access to the collections or documentation.

Access to the collections is monitored by the Archaeology Curatorial Assistant who carries out the decisions of the Laboratory of Archaeology Committee. For access to existing collections of human skeletal remains, or the study and interpretation of any such remains and associated material, the Laboratory is guided by the repatriation recommendations in the *Task Force Report on Museums and First Peoples* (1992; Sect. VI, 3, pp.8-9). These recommendations are listed in Appendix 1.

## **11. Analysis**

It is Laboratory policy that, unless otherwise prohibited by prior agreement, all materials in its collections are potentially available for scientific study. The Laboratory will use cultural materials and human skeletal remains only for the furtherance of legitimate research and education. The Laboratory will endeavor at all times to ensure that the materials under study are accorded dignity and respect. Analysis reports of all investigations of materials in the collection will be made available to interested First Nations group(s) upon written request.

### **11.1 Visiting Researchers**

Visiting researchers wishing to study/analyze materials under the care of the Laboratory of Anthropology must first notify in writing the respective First Nations groups (Band, Tribal, or National Councils) of their intention to conduct their proposed research. Any procedures or

restrictions placed on this research by notified First Nations groups must be adhered to. The LOA requires copies of these communications before the research can proceed. These procedures are required for any investigation involving detailed analysis of artifacts.

In order to best assist visiting researchers, it is desirable that they determine as precisely as possible the materials to be viewed/examined. The Laboratory requests a minimum of one week's prior notification of a planned visit to ensure that a knowledgeable individual will be available to assist the visitor. Please notify the Archaeology Curatorial Assistant (see Section 3.2 above) in order to arrange a visit.

### **11.2 Reporting of Analyses**

The Laboratory requests that a copy of any written report or publication resulting from the study or analysis of materials in the Laboratory of Archaeology be deposited on file with the Curatorial Assistant.

### **12. Storage Guidelines**

All materials regardless of antiquity or geographic origin are treated with respect and carefully stored in appropriate facilities. The Laboratory protects these materials from physical deterioration and theft, within the limits of the budget allocated, and with security services provided by the University.

### **13. Exhibition**

Human remains, and materials found in association with those remains, will not be knowingly exhibited in any public venue of the Laboratory, the Department of Anthropology and Sociology, or in any exhibition sponsored by the Laboratory without permission from all relevant First Nations groups.

### **14. Requests for Information, Access, and Repatriation**

#### **14.1 Requests for information concerning collections**

Requests for information about materials held in the collection should be addressed to the Director, Laboratory of Archaeology, Department of Anthropology and Sociology, University of British Columbia, 6303 N.W. Marine Drive, Vancouver, B.C., Canada, V6T 1Z1 (see section 3.2 above).

The LOA will provide inventories of any catalogued materials from sites in our collection within the requested territory. Since archaeological sites are classified and stored by geographic location, the LOA requests that a complete list of sites be supplied in the area of concern. Such a list may be obtained from the B.C. Archaeology Branch in Victoria (John McMurdo, Inventory & Mapping). Alternately, the area under consideration may be presented on a topographical map noting geographic features, and latitudes and longitudes.

#### **14.2 Requests for the transfer of archaeological materials**

The Laboratory will respond to all requests from First Nations groups for repatriation of materials in its collections. Each request will be reviewed by the Laboratory of Archaeology Committee and be considered on its own merits.

The Laboratory of Archaeology is a repository for archaeological materials collected under permit and as such is *legally* responsible for them. Therefore, before initiating the formal process of repatriation, the Laboratory requires an official resolution from the group (e.g., Band Council) requesting the transfer of specific collections. Requests for transfer of material usually follow after information about collections has been obtained (see 14.1 above).

An archaeological collection is more than just the artifacts recovered. Maintaining the integrity of a collection is important and is dependent upon keeping all materials (i.e., documentation, photographs and matrix samples, as well as the artifacts) together. All transfer requests should include a plan that describes how the integrity of the collection will be maintained.

The Laboratory will then advise the Archaeology Branch about the release archaeological materials collected under permit to the requesting group. In cases where the Branch objects to the transfer, the Laboratory will ask the Branch to enter directly into negotiations with the First Nation group making the request.

The Laboratory will prepare a Legal Transfer Agreement, which must be approved and signed by the appropriate representatives of both the Laboratory **and** the institution or group requesting repatriation. The Laboratory will also ask the requesting group to post a public notice (e.g., in a local newspaper) notifying neighboring groups who may have an interest in the transfer that the repatriation request has been made. In the case of materials that are claimed by two or more groups, the Laboratory will require release from all such groups before the materials can be returned to a particular group.

