



COLLECTIONS POLICY

Choctaw Cultural Center

Choctaw Nation of Oklahoma
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APPROVED

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I. Introduction

The cultural items held in trust within the Choctaw Cultural Center collections are manifestations of Choctaw heritage, knowledge, and history. Current and future collections are safeguarded through this collections management policy, which establishes guidelines for the acquisition, loan, care, deaccession, and use of the collections housed within the Choctaw Cultural Center, subsidiary exhibition spaces, and off-site storage. This policy applies to Choctaw Cultural Center stakeholders in carrying out their responsibilities for collections development, care, and access.

The Choctaw Cultural Center is located on the original homelands of the O-ga-xpa (Quapaw), Kitikiti'sh (Wichita), Kadohadacho (Caddo), Tawakoni, Wah-zha-zhe (Osage), and Kiikaapoi (Kickapoo) lands. The Choctaw Cultural Center is located on Choctaw trust land governed by the laws of Choctaw Nation of Oklahoma and the United States government.

The role of the Choctaw Cultural Center is to serve as a steward for the Choctaw people, ancestral knowledge, communities of today, and future generations. As a steward, the Choctaw Cultural Center honors generations of Choctaw people by caring for the material records, as well as preserving and promoting the history of the Choctaw journey and lifeways. The collections will educate and inspire Choctaw youth, elders, families, communities at large, and the general public, while the Choctaw Cultural Center serves as an institution where the community can interact, learn, teach, and relate to one another. Together, the identity of the Choctaw community is strengthened. The Choctaw Cultural Center will serve as both a resource and outlet for the Choctaw Nation to share the Chahta Spirit of faith, family, and culture with the world through the active participation of artisans, students, academics, and Choctaw community members. As such, the Choctaw Cultural Center and its collections will function as a nexus.

The Choctaw Cultural Center is an environment where community members and visitors can study and celebrate the Choctaw past, present, and future. Being empowered to share our story can enhance our relationship with people from around the world. The collections will seek and reflect on information about the Choctaw people from our earliest origins to today. Learning about the past, especially when that past encompasses thousands of years, gives a broader perspective and a better understanding of the Choctaw people's continuing place in time. Through the efforts of the Choctaw Cultural Center, understanding and appreciation of the history, challenges, and achievements of the Choctaw people will increase.

II. Mission Statement

A. Choctaw Cultural Center Mission Statement

We welcome you to embrace the moment to share and innovate with our living history. We believe in the strength of the life-long legacy of our Choctaw heritage...protecting our culture, our traditions, our language and our tribal values. The Choctaw Cultural Center provides interpretation of Choctaw life through educational awareness and respect for traditional knowledge.

III. Collections Scope¹

A. Geographic and Cultural Scope

The Choctaw Cultural Center will accept materials relevant to the pre-contact, historic, and contemporary ethnological, cultural, and scientific heritage of the Choctaw Nation. Such materials include but are not limited to the fine arts and material culture as well as items pertaining to historical figures, Choctaw districts and historical sites, removal and relocation, archaeology, ethnology, photography, publications, film, audio, archives, maritime, geology, and natural history specimens. The items of greatest informational and interpretive value will align with the Choctaw Cultural Center's major interpretive themes.

B. Collecting Areas

The Choctaw Cultural Center collections will be comprised of Choctaw art, artifacts, or cultural items that help interpret events, lifeways, or periods in the Choctaw experience. Along with living elders, the Choctaw language, and Choctaw oral traditions, the collections and the sites from which they were derived, are primary sources of information about Choctaw culture. The following eras and themes will guide acquisitions:

1. **Choctaw Material Culture:** These may include artifacts and/or cultural items recovered from archaeological sites as well as items that preserve the

¹ Only items or collections for which rights have been transferred to the Choctaw Cultural Center may be added to The Choctaw Cultural Center's permanent collection. Items of lesser quality or already adequately represented in the collections may be added to one of the non-permanent collections.

narrative of distinct Choctaw periods which include historical figures, places, and perspectives. Key time periods can be defined as:

- Pre-Contact Period (pre 9500 BCE - 1540 CE)
- The Spanish Period (1500-1814 CE)
- The French Period (1699-1763 CE)
- American Treaty Period (1803 – 1866 CE)
- First Removal Period (1830 – 1833 CE)
- Western Lands (1833 – 1860 CE)
- Second Removal Period (1845 – 1854 CE)
- Pre-Allotment Period (1880 – 1900 CE)
- Third Removal Period (1902 – 1903 CE)
- Indian Territory
- Allotment
- Lighthorsemen and Law Enforcement
- Boarding Schools
- Transition to Statehood (1900 – 1907 CE)
- Citizenship, Termination Efforts, and Self-Determination (1907 – 1970 CE)
- Modern Choctaw Period (1970 CE – Present)

2. **Choctaw Historical Figures:** Items directly connected to Choctaw people and/or citizens whose lives contributed significantly to Choctaw history.
3. **Choctaw Districts and Historic Sites:** Significant items that pertain to historical sites, as listed by the Choctaw Nation Tribal Historic Preservation Office.
4. **Removal and Relocation:** Items relevant to any of the removals and/or relocations, (e.g., the Indian Removal Act of 1830, the removal era from 1831 to 1903, the Federal Indian Removal Policy of 1950).
5. **Traditional Choctaw Arts:** Items within this category are made from natural materials or other traditional components, such as vegetative matter, animal hides, bones, hair, and clay, processed directly from natural sources. Furthermore, it consists of functional items within a specific Choctaw art category that has a deep temporal connection with the Choctaw communities of today, such as:

- Games (e.g. Stickball, Achvpi, Hat Game, Corn Game)
- Tools (e.g. Agricultural, Flint-knapping, Scrapers)
- Cooking (e.g. Pottery, Spoons, Kiti, Foodways)
- Weapons (e.g. Points, Bows, Rabbit Sticks, Blow guns and Darts, Atl Atl)
- Textiles (e.g. Moccasins, Modern Traditional Dress, Textiles, Weaving)
- Jewelry (e.g. Beadwork, Gorgets, Adornment)
- Painting (e.g. Modern or Non-Modern depicting traditional scenes)
- Basketry
- Carving/Sculpture

6. **Choctaw Created Contemporary Art:** Significant art in a variety of media and materials, made by Choctaw artists depicting unique Choctaw subject matter or styles.

7. **Archival Materials:** Collections of historical documents and records that provide information and support an understanding of Choctaw history, culture, lifeways, and experiences relating to the Choctaw tribe and people, such as:

- Journals
- Treaties
- Maps
- Letters or Correspondence (e.g. primary or secondary source documents from or relating to a significant Choctaw citizen or are about the Choctaw people in general)
- Photographic materials, in all forms
- Documents (e.g. those that can be used to interpret Choctaw historical experiences or to provide context for those experiences.)

8. **Books:** Books written by or about Choctaw people's history and culture.

9. **Archaeological Materials:** Items recovered by the Choctaw Nation Archaeological Program on cultural resources surveys conducted for Choctaw Nation. Note: these are often not Choctaw in origin.

C. Archaeological Materials and Interpretation

Many Choctaw items were made of perishable materials that have deteriorated over time. Non-community scholar's understanding of ancient Choctaw people can be skewed towards items made from stone, bone, shell, fired clay, or metal. Interpreting the meaning and function of specific items, particularly those items that may have had socio-religious connotations, can be difficult and must be based on close examination of the items coupled with knowledgeable cultural leaders. The Choctaw Cultural Center collaborates with contemporary Choctaw people to more fully understand and appreciate the collection items contained therein.

IV. Collections Statement

A. Statement of Purpose

The Choctaw Cultural Center acquires² items to fulfill its purpose to collect, preserve, and conserve items related to the historical, ethnological, cultural, and scientific heritage of the Choctaw Nation. Furthermore, the Choctaw Cultural Center is an educational institution dedicated to serving the public of all ages and abilities. Through programs and exhibits, it promotes understanding of the past and present, as well as guidance for the future.

By accessioning an item or collection into the permanent collections, the Choctaw Cultural Center is committing the resources to control, protect, store, conserve, and make the materials available for educational and research purposes to current and future generations. To this end, the Choctaw Cultural Center ensures the safety, authenticity, and preservation of any historical and cultural artifacts stored in the collections.

B. Duplication of Effort

The Choctaw Cultural Center will consider the acquisition policies of Choctaw Nation sister museums, the Choctaw Nation Capitol Museum and Wheelock Academy Museum, and will strive to keep duplication of effort to a minimum.

C. Collections Categories

² Acquisition is a prerequisite for accessioning.

The Choctaw Cultural Center maintains six types of collections:

1. **Permanent Collections** are artifacts in the Choctaw Cultural Center's collections held in the public trust. They have rigorous requirements for provenance and preservation. The items in the permanent collections make up the bulk of the holdings at the Choctaw Cultural Center. These are collections of items to which the Choctaw Cultural Center holds legal title, are of intrinsic value in meeting the collections scope, support the mission of the Choctaw Cultural Center, and are held and curated on a permanent basis. The highest degree of care and documentation is given to the items, and the highest degree of accountability is attached to the collection. Nearly all items in the permanent collections are made available for research, publication, loan, and exhibition, if conditions are met.³
2. **Education/Teaching Collections** are viewed as instrumental in the cause of education. These collections support the mission of the Choctaw Cultural Center and are held primarily for use in public programs and exhibitions for hands-on, inquiry-based exploration. They are intended to be handled by the public. These items have been purchased or have been acquired by the Choctaw Cultural Center via donations, purchase or exchanges - but consists predominantly of reproductions and original items that do not meet the criteria for accessioning into the permanent collection. Most of these holdings are managed and stored by the Education, Cultural Events, or other departments. These items typically receive special catalog numbers to set them apart from the permanent collections, but they are documented, and records are kept showing legal title and tracking. Items in the education/teaching collections will not be included in the collection's database for accessioned items. The Education, Cultural Services, and other departments have a separate storage space in which items are housed. When departmental and collections staff determine the item is no longer of use, the pieces are documented as being removed from the education/teaching collections and disposed. Items designated as education/teaching collections materials are not subject to the collections management policies as set forth in this document, except where specifically mentioned.
3. **Curatorial/Reference Collections** contain examples of items that may be found in either the permanent or education collections and are examples of merit, but do not have adequate provenance or cannot be preserved long-

³ Objects not subject to the above-listed uses may be labeled as culturally sensitive, too fragile, or are subject to donor or owner-imposed restrictions.

term. Additionally, the curatorial/reference collections consist of items (e.g. books, serials, textiles, basketry, art, etc.) that are obtained for comparative and research purposes, but might not fall within the collections scope. Curatorial/reference collections are considered a subset of the education collections and are subject to the same procedures. The Chahta Imponna database, maintained by the Historic Preservation Department will serve as an additional resource for traditionally made objects prior to 1920.

4. **Active Serials** consist of periodicals that are sent directly to the Archives from the publisher or distributor. They are tracked using a call number but are not a part of the permanent collections. Items designated as Active Serials are not subject to the collections management policies as set forth in this document, except where specifically mentioned.

5. **Depository/Repository Collections** are owned by some other entity and housed in trust by the Choctaw Cultural Center. They might be deposited at the Choctaw Cultural Center as a long-term loan or curated under special trust agreements or contracts like a memorandum of understanding (MOU) with their owner(s). Care and trust agreements allow for the safeguarding of materials that tribal members or tribal communities do not have the means to care for on their own. All requests for a care and trust agreement will be considered on a case-by-case basis and subject to the Choctaw Cultural Center's mission and available space and resources. The Choctaw Cultural Center does not hold legal title to these collections and will not do any alteration, conservation or repairs on these items. Access to these items will be determined in the trust agreement between the depositor and the Choctaw Cultural Center, and it will provide the same care and respect to the items as it does for comparable items under its control. Items will be stored in their existing boxes and bags unless they are deemed to be hazardous, at which point collections staff will suggest alternate supplies. Any storage costs for these collections for services and supplies valuing up to \$500 will be borne by the Choctaw Cultural Center. Any amount for supplies over that threshold will need to be funded via donor, grant, or other outside funding. This type of agreement is only approved by the collections advisory committee and Choctaw Cultural Center leadership. The duration of this agreement will automatically renew unless the depositor notifies the Choctaw Cultural Center that they wish to terminate the agreement. Notice of termination will be made at least 30 days prior to the expiration date.

6. **Ephemera/Exhibit Prop Collections** consist of items purchased or donated for specific exhibitions, which are reused for public programs, in-house exhibitions, and other purposes. These materials are not accessioned into the permanent collections, but records of acquisition and usage are kept and input into the database system, differentiated from the permanent collections by the format of the number assigned. Items designated as exhibit props are not subject to the collections management policies as set forth in this document. Occasionally, an item from these collections may be transferred to other Choctaw Cultural Center collections if the piece is deemed important, needs to be preserved, or if it has sustained damage.

D. Collections Plan

1. The Collections staff will create a Collections Plan that will be used as a companion piece to this document. It will guide the collections staff in prioritizing and evaluating acquisition decisions. This plan will outline the Choctaw Cultural Center's collecting priorities in five-year increments, identifying the types of collections and items that the Choctaw Cultural Center feels a strong stewardship responsibility toward and would most like to acquire to enhance the educational, scientific, and historical value of its holdings. The collections plan will also provide a list of specific items and collections the Choctaw Cultural Center currently holds and desires to deaccession.
2. Revision of this document will occur every three years, where it will be reviewed and revised as needed by the museum management and relevant collections staff. It will then be submitted to the collections advisory committee for consideration. The collections advisory committee shall review the proposed changes and advise on any revisions they deem necessary. The Collections Plan will be an internal document.

E. Cultural Property and Culturally Sensitive Materials

Traditional Choctaw cultural values will govern the relationships built between the Choctaw Cultural Center and all cultural groups. The Choctaw Cultural Center will enact policies that uphold respect for human rights and that are in compliance with applicable laws. The Choctaw Cultural Center recognizes the value of cultural, historic, and scientific research and the need to pursue these activities in a respectful, nonintrusive manner that recognizes the rights of

indigenous nations and peoples.

1. Standards: The Choctaw Cultural Center will adhere to Choctaw Nation of Oklahoma's Tribal Historic Preservation Office's policies and procedures regarding culturally sensitive and repatriated materials and will rely on that department for advisement on any possibly sensitive loan, acquisition or repatriation. The collections staff will also do their due diligence and consult the rules and regulations laid out in the *Native American Graves Protection and Repatriation Act (NAGPRA)*, *United Nations Declaration on the Rights of Indigenous People (UNDRIP)*, *Safeguard Tribal Objects of Patrimony (STOP Act)*, as well as the American Alliance of Museums' *Accreditation Commission Statement on Acquisition, Documentation, and Disclosure of Sensitive Cultural Property in Accredited Museums*. Regarding items that might have changed hands in continental Europe 1933-1945, the Choctaw Cultural Center will reference the *Report of the AAMD Task Force on the Spoliation of Art During the Nazi/World War II Era (1933-1945)*, and the *American Alliance of Museums Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*.⁴

2. Claims:

a. To the Choctaw Nation:

- i. When the Choctaw Cultural Center collections receives a claim from an entity with legal standing for recovery or restitution of any collection item, it enters into a good faith discussion or formal consultation. Collections staff shall make available all pertinent documentation to the requestor and shall administer the request.
- ii. When a *Native American Graves Protection and Repatriation Act (NAGPRA)* claim is received, Choctaw Cultural Center collections staff will collaborate with the Choctaw Nation of Oklahoma's Historic Preservation Department to identify the items that may be eligible for repatriation under the NAGPRA legislation. As it is in their wheelhouse of expertise, the CNOHPD will administer any NAGPRA claim made to the Choctaw Cultural Center with assistance from collections staff as required.

b. From the Choctaw Nation:

⁴ See Section F for additional information about specific laws.

- i. Claims for items in third-party collections, which are covered under NAGPRA, will be administered by the Choctaw Nation's Historic Preservation Department. The collections staff of the Choctaw Cultural Center will assist as needed.
 - ii. Claims made for human remains and funerary items in third party collection, which are not covered under NAGPRA, will be administered by the Choctaw Nation's Historic Preservation Department. The collections staff of the Choctaw Cultural Center will assist as needed.
 - iii. Claims for items in third-party collections that are not human remains or funerary items, and which are not covered under NAGPRA, will be administered by the Choctaw Cultural Center Collections Department, with assistance from the Choctaw Nation Historic Preservation Department as needed.
3. **Repatriation:** When it has been determined that items housed within the Choctaw Cultural Center collections are to be repatriated, the collections staff will cease documentation efforts and provide all related documentation, photographs, and containers to the recipient.
4. **Native American Graves Protection and Repatriation Act (NAGPRA):** The Choctaw Cultural Center will comply with requests from Native American groups and realizes that we are not only the stewards of our own ancestors, but stewards of cultural materials of other communities that may inadvertently come into the Choctaw Cultural Center's collections. The Choctaw Cultural Center commits to the ethical and respectful treatment of human remains, funerary items, and items of cultural patrimony in compliance with both the letter and the intent of Choctaw Nation of Oklahoma's policies and procedures on culturally sensitive materials, as well as federal NAGPRA law⁵, and Oklahoma State laws and codes.⁶
- a. **Compliance:** The Choctaw Cultural Center endeavors to be in full compliance with Choctaw Nation of Oklahoma Tribal Historic Preservation policies and procedures, and NAGPRA rules and regulations.

⁵ See appendix B.

⁶ See appendix C.

- b. **Handling Claims:** All repatriation claims on behalf of Choctaw Nation shall be processed by the Choctaw Nation Historic Preservation Department. The Choctaw Cultural Center will not knowingly accept donations containing human remains or funerary items. If the Choctaw Cultural Center unknowingly accepted human remains or funerary items into the permanent collections, they will be deaccessioned and the Choctaw Cultural Center will transfer/forward/refer repatriation efforts to the Choctaw Nation Tribal Historic Preservation Department. The Choctaw Cultural Center collections will endeavor to follow Choctaw Nation Tribal Historic Preservation Department policies and procedures, as well as NAGPRA rules and regulations.

- c. **Donations:**
 - i. **Human Remains:** The Choctaw Cultural Center will not accept donations of funerary items or items containing human remains. Whenever such material is brought to the attention of the Choctaw Cultural Center, the collections staff will contact the Choctaw Nation of Oklahoma's Tribal Historic Preservation Department on the donor's behalf or direct the donors to the CNOHPD so that they can facilitate discussions.
 - a. If suspected Choctaw funerary items or human remains are brought to the Choctaw Cultural Center, collections staff will immediately inform the Choctaw Nation of Oklahoma's Tribal Historic Preservation Department to administrate repatriation actions.
 - b. If such items are accepted unknowingly, a designated collections staff member from the Choctaw Cultural Center will deaccession the items and transfer them to the Choctaw Nation of Oklahoma's Tribal Historic Preservation Department to administrate their reburial.

 - ii. **All Other Items:** The Choctaw Cultural Center shall assist the Choctaw Nation of Oklahoma's Historic Preservation Department in acquiring Choctaw related culturally sensitive material to be housed in their collections. Prior to rendering assistance, the Choctaw Cultural Center collections staff will be made aware of any necessary treatment requirements for items that will be permanently or temporarily housed there.

- d. **Loans:** The Choctaw Cultural Center will not borrow material consisting of human remains or funerary items, or that is of illegal, questionable, unethical provenance or ownership. Neither will the Choctaw Cultural Center borrow materials whose method of the acquisition violates the United Nations Educational, Scientific, and Cultural Organization (UNESCO) Conventions, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), tribal, state, and federal wildlife laws, tribal, state and federal antiquities laws, Native American Graves Protection and Repatriation Act (NAGPRA)⁷, or any other pertinent Choctaw Nation of Oklahoma cultural protocol, tribal, local, state⁸, national, and/or international laws.⁹ Prospective lenders may be required to submit satisfactory proof of ownership, including notification that the item has not been stolen, illegally exported, illegally or unethically removed from an archaeological site, or held in violation of any laws or professional practices relating to plants, wildlife, sacred items, or human remains. If a legal or ethical problem should develop from the exhibition of borrowed material, the Choctaw Cultural Center may withdraw the material from exhibition and terminate the loan agreement.

- e. **Curation, Care, and Conservation:** The Choctaw Cultural Center shall seek guidance from recognized, concerned parties regarding the identification, proper care, cultural preferences, and possible disposition of culturally sensitive materials on a case-by-case basis, including consulting with descendent communities when needed. Conservation treatment shall not be performed on identified culturally sensitive materials without consulting the appropriate authority of the designated parties. Special treatment, care considerations, and cultural protocols will be noted in the file and collections management database, to ensure that traditional cultural protocols are honored.

- f. **Research:**
 - i. All internal research proposals from Choctaw Nation of Oklahoma employees utilizing the collections of the Choctaw Cultural Center will be reviewed by the collections staff prior to initiation and the center's leadership before publication/ dissemination to ensure the integrity of culturally significant information.

⁷ See appendix B.

⁸ See appendix C.

⁹ See appendix D.

- ii. All external research proposals utilizing the collections of the Choctaw Cultural Center will be reviewed by collections staff prior to granting access to items.
- iii. Collections staff will forward research requests to the collections advisory committee for further review and recommendations if the research proposal could adversely affect the integrity of culturally significant information and practices and/or cause unfair stigma or harm to the overall community, culture, or heritage of the Choctaw Nation.
- iv. If a research proposal might affect the overall community, culture or heritage of the Choctaw Nation of Oklahoma, the external researcher will be asked to contact the Choctaw Nation Institutional Review Board to submit their research proposal for permission to proceed. That request will need to be accompanied by a letter of support signed by a member of the Choctaw Cultural Centers collections staff.
- v. The Choctaw Cultural Center has editorial review rights over any final product, publication, and/or data related to or derived from items within the center's collections. External research that will be published or presented will be submitted for review and approval to the Choctaw Cultural Center collections advisory committee prior to dissemination. The right to waive review is at the discretion of the collections advisory committee.
- vi. The Choctaw Cultural Center requires a physical copy of the results that feature items from its collections, its facilities, or intellectual property.

For additional information and guidelines, see section **IX. Access and Use of Collections**.

F. Laws, Regulations, and Conventions¹⁰

The Choctaw Cultural Center is subject to compliance with various tribal and federal. The Choctaw Cultural Center is located on what was once the homelands of the Caddo, Quapaw and other tribes. Specifically, the land on

¹⁰ See appendix D for brief descriptions of the laws.

which the Choctaw Cultural Center is located is on Choctaw Nation of Oklahoma trust land, meaning state laws and jurisdictions do not apply, but are referenced when needed. The laws set forth by the Choctaw Nation of Oklahoma are the main governing laws of the Choctaw Cultural Center, which was created and funded by the tribe.

While tribal laws supersede other government's laws and jurisdictions, this section describes several laws the Choctaw Cultural Center collections staff may reference if needed.

1. Biological Resources: biological resources are protected by a variety of statutes. The Choctaw Cultural Center will only acquire biological specimens collected in compliance with Choctaw Nation of Oklahoma's laws, or the following pertinent regulations may be referenced.

- a. *Migratory Bird Treaty Act of 1918*, 16 U.S.C. §703-712, Ch. 128, 40 Stat. 755 and subsequent amendments.¹¹
- b. *Endangered Species Act of 1973*, 16 U.S.C. §1531-1544 (1973), 87 Stat.884 and subsequent amendments.¹²
- c. *Bald Eagle Protection Act of 1940*, 16 U.S.C. §668-688d, 54 Stat. 250 and subsequent amendments (Golden Eagles added in 1962).¹³
- d. *Lacey Act of 1900*, 18 U.S.C. §43-44 and subsequent amendments.¹⁴
- e. *Convention on International Trade in Endangered Species (CITES)*, 16 U.S.C. §1538[c].¹⁵
- f. *Marine Mammal Protection Act of 1972*, 16 U.S.C. §1361-1407, P.L. 92-522 and subsequent amendments.¹⁶

¹¹ <http://web.archive.org/web/20210506165802/https://www.fws.gov/laws/lawsdigest/MIGTREA.HTML>

¹² <http://web.archive.org/web/20210516202501/https://www.fws.gov/endangered/esa-library/pdf/ESAall.pdf>

¹³ <http://web.archive.org/web/20210517202048/https://www.law.cornell.edu/uscode/text/16/chapter-5A/subchapter-II>

¹⁴ <http://web.archive.org/web/20210426000227/http://www.fws.gov/le/pdf/files/lacey.pdf>

¹⁵ <http://web.archive.org/web/20210517202819/https://www.law.cornell.edu/uscode/text/16/1538>

¹⁶ <http://web.archive.org/web/20210517203044/https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act>

- 2. Archaeological and Paleontological Materials:** Archaeological and paleontological materials may be considered for purchase under Choctaw Nation of Oklahoma repatriation policies. However, the Choctaw Cultural Center aims to comply with the following and all other pertinent regulations.
- a. *Act for the Preservation of American Antiquities of 1906*, 16 U.S.C. §§ 431-433.¹⁷
 - b. *Archaeological Resources Protection Act of 1979*, 16 U.S.C. § 470aa-470mm, 93 Stat. 721.¹⁸
 - c. *National Historic Preservation Act*, 16 U.S.C. §§ 470 et. seq. (1966) and subsequent amendments.¹⁹
 - d. *Reservoir Salvage Act of 1960*, as amended, 16 U.S.C. § 469-469C.²⁰
 - e. *Archaeological and Historic Preservation Act of 1974*, 16 U.S.C. §496-496C.²¹
 - f. *Preservation of American Antiquities*, 43 CFR Part 3.²²
 - g. *Protection of Archaeological Resources: Uniform Regulations*, 43 CFR Part 7.²³
 - h. *Oklahoma Antiquities Law*, 53 OK Stat § 53-361 (2014).²⁴
 - i. *Oklahoma Burial Desecration Law*, 21 OK Stat § 21-1168.4 (2014).²⁵
- 3. Native American Remains, Sacred Items, and Cultural Patrimony:** The primary law governing the Choctaw Cultural Center is from the Choctaw Nation of Oklahoma. However, the *Native American Graves Protection and Repatriation Act* (NAGPRA), 25 U.S.C. § 3001-3013, 104 Stat. 3042, P.L. 101-106 and subsequent amendments may also be referenced.²⁶

¹⁷ <http://web.archive.org/web/20161130200744/https://www.nps.gov/history/local-law/anti1906.htm>

¹⁸ <http://web.archive.org/web/20210517203817/https://eca.state.gov/files/bureau/96-95.pdf>

¹⁹ <http://web.archive.org/web/20210325073953/https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

²⁰ <http://web.archive.org/web/20210517204320/https://www.usbr.gov/cultural/ReservoirSalvageAct1960.pdf>

²¹ http://web.archive.org/web/20210426041420/https://www.nps.gov/history/local-law/fhpl_archhistpres.pdf

²² <http://web.archive.org/web/20210517205527/https://www.law.cornell.edu/cfr/text/43/part-3>

²³ <http://web.archive.org/web/20210517210102/https://www.nps.gov/history/local-law/43cfr7.htm>

²⁴ See appendix C.

²⁵ See appendix C.

²⁶ See appendix B.

- a. Choctaw Cultural Center staff will not knowingly collect Native American human remains or items specified under the Act.
 - b. The Choctaw Cultural Center will not permanently accept Native American human remains and items specified under the Act for the purposes of identification, attribution, or legal custody. Only when the Choctaw Cultural Center is assisting the Choctaw Nation Historic Preservation Department act as an agent will NAGPRA items be allowed to be present in an undisclosed, offsite location.
 - c. The Choctaw Cultural Center will not accept Native American human remains and items specified under the Act as per Trust Agreements made with affected tribes, nations, or corporations.
 - d. Native American human remains and items specified under the Act that are included in a gift, donation, bequest, or acquired as federally confiscated property, or in any other legal manner, will be transferred to the Historic Preservation Department for repatriation.
- 4. Cultural Property:** Cultural property, items with cultural significance both traditional and continuing importance to the Choctaw Nation, is protected by a variety of Choctaw Nation of Oklahoma tribal laws. The Choctaw Cultural Center will restrict the acquisition of cultural property of unknown provenance. Additionally, an agreement with the Sam Noble Museum of Natural History will provide temporary housing for active Archaeological Resources Protection Act investigations. The following statutes may also be referenced.
- a. *Historic Sites Act of 1935*, 16 U.S.C. § 461-467.²⁷
 - b. *1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property* (implemented in the United States by P.L. 97-446 in 1983, 19 U.S.C. § 2601).²⁸
 - c. *National Stolen Property Act*, U.S.C. § 2314.²⁹

²⁷ <http://web.archive.org/web/20210517210426/https://www.nps.gov/history/local-law/hsact35.htm>

²⁸ <http://web.archive.org/web/20210517210628/https://eca.state.gov/files/bureau/unesco01.pdf>

²⁹ <http://web.archive.org/web/20201127132235/https://eca.state.gov/files/bureau/18-2314.pdf>

- d. *American Alliance of Museums Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era*.³⁰
- e. *Indian Arts and Crafts Act of 1990* (P.L. 101-644)³¹
- f. *Oklahoma Indian Arts and Crafts Sales Act of 1974* (O.S. §§78 71-75).³²
- g. *United Nations Declaration on the Rights of Indigenous People (UNDRIP)*.³³
- h. *Safeguard Tribal Objects of Patrimony Act of 2020 (STOP Act)*, S. 2165, 116th Congress, Sec. 308 (2020).³⁴

V. Statement of Authority

A. Corporate Responsibility

The collections housed in the Choctaw Cultural Center are owned by the Choctaw Nation. The Choctaw Nation bears fiduciary responsibility for the collections and ultimately establishes the policies which govern their management. Members of the collections staff, along with the senior director of the cultural center, act as the agents of the Choctaw Nation in the creation of policy and executing fiduciary responsibility. The collections staff members act collectively rather than individually in carrying out these tasks. For example, they are not authorized to accept gifts as individuals, but only through the policies outlined herein.

B. Implementation of the Collections Management Policy

The executive director of Cultural Services, along with the senior director of the Choctaw Cultural Center, are ultimately responsible for the implementation of

³⁰ See appendix E for a full description.

³¹ <http://web.archive.org/web/20210517211006/https://www.congress.gov/bill/101st-congress/house-bill/2006/text>

³² <http://web.archive.org/web/20210517212822/http://ok.elaws.us/os/78-75>

³³ http://web.archive.org/web/20210517213219/https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

³⁴ <http://web.archive.org/web/20210517213339/https://www.congress.gov/bill/116th-congress/senate-bill/2165/text>

and adherence to this Collections Management Policy. The Collections Department of the Choctaw Cultural Center, under the management of the director of curation, will adhere to and maintain this policy in its day-to-day collections activities. Collections staff will propose updates and amendments as needed to the leadership and collections advisory committee of the Choctaw Cultural Center.

C. Collections Advisory Committee Responsibility

The business, property, and affairs of the Choctaw Cultural Center is managed by the Cultural Services Department of the Choctaw Nation. The collections and archives are managed by the Collections Department of the Choctaw Cultural Center, under the ultimate direction of the senior director. To aid in this endeavor, a collections advisory committee will be formed that has the responsibility to ensure that collections procedures and their application meet the policy requirements of the Choctaw Cultural Center. All acquisitions by gift, bequest, or purchase above the valued amount of \$5,000 for the permanent collections must first have approval from the collections advisory committee. No loan of an item from the permanent collections may be made without approval of the committee and no items from the permanent collections may be deaccessioned without approval of the committee.

D. Management Responsibility

The senior director of the Choctaw Cultural Center, with the assistance of collections staff, shall develop and recommend to the collections advisory committee and other affected entities collection policies that provide an overview of the acquisition, preservation, use, and disposition of collections materials. The director of curation is responsible for collections and curatorial staff and will supervise all work associated with said teams. The curator, archivist and registrar will be responsible for overseeing the acquisition, registration, care, and conservation of collections housed at the Choctaw Cultural Center and shall report any issues or concerns to the director of curation.

E. Delegation to Staff

The collections advisory committee may delegate certain clearly defined responsibilities to staff level committees and/or staff members. Such delegation will be documented in a procedure manual.

F. Procedures

Choctaw Cultural Center staff is responsible for developing standard operating procedures and associated forms and records, which will enable the policies of the Choctaw Cultural Center to be carried out effectively and efficiently. These procedures are compiled into a procedure manual along with samples of appropriate forms and records.

G. Staff Responsibility

Collections staff, volunteer workers, and center leadership have the responsibility to apply the policies and procedures in the day-to-day work in the collections, archives, and exhibits of the Choctaw Cultural Center.

H. Ethical Standards

The Choctaw Cultural Center recognizes and accepts its fiduciary responsibility to provide proper management, preservation, and use of the collections and associated information it holds for the benefit of the Choctaw people. Staff has legal, professional, and ethical obligations to maintain high levels of honesty, integrity, and loyalty to the Choctaw Nation, the Choctaw Cultural Center, and its constituents. As a part of a tribal nation, the Choctaw Cultural Center will subscribe to Choctaw Nation's Code of Ethics and associated policies, as well as endeavoring to subscribe to the Code of Ethics for Museums established by the American Alliance of Museums (see Appendix A). These ethics will apply to members of the collections advisory committee, staff, interns, docents, volunteers, friends, and all directly associated parties, Choctaw Cultural Center staff and associated third parties.

I. Appraisals

1. The Choctaw Cultural Center shall not provide formal appraisals to establish the tax-deductible value on items offered to the Choctaw Cultural Center for any reason. Consistent with IRS guidelines, the Choctaw Cultural Center cannot act as a qualified appraiser because of the inherent conflict with its role as the recipient.
 - a. **Donor Assistance:** If a donor asks for assistance in obtaining a formal appraisal for their items, an employee may offer guidance to publicly available resources such as websites for the American Society of Appraisers, Appraisers Association, and/or the International Society of Appraisers. An employee may also suggest several qualified appraisers, but no endorsement will be given, and more than one name must be

provided.

- b. **Appraiser Assistance:** If an appraiser is hired by the donor, and the items are temporarily held at the Choctaw Cultural Center, collections staff will provide the appraiser with access to the work of art or item, images of the work, and any appropriate and relevant, factual information in the Choctaw Cultural Center's possession.
 - c. **Restrictions:** The Choctaw Cultural Center shall not arrange for the formal appraisal of items not in their ownership and cannot pay for those services on behalf of a potential donor.
2. The Choctaw Cultural Center collections staff will not offer legal or tax advice to donors or potential donors regarding tax or other legal implications of their donations and must inform the donor that it is the donor's responsibility to seek independent advice from a qualified tax specialist or attorney.
 3. Informal appraisals may be performed by staff for internal use only, such as for insurance evaluations, or for loans. Any such appraisal must represent an honest and objective judgment and must indicate how the evaluation was reached. Collections staff shall only provide valuation documentation, upon request, to parties approved by designated leadership.
 4. The Choctaw Cultural Center shall not accept any donations believed to be improperly represented, be it through legality, authenticity, condition, or value. If collections staff suspects the improper representation of an item, the associate shall then:
 - a. Accept the item as a reproduction, or
 - b. Refuse the item until it is substantiated by a licensed appraiser, external to the organization.

J. Identifications and Authentications

1. It is beneficial to the Choctaw Cultural Center and its constituency for staff members to assist tribal citizens, outside patrons and other museum professionals in identifying the possibility of an item as being of Choctaw design or manufacture. Collections staff can assist in this endeavor and are encouraged to work with the Choctaw Nation of Oklahoma's Tribal Historic

Preservation Department and tribal community cultural experts for confirmation of their findings.

- a. Identifications consist of informal evaluations of an item which allows for the gathering of additional information. This information, along with consultation with the Historic Preservation Department and community members, can assist in determining if an item has an association with the Choctaw Nation. Identifications should not be presented in absolutes and must be presented with justifications for the conclusions reached.
 - b. Authentications, or the formal process of verifying the item in question is genuine or original, will not be provided by the Choctaw Cultural Center Collections Department.
2. Choctaw Cultural Center collections staff shall confine themselves to their areas of expertise for identifications. However, collaborations with internal Choctaw Nation of Oklahoma departments and tribal community cultural advisors are encouraged.
 - a. Collaboration with the Historic Preservation Department may assist in identification of items as well as providing additional information and education concerning the construction of items, materials used, cultural significance, and history of the era. The Collections Department acknowledges the opportunity for further education and perpetuation of Choctaw knowledge through such collaborations, particularly with the tribal community.
3. Identification information may be provided orally or as written statements. Both must be accompanied by the Choctaw Cultural Center's disclaimer form, which the requestor will need to sign before any opinion regarding identification is given. Additionally, a disclaimer statement will be displayed on the Choctaw Cultural Center's website and will be accompanied by links to outside organizations that can assist in finding an appraiser. It will be noted that no appraisers are endorsed by the Choctaw Cultural Center. The statement will read: *Choctaw Cultural Center staff cannot appraise or authenticate works of art or recommend specific appraisers. To locate an appraiser, visit the websites of the following professional organizations: [list follows]*.
4. All assistance, whether written or oral, is provided free of monetary or other compensation, however staff members may be reimbursed for costs incurred, such as mileage or other travel expenses.

5. No employee shall identify or otherwise authenticate for other persons or agencies any natural history specimens or cultural artifacts under circumstances that could encourage or benefit illegal, unethical, or irresponsible traffic in such materials. Identification and authentication may be given in compliance with a legitimate request.

K. Periodic Review

The collections advisory committee of the Choctaw Cultural Center and the staff will periodically review the collections management policy considering changes in applicable law, standard practice, changing conditions, and priorities. These reviews will occur at three-year intervals or more frequently if conditions warrant. See **XIII. Implementation, Review, and Revision** for more detail.

L. Exceptions

Exceptions to specific statements in this policy may be granted on a case-by-case basis as determined by the management of the Choctaw Cultural Center.

VI. Acquisitions and Accessions

A. Acquisitions Criteria

Artifacts acquired for the permanent collections must fall within the scope of the Choctaw Cultural Center's mission and reflect the needs and interests of the Choctaw Cultural Center and the community the Choctaw Cultural Center serves. Artifacts and specimens should be of good quality, condition, and possess physical and documentary integrity to ensure their use in possible ongoing study, research, teaching, and exhibition programs, unless deemed culturally sensitive. The Choctaw Cultural Center may decline artifacts if it is determined that we cannot properly provide for their conservation or long-term care.

1. **Understanding Responsibility:** Acquisition of artifacts and specimens for the collections by the Choctaw Cultural Center obligates the center and Choctaw Nation to long term care and storage of a diverse group of items. As a tribally funded cultural center, the inherent financial burden involved in this process

necessitates critical thinking as well as justification of action and expense. Foremost, the Choctaw Cultural Center collects items to fulfill its mission. The mission statement and related policy documents guide collections staff when acquiring items to ensure fiduciary responsibility.

2. **Ownership:** The Choctaw Cultural Center adds to its collections by establishing ownership of material through various means including but not limited to, purchase, commission, bequest, gift, exchange, transfer, field collection, and abandonment. Only collections for which clear title or a special trust agreement is established are acquired. If material is acquired through purchase or donation, the owner shall warrant that he/she holds full and unencumbered title to the material. The Choctaw Cultural Center may require documented proof of ownership.
3. **Significance:** A decision to acquire an item or collection by the collections advisory committee will be based on the significance of the item to the purpose of the Choctaw Cultural Center, particularly given geographic and subject matter parameters. The decision will also be based on the Choctaw Cultural Center's ability to document, preserve, store, and provide reasonable access to the item in keeping with accepted professional standards. Items of significant cultural importance that are also deemed as sensitive and not suitable for study, research, teaching or exhibition will be determined by a partnership between the Choctaw Cultural Center collections staff and the Choctaw Nation of Oklahoma's Tribal Historic Preservation Department until such time as a collections advisory committee is formed. After that point, the collections advisory committee will determine any cultural sensitivities within the Choctaw Cultural Center's collections.
4. **Restrictions:** It is the policy of the Choctaw Cultural Center to accept only those donations that are free of restrictions, such as the requirement that a donated item be placed on permanent exhibition. Items for the education/teaching collections will be acquired under the same restrictions regarding legal and ethical acquisitions as items for the permanent collection. Education/teaching collections do not necessarily require the same level of documentation regarding provenance nor carry the same obligation for preservation and conservation, but the Choctaw Cultural Center will make reasonable efforts to document, preserve, and conserve teaching/education collections.

5. **Rights:** The Choctaw Cultural Center will ascertain what rights are acquired along with an item or collection. Proper documentation of all rights to the item is essential.
6. **Monetary Limitations:** Items offered as donations to the Choctaw Cultural Center that exceed a monetary value of \$1000, or whose care and/or storage would require an unbudgeted financial investment for the Choctaw Cultural Center, must be approved in writing by the senior director before they are accepted. Items exceeding a monetary value of \$5000, or that require a significant capital expense to house, are reviewed by the collections advisory committee. All collections or items purchased for the collections must be approved in advanced by the senior director of the Choctaw Cultural Center.

B. History

This abbreviated Choctaw history details significant events to provide readers with a sense of the scope of cultural and historically significant items and documents that may be of interest to the Choctaw Cultural Center.

Unknown: Choctaw origin stories describe the formation of some of the Southeastern Tribes at Nanih Waiya Cave. Other accounts discuss a journey from the west with the Chickasaw.

11,200-10,900 BC: Clovis becomes prominent in the Choctaw homeland and across North America.

10,500 BC: Pleistocene megafauna extinction is described by Choctaw oral tradition, the earliest dateable event for Choctaw ancestors in the southeastern homeland.

4500-3000 BC: First earth mounds constructed in Choctaw homelands.

2000 BC: Earliest surviving direct evidence of river cane basketry.

1500 BC: Advent of pottery in Choctaw homelands is described by oral tradition.

500 BC: Initial adoption of agriculture in Choctaw homelands.

A.D. 1: Approximate date of earth mound construction at Nanih Waiya.

AD 1075: Ancestral Choctaw society redevelops around corn agriculture at places like the Lubbock Creek site, as described by Choctaw oral tradition.

Muskogean ancestors found Moundville on the Black Warrior River.

AD 1250: Moundville reaches its height. With 30 earth mounds, it is the second-largest population center north of the Valley of Mexico.

1500: First Spanish ships arrive in Mobile Bay.

1528: Navarez Expedition travels through Choctaw homeland leading to a deadly epidemic.

1540: Choctaws face Spanish explorer Hernando de Soto and his contingent at Mabila on the central Alabama River. Thousands of Choctaw ancestors die during this encounter.

1650: Last occupation of Moundville and Lubbub Creek site.

1680-1690: English-sponsored slave raids attack Choctaw settlements from the North and East, killing close to 2,000 Choctaw people. Hundreds of Choctaw women and children are enslaved and sent to the Caribbean.

1702: Choctaws attend a council led by Pierre LeMoyne d'Iberville at the newly established Mobile settlement to forge a peaceful alliance with the Chickasaw and French.

1746-1750: Choctaw towns disagree with France and British alliance. The resulting Choctaw Civil War concludes with the signing of the harsh Grandpre Treaty with the French.

1763: The French and Indian War ends French colonial power in America.

1765: Choctaws meet with the British at Mobile and sign a treaty defining the eastern border of their lands, resulting in the first European theft of Choctaw land.

1775-1783: The American Revolution is fought. Some Choctaws aid Americans as scouts. The war concludes with the Treaty of Paris, and Britain cedes land claims south of Canada.

1786: The Treaty of Hopewell, the first treaty signed between the Choctaw and the U.S. government, establishes a perpetual peace between the two nations.

1793: Choctaw, Chickasaw, Cherokee, and Creek Nations sign a treaty of friendship with the Spanish known as the Treaty of Nogales.

1795: The Spanish sign the Treaty of San Lorenzo (Pickney's Treaty) and removes its settlers south of the 31st parallel. The United States now claims Choctaw homelands.

1801: The Treaty of Fort Adams grants the U.S. government over two million acres of Choctaw territory and the right to construct the Natchez Trace. Illegal squatters are removed from Choctaw lands, and the Choctaw Nation's right to punish them is affirmed.

1802: Choctaws sign the Treaty of Fort Confederation near Fort Tombecbe, Alabama, redefining the eastern border and ceding more land to the United States.

1803: Choctaws sign the Treaty of Hoe Buckintoopa, ceding over 850,000 acres. The exchange eliminates trade debts that had provided supplies to their community.

The United States purchases the Louisiana Territory from France.

1805: The Treaty of Mount Dexter cedes over four million acres to the United States to pay debts owed to Panton, Leslie, and Company.

1811: Shawnee leader Tecumseh petitions Choctaws to join the Indian confederacy opposed to the United States. Choctaws refuse.

1812-14: Many Choctaws ally with the United States during the War of 1812. Many serve as Andrew Jackson's special forces in the Battle of New Orleans, receiving recognition from Congress.

1813: Many Choctaws ally with the United States during the Creek War. Many fight with Pushmataha, a Brigadier General.

1816: The Treaty of Fort St. Stephens cedes around three million acres to the United States.

1818: Presbyterian missionaries establish Elliot, a mission located on land donated by Chief Levi Perry. Choctaw leaders invite missionaries to establish schools in Choctaw Nation.

1820: The Treaty of Doak's Stand results in over five million acres ceded in exchange for around thirteen million acres further west. It also provides funds for establishing the Lighthorsemen, a police force that serves in each district.

1824: Choctaws send a delegation to Washington, D.C. to discuss issues resulting from the Treaty of Doak's Stand. Chief Pushmataha and Apukshunnubbee die during this trip.

The Bureau of Indian Affairs (BIA) is established within the U.S. War Department.

1825: The Treaty of Washington City redefines the Choctaw eastern border in Indian Territory in return for annual payments.

Choctaw Academy boarding school opens in Kentucky using Choctaw funds.

1826: The three districts convene and develop their first written constitution, combining Choctaw political philosophies in a westernized form.

Choctaws and Chickasaws refuse to cede any more land or move west of the Mississippi.

1828: A delegation of Choctaws conducts an exploratory trip of Indian Territory with Chickasaw and Creek leaders.

1829: Choctaws establish Skullyville in Indian Territory.

Choctaws collaborate with missionaries to develop a written form of their language. The first edition of the Choctaw hymnal is published.

1830: Choctaw leaders and government officials discuss a removal treaty. Responding to threats of military invasion, a minority of Choctaw leaders sign the Treaty of Dancing Rabbit Creek, ceding all Choctaw land in Mississippi in exchange for land in Indian Territory.

A missionary and his church voluntarily move early and plant the corn that the first Choctaws use after removal.

1831: Roughly 5,500 Choctaws depart for Indian Territory. A Choctaw minko describes the journey as a "trail of tears and death." Throughout removal, 3,000-4,000 die on the trail.

1832-1833: Wheelock Academy opens.

Approximately 2000 Choctaws travel on the Trail of Tears and Death.

1834: Tribal leaders meet at Nanih Waiya, near present-day Tuskahoma, to write a new constitution.

1835: The United States and the Comanche, Wichita, Cherokee, Muscogee, Choctaw, Osage, Seneca, and Quapaw Indians sign a treaty at Camp Holmes, Muscogee Nation

Cyrus Byington founds a church circuit based in Eagletown.

1837: The Treaty of Doaksville is signed. The Chickasaws agree to pay \$530,000 for the right to settle on Choctaw lands and integrate into the Choctaw Nation.

1838: The revised Constitution of the Choctaw Nation is approved in October, and the Chickasaw Nation is incorporated into the Choctaw Nation as its own district.

1842: The revised Constitution of the Choctaw Nation is approved November 10, 1842. The legislative branch is divided into a House and Senate.

The Choctaw Council allocates funding for its boarding and Sunday schools. They develop one of the largest and most inclusive public educational institutions of their time.

1844-1855: Over 7,000 Choctaws are removed from Mississippi, Alabama, and Louisiana.

1847: The Choctaws raise and send funds to assist Ireland during the Irish Potato Famine.

1850: The revised Constitution of the Choctaw Nation is approved October 14, 1850, establishing the county system which empowers local judges.

1855: Choctaws, Chickasaws, and the United States sign a treaty, reestablishing the autonomous Chickasaw Nation and makes them title holders alongside Choctaw Nation.

1857-1860: A minority group of Choctaw leaders, primarily slave-owners, write a constitution at Skullyville. Tribal leaders respond with a separate constitution. Nearing civil war, leaders meet and develop a new constitution on January 11, 1860.

1861-65: The U.S. Civil War is fought. The United States abandon its treaty obligations to Choctaws, leading them to align with the Confederacy to maintain tribal sovereignty.

1866: Choctaws and Chickasaws sign a reconstruction treaty with the U.S. government, allowing for a railroad and stage roads through Choctaw territory and lays the groundwork for statehood. Allen Wright proposes the name "Oklahoma."

1868: Cyrus Byington's Choctaw Language Dictionary is published.

1870-1872: The Missouri-Kansas-Texas Railroad (KATY) crosses the Kansas border into Indian Territory passing through the Choctaw, Creek, and Cherokee Nations.

1872: J.J. McAlester marries tribal member, Rebecca Burney, allowing him to become an intermarried citizen of Choctaw Nation. He helps develop the Choctaw's coal industry.

1880's: A group of female elders from the Choctaw, Chickasaw, Cherokee, and Creek Nation establish the Four Mother's Society, revitalizing traditional southeastern religion.

1887: Congress passes the General Allotment Act (Dawes Act), disbursing tribal lands to individuals through allotments. This does not apply to the Five Tribes.

1889: Oklahoma Territory is organized from the western section of Indian Territory.

1893-1894: U.S. Congress grants President Grover Cleveland the authority to form the Dawes Commission to allot the Five Civilized Tribes' land. They are met with resistance by Choctaw tribal members.

1897-1898: Choctaws sign the Atoka Agreement. Congress passes this as the Curtis Act, which expands the Dawes Act to the Five Tribes and dissolves tribal courts.

The Dawes Commission creates rolls of Mississippi Choctaw for allotment but is hindered by U.S. Agent William Ward.

1901: Congress declares all Native peoples in Indian Territory citizens after allotment.

1902: Individuals remove some Mississippi Choctaws in an attempt to defraud allottees and sell them into slavery.

1903: Approximately 1500 Choctaws are removed from Mississippi, Alabama, and Louisiana.

Stickball is outlawed, an attack on traditional Southeastern religion.

1905: Choctaws support the proposed State of Sequoyah to be admitted to the Union. President Roosevelt refuses to admit Sequoyah as a separate state. Oklahoma statehood proceeds.

1906: Representative Choctaw tribal government is dissolved, but Choctaws continue to host political conventions, meetings, and elections and exercise their sovereignty.

1907: Tribal rolls of those eligible to receive government allotments are officially closed.

Choctaws become citizens of the state of Oklahoma.

1917-18: Individual Choctaw citizens fight on behalf of the United States during World War I, including acting as code talkers.

1918: The Bureau of Indian Affairs establishes the Choctaw Indian Agency in Philadelphia, Mississippi.

Choctaw communities survive the devastating Spanish influenza pandemic.

1941-45: Choctaws enlist in the armed forces during World War II. Some serve as code talkers, although to a much lesser degree than in WWI.

1949: The Bureau of Indian Affairs sells the Choctaw-Chickasaw coal lands.

1953: Congress passes the Termination Act, attempting to end their relationship with tribes. Nearly 750,000 Choctaws move to urban centers due to Urban relocation programs.

1955: Wheelock Academy closes.

1959: Congress passes legislation for the termination of the Choctaw Nation. Community members are opposed to this action.

1965: Choctaw Housing Authority is established.

1969: Choctaw leaders establish the Choctaw Development Enterprise.

1970: Termination of the Choctaw Nation is halted one day before enactment through grassroots activism by community members. This encourages a cultural revival among Choctaws.

1979: Revised Constitution of the Choctaw Nation is approved on March 21, 1979.

1983: Revised Constitution of the Choctaw Nation is approved on July 25, 1983, establishing a representative government recognized by the United States for the first time in 68 years.

1987: Choctaw Nation opens the Choctaw Bingo Parlor.

1988: U.S. Congress passes the Indian Gaming Regulatory Act.

1998: Choctaw Color Guard established.

2004: Durant Pow Wow established.

2013: Bingo Hall Demolished for Durant Resort Expansion.

2018: Choctaw Nation Headquarters relocates to a new building in Durant.

2020: The U.S. Supreme Court ruling on *McGirt vs. Oklahoma* supporting tribal sovereignty.

2021: The Choctaw Cultural Center opens to the public.

C. Legal Requirements

Acquisition of material will be in accordance with the appropriate Choctaw Nation of Oklahoma regulations. However, other international treaties and local, state, and federal regulations and the UNESCO convention will be reviewed as needed. No items will be acquired that were obtained through illegal or clandestine activity.

- 1. Religious/Cultural Considerations:** In providing repository functions the Choctaw Cultural Center shall work within Choctaw Nation of Oklahoma's laws to regulate the inventory, study, collection, curation, and/or disposition of materials to ensure that the religious and cultural beliefs of the tribe and its current citizens and ancestors are respected.

2. **Exceptions:** Subject to collections advisory committee approval, the Choctaw Cultural Center may accept and act as a repository for collections of material obtained illegally in cases where doing so will help promote: 1) prevention of random disposal; 2) preservation of information; and 3) cultural education, and 4) the preservation/continuation of Choctaw culture. In such a case as there is an open Choctaw Nation of Oklahoma-FBI ARPA investigation that is non-NAGPRA affiliated, the Choctaw Cultural Center may temporarily and safely house these artifacts if no other safe space is available. Acceptance of such materials must be carried out in a way that will not encourage similar methods or further such collecting of materials. Whenever possible the Choctaw Cultural Center will attempt to have the person offering such material redirect that offer to the rightful owner. In all such cases, the Choctaw Cultural Center will make all reasonable efforts to return the material to the rightful owner.

D. Special Considerations

1. **Native Nations:** Relationships between the Choctaw Cultural Center and other Native American nations and descendent communities and peoples will be governed by respect for the human rights of Native Americans and for the values of research and public education. The Choctaw Cultural Center recognizes the value of historic, cultural and scientific research as well as public education, and the need to pursue them in a respectful, non-intrusive manner that recognizes the rights of Native American nations and descendent communities and peoples. In keeping with this philosophy, the Choctaw Cultural Center will consult with the Historic Preservation Department, the collections advisory committee, as well as the Choctaw Nation's Internal Review Board regarding ownership, consent, and treatment issues before deciding whether to acquire any culturally sensitive materials. When entering into agreements for the acceptance of, or continued care for, archaeological or repository collections, the Choctaw Cultural Center may issue such stipulations as are necessary to ensure that the collection, treatment, and dispositions of culturally sensitive materials include adequate consultation with concerned parties and are otherwise consistent with this policy.
2. **Care and Trust Agreements:** In some cases, it may be necessary to temporarily house items that tribal members or tribal communities do not have the means to care for on their own. All requests for a care and trust agreement will be considered on a case-by-case basis and subject to the

Choctaw Cultural Center's mission and available space and resources. The collections advisory committee and the Choctaw Cultural Center's senior leadership will determine if items can be accepted via a care and trust agreement and will work with the owner and/or tribal community to ensure appropriate care of items and duration of the agreement.

The Choctaw Cultural Center does not hold legal title to these collections and will not do any alteration, conservation or repairs on these items. Access to these items will be determined in the trust agreement between the depositor and the Choctaw Cultural Center, and it will provide the same care and respect to the items as it does for comparable items under its control. Items will be stored in their existing boxes and bags unless they are deemed to be hazardous, at which point collections staff will suggest alternate supplies. Any storage costs for these collections for services and supplies valuing up to \$500 will be borne by the Choctaw Cultural Center. Any amount for supplies over that threshold will need to be funded via donor, grant, or other outside funding. This type of agreement is only approved by the collections advisory committee and Choctaw Cultural Center leadership. The duration of this agreement will automatically renew unless the depositor notifies the Choctaw Cultural Center that they wish to terminate the agreement. Notice of termination will be made at least 30 days prior to the expiration date.

3. **Purchase of Materials:** Materials considered for purchase by the Choctaw Cultural Center will be scrutinized to avoid encouraging unethical collection practices or trafficking in illegal materials. All collections or items purchased for the collections must be approved in advance by the senior director.
4. **Found in Collections:** These are items that are in the Choctaw Cultural Center's possession, are not supported by any documentation, and/or lack sufficient evidence to prove ownership by the Choctaw Cultural Center. Procedures for managing found in collection items are detailed in a separate document. If clear title can be established, the Choctaw Cultural Center may choose to keep or deaccession/dispose of the item, using the appropriate methods. If the item is deemed to be a hazard to the collections or the people who care for it, the item may be disposed of immediately following documentation.

E. Temporary Custody

1. **Temporary Custody Agreement:** Materials left in the Choctaw Cultural Center temporarily, whether solicited or unsolicited, shall be registered under a temporary custody agreement. The term of this agreement will not exceed 90 days unless otherwise stipulated. This agreement must be in writing and be signed by both parties.
2. **Disposition:** Materials left with or unanticipatedly mailed to the Choctaw Cultural Center staff by persons refusing to execute a temporary custody agreement will be considered abandoned property and either accessioned or disposed of as the Choctaw Cultural Center deems appropriate and in accordance with abandoned property, best practices, and tribal law.³⁵
3. **No Alteration:** Materials left in temporary custody may be photographed and examined via standard professional methods by the Choctaw Cultural Center for its own purposes, but no alteration, restoration, or repair of the materials will be undertaken without written permission of the owner.
4. **Care for Material:** The Choctaw Cultural Center will provide the same care for materials in its temporary custody that it provides for similar materials in its permanent collection. However, collections specific materials and preventative conservation efforts will be minimal.
5. **No Insurance Coverage:** Materials covered by temporary custody agreements will not be insured by the Choctaw Cultural Center.
6. **Change of Ownership:** Should a change in ownership occur, the new owner must provide satisfactory proof of legal ownership before material will be released.
7. **Prompt Pick-up:** If the owner does not retrieve their material by the date stipulated in the temporary custody agreement, the Choctaw Cultural Center will follow a prescribed procedure to contact the owner, request removal, and then accession or dispose of the material as they deem fit.

³⁵ See Appendix F & G for further information.

8. **Policy Notification:** The Choctaw Cultural Center will provide the owners or authorized agents with a copy of this policy when executing the temporary custody agreement.
9. **Staff Responsibility:** Staff members accepting materials into the Choctaw Cultural Center without registering them shall be considered personally responsible for their loss or damage. Only collections staff may accept items intended for the permanent collections.

F. Accessioning and Documentation

Documentation is essential to maintain the identity, cultural value, and, in instances of items of Native American provenance, spiritual care of an item. The Choctaw Cultural Center maintains paper acquisition and catalog records, a computerized acquisitions database, collections inventories, and additional support documentation for all collections. Cataloging and documentation of items will be completed as soon after accessioning as time constraints and availability of appropriate expertise allow.

1. **Numbering:** Items approved for accession into the permanent collection shall be registered by assigning a sequential accession number. This number shall be affixed to collection objects in a permanent manner appropriate to the nature of the material and in accordance with currently accepted professional museum and archival standards.
2. **Accessioning File:** A file shall be kept for each accession number and shall contain documentation concerning proof of ownership, donor or previous owner, date of acquisition, and any other information about the nature in context of the material.
3. **Cataloging:**
 - a. **Standards:** All Choctaw Cultural Center acquisitions shall be catalogued in accordance with currently accepted professional museum and archival standards.
 - b. **Information to Include:** Cataloging shall include, whenever possible, a technical description of the material, information about date and place of origin, previous ownership and use, special circumstances surrounding

the use or manufacture of the material, cultural context and sensitivity, value, condition, and photographs or video of the material.

- c. **Expert Knowledge:** The Choctaw Cultural Center will seek further information and understanding from subject matter experts to ensure that the data collected and preserved about an item is complete and accurate. This particularly applies to items with Native American cultural affiliation and the need to better understand the cultural materials, their context, and their appropriate treatment.

4. Records:

- a. **Importance:** The Choctaw Cultural Center considers the documentation related to material in its collections to be of primary importance. Documentation enhances the intellectual value of the collections and facilitates proper care and handling of material. It also informs potential users of special conditions and provisions regarding materials. Collecting additional documentation to enhance existing information about the collections is a priority for the Choctaw Cultural Center and shall be part of the day-to-day activities of the Choctaw Cultural Center collections staff.
- b. **Overarching Types:** Records associated with curatorial and registration functions will be kept as hardcopy files within the accession files and/or maintained as a digital record in the electronic database.
 - i. Registration records document the legal status of the item, the item's location, movement, condition, care, and deaccession. These include the records of all inventories done of the collections or items as well as artifacts or assemblages on exhibit.
 - ii. Curatorial records document provenance, legal status, research information, and descriptive catalog.
- c. **Field and Research Notes:** Records associated with the collections, including records generated by research and field work are considered part of the Choctaw Cultural Center's collections. These items shall be accessioned or maintained, as appropriate in consultation with the collections advisory committee and/or tribal archaeologist to ensure sensitive information is appropriately identified and restricted.

- d. **Professional Standards:** Collection records, including source, location, and subject cards/notes, accession files, accession book, and all computer files shall be kept in accordance with currently accepted professional museum standards.
- e. **Duplicate Records:** For security purposes, additional digital copies of accession files and/or the digital collections database will be created and stored away from the main storage of accession records. All digital records are backed up by the Choctaw Cultural Center and paper collections records are housed in fireproof cabinets.
- f. **Access to Collection Information:** Collection records are not usually public information. Data contained in the Choctaw Cultural Center's acquisition records will be available to the public on a limited basis. Certain types of information may be kept private (e.g. the name of an anonymous donor, locations of archaeological sites, culturally sensitive information, associated confidential appraisal information, prices paid, certain vendors, etc.). Access to collections information is provided at the discretion of the Choctaw Cultural Center's senior director.
- g. **Inventory:** The permanent collection and items on loan to the Choctaw Cultural Center shall be inventoried on a rotating basis, or as needed. The Collections Department will develop a schedule of inventories to ensure that all items are inventoried, and an accurate record kept of item description, condition, and location. Inventories are conducted:
 - i. **Section-by-Section:** An inventory performed on a scheduled basis, consisting of inventorying based on rotating areas or collections.
 - ii. **Spot Check:** An inventory done sporadically to check the accuracy of records and the location of a small percentage of the collections. Random spot checks shall be conducted regularly. At minimum, a 1% spot inventory must be completed every two years.
 - iii. **Project Based:** An inventory performed as the result of a defined exhibit or project. Defined projects include rehousing, data management, research, relocation, or other selective criteria. It provides the opportunity to verify locations and data of discrete groups of items or specimens.

VII. Collections Care, Conservation, and Storage

A. Collections Care

The Choctaw Cultural Center holds its collections on behalf of the Choctaw Nation of Oklahoma and its citizens. Since the care of collections is paramount to its mission, the Choctaw Cultural Center strives to maintain the collections in accordance with accepted museum, archival, and cultural standards while considering staff resources, budgetary allowances, and available storage facilities.

The Choctaw Cultural Center's collections are extremely diverse, encompassing a wide variety of items and records, each requiring particular environmental standards. A stable environment for all items in storage or on display will be maintained to protect from deleterious effects. The collections staff will monitor the following environmental information to maintain a high level of care for materials. This includes, but is not limited to, excessive light, heat, humidity, and dust. The environmental needs of specific materials will be considered.

B. Responsible Parties

The Choctaw Cultural Center's collection staff shall exercise direct oversight and supervision of the Choctaw Cultural Center's collections. They shall be responsible for the management and care of all collection items owned by, on loan, and in the temporary custody of the Choctaw Cultural Center. The objectives for collection care are expedited by the facilities manager who is responsible for communicating between the Choctaw Cultural Center and facility services, including contractors, environmental services and controls, police and fire departments, and the security and safety features of the building.

C. Security

Access to secure storage is restricted by biometric, electronic card, and/or keyed access. Immediate access is restricted to electronic card holders with biometric data on file, which includes direct collections care staff, the facilities manager, and security. All work conducted in the storage areas by interns, volunteers, contract laborers, etc. is closely monitored in person by collections staff or other

approved key holders. All other monitoring is regularly performed through electronic surveillance equipment by approved Choctaw Nation security personnel.

D. Storage

The goal of storage is to protect and preserve collection items. Good storage environments and materials are essential to long-term item preservation. In addition to constraints noted under security, all storage areas will be monitored consistently by temperature and relative humidity data loggers. The reports generated using this data are used to adjust the HVAC system, as necessary. An integrated pest management plan is acted upon to keep storage areas clean of pests that could adversely affect the collections. Light should consist of non-UV producing products and should remain off unless collection staff are working in the area. Due to the nature of the lighting system in collections storage, time within storage should be limited and work performed in the collections workroom, if possible.

E. Preventive Conservation

The Choctaw Cultural Center abides by the concept of preventive conservation, the goal of which is to minimize damage to the collections by agents of deterioration. For information concerning pest management, see section **VII. Collections Care, Conservation, and Storage, Sub-Section G: Pest Management**.

1. **Handling:** Safe handling and movement of collection items is always practiced in the Choctaw Cultural Center. All appropriate staff shall be made aware of their basic and continuing responsibility to preserve and protect collection items in storage or on exhibition. Appropriate training is provided for all individuals given permission to handle collections. Additionally, all staff with access to collections are periodically trained and refreshed in appropriate handling, packing, and shipping procedures by the collections staff. The goal of this training is to ensure the safety of the collections as well as the staff.
2. **Temperature:** Within controllable areas, temperature levels are sustained using an HVAC system. Lower temperatures are better for artifact preservation because chemical and biological activity increases with higher temperatures. In areas around the campus where people are present, the

temperature should remain between 65° Fahrenheit and 70° Fahrenheit. For storage places where people are seldom present temperatures in the 40° Fahrenheit to 60° Fahrenheit range are desirable. Temperatures in collections areas should never exceed 75° Fahrenheit. Abrupt changes in temperature, which put great stress on artifacts, must be prevented.

3. **Relative Humidity:** Due to the extreme sensitivity of many artifacts to relative humidity, control of relative humidity is crucial. For most items, relative humidity should be kept between 40-60% with a monthly fluctuation of less than 5%. Iron and some other materials, like paper, require much lower relative humidity levels for long term preservation.

4. **Light:**

- a. Light levels in the galleries are adjusted for each new exhibition and/or according to the requests of lenders.
- b. Light levels are measured in footcandles or lux at the beginning of each exhibition and during the run of the exhibition if lights are altered or lamps replaced. Lighting choices will be selected based on the most sensitive material on display.
 - i. Sensitive collections including textiles, watercolors, photographs, and other papers should be viewed in a maximum light of 5 footcandles (50 lux).
 - ii. Less sensitive collections including oil paintings, wood, and leather a maximum light level should be 15 footcandles (150 lux).
 - iii. Least sensitive collections including most metal, ceramics, stones, and glass a maximum light level should be 30 footcandles (300 lux).
- c. Any fluorescent bulbs in the collections and in the exhibits are covered with ultraviolet (UV) filters. LED lighting is preferred and if fluorescent lighting is found, efforts are made to change it to LED lighting.
- d. UV light should ideally be between 0-10 microwatts per lumen – numbers at or near zero (0) are preferred. The maximum amount of UV is 75 microwatts per lumen.

- e. Collections should be kept in darkness while in storage. When it is necessary to introduce light levels into the storage area, the exposure time will be limited as much as possible.
 - f. Lights will be turned off in the exhibit area when the exhibit space is closed to the public.
5. **Emergency Preparedness and Disaster Planning:** The Choctaw Cultural Center and the Choctaw Nation takes a proactive stance against potential disasters. In preparation and in conjunction with the Choctaw Nation Safety Department policies, the disaster management plan will be updated every five (5) years, or as needed, as will the salvage plan.
 6. **Exhibition:** Exhibition cases are constructed of materials known to be safe for the exhibition of museum items. The Choctaw Cultural Center will inventory and change the items on exhibit periodically in order to protect them from light damage, dust, dirt, insects, and general deterioration.

F. Conservation

Conservation is a continuing responsibility and is specific to individual items. It is an intervention measure, designed to return a deteriorated or damaged item to stability, through reversible and minimally intrusive methods. The Choctaw Cultural Center recognizes its obligation to pursue a deliberate and systematic program of conservation, as well as conservation projects oriented toward a particular purpose or a single item. All repair, restoration, or conservation measures shall respect the historical, physical, and cultural integrity of the item. As such, the Choctaw Cultural Center enforces the conservation philosophy of minimal chemical and physical trauma to the item, use of sympathetic materials, the principle of reversibility, the compatibility of materials, and the keeping of complete and accurate records of the conservation process.

1. **Treatment:** All treatments applied to artifacts and specimens will be done in accordance with American Institute of Conservation guidelines and in consultation with appropriate staff or conservators. Treatments may or may not take place within the physical boundaries of the Choctaw Cultural Center building or campus; efforts will be made for treatment to take place in an environment that minimizes hazards to the items undergoing conservation as well as to the occupants of the building. All treatments will be performed by

trained staff or a contracted conservator. Appropriate documentation will accompany all treatments.

2. **Conservators:** When Choctaw Cultural Center staff does not have the requisite training to effect conservation on an item, the services of a professional with requisite training, experience, and specialization within the necessary field of conservation (e.g. items, textiles, paintings, paper, architectural conservation, etc.) will be sought.
 - a. All contracted conservators must abide by federal and state laws, regulations, and procedures regarding the use of and disposal of chemicals.
 - b. All items being conserved require the contracted conservator to supply proof of adequate insurance, estimate of costs, condition report(s), description of proposed treatment, progress reports, final treatment report, and photo documentation of treatment.

G. Pest Management

The Choctaw Cultural Center uses integrated pest management (IPM) as a primary line of defense against infestations (insect, rodent, and other biological infestation). Procedures are outlined in the IPM document to be updated every three (3) years. IPM includes the use of good housekeeping techniques, regular monitoring of collections, building and environs, identification of pest species, and treatment as required.

1. Monitoring is done with the aid of a recognized pest control company.
2. Periodically, a chemical barrier is applied along the foundation of the building's exterior, the growth of vegetation along the foundation as well as tree overhangs at the roofline are monitored.
3. Structures on the Choctaw Cultural Center campus that are separate from the main building are monitored and treated as necessary by a recognized pest control company.
4. The Choctaw Cultural Center uses a monitoring and detection system of sticky traps and enclosed traps for mice. The traps are removed and replaced every six months or as needed. When an infestation is identified, the item or

specimen is isolated and treated in the safest manner possible. Preferred treatments include temperature modification and anoxic treatment. The use of pesticides is discouraged and used only when other methods are exhausted or impractical. If the use of pesticides is necessary, it is done in accordance with OSHA regulations.

5. No food or drink is permitted in collection or archive storage.
6. Events, Programs, and Dining: During receptions when food and drink are served, guests will not consume refreshments in the exhibit areas. After a reception, complete cleanup must be done immediately. This includes removing the trash from the building as well as sweeping and/or mopping spilled debris. The restaurant kitchen, dining area, and any classrooms Choctaw Cultural Center where food is used or consumed will be cleaned every night and periodically throughout the day, as needed. No garbage containing foodstuffs should remain in the building overnight.
7. Staff members, interns, and volunteers have access to a break room as well as the onsite restaurant for lunch and snacks. Foodstuffs should only be consumed in those areas. Drinks may be consumed in offices but must be transported using covered containers. No garbage containing foodstuffs should remain in the building overnight.
8. All rules and restrictions detailed in the Choctaw Nation Occupational Safety and Health document **CNOSH – Workplace Safety and Organization (Housekeeping)**³⁶, reference number 3860, shall be followed. If the rules and restrictions are at variance between the Choctaw Cultural Center Collection Management Policy and the Housekeeping Policy, the more restrictive rule and/or regulation will prevail.

H. Risk and Disaster Management

A disaster management plan is formulated to pursue due diligence in protecting human life, preserve the Choctaw Cultural Center's valuable collections, and guard its buildings in the event of a disaster. As such, a disaster management plan is maintained to mitigate, prepare for, respond to, and recover from disasters. The plan will be updated every five (5) years, or as needed. The plan consists of two units:

³⁶ See Appendix H.

1. **Emergency Procedures Plan:** This covers procedures to handle medical emergencies, power outages, fire, flood, water damage, explosions, chemical spills, gas leaks and suspicious odors, tornadoes and severe storms, earthquakes, vandalism, theft, personal safety, threats and suspicious items, and civil disturbances. A mapped evacuation plan and list of emergency contacts is also included.
2. **Disaster Preparedness Plan:** This covers responsibilities in the event of a major disaster or minor emergency, including the following tenets:
 - a. The primary responsibility is to safeguard the lives of people.
 - b. The second responsibility is to safeguard the Choctaw Cultural Center's irreplaceable collections.
 - c. The tertiary responsibility is to safeguard the building and environs.

I. Insurance

The Choctaw Cultural Center shall procure adequate insurance coverage for the collection, exhibitions, and items on loan. The amount of insurance carried shall be reviewed annually by the senior director and collections advisory committee.

VIII. Access and Use of Collections

A. General Policy

Any direct access to or use of the permanent collection must be consistent with the Choctaw Cultural Center's responsibility for their care and preservation.

B. Public Access

1. **Researchers:** Access to items in the collection will be granted to researchers and others who demonstrate a serious and legitimate purpose, after following request procedures and receiving the appropriate approval(s).

2. **Research:** All research proposals utilizing the collections of the Choctaw Cultural Center will be reviewed by collections staff prior to initiation to ensure that the integrity of culturally significant information and practices are maintained and that there is no unfair stigma or harm to the overall community, culture, or heritage of the Choctaw Nation. Collections staff may forward research requests to the collections advisory committee for further review.
 - a. Upon the request of the collections advisory committee, researchers will contact the Choctaw Nation Institutional Review Board if a research proposal has the possibility to affect the overall community, culture, or heritage of the Choctaw Nation. Written documentation will be required from the Institutional Review Board before further consideration of the research proposal can occur.
 - b. The Choctaw Cultural Center has editorial review rights. Research that will be published or presented will be submitted for review and approval to the Choctaw Cultural Center collections advisory committee prior to dissemination. The right to waive review is at the discretion of the collections advisory committee.
3. **Culturally Sensitive Information:** Items considered culturally sensitive, as determined by collections staff, the collections advisory committee, Historic Preservation staff, and community members, will be restricted. The collections advisory committee will review research petitions to view restricted materials.
4. **Facilitation and Supervision:** Collection personnel will provide users with as timely and complete access to the collections as possible. If a curator is not responsible for a collection, the responsibility falls to the registrar. Staff or their designee will provide supervision as well as providing instruction on proper handling and use of collections.
5. **Application for Access:** Users of collections must apply for access at minimum 14 days in advance, be approved by the appropriate Collections Department staff member, and the Director of Curation. Credentials and references may be required. Exceptions may be granted only by the senior director. If items being requested for access are of a sensitive nature, additional time might be required to obtain the necessary permissions. The

need for additional time will be expeditiously communicated to the petitioner.

6. **Criteria:** Access to the collections will depend on the nature of the proposed use of the item, the condition, cultural sensitivity, value, and rarity of the item as well as the availability of staff time. Additionally, access to items will be granted in accordance with applicable international, federal, state, and local regulations.
7. **Exhibits:** Providing access to items on exhibit is discouraged and will only be permitted in instances of compelling need and importance.
8. **Fees:** Fees will be charged when use of the collections creates a significant impact on time or other resources. The user will have access to the current fee schedule and be notified in advance when fees are warranted.
 - a. A licensing fee will apply and is set by the senior director based on several factors including, but not limited to, the proposed number of media copies, proposed retail price, and distribution. Depending on the proposed use, the Choctaw Cultural Center may also require a profit-sharing arrangement.
 - b. A fee for use will apply and is based on several factors including, but not limited to, staff time, resources used and/or consumed, special arrangement, insurance, or the need to outsource to an approved vendor.
 - c. If additional insurance is required, it is the responsibility of the applicant to furnish the Choctaw Cultural Center with proof of coverage.
9. **Supporting Documentation:** The registrar will provide the user with reasonable access to supporting documentation except in situations involving privileged information such as donor identification, appraisal value, etc. Photocopying, at the user's cost, is at the discretion of the Collections Department.
10. **Destructive Research:** Prior written approval must be obtained before destructive research on collections material may commence. Approval will depend on the nature and necessity of the research, the reputation of the researcher or institution, the importance of the item and the existence of duplicate or similar material in the collections. The researcher will provide

the Choctaw Cultural Center with all material remnants and a timely report of the results of the research.

- 11. Revoking Access:** The collection staff may revoke access to the collections when the safety of the item or the individual is, or appears to be, jeopardized. The Choctaw Cultural Center reserves the right to hold users liable for any damage they cause to collections.
- 12. Alternate Collections:** Non-permanent collections have been assembled for teaching, reference, or as exhibition props. If not being used by the Choctaw Cultural Center, requests to borrow items from these collections is based on a first come first served basis, and use will be at the discretion of the collections' primary caretaker.

C. Exhibits

- 1. Advance Notice:** Access to material on exhibit is discouraged and will be permitted only in cases of compelling need and importance. Exceptions may be granted only by the appropriate staff member. Requests to temporarily remove material on exhibit for use, including photography, must be submitted in writing thirty (30) days in advance of the actual use.
- 2. Photography:** Photography of material on exhibit will be allowed in designated areas only. Loaned items are not to be photographed unless the loan agreement states otherwise.
- 3. Surveillance:** In secured areas of the collections, users must always be accompanied by collections personnel or designated staff member. Monitored electronic surveillance equipment is in use 24/7 in public and secure areas.

D. Educational Programming

Material in the Choctaw Cultural Center's permanent collection will be used in educational programming only under the following conditions:

1. Items requested are not culturally sensitive or restricted.
2. Appropriate material is not available in the teaching collections.
3. Use of the material occurs within the Choctaw Cultural Center.

4. The appropriate collections personnel approves and supervises in-house use of collections material.
5. Proposed use of collections material does not endanger or compromise the integrity of the material.

E. Private Use

The Choctaw Cultural Center will not loan material from its collections to any Choctaw Nation staff, volunteers, or individuals for private use. Special requests to use items of cultural patrimony needed for religious ceremony will be taken before the collections advisory committee for review and approval.

Offices within the Choctaw Cultural Center may be used as exhibition space particularly for two-dimensional material, at the discretion of the appropriate collection personnel. Proper storage and exhibition techniques must be observed in such cases, including the periodic rotation of items. The safety and preservation of the items must be the primary consideration of the Choctaw Cultural Center.

F. Rights, Reproduction, and Fair Use

This policy pertains to the scholarly or commercial creation and use of electronic, photographic, or physical reproductions of items maintained in the Choctaw Cultural Center's collections. The policy also restricts publication of imagery of the Choctaw Cultural Center's exhibitions and the use of electronic exhibit media.

The Choctaw Cultural Center is both a user and holder of intellectual property right and seeks to safeguard the intellectual integrity of its collections as it promotes access for educational purposes. The Choctaw Cultural Center is the guardian of irreplaceable archaeological, historic, cultural, and scientific property. To protect the collections from commercial exploitation, the Choctaw Cultural Center will restrict the physical and photographic reproduction of items in its collection and may charge fees for the right to reproduce any of its holdings.

1. **Scholarly Use:** Photographs, videos, and/or reproductions created for educational purposes without personal or financial gain shall be considered

on a case-by-case basis. This includes, but is not limited to, museum exhibitions. Appropriate fees may apply.

2. **External Commercial Use:** Photographing or reproducing material from the Choctaw Cultural Center's collections for commercial use requires prior written approval by the senior director. Such use may entail a fee or percentage of profit and must be related to the purpose of the Choctaw Cultural Center. Item licensing and/or reproductions created for personal or financial gain may be considered on a case-by-case basis.
3. **Scholarly and External Commercial Use Considerations:**
 - a. **Easily Identified:** Reproductions must be clearly and permanently identifiable as reproductions (e.g. reproductions may be identifiable by materials, size, and/or markings).
 - b. **Copyright:** Any necessary clearance of rights beyond those held by the Choctaw Cultural Center is at the expense of the applicant.
 - c. **Supervision:** Choctaw Cultural Center staff must accompany commercial photographers, videographers, film crews, and/or members of the media when photographing or filming.
 - d. **Image Release:** It is the responsibility of the requester to obtain permission to film or photograph individuals using image released forms, or something similar. Minors shall not be photographed without parental/guardian permission. Before an individual of any age is photographed or filmed the requester will inquire regarding the use of such forms.
 - e. **Contract:** A contract listing all details of use is required for scholarly and commercial reproduction requests.
 - f. **Third-Party Contracts:** If a third-party is hired by the contracting entity to photograph, film, or otherwise reproduce an item, place, or intellectual property belonging to the Choctaw Cultural Center, it is understood that the results are under a limited, one-time use contract. Additional approval is needed to utilize the results for other purposes not stated in the original agreement.

- g. **Approval:** The Choctaw Cultural Center reserves editorial review rights for items representing their collections, facilities, or intellectual property. The Choctaw Cultural Center is the only entity allowed final approval.
 - h. **Publication:** When work utilizing the Choctaw Cultural Center's collections is published, in any medium, proper credit to the Choctaw Cultural Center and the creator of the work, if known, must be given. Publication of images from or of the collections must be authorized in advance, in writing, by the appropriate staff member, beyond permissions given to perform the initial research. The user will be notified in advance about applicable fees.
 - i. **Complimentary Copy:** The Choctaw Cultural Center requires one physical and one digital copy of publications that feature items from its collections, its facilities, or intellectual property. If a digital copy is not available, the researcher must provide two physical copies of the published research.
4. **Internal Commercial Use:** The Choctaw Cultural Center may license outside vendors to create reproductions (including casts of items in the Choctaw Cultural Center's collections). These licenses, which include the proposed sale and distribution of these reproductions, will be negotiated with outside vendors on a case-by-case basis.
- a. **Fees:** Licensing and materials fees will be determined during negotiations, based on the standard fees indicated on the request form. Depending on the proposed use, the Choctaw Cultural Center may also require a profit-sharing arrangement.
 - b. **Final Authority:** The senior director must approve the outside company or individual hired or contracted to conduct the reproduction process.
 - c. **Paperwork:** If the item is to be reproduced off-site, the registrar may request a facility report and/or completion of a loan agreement, with full insurance coverage, to the specifications of the Choctaw Cultural Center.
 - d. **Supervision:** Unless approved by the senior director, Choctaw Cultural Center personnel must directly supervise item reproduction.

5. **Use Restrictions:**

- a. **Objects of Cultural Patrimony:** All requests to view items considered objects of cultural patrimony must be approved by the collections advisory committee. Requests to view objects of cultural patrimony from other tribal communities must receive approval from the appropriate Tribal Nation.
- b. **Culturally Sensitive and Restricted Items:** Items considered culturally sensitive and/or have been restricted from public use cannot be photographed. If a tribal member/researcher receives approval to view culturally sensitive items from the collections advisory committee and/or the appropriate Native Nation, no photographs, scans, or reproductions of any kind can be made.
- c. **Items on Loan:** No usage permissions (e.g. photography, reproductions, research access, etc.) shall be granted for objects on loan or held in trust for other agencies unless allowed by the lending agency or owner.
- d. **Deterioration:** Restrictions may be imposed upon the method of reproduction allowed for items that are more susceptible to heat, light, or other agents.
- e. **Destruction:** No reproductions will be allowed that will destroy, or otherwise irrevocably alter items from the permanent collection.
- f. **One-time Use:** Any permissions to reproduce items is restricted to one-time use. The senior director must approve any subsequent use.
- g. **Alterations:** Modifications are not permitted without written approval of the senior director and the copyright holder, if applicable.
- h. **Gift Shop Purchases:** The Choctaw Cultural Center's sale of a reproduction does not grant publication authorization. If the item or image in question is under copyright, permission to publish must be sought from the owner of the rights, as well as from the Choctaw Cultural Center.
- i. **Electronic Use:** Text and image files, audio and video clips, and other content on the Choctaw Cultural Center's website or other virtual museum publications, including, but not limited to virtual exhibits or

online catalogues, are the property of the Choctaw Cultural Center and may be protected by copyright and other restrictions. Copyrights and other proprietary laws for the content and design of the Choctaw Cultural Center's website may also be owned by individuals and entities other than, and in addition to, the Choctaw Cultural Center. The Choctaw Cultural Center expressly prohibits the copying of any protected materials on its website, except for the purposes of fair use as defined by in copyright law, and as described below.

- j. **Donations:** Reproductions must not be deposited with commercial archives, libraries, museums, repositories, or other entities.

6. **Rights of the Choctaw Cultural Center:**

- a. To set standards for how items or properties will be photographed or reproduced.
 - b. To approve any outside company or individual hired or contracted to film, photograph, or otherwise reproduce the items or the properties, and in certain circumstances restrict reproduction to Choctaw Cultural Center staff and resources.
 - c. To approve final reproductions and the context of their publication or distribution.
 - d. To require credit accompanying all uses of reproductions to read: *From the collections of the Choctaw Cultural Center, Durant, Oklahoma.*
 - e. To, at its sole discretion, withhold and/or withdraw permission to photograph, record, or reproduce items in its care.
 - f. The Choctaw Cultural Center does not grant exclusive rights to reproductions or licensing.
7. **High-resolution Images:** In all internal, electronic, web publication, and marketing use, images of items should not exceed 1000 pixels on their largest side.
8. **Right of Refusal:** No permission for the use of these services shall be granted to any individual, group, institution, or corporation that has been shown to

practice or advocate discrimination based on race, creed, sex, national origin, color, age, or disability. Neither will permission be granted to applicants whose proposed use is unacceptable to the Choctaw Cultural Center or the Choctaw Nation. The Choctaw Cultural Center may also deny permission to photograph, film, or otherwise reproduce any item where handling may endanger the integrity of the item.

9. **Responsible Parties:** Designated associates shall be responsible for managing all internal and external requests for reproductions of material in the Choctaw Cultural Center collections. They will confer with the appropriate staff to determine if the current state of the intended item will allow for the proposed reproduction process. Designated associates will also gather appropriate material on copyright restrictions and ensure that such rights are protected. The Choctaw Cultural Center will exercise due diligence in determining the copyright status of items brought into the collection and will credit the copyright holder in all publications. All reproductions from the Choctaw Cultural Center's collections will clearly be marked as reproductions.

10. **Copyright law:** Many parts of the Choctaw Cultural Center's holdings are protected by copyright, that is, a form of protection provided by the laws of the United States (17 U.S.C.), to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and in certain other intellectual works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive rights to the following:
 - a. The right of reproduction
 - b. The right of adaptation
 - c. The right of distribution
 - d. If the work is of such nature, the right of performance
 - e. If the work is of such nature, the right of display

11. **Fair Use:** This refers to the legal right of individuals to use copyrighted materials for certain purposes without infringing on the copyright protections associated with those items. Section 107 of the U.S. Copyright Act outlines four factors that must be considered when determining whether a specific use of a work is protected under fair use. Below is a portion of section 107 that lists the following factors:

"In determining whether the use of a work in any particular case is fair use the factors to be considered shall include –

- i. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- ii. the nature of the copyrighted work;
- iii. the amount and sustainability of the portion used in relation to the copyrighted work as a whole; and
- iv. the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.”

12. Digital Millennium Copyright Act: The nature of historical collections, such as those at the Choctaw Cultural Center, means that copyright or other information about restrictions may be difficult or even impossible to determine. The Choctaw Cultural Center seeks communications from any copyright owners who are not properly identified, so that appropriate information may be provided in the future. This information should be in writing and addressed to the registrar for review.

13. Known Copyright Disclosure: The Choctaw Cultural Center will follow the appropriate Choctaw Nation of Oklahoma best practices, regulations, and/or laws regarding intellectual property. Due diligence will include informing the interested party about any known copyright restrictions.

G. Photography and Filming

This policy pertains to photography or videotaping Cultural Center exhibits for informal or personal use with the goal of allowing for guests to document their visit, while protecting artifacts and specimens from overexposure to light as well as maintaining copyrights where applicable. (For scholarly or commercial use see section **Rights, Reproduction and Fair Use**.)

1. Location: The Choctaw Cultural Center permits informal personal use photography and videotaping throughout the Choctaw Cultural Center campus, except where posted.

2. Restrictions:

- a. No flash photography, tripods, monopods, or selfie sticks are permitted in the exhibition areas.
- b. Additional photographic equipment is prohibited (e.g. lights, reflectors, props, costumes, models), except with special approval or under commercial contract (see section **Rights, Reproduction and Fair Use** for commercial use).
- c. Photographs cannot be published, sold, reproduced, transferred, distributed, or otherwise commercially exploited in any manner whatsoever except with special approval or under commercial contract (see section **Rights, Reproduction and Fair Use** for commercial use).

IX. Exhibits and Interpretation

A. Purpose

The Choctaw Cultural Center's exhibitions fulfill its core mission in support of research, teaching, and public service. Exhibitions might include long-term, short-term, traveling, and/or special exhibitions.

B. Criteria

All exhibitions, including items and support materials, will be consistent with the following qualifications.

1. Exhibits will have a clear connection to the Choctaw Cultural Center's mission.
2. Exhibits will be consistent with professional standards and best practices in museum design and exhibition. They will consider and incorporate the long-term preservation requirements of accessioned specimens and artifacts used in exhibits.
3. Exhibits will subscribe to museum best standards and practices of conservation, safety, and security.

4. Exhibits will have cultural, intellectual and/or scholarly merit, with accurate content and interpretive text. This information will be consistent with the intellectual integrity of the exhibit.
 - a. The Choctaw Cultural Center will maintain institutional control and intellectual integrity of all exhibitions.
 - b. The Choctaw Cultural Center will maintain the intellectual integrity of borrowed exhibitions.
5. Exhibits will subscribe to the tenets of public service and education.
6. Staff from the Collections Department should be advisory members of exhibit planning and production teams when collections are used or present.
7. Exhibits will not:
 - a. Present information objects or viewpoints in a way that violates the ethics of Choctaw traditional culture, or that is harmful to the Choctaw community, families, or individuals.
 - b. Encourage private collecting of archaeological materials or the looting of material culture.
 - c. Publicize or promote commercial products or services.
 - d. Willfully, with malice aforethought, impugn the reputation of any person or group of persons.
 - e. Threaten the health and safety of staff or visitors.
 - f. Compromise artists' or scholars' rights.
 - g. Promote a particular religious or political belief, attitude, or dogma.
 - h. Intentionally or unintentionally promote an attitude of prejudice against any person or persons.
 - i. Perpetuate myths or stereotypes viewed as negative or demeaning to a people, race, gender, religion, sexual orientation, or ethnic group.

C. Special Considerations

1. All exhibitions will be executed in compliance with relevant federal, state, and local laws and regulations (including but not limited to those dealing with copyright, research, endangered species, etc.).
2. The exhibition of culturally sensitive materials, if attempted, will be done with tact and respect for human dignity and only in consultation with the group represented. However, some exhibitions that conflict with our community's cultural protocol will not be considered (e.g. images of burials or funerary items, sacred places including Nvnih Waiya Cave).
3. Exhibit proposals containing culturally sensitive materials will be presented to the collections advisory committee for recommendations in the initial planning phase. Culturally sensitive items or knowledge may include:
 - a. Traditional medicine
 - b. Spiritual practices
 - c. Locations of historic sites, archaeological sites, or sacred places that could subject them to potential damage.
4. Individuals, institutions, and other entities involved with exhibition will abide by the Choctaw Cultural Center's code of ethics.
5. Lenders, donors, and business support will be made known. Request for anonymity will be honored unless there is a perceived and/or real conflict of interest. Such situations will be resolved under advisement of legal counsel.
6. All exhibitions and related activities will be consistent with the Integrated Pest Management (IPM) policy and procedures.
7. The rotation or removal of items will be honored based on preservation, safety and security, and/or research needs.

X. Loans

Loans are an important means of fulfilling the Choctaw Cultural Center's desire to exhibit authentic articles and artifacts of art, history, and science to inspire curiosity, foster community pride, and cultivate personal legacy.

A. General Loan Policy

The Choctaw Cultural Center may borrow or lend material for the purposes of exhibition or study. Decisions to borrow or lend material on a temporary basis will be made by the collection staff, approved by the senior director, and acknowledged by the collections advisory committee in accordance with this policy.

B. Term of Loans

Material shall be loaned for a maximum period of one year, unless otherwise approved by the collections advisory committee.

C. Staff Responsibilities

1. **Arranging Loans:** Loans can originate in multiple ways, however, the registrar is included at the beginning of discussions. The registrar and the concerned collection personnel will review or formulate any terms and conditions. If the terms and conditions lie outside of the standard terms and conditions or contain special circumstances, approval will be sought from the director of curation and the senior director.
 - a. **Paperwork:** All loan agreements will originate with the registrar. All paperwork generated by other Collection Department staff, including letters of inquiry, responses, and other communications should be sent to the registrar to complete the file.
 - b. **Care:** The registrar, in consultation with curators and the director of curation, is responsible for packing, unpacking, pest control, shipping, insuring, and providing condition reports for all incoming loans.
2. **Identifying Restrictions:** The registrar shall be responsible for identifying any restrictions, including culturally sensitive items, that may preclude

loaning or borrowing material and for informing the appropriate staff of such restrictions.

3. **Research Loans:** All items borrowed for research will originate by and be the responsibility of the requesting curator, in cooperation with the registrar.
4. **Condition Reports:** Condition reports are required for all loan items.
5. **Suitability:** The registrar shall evaluate the condition of loan material being requested. If the items are found to be unsuitable, suggestions for alternate items will be given.
6. **Final Authority:** The senior director shall make final decisions on loans when necessary and shall inform the collections advisory committee of any unusual circumstances.

D. Incoming Loans

1. **Lenders:** Items may be borrowed at the discretion of the Choctaw Cultural Center from other nonprofit institutions, commercial galleries, corporate collections, professional organizations, and individuals. All proposed loans will be carefully reviewed to ensure they are of demonstrable benefit to the Choctaw Cultural Center and consistent with its mission, goals, and policies.
2. **Criteria:** The primary criteria for the Choctaw Cultural Center to request the loan of an item from an institution or private collector is the item's relevance to an exhibition at the Choctaw Cultural Center. The condition of the item is ascertained prior to the loan to ensure that it is appropriate for exhibition at the Choctaw Cultural Center.
3. **Authority:** The Choctaw Cultural Center may borrow material for exhibition, research, education, documentation, or review for acquisition. All material will remain in the custody of the Choctaw Cultural Center until it is returned to the lender.
4. **Documentation:** All loans must be accompanied by a written incoming loan agreement indicating all rights and responsibilities, including any fees. These agreements may originate or be accompanied by documents from the lending institution.

- a. All special circumstances or restrictions that put a burden of risk on the Choctaw Cultural Center need to be evaluated and approved by the senior director.
- b. All loan agreements must be completely signed and insurance in place before borrowed items are accepted on the premises.

5. Restrictions:

- a. The Choctaw Cultural Center will not knowingly borrow material of illegal, questionable, or unethical provenance or ownership. Neither will the Choctaw Cultural Center borrow material whose method of acquisition violates the United Nations Educational, Scientific and Cultural Organization (UNESCO) Conventions, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), state and federal wildlife laws, state and federal antiquities laws, Native American Graves Protection and Repatriation Act (NAGPRA), or any other pertinent local, state, national, or international laws.
- b. Prospective lenders may be required to submit satisfactory proof of ownership, including:
 - i. notification that the item has not been stolen
 - ii. the item has not been illegally exported
 - iii. the item was not illegally removed from an archaeological site
 - iv. the item is not held in violation of any laws or professional practices relating to plants, wildlife, sacred items, or human remains.

If a legal or ethical problem develops from the exhibition of borrowed material, the Choctaw Cultural Center may withdraw the material from exhibition and terminate the loan agreement.³⁷

- c. Borrowed material must be in such condition to withstand the strains of transit, exhibition, or study.

³⁷ See appendix D.

- d. Incoming loans shall be declined if they are:
 - i. Perceived as commercial entanglements.
 - ii. Compromise the reputation of the Choctaw Cultural Center or Choctaw Nation because of undue financial or personal gain by or for the lender.
 - iii. Pose a potential or actual conflict of interest for Choctaw Cultural Center or Choctaw Nation leadership, council, trustees, staff, interns, or volunteers.
 - iv. Pose a threat to the collections.
 - v. Cannot be properly cared for.
 - e. The registrar and/or collections personnel will not transfer possession or alter in any way items the Choctaw Cultural Center has received on loan, without the express written approval of the lender.
 - f. All material brought into the Choctaw Cultural Center that is not covered by a formal loan agreement will be covered by the Choctaw Cultural Center's acquisition policy. This includes all pending acquisitions and all loans of a period of less than one month.
- 6. Photography:** Unless stipulated otherwise in the loan agreement or addendum(s), the Choctaw Cultural Center shall allow any and all materials on loan to be photographed or videotaped by the general public for personal or non-profit purposes while it is on exhibit. However, no flash photography will be permitted by the general public. If there is a request to photograph items on loan for profit making purposes, the owner of the collection shall be contacted for their permission. Choctaw Cultural Center staff has the right to process and photograph items for internal documentation.
- 7. Care of Loaned Material:** The Choctaw Cultural Center will give material in its custody the same care provided similar material of its own. No alteration, restoration, or repair to material will be undertaken without the written authorization of the owner.
- 8. Insurance:**

- a. Unless otherwise instructed, the Choctaw Cultural Center will provide wall to wall insurance (subject to standard exclusions) for the duration of the loan. All items listed on the incoming loan agreement shall reflect the fair market value specified.
 - b. If the lender elects to maintain his/her/their own insurance, the Choctaw Cultural Center shall be supplied with a certificate of insurance naming the Choctaw Cultural Center as an additional insured or waiving its right of subrogation.
 - c. If insurance is waived by the lender, this waiver shall constitute the agreement of the lender to release and hold harmless the borrower and any of their employees, agents, officers, directors, representatives, and underwriters from any and all liability for damage or loss of the item(s) lent.
- 9. Condition Reports:** The condition of the borrowed material will be documented by the lender and reported to the registrar prior to formalizing the loan.
- 10. Loan Termination:** If the lender wishes to terminate the loan at any point during the agreed loan period, he or she must provide the Choctaw Cultural Center with written notice at least sixty (60) days from the time of return to process the request. Longer notice periods for larger collections, or those used in an exhibit may be specified in loan agreements. The Choctaw Cultural Center will only release loaned materials into the custody of the lender, or the lenders agent, verified in writing by the lender, unless the lender preauthorizes the Choctaw Cultural Center to oversee loans of their property to agreed upon entities for research, exhibition, and educational purposes. This authorization will be part of the signed loan agreement for the care of the lender's property.
- 11. Disposition After Expiration of Loan:** Upon expiration of the loan, the material will be returned according to the lender's instructions. If a lender, or an authorized representative of the lender, is unable to be contacted and/or does not reclaim the loaned material within the agreed upon length of time, the Choctaw Cultural Center will proceed in accordance with the recommendations of the Oklahoma Museums Association, guidelines from

the American Alliance of Museums, and/or state laws pertaining to abandoned property.³⁸

- 12. Change of Ownership During Loan:** The lender shall provide change of ownership information, in writing, to the registrar. It is the lender's responsibility to keep the Choctaw Cultural Center informed of any changes in their address or ownership during the period of the loan. Should legal ownership of an item change during the loan period and the Choctaw Cultural Center is not informed, the new owner will be required to satisfactorily prove title to the Choctaw Cultural Center before the item will be surrendered.
- 13. Permanent Loans:** No permanent loans will be accepted, except in the case of extremely important items or if a Memorandum of Agreement has been signed. Exceptions are authorized by the senior director of the Choctaw Cultural Center.
- 14. Temporary Custody:** Items brought in by visitors, with the approval of the appropriate collections personnel, may be left temporarily in the custody of the registrar to identify, study, or examine, either as a public service or as a possible gift, purchase, or loan. Items left in temporary custody of the Choctaw Cultural Center must be documented as a temporary, short term loan, with the owner being issued a temporary custody form as receipt. Only the appropriate collections personnel can complete the agreement and accept items.

E. Outgoing Loans

- 1. Objective:** To provide a greater understanding of the Choctaw Nation and Choctaw Cultural Center's collections, as well as to provide access to the collections. The Choctaw Cultural Center will lend items from its collections for exhibition, scientific study, and educational outreach projects.
- 2. Authority:** The authority to approve an outgoing loan ultimately rests with the senior director.

³⁸ See appendix F.

3. Borrowers:

- a. The Choctaw Cultural Center's material may be loaned to recognized institutions, organizations, and individual researchers associated with an accredited institution, whose expressed purpose for the loan is research, exhibition, or education. The Choctaw Cultural Center will not loan material from its collections for private use. Special requests to use items of cultural patrimony needed for religious ceremony will be taken before the collections advisory committee for review and approval.
- b. Material leaving the Choctaw Cultural Center for conservation is considered an outgoing loan and treated accordingly. The Choctaw Cultural Center may provide insurance for such purposes.

4. Criteria:

- a. All loan requests must be received in writing no less than six (6) months in advance of the time the material is desired.
- b. Borrowers are required to provide a standard AAM facility report or its equivalent, prior to final loan approval.
- c. Item condition will be considered before approving an outgoing loan, including its ability to withstand the requirements of packing and transport, the duration of the exhibit, and its recent exhibition history.
 - i. In certain situations, the prospective borrowing institution might fund conservation by a Choctaw Cultural Center approved conservator.
 - ii. All fees for conservation, including transport, will be borne by the borrowing institution.
 - iii. The Choctaw Cultural Center will choose the conservation option that will best stabilize the item for the duration of the loan. Any additional conservation costs will be borne by the Choctaw Cultural Center, so as not to be perceived as exploiting the borrowing institution.
- d. Primary considerations for the approval of any loan include:

- i. Previously scheduled exhibitions, research, or conservation.
 - ii. Care and security provided by the borrower.
 - iii. Condition, value, and rarity of the requested material.
 - iv. Proposed use of the material.
 - v. Availability of Choctaw Cultural Center staff to facilitate the loan.
- e. Material shall not be loaned if, in the opinion of the appropriate collection personnel, the material is of such importance, rarity, or fragility that it must not be exposed to any danger of loss by removal from the Choctaw Cultural Center.
 - f. Unless otherwise agreed upon in writing, borrowers shall use the following credit line in exhibits: *From the collections of the Choctaw Cultural Center, Durant, Oklahoma.*
- 5. Documentation:** All loans must be accompanied by a written outgoing loan agreement indicating all rights and responsibilities, including any fees. These agreements may originate or be accompanied by documents from the borrowing institution.
- a. All special circumstances, restrictions, or requests need to be evaluated and approved by the senior director.
 - b. All loan agreements must be completely signed and insurance in place before loaned items leave the premises.
- 6. Duration:** Outgoing loans will be for a one-year period, unless otherwise specified. The loan may be renewed with the written approval of the senior director, prior to the return date.
- 7. Restrictions:**
- a. All restrictions placed on material and documents in the accession records whether by a curator, registrar, conservator, or donor must be honored.

- b. Material subject to active repatriation proceedings shall not be loaned.
- c. Material for which the Choctaw Cultural Center's legal ownership has not been established or has been challenged shall not be loaned.
- d. Culturally sensitive items will not be loaned without the notification of the collections advisory committee and unless:
 - i. The borrower demonstrates active consultation with the culturally affiliated Native American groups for the items requested.
 - ii. The borrower provides written recognition and sanction from the pertinent Native American tribal authorities for the loan of culturally sensitive or religious material.
 - iii. The exhibition, storage, and transportation of culturally sensitive material reflects both currently accepted professional museum standards and sensitivity to cultural beliefs.
- e. Loans of archaeological and natural history material will be made in accordance with international, federal, state, and local regulations. All necessary permits must be secured by the borrower prior to final loan approval.
- f. The borrowing institution will not transfer possession, repair, clean, alter, or restore items it has received on loan without express written approval of the appropriate collections staff. Exceptions to the requirement for written approval to clean or alter may vary by collection.

8. Costs and Fees:

- a. Unless otherwise stated, all costs incurred in the borrowing of the artifact(s) from the Choctaw Cultural Center will be borne by the borrowing institution. This includes but is not limited to the costs of crafting mounts and cases, transportation, and insurance at full value, if applicable.
- b. The Choctaw Cultural Center reserves the right to charge loan fees in addition to the above stated charges. Any loan fees must be paid by the borrowing institution prior to the release of the artifacts.

9. Termination: The authority to recall the loan prior to the noted end date rests with the senior director.

10. Reproduction and Replication: Commercial use of loaned material, including photographing or otherwise reproducing or replicating such material, shall be prohibited without prior authorization.

- a. If permission is granted, permission is for one-time use only, unless otherwise noted. Any subsequent use requires a separate application and permission.
- b. Credit must be given to the Choctaw Cultural Center and the creator of the work if known. The following credit line should be readily associated with the item or image and will read: [collection title, if applicable], Choctaw Cultural Center, Durant, Oklahoma.
- c. If the image is still under copyright, and the copyright is not held by the Choctaw Cultural Center, the borrower must seek permission from the creator of the work or from the current copyright holder.
- d. Copies of images or items from the Choctaw Cultural Center in any media, including but not limited to electronic, photographic, and photocopy, may not be deposited or placed on file in any other repository without specific consent of the Choctaw Cultural Center, and may not be supplied to commercial archives or publishers for resale.
- e. A copy of the reproduced or replicated loaned material will be submitted to the Choctaw Cultural Center, whether the reproduction or replication be an item on display or featured in a publication or broadcast.

11. Care of Loaned Material: Borrowers must demonstrate intent and ability to provide appropriate care and security for any borrowed material as well as exercise museum standard care in handling and preserving such material. Borrowers also must abide by any special written instructions from the Choctaw Cultural Center.

12. Insurance: Borrowers shall insure the loaned material for the amount specified on the face of the outgoing loan agreement and must provide proof of insurance to the Choctaw Cultural Center. The items will fall under the

borrower's insurance as soon as it is in the care, custody, and/or control of the borrowing institution or their authorized agent. Borrowers are responsible to the Choctaw Cultural Center for any loss or damage resulting from the loan.

13. Condition Reports: The condition of the borrowed material will be documented by the appropriate collections staff and submitted to the borrower prior to formalizing the loan. The borrowing institution will complete and submit condition reports when the item(s) arrive and depart the borrower's facilities.

14. Costs and Fees:

- a. Unless otherwise stated, all costs incurred in the borrowing of the artifact(s) from the Choctaw Cultural Center will be borne by the borrowing institution. This includes but is not limited to the costs of crafting mounts and cases, transportation, and insurance at full value, if applicable.
- b. The Choctaw Cultural Center reserves the right to charge loan fees in addition to the above stated charges. Any loan fees must be paid by the borrowing institution prior to the release of the artifacts.

15. Termination: The authority to recall the loan prior to the noted end date rests with the senior director.

16. Care of Loaned Material: Borrowers must demonstrate intent and ability to provide appropriate care and security for any borrowed material as well as exercise museum standard care in handling and preserving such material. Borrowers also must abide by any special written instructions from the Choctaw Cultural Center.

17. Condition Reports: The condition of the borrowed material will be documented by the appropriate collections staff and submitted to the borrower prior to formalizing the loan. The borrowing institution will complete and submit condition reports when the item(s) arrive and depart the borrower's facilities.

18. Monitoring:

- a. If an item is being loaned for an exhibition, the borrowing institution will provide images of the item post installation.
- b. The loan might be monitored by assigned Choctaw Cultural Center staff during the loan period through reports or site visits.

19. Loan Returns: Upon expiration of the loan period, the borrower shall arrange for the safe and timely return of the material.

20. Long-term Loans: The Choctaw Cultural Center may offer long-term loans of artifacts or specimens in its permanent collection to other cultural institutions that, by reason of the original terms of acceptance, cannot be otherwise transferred or sold.

- a. All long-term loans shall follow the procedures for review and approval listed for normal museum accessions or transfers.
- b. All long-term loan agreements must specify the period of the loan, the procedures for renewal, and the conditions under which the loan agreement can be terminated.

21. Education or Reference Collection Loans: Materials from the Choctaw Cultural Center's education or reference collections are designed to be loaned to a broader audience than items from the Choctaw Cultural Center's other collections. The Choctaw Cultural Center may loan items from the education or reference collection to educators, artists, community groups, researchers, and individuals for use in cultural events and educational opportunities. The Choctaw Cultural Center will allow these items to be handled and used. All loans from the education or reference collections will be made at the discretion of the overseeing staff and the senior director. The registrar may be called upon to formalize the loan process if the item(s) being borrowed will be on loan for a year or longer or if they are being borrowed in conjunction with items from the permanent collection. If the registrar is not included in the loan process, the department originating the loan of education or reference material needs to supply the registrar with the pertinent item and loan information, so that it can be included in the item file.

22. Conditional Acceptance: Failure to adhere to the terms of previous loans will be deemed adequate cause for denying loan requests. In such instances,

alternative measures to ensure compliance, such as requiring the borrower to post a performance bond, may be considered.

23. Courier:

- a. The possibility of using a courier for outgoing loans is based on certain primary facts, which include:
 - i. Certain items that are of a fragile nature, whether by construction or formation, size, materials used, deterioration by age or abuse, and/or required special handling or installation techniques.
 - ii. Certain items are irreplaceable, rare, and unique, politically or culturally sensitive, of extreme value, etc.
 - iii. Certain shipping routes may prove dangerous to fragile items because such routes expose the item to careless handling, excessive movement, changing and/or extreme temperatures, and other human and/or natural hazards.
- b. The Choctaw Cultural Center may, under any of the above circumstances, require that a courier accompany the outgoing loan. The courier may be selected from the staff of the Choctaw Cultural Center, from the borrowing institution, or be externally contracted.
- c. In instances when a courier is required, the Choctaw Cultural Center and the borrowing institution shall agree upon the terms of the courier, in advance. They may include that:
 - i. The courier must be a museum professional who understands the condition of the item and its special requirements, is familiar with the packing, is trained in handling, and is experienced with transport procedure.
 - ii. The courier will take full responsibility for protecting the item.
 - iii. The courier will be made aware of and understand the responsibilities entrusted to him/her and of all known possible hazards which might be encountered in transit.

- iv. The borrower and the Choctaw Cultural Center will agree on costs related to the courier, on which institution shall pay for the service, and on the method of reimbursement for expenses whether foreseen or unforeseen.
- v. The shipment of an item will not become the basis for unrelated travel or activity unless previously approved by the senior director and all expenses for the unrelated travel and activity are absorbed by the courier.
- d. The agreement to courier an item should be part of the loan agreement and a separate written agreement. All special requirements should be stipulated in writing at the outset.

XI. Deaccessioning

A. General Deaccessioning Policy

- 1. Public Trust:** The Choctaw Cultural Center holds its collections as a public trust and recognizes that the public interest may, on rare occasion, be served best by removing certain materials from its collections. The Choctaw Cultural Center recognizes that deaccessioning may erode public and donor confidence in the institution thereby impairing the Choctaw Cultural Center's ability to enhance and enlarge its collections and to fulfill its mission.
- 2. Good of the Collections:** The decision to deaccession material from the collections shall be made with the collections and the Choctaw community in mind. Consideration of any politics, individual opinion, or other aspect of Choctaw Cultural Center operations is inappropriate.
- 3. Non-permanent Collections:** Items from the education/teaching, curatorial/reference, and ephemera/exhibit prop collections do not require formal deaccessioning.
 - a. Procedures for the withdrawal/disposition of items from non-permanent collection are established.
 - b. Internal transfer over disposition is preferred.

- c. It is understood that perception can be adversely affected when removing any item from a collection, and so appropriate documentation will be tracked and retained as well as restricting the method of disposition.
- 4. Depository/Repository Collections:** It is recognized that depository/repository collections have their own policy and procedures for removal from the collections that will be followed.
- a. **With Formal Agreement:** The Choctaw Cultural Center will consult the agreement when desiring to dispose of any collections derived from a formal agreement with federal, state, or local entities. If no such stipulations occur in the agreement, the contracting entity will be consulted and supplied with a withdrawal or disposition list that details the reasons needed for withdrawal or disposition.
 - b. **Without Formal Agreement:** If no formal agreement is in place, or the original formal agreement has lapsed and the contracting entity cannot be reached, the Choctaw Cultural Center will adopt the abandoned property procedures as outlined by the Oklahoma Museums Association³⁹ and/or Oklahoma abandoned property laws.⁴⁰

B. Authority and Responsibility

The collections advisory committee has the authority to deaccession and dispose of material to which the Choctaw Cultural Center holds clear title and material that the Center owns by default as abandoned property.

C. Criteria

Material may be deaccessioned from the Choctaw Cultural Center's collections for the following reasons:

1. To remove material that is potentially hazardous to human health or other collections.

³⁹ See appendix F.

⁴⁰ See appendix G.

2. To relieve the Choctaw Cultural Center of responsibility and care for material that has deteriorated to the point that it is no longer of use and conservation exceeds the value of the material.
3. To relieve the Choctaw Cultural Center of responsibility and care for material that does not fall within the present or future Choctaw Cultural Center's statement of purpose, scope of collections, or serve its purpose.
4. To upgrade the quality of the collections.
5. To relieve the Choctaw Cultural Center of responsibility and care for material for which authenticity, attribution, or genuineness is determined to be false or fraudulent, and the item lacks sufficient aesthetic merit or important to warrant retention.
6. To prevent redundancy that is deemed to be without merit.
7. To carry out mutually beneficial exchanges of materials with another museum, educational, or scientific institutions.
8. To transfer to another museum, educational, or scientific institution, material that is deemed by the Choctaw Cultural Center to be significantly more useful and relevant to the collections and programs of other institutions than to those of the Choctaw Cultural Center.
9. To negotiate insurance compensation for any insured loss of material.
10. To comply with conditions set forth by the Native American Graves Protection and Repatriation Act or other such laws and legal instruments which nullify the Choctaw Cultural Center's title to the item.
11. To permit destructive analysis, provided that the information to be obtained is deemed to outweigh the value of the material and its possible future use.
12. To accomplish any other purpose deemed by the collections advisory committee or Choctaw Nation to be appropriate within the spirit of its this policy, the Choctaw Cultural Center's statement of purpose, and applicable law.

D. Restrictions

1. **Restrictions Discouraged:** The Choctaw Cultural Center discourages the acceptance of any conditions or restrictions regarding the disposition of material accessioned into its collections. However, documented conditions and restrictions will be considered prior to deaccessioning.
2. **Removal of Restrictions:** The Choctaw Cultural Center reserves the right to take appropriate legal action to remove such conditions if, in the interest of the Choctaw Cultural Center and its collections, such action is deemed necessary.
3. **Confirm Ownership:** The Choctaw Cultural Center shall make every reasonable effort to confirm its ownership of material before deaccessioning it.
4. **No Violation of the Law:** No transaction will be carried out that violates federal, state, or local law.
5. **NAGPRA Restrictions:** No material subject to NAGPRA, but remaining within the Choctaw Cultural Center, will be subject to destructive analysis, nor will it be sold.
6. **Ethical Restrictions:** Deaccessioned materials may not be acquired directly or indirectly by members of the Choctaw Cultural Center staff or collections advisory committee, Choctaw Nation Council, third parties acting in their interests, or anyone whose association with the Choctaw Cultural Center might give them advantage in acquiring the deaccessioned materials. Nor shall the above noted individuals benefit from the sale or trade of deaccessioned materials.
7. **Sales in Choctaw Nation Stores:** Materials approved for deaccession may not be sold through any store, physical or virtual, established by the Choctaw Nation or Choctaw Cultural Center.

E. Disposition

1. **Internal Transfer:** The Choctaw Cultural Center may internally transfer a deaccessioned item into a non-permanent collection.

2. **Exchange or External Transfer:** The Choctaw Cultural Center may dispose of items deaccessioned from its collections by exchange with or transfer to an appropriate museum, educational, or scientific institution. Material also may be transferred to the teaching collections or to Native American groups through the Native American Graves Protection and Repatriation Act.
3. **Sale:** The Choctaw Cultural Center may, under circumstances defined in the procedure manual, sell material which has been deaccessioned from its collections. Income from the sale of deaccessioned material shall be used only for the acquisition of collections items.
4. **Geographic Consideration:** Consideration will be given to disposition options which place the material within the most appropriate geographic region.
5. **Other Methods of Disposition:** Items that cannot be exchanged, transferred, or sold will be removed from the collections and discarded in an appropriate manner.

XII. Implementation, Review, and Revision

The implementation of this collection management policy is essential to its success. All collection staff will be expected to read and understand the policies contained herein, as well as abide by them. When departmental policies are established, the collection management policy should be reviewed and used as a guide. An electronic copy will be easily accessible and maintained on the Choctaw Cultural Center's shared drive as well as posted on the Choctaw Cultural Center's website.

The collection management policy should be reviewed and updated for accuracy at least every three (3) years considering changes in applicable law, standard practice, changing conditions, and priorities, or more frequently if conditions warrant. The collections advisory committee will conduct a first review, with collection staff and the Choctaw Cultural Center senior director having final approval. The revised document shall be subject to approval by the effective governing authority.

I. Glossary

Access to collections — intellectual or physical access to The Choctaw Cultural Center's permanent collection by any individual other than Center collections staff. See Use of collections.

Accession — process whereby material is received, accepted, recorded and processed into the collections by the Registrar. This includes the establishment of legal ownership by The Choctaw Cultural Center and the assignment of a permanent accession number.

Accession number — unique, sequential number assigned and applied to each material or group of materials received by The Choctaw Cultural Center to be held in collections.

Acquisition — process whereby materials are obtained by The Choctaw Cultural Center, whether by donation, purchase, or long-term loan.

American Institute of Conservation (AIC) Code of Ethics and Professional Standards of Practice — see Appendix F attached to this document.

American Alliance of Museums (AAM) Ethics statement — see Appendix B attached to this document.

Appraisal — process whereby a monetary value is assigned to an item by a qualified appraiser. (See **Internal Valuation** for the process whereby intellectual value is assigned by Center staff.)

Archival material — documents, photographs, maps, books, periodicals, audio and video materials, and various ephemera or electronic media.

Authentication — The process of verifying an item is what it purports to be, that the item is genuine or original.

Authenticity — trustworthiness of information relating to the origin, manufacture, previous ownership or use of material.

Care of collections — activities relating to the physical care of material, including its storage, exhibition, handling, transport, preservation and conservation.

Cataloging — obtaining and recording information about material including classification, description, and research data.

Climate control — see Environmental Control.

Collection — a group of material of the same or similar type, construction, or materials, or material given by a particular donor or collected in one field expedition survey, or excavation.

Collections — refers to all the materials owned by The Choctaw Cultural Center.

Collections management — activities undertaken to provide physical care and security, monitor the location and condition, and provide access to materials in The Choctaw Cultural Center's collections.

Collections Manager/Registrar — staff member with broad responsibilities relating to the acquisition, management, location, and disposition of material.

Collections Use Application form — document that must be completed by an individual or group requesting access to The Choctaw Cultural Center's collections and submitted to the staff in advance of the proposed use.

Commercial use — any use of collections material, or Center property, for which the user gains a financial benefit.

Concerned parties — recognized representatives of a tribe, community, or an organization linked to culturally sensitive materials by ties of culture, descent, or geography. In the case of a federally recognized Indian tribe, the representative shall be tribally recognized.

Condition — provision or stipulation included in a legal form, such as a gift agreement or loan agreement which obligates The Choctaw Cultural Center or borrower to act in a specified manner; also the physical state of material.

Conservation — activities involving the application of scientific principles to the examination, behavior and treatment of material and to the study of the environmental conditions (temperature, relative humidity, light level, etc.) in which it is placed. Conservation includes appropriate measures or activities undertaken to preserve and/or restore an item.

Conservator — one who applies scientific principles to the technical study, preservation, and treatment of material.

Cultural advisory committee — persons appointed to propose policies and provide insight for compliance with policy regarding the acquisition, management, and disposition of The Choctaw Cultural Center's collections.

Culturally sensitive material — objects of cultural patrimony, sacred objects, human remains, and funerary objects (see Appendix D attached to this document).

Curator — staff member responsible for the documentation, care, research, exhibition, interpretation, increase or improvement of a Center collections.

Deaccession — process whereby material is permanently and legally removed from The Choctaw Cultural Center's collections.

Deed of Gift — same as Gift Agreement.

Destructive analysis — any process that damages or destroys material for the purpose of gathering information.

Deterioration — ongoing destruction of material as a result of natural decay or inherent vice.

Director — staff member with the highest level of administrative and collections oversight.

Disposition — process whereby deaccessioned material is removed from The Choctaw Cultural Center's collections, whether by transfer to another Center department, to another institution or legally recognized group, or destroyed.

Document file — folders containing all related information about collections material, including Gift Agreements, correspondence, catalog files, condition reports, and all other related documentation.

Documentation — all information, including provenance or provenience, legal ownership, and catalog information relating to material.

Donation, Artifact — material given to The Choctaw Cultural Center.

Donation, In-kind — material given to The Choctaw Cultural Center in lieu of a monetary donation.

Donation, Monetary — money given to The Choctaw Cultural Center in support of its vision, goals, and/or functions.

Donor file — alphabetical file naming donors to The Choctaw Cultural Center's collections.

Education Collections — same as Teaching Collections.

Emergency — situation wherein collections material or documentation is in immediate physical danger

Environmental control — ability to adjust and regulate the climate (temperature and relative humidity), light levels, air quality, and pest control of a particular storage or exhibit area at appropriate levels to ensure the long-term care and preservation of collections.

Examination — study and recording of information relating to the physical characteristics and condition of material.

Exhibit (Exhibition) — organized, public display of material with identifying labels and related interpretation; also, the process whereby material in The Choctaw Cultural Center's collections are displayed and interpreted to the public.

Facility Report — document for recording important information about an institution (such as security, environmental conditions, physical plant, etc.) for loan purposes.

Gift Agreement — contract that transfers ownership of material from a donor to The Choctaw Cultural Center.

Incoming Loan — material borrowed by The Choctaw Cultural Center for exhibition or research.

Integrated Pest Management — a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

Intellectual Value — describes the research potential of material that may or may not have monetary value.

Internal Valuation — the process whereby a value is assigned by Center staff.

Inventory — itemized listings of all or part of The Choctaw Cultural Center's collections; also, the process of creating an itemized listing of material.

Library Collections — published materials, such as books, periodicals, newspapers, and pamphlets, often are not unique and are retained for the benefit of the staff and researchers. Published material may be expendable if the information no longer is relevant (e.g., books), the information is in another format (e.g., microfilmed newspapers), or materials duplicate existing holdings (e.g., periodicals).

Loan — material not accompanied by a transfer of title from or to The Choctaw Cultural Center. (see Incoming Loan, Outgoing Loan, and Long-term Loan)

Loan agreement — contract between the lender and borrower specifying the material to be loaned or borrowed and outlining the conditions and responsibilities relating to the loan.

Long-term loan — material loaned to or by The Choctaw Cultural Center on an indefinite or permanent basis, usually treated by The Choctaw Cultural Center as part of the permanent collection.

Material — objects or items including archival holdings, in The Choctaw Cultural Center's Permanent or Teaching Collections, on loan, or presented to The Choctaw Cultural Center staff for examination or conservation.

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) — federal legislation providing for the protection of Native American graves and the repatriation of sacred objects, human remains, funerary objects, and objects of cultural patrimony to Native Americans who demonstrate right of possession.

Natural History Specimens — examples of plants, animals, rocks, minerals, fossils, and other physical evidence of the natural world.

Outgoing Loan — material borrowed from The Choctaw Cultural Center for exhibition or research.

Ownership — entirety of the powers of use and disposition allowed by the law.

Partial Gift — donation of material to which The Choctaw Cultural Center does not receive free title. Examples include fractional interest and remainder gifts.

Permanent collection — accessioned material owned by The Choctaw Cultural Center and held as a public trust in perpetuity.

Physical Integrity — physical condition of material in relation to its historical, research, or aesthetic value.

Policy — regulations adopted by The Choctaw Cultural Center that describe the governing philosophy and provide general guidance for daily operations.

Preservation — activities involving the application of scientific principles to the examination of material and to the study of the environmental conditions (temperature, relative humidity, light, etc.) in which they are placed.

Procedures — documented activities adopted by The Choctaw Cultural Center that implement its policies.

Provenance — origin, source, and history of material

Provenience — precise location where an artifact or archaeological sample was recovered.

Qualified Appraiser — individual who meets the qualifications and restrictions described in Internal Revenue Service Publication #561.

Registrar/Collections Manager — staff member with broad responsibilities relating to the acquisition, management, location, and disposition of material.

Registration — process of developing and maintaining an immediate, brief, and permanent means of identifying and locating material.

Restoration — subjective activities undertaken to return materials to a given state as envisioned by the restorer.

Researcher — individual who demonstrates a scholarly interest in or need to use material.

Restriction — condition or limitation placed upon the use or disposition of material.

Scientific heritage — that portion of heritage covered by the natural sciences.

Security — physical security of collections in storage or on exhibit, including protection from theft, vandalism, or damage caused by people, insects and vermin, fungi, and environmental conditions.

State, Federal, and International Laws and Treaties — laws and treaties which pertain to the acquisition and ownership of items of cultural and scientific significance. See Appendix H attached to this document for a list of significant, currently applicable laws and treaties.

Subrogation — the substitution of one person or group by another in respect of a debt or insurance claim, accompanied by the transfer of any associated rights and duties, typically represented by an insurance company paying for damages incurred to the lender's property followed by the insurance company making its own claim against any and all others who may have caused the loss, insured the loss, or contributed to it. (Example: an item lent to the Choctaw Cultural Center is damaged or destroyed. The insurance company for the lender pays out the claim to the lender and then pursues legal action against the Choctaw Cultural Center, the Choctaw Nation, or the individual who caused the damage.)

Teaching Collections — material collected by the Education Director or transferred from the Permanent collection for the use of the Education Department.

Temporary Custody — short-term possession of material by The Choctaw Cultural Center, usually for donation consideration, identification or research purposes.

Temporary Custody Agreement — receipt signed by Center staff and the owner of material for the short-term possession of such material.

Trade — process whereby material in The Choctaw Cultural Center's collections is exchanged for material not owned by The Choctaw Cultural Center.

Transfer, external — process whereby deaccessioned material is given to or received from another institution.

Transfer, internal — process whereby material is moved from one collection to another within The Choctaw Cultural Center.

Wall-to-Wall Insurance — covers material being moved from the moment it leaves a wall, during transit, and until it is installed on another wall in another institution

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B. Choctaw Nation Mission Statements

a. Creed of the Choctaw Nation

We believe in God as our Creator and strive to live in the posture of a servant. We believe in the strength of the Choctaw People through which our authority as a government flows. We believe in the sovereign status of the Choctaw Nation and will protect our right to self-govern in all affairs. We believe the health, education, and welfare of the Choctaw People is the primary focus of the Choctaw Nation.

We will cherish the trust that the Choctaw People place in us. We will conduct ourselves in a manner consistent with our beliefs and values. We will be mindful that the needs of the people we serve will always take precedence over individual needs. We will strive to inspire others through our actions. We will remain accountable to the Choctaw People.

b. Choctaw Nation Mission Statement

To the Choctaw proud, ours is the sovereign nation offering opportunities for growth and prosperity.

c. Choctaw Nation Cultural Services Mission Statement

We will uphold our values to be sensitive, compassionate, and trustworthy to our tribal members. We will be dedicated, strong, and express our determination to reach our goal, as we sustain and revive what was and will always be our Choctaw traditions and culture.

C. Code of Ethics for Museums by the American Alliance of Museums

[<https://www.aam-us.org/programs/ethics-standards-and-professional-practices/code-of-ethics-for-museums/> accessed 8/7/2020]

AAM Code of Ethics for Museums

Adopted 1993 by the AAM Board of Directors and amended in 2000

Please note that the Code of Ethics for Museums references the American Association of Museums (AAM), now called the American Alliance of Museums.

Ethical codes evolve in response to changing conditions, values and ideas. A professional code of ethics must, therefore, be periodically updated. It must also rest upon widely shared values. Although the operating environment of museums grows more complex each year, the root value for museums, the tie that connects all of us together despite our diversity, is the commitment to serving people, both present and future generations. This value guided the creation of and remains the most fundamental principle in the following Code of Ethics for Museums.

Code of Ethics for Museums

Museums make their unique contribution to the public by collecting, preserving and interpreting the things of this world. Historically, they have owned and used natural objects, living and nonliving, and all manner of human artifacts to advance knowledge and nourish the human spirit. Today, the range of their special interests reflects the scope of human vision. Their missions include collecting and preserving, as well as exhibiting and educating with materials not only owned but also borrowed and fabricated for these ends. Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos. The museum universe in the United States includes both collecting and non-collecting institutions. Although diverse in their missions, they have in common their nonprofit form of organization and a commitment of service to the public. Their collections and/or the objects they borrow or fabricate are the basis for research, exhibits, and programs that invite public participation.

Taken as a whole, museum collections and exhibition materials represent the world's natural and cultural common wealth. As stewards of that wealth, museums are compelled to advance an understanding of all natural forms and of the human experience. It is incumbent on museums to be resources for humankind and in all their activities to foster an informed appreciation of the rich and diverse world we have inherited. It is also incumbent upon them to preserve that inheritance for posterity.

Museums in the United States are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. Members of their governing authority, employees and volunteers are committed to the interests of these beneficiaries. The law provides the basic framework for museum operations. As nonprofit institutions, museums comply with applicable local, state, and federal laws and international conventions, as well as with the specific legal standards governing trust responsibilities. This Code of Ethics for Museums takes that compliance as given. But legal standards are a minimum. Museums and those responsible for them must do more than avoid legal liability, they must take affirmative steps to maintain their integrity so as to warrant public confidence. They must act not only legally but also ethically. This Code of Ethics for Museums, therefore, outlines ethical standards that frequently exceed legal minimums.

Loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid. Where conflicts of interest arise—actual, potential or perceived—the duty of loyalty must never be compromised. No individual may use his or her position in a museum for personal gain or to benefit another at the expense of the museum, its mission, its reputation and the society it serves.

For museums, public service is paramount. To affirm that ethic and to elaborate its application to their governance, collections and programs, the American Association of Museums promulgates this Code of Ethics for Museums. In subscribing to this code, museums assume responsibility for the actions of members of their governing authority, employees and volunteers in the performance of museum-related duties. Museums, thereby, affirm their chartered purpose, ensure the prudent application of their resources, enhance their effectiveness and maintain public confidence. This collective endeavor strengthens museum work and the contributions of museums to society—present and future.

Governance

Museum governance in its various forms is a public trust responsible for the institution's service to society. The governing authority protects and enhances the museum's collections and programs and its physical, human and financial resources. It ensures that all these resources support the museum's mission, respond to the pluralism of society and respect the diversity of the natural and cultural common wealth.

Thus, the governing authority ensures that:

- all those who work for or on behalf of a museum understand and support its mission and public trust responsibilities
- its members understand and fulfill their trusteeship and act corporately, not as individuals
- the museum's collections and programs and its physical, human and financial resources are protected, maintained and developed in support of the museum's mission
- it is responsive to and represents the interests of society
- it maintains the relationship with staff in which shared roles are recognized and separate responsibilities respected
- working relationships among trustees, employees and volunteers are based on equity and mutual respect
- professional standards and practices inform and guide museum operations
- policies are articulated and prudent oversight is practiced
- governance promotes the public good rather than individual financial gain.

Collections

The distinctive character of museum ethics derives from the ownership, care and use of objects, specimens, and living collections representing the world's natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility and responsible disposal.

Thus, the museum ensures that:

- collections in its custody support its mission and public trust responsibilities
- collections in its custody are lawfully held, protected, secure, unencumbered, cared for and preserved
- collections in its custody are accounted for and documented
- access to the collections and related information is permitted and regulated

- acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials
- acquisition, disposal, and loan activities conform to its mission and public trust responsibilities
- disposal of collections through sale, trade or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.
- the unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections
- collections-related activities promote the public good rather than individual financial gain
- competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.

Programs

Museums serve society by advancing an understanding and appreciation of the natural and cultural common wealth through exhibitions, research, scholarship, publications and educational activities. These programs further the museum's mission and are responsive to the concerns, interests and needs of society.

Thus, the museum ensures that:

- programs support its mission and public trust responsibilities
- programs are founded on scholarship and marked by intellectual integrity
- programs are accessible and encourage participation of the widest possible audience consistent with its mission and resources
- programs respect pluralistic values, traditions and concerns
- revenue-producing activities and activities that involve relationships with external entities are compatible with the museum's mission and support its public trust responsibilities
- programs promote the public good rather than individual financial gain.

Promulgation

This Code of Ethics for Museums was adopted by the Board of Directors of the American Association of Museums on November 12, 1993 and revised in 2000. The AAM Board of Directors recommends that each nonprofit museum member of the American Association of Museums adopt and promulgate its separate code of ethics, applying the Code of Ethics for Museums to its own institutional setting.

A Committee on Ethics, nominated by the president of the AAM and confirmed by the Board of Directors, will be charged with two responsibilities:

- establishing programs of information, education and assistance to guide museums in developing their own codes of ethics
- reviewing the Code of Ethics for Museums and periodically recommending refinements and revisions to the Board of Directors.

Afterword

Each nonprofit museum member of the American Association of Museums should subscribe to the AAM Code of Ethics for Museums. Subsequently, these museums should set about framing their own institutional codes of ethics, which should be in conformance with the AAM code and should expand on it through the elaboration of specific practices. This recommendation is made to these member institutions in the belief that engaging the governing authority, staff and volunteers in applying the AAM code to institutional settings will stimulate the development and maintenance of sound policies and procedures necessary to understanding and ensuring ethical behavior by institutions and by all who work for them or on their behalf.

The Code of Ethics for Museums serves the interests of museums, their constituencies, and society. The primary goal of AAM is to encourage institutions to regulate the ethical behavior of members of their governing authority, employees and volunteers. Formal adoption of an institutional code promotes higher and more consistent ethical standards.

D. Native American Graves Protection and Repatriation Act⁴¹

104 STAT. 3048

PUBLIC LAW 101-601—NOV. 16, 1990

Public Law 101-601 101st Congress

An Act

Nov. 16, 1990
[H.R. 5237]

Native
American
Graves
Protection
and
Repatriation
Act.
Hawaiian
natives.
Historic
preservation.
25 USC 3001
note.
25 USC 3001.

To provide for the protection of Native American graves, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Graves Protection and Repatriation Act”.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) “burial site” means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) “cultural affiliation” means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) “cultural items” means human remains and—

(A) “associated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) “unassociated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

(C) “sacred objects” which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) “cultural patrimony” which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native

⁴¹ U.S. Government Publishing Office,

<http://web.archive.org/web/20210907131057/https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg3048.pdf>.

American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) "Federal agency" means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) "Federal lands" means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.

(6) "Hui Malama I Na Kupuna O Hawai'i Nei" means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) "Indian tribe" means 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), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) "museum" means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) "Native American" means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) "Native Hawaiian organization" means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) "right of possession" means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as

applied in section 7(c), result in a Fifth Amendment taking by the United States as determined by the United States Claims Court pursuant to 28 U.S.C. 1491 in which event the "right of possession" shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

(14) "Secretary" means the Secretary of the Interior.

(15) "tribal land" means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920, and section 4 of Public Law 86-3.

25 USC 3002.

SEC. 3. OWNERSHIP.

(a) **NATIVE AMERICAN HUMAN REMAINS AND OBJECTS.**—The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after the date of enactment of this Act shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

Claims.

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

Regulations.

(b) **UNCLAIMED NATIVE AMERICAN HUMAN REMAINS AND OBJECTS.**—Native American cultural items not claimed under subsec-

tion (a) shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8, Native American groups, representatives of museums and the scientific community.

(c) **INTENTIONAL EXCAVATION AND REMOVAL OF NATIVE AMERICAN HUMAN REMAINS AND OBJECTS.**—The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979 (93 Stat. 721; 16 U.S.C. 470aa et seq.) which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b); and

(4) proof of consultation or consent under paragraph (2) is shown.

(d) **INADVERTENT DISCOVERY OF NATIVE AMERICAN REMAINS AND OBJECTS.**—(1) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after the date of enactment of this Act shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971, the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

(e) **RELINQUISHMENT.**—Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.

SEC. 4. ILLEGAL TRAFFICKING.

(a) **ILLEGAL TRAFFICKING.**—Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 1170. Illegal Trafficking in Native American Human Remains and Cultural Items

“(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.

“(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.”.

(b) **TABLE OF CONTENTS.**—The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“1170. Illegal Trafficking in Native American Human Remains and Cultural Items.”.

Museums.
25 USC 3003.

SEC. 5. INVENTORY FOR HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS.

(a) **IN GENERAL.**—Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b) **REQUIREMENTS.**—(1) The inventories and identifications required under subsection (a) shall be—

(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after the date of enactment of this Act, and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8.

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term “documentation” means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be

construed to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

(c) **EXTENSION OF TIME FOR INVENTORY.**—Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B). The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

(d) **NOTIFICATION.**—(1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

Federal
Register,
publication.

(e) **INVENTORY.**—For the purposes of this section, the term “inventory” means a simple itemized list that summarizes the information called for by this section.

SEC. 6. SUMMARY FOR UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

25 USC 3004.

(a) **IN GENERAL.**—Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

Museums.

(b) **REQUIREMENTS.**—(1) The summary required under subsection (a) shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

(C) completed by not later than the date that is 3 years after the date of enactment of this Act.

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

25 USC 3005.

SEC. 7. REPATRIATION.

(a) **REPATRIATION OF NATIVE AMERICAN HUMAN REMAINS AND OBJECTS POSSESSED OR CONTROLLED BY FEDERAL AGENCIES AND MUSEUMS.**—(1) If, pursuant to section 5, the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6, the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5, or the summary pursuant to section 6, or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) and, in the case of unassociated funerary objects, subsection (c), such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e), sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable

lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object under this Act.

(b) **SCIENTIFIC STUDY.**—If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.

(c) **STANDARD OF REPATRIATION.**—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

(d) **SHARING OF INFORMATION BY FEDERAL AGENCIES AND MUSEUMS.**—Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.

(e) **COMPETING CLAIMS.**—Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.

(f) **MUSEUM OBLIGATION.**—Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.

SEC. 8. REVIEW COMMITTEE.

25 USC 3006.

(a) **ESTABLISHMENT.**—Within 120 days after the date of enactment of this Act, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7.

(b) **MEMBERSHIP.**—(1) The Committee established under subsection (a) shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) **RESPONSIBILITIES.**—The committee established under subsection (a) shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

(A) the identity or cultural affiliation of cultural items, or

(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable;

(5) compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act.

(e) **RECOMMENDATIONS AND REPORT.**—The committee shall make the recommendations under paragraph (c)(5) in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.

(f) **ACCESS.**—The Secretary shall ensure that the committee established under subsection (a) and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.

(g) **DUTIES OF SECRETARY.**—The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

Regulations.

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

(h) **ANNUAL REPORT.**—The committee established under subsection (a) shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

(i) **TERMINATION.**—The committee established under subsection (a) shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

SEC. 9. PENALTY.

Museums.
25 USC 3007.

(a) **PENALTY.**—Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

(b) **AMOUNT OF PENALTY.**—The amount of a penalty assessed under subsection (a) shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

- (1) the archaeological, historical, or commercial value of the item involved;
- (2) the damages suffered, both economic and noneconomic, by an aggrieved party, and
- (3) the number of violations that have occurred.

(c) **ACTIONS TO RECOVER PENALTIES.**—If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

Courts.

(d) **SUBPOENAS.**—In hearings held pursuant to subsection (a), subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

SEC. 10. GRANTS.

25 USC 3008.

(a) **INDIAN TRIBES AND NATIVE HAWAIIAN ORGANIZATIONS.**—The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

(b) **MUSEUMS.**—The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6.

SEC. 11. SAVINGS PROVISIONS.

25 USC 3009.

Nothing in this Act shall be construed to—

- (1) limit the authority of any Federal agency or museum to—
 - (A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

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- (B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this Act;
- (2) delay actions on repatriation requests that are pending on the date of enactment of this Act;
- (3) deny or otherwise affect access to any court;
- (4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or
- (5) limit the application of any State or Federal law pertaining to theft or stolen property.

25 USC 3010.

SEC. 12. SPECIAL RELATIONSHIP BETWEEN FEDERAL GOVERNMENT AND INDIAN TRIBES.

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

25 USC 3011.

SEC. 13. REGULATIONS.

The Secretary shall promulgate regulations to carry out this Act within 12 months of enactment.

25 USC 3012.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

25 USC 3013.

SEC. 15. ENFORCEMENT.

Courts.

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

Approved November 16, 1990.

LEGISLATIVE HISTORY—H.R. 5237:

HOUSE REPORTS: No. 101-877 (Comm. on Interior and Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 136 (1990):
 Oct. 22, considered and passed House.
 Oct. 25, considered and passed Senate; passage vitiated.
 Oct. 26, reconsidered and passed Senate, amended.
 Oct. 27, House concurred in Senate amendments.



E. Oklahoma State Laws and Codes Concerning Burials

Burial Desecration Law, 21 OK Stat § 21-1168.4 (2014)⁴²

A. All persons who encounter or discover human skeletal remains or what they believe may be human skeletal remains or burial furniture thought to be associated with human burials in or on the ground shall immediately cease any activity which may cause further disturbance and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer.

B. Any person who willfully fails to report the presence or discovery of human skeletal remains or what they believe may be human skeletal remains within forty-eight (48) hours to an appropriate law enforcement officer in the county in which the remains are found shall be guilty of a misdemeanor.

C. Any person who knowingly disturbs human skeletal remains or burial furniture other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, shall be guilty of a felony.

D. Anyone other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, who disturbs or permits disturbance of a burial ground with the intent to obtain human skeletal remains or burial furniture shall be guilty of a felony.

E. The law enforcement officer, if there is a reason to believe that the skeletal remains may be human, shall promptly notify the landowner and the Chief Medical Examiner. If remains reported under this act are not associated with or suspected of association with any crime, the State Archaeologist and the State Historic Preservation Officer shall be notified within fifteen (15) days. If review by the State Archaeologist and the State Historic Preservation Officer of the human skeletal remains and any burial furniture demonstrates or suggests a direct historical relationship to a tribal group, then the State Archaeologist shall:

1. Notify the State Historic Preservation Officer; and
2. Consult with the tribal leader, designated by the Oklahoma Indian Affairs Commission, within fifteen (15) days regarding any proposed treatment or scientific studies and final disposition of the materials.

⁴² [§21-1168.4. Discovery of human remains or burial furniture - Reporting and notification procedure. :: 2014 Oklahoma Statutes :: US Codes and Statutes :: US Law :: Justia \(archive.org\)](#)

Added by Laws 1987, c. 204, § 16, operative July 1, 1987. Amended by Laws 1997, c. 133, § 304, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 304 from July 1, 1998, to July 1, 1999.

Oklahoma Antiquities Law, 53 OK Stat § 53-361 (2014)⁴³

A. Any person, or persons, making any investigations, explorations, or excavations of any prehistoric ruins, ancient burial grounds, pictographs, petroglyphs, prehistoric specimens, utensils, and trinkets, and all other archaeological features discoveries in the state on state lands, shall donate to the state all articles, implements and material found or discovered by such investigations, explorations, or excavations, which shall be deposited with a museum or other recognized repository in the state, within ninety (90) days after the permit termination date, as provided in subsection F of this section.

B. 1. The State Archaeologist, in consultation with the State Historic Preservation Officer, shall study and evaluate the museums and institutions in this state and designate appropriate curatorial facilities. The characteristics of museums and institutions to be considered in making this determination shall include:

- a. the quality of the physical plant,
- b. previous experience in curation, and
- c. the availability of a professional staff trained in curation or archaeology.

2. All original field records, notes, photographs and other information collected, except for personal journals or diaries, or reasonable facsimiles of those records, notes, photographs and other information shall be housed in the same repository as the collections of artifacts and archaeological materials unless otherwise specified in the permit or by the State Archaeologist in consultation with the State Historic Preservation Officer.

3. All those collections of artifacts, archaeological materials, field records, maps, notes, photographs and other information collected pursuant to the provisions of this act shall be made available to the people of Oklahoma for study, examination and appreciation, provided that such availability can be arranged without contributing to the destruction or degradation of said artifacts, archaeological materials, field records, maps, notes, photographs and other information and objects and that such release of information is in the educational interest of the citizens of Oklahoma.

⁴³ [§53-361. Anthropological and archaeological projects. :: 2014 Oklahoma Statutes :: US Codes and Statutes :: US Law :: Justia \(archive.org\).](#)

4. Any repository for materials as designated in accordance with paragraph 1 of this subsection may, as it deems necessary, charge a reasonable, one-time fee of a permit holder to help defray the costs of providing long-term storage of the materials.

C. Before any exploration or excavation is made in or on any prehistoric ruins or archaeological site in Oklahoma, on the Oklahoma State Register, or on property owned by or under the control of the State of Oklahoma or any of its political subdivisions, a permit shall first be obtained from the State Archaeologist, Oklahoma Archaeological Survey.

Such permit shall be issued upon:

1. Receipt of an application from any state agency, institution, company or individual who can show cause for having such a permit for the taking, salvage, excavation, restoration or conducting of scientific or educational studies at, in or on properties defined in this subsection;

2. Payment of a fee of Fifty Dollars (\$50.00);

3. Determination by the State Archaeologist of the appropriateness of the permit request. This determination shall include:

a. application on a form approved by the State Archaeologist,

b. specifications on the need for the indicated research activity and shall include a research design providing for the recovery of scientific, archaeological or historical information,

c. designation and qualifications of personnel involved in the project,

d. specifications on the location, nature of the activity and time period required for the work, and

e. a signed statement from the landowner or, for state lands, from the appropriate state agency, granting permission for access and removal of archaeological or historical specimens;

4. Signing an agreement to donate specimens or materials in compliance with subsection A of this section; and

5. A signed agreement establishing a mutually acceptable formula for determining a one-time fee, as authorized by subsection B of this section, or that no fee will be charged by the repository for the long-term curation of deposited materials relating to the licensed project.

D. Each permit shall accurately specify the locations, nature of the activity and the time period covered by the permit, and shall authorize or permit explorations or excavations only at the described location.

E. Copies of issued permits shall be on file with the State Archaeologist and the State Historic Preservation Officer.

F. Each permit shall expire at midnight one (1) year after the date of its issuance, provided, that any permit may be revoked by the State Archaeologist, upon consultation with the State Historic Preservation Officer, at any time upon being convinced that archaeological activities authorized by the permit are being conducted unlawfully or improperly. It shall be the duty of the State Archaeologist to monitor all projects granted permits. The following shall be considered proper actions for the conducting of archaeological work under a permit:

1. One copy of the permit shall be at the site of the project, either in the possession of the Principal Investigator of the project or a designated supervisory archaeologist at the project site;
2. The permit may be examined by the State Archaeologist or his designated representative on demand at any time during the period of the permit; and
3. Investigation or excavation of archaeological sites or ruins listed on the permit must be conducted in accordance with the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, and the permit provisions of this statute, as stipulated.

The permit may be renewed if cause is shown for the need of renewal. The fee for renewal shall be at the rate for a new application.

G. A final report shall be submitted to the State Archaeologist and the State Historic Preservation Officer each within a reasonable period of time after the termination of the permitted project. Applications for new permits from delinquent permit holders shall not be granted until the delinquent final reports are delivered. This final report shall be in accordance with federal standards and the "minimal standard for reports" which have been adopted by the State Historic Preservation Officer and the Oklahoma Archaeological Survey.

H. The fees, if any, collected under the provisions of this section shall be deposited in the Revolving Fund of the University of Oklahoma, and shall be used for the payment of the expenses in making investigations and for administration costs by the State Archaeologist as set out in this section; provided, that the State Archaeologist shall not issue any permit to any person until a thorough review has been made as to the purpose, place, and condition of the proposed explorations or excavations.

I. It shall be unlawful for any person to offer for sale or to purchase any archaeological specimen knowing the same to have been acquired in violation of this act.

J. Any person in possession of articles or materials acquired in violation of this act shall forfeit them to the state, pending return to their rightful owner.

K. It shall be unlawful for any person to intentionally and knowingly deface American Indian or aboriginal paintings, pictographs, petroglyphs or other marks or carvings on rock or elsewhere that are of archaeological interest and pertain to early American Indian or aboriginal habitation of the country. It shall be unlawful to willingly injure, disfigure, remove or destroy any archaeological resources, including but not limited to, a prehistoric or historic structure, site, monument, marker, medallion, burial, burial marker or artifact without lawful authority as

provided in this or related statutes. It shall be unlawful to enter onto the enclosed lands of another with the intent to intentionally injure, disfigure, remove, excavate, damage, take, dig into or destroy any archaeological remains or any prehistoric or historic site, American Indian or aboriginal campsite, artifact, burial, ruin or other materials wherever situated within the state without the consent of the owner.

L. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall forfeit to the state for final disposition all articles and materials and related records wrongfully acquired through his action or efforts, and shall also be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail, not exceeding thirty (30) days, or both.

M. In order to protect and preserve historical, archaeological and scientific information, matters and objects