### **15. Steps toward transfer of archaeological collections**

The following procedures outline the transfer process. The requesting group should:

1. Submit an official band/council resolution requesting return of the specific collections or human remains.
2. Place an advertisement in local newspapers, and contact neighboring groups stating that a repatriation request has been made. Copies of advertisements and letters from official bodies of these groups agreeing with the transfer should be forwarded to the LOA.
3. Meet with LOA to initiate discussions and review the various curating options available for the collection (see Appendix 1).
4. Next, LOA will notify the Archaeology Branch of the the intended transfer of the material.
5. Authorized representatives of LOA and the First Nations group will sign a "Legal Transfer Agreement" to effect the physical transfer of materials.
6. LOA will send copies of the transfer documents to the Archaeology Branch.
7. In the case of the transfer of human remains, the recipient group will be asked to notify James Pike at the Archaeology Branch (Project Officer for Liaison, Aboriginal Liaison and Treaties).

# Appendix 1

Repatriation recommendations in *Turning the Page: Forging New Partnerships between Museums and First Peoples*. A Task Force Report jointly sponsored by the Assembly of First Nations and the Canadian Museums Association. Ottawa, 1992.

## Section VI, 3. Repatriation

This report considers the disposition of Aboriginal cultural patrimony including human remains, burial objects, sacred and ceremonial objects and other cultural objects that have ongoing historical tradition or cultural import to an Aboriginal community or culture. The Canadian Museums Association and the Assembly of First Nations should endorse and encourage the adoption of the following guidelines relating to the repatriation of Aboriginal cultural patrimony:

### a. Human Remains

- i) Remains of individuals whom evidence indicates are remembered by name must be offered for disposition at the request of the families, their descendants or clan, upon notification of the appropriate First Nations, community, tribes, clan or family members.
- ii) Human remains which evidence indicates may be affiliated with a named First People must be reported to that Nation, community, clan, tribe or family.
- iii) Upon agreement and in cooperation with the museum the appropriate First Nations group may work with scientific interests for a mutually agreed upon period, and may have the remains re-interred according to the appropriate traditional or other religious practices of the First Nations or Aboriginal community.
- iv) The treatment and disposition of remains and associated burial objects that are ancient or that cannot be affiliated with a named First People shall be decided through discussion and negotiation with an advisory committee of First Peoples. The First People may work with scientific interests for a mutually agreed upon time period and may have the remains re-interred in a manner consistent with local traditional practices.
- v) Museums that acquire human remains through any means must involve the appropriate First Nations in the treatment and disposition of the remains.
- vi) The retention of Aboriginal human remains for prolonged periods against the expressed wishes of First Peoples is not acceptable.

### b. Objects of Cultural Patrimony

The treatment, use, presentation and disposition of sacred and ceremonial objects and any other objects of cultural patrimony should be decided on moral and ethical grounds with the full involvement of the appropriate First Nations as equal partners. In the event of disputes between individuals, between an individual and the community or between communities, the onus should be on the First Peoples to resolve the dispute according to customary practice.

Recommended options for this process include the following:

- i) Restitution or Reversion. This includes the return to an originating culture or individuals of any objects that are judged by current legal standards to have been

acquired illegally. This process involves the transfer or return of legal title to an originating culture or individual from the museum, based upon existing legal mechanisms for de-accessioning.

ii) Transfer of Title. Even in cases where materials have been obtained legally, museums should consider supporting the requests by Aboriginal communities and community-based Aboriginal museums for the transfer of title of sacred and ceremonial objects and of other objects that have ongoing historical, traditional or cultural importance to an Aboriginal community or culture. This involves a case-by-case negotiations with the appropriate communities based on moral and ethical factors above and beyond legal considerations.

iii) Loan of Materials. Museums should loan sacred and ceremonial objects for use by Aboriginal communities in traditional ceremonies and community festivities, based on mutual agreement on the use and time period in questions as well as the risk to the physical object. Again, these decisions should be based on moral and ethical considerations both from the perspective of First Peoples and from that of museum conservation ethics (i.e. respect for the physical and historic integrity of the object).

iv) Replication of Materials. Museums and First Peoples communities should consider the replication of materials slated either for repatriation or retention by the museum for the use of the other party. Negotiations should be guided by moral and ethical considerations and the traditional knowledge and authority of the First Peoples involved, as well as the scientific knowledge of academically trained personnel.

v) Shared Authority to Manage Cultural Property. In all cases museums are urged to share management of their collections by involving the appropriate First Peoples in assisting to define access to collections, to determine storage conditions and use of collections, and to recognize traditional authority or individual ownership, systems of the originating culture.

### **Repatriation of Foreign Holdings**

The CMA and the AFN are urged to promote repatriation of human remains and objects of cultural patrimony held outside the country, subject to the same criteria outlined above under 1&2, through lobbying efforts in association with national governments, UNESCO, the International Council of Museums and other professional organizations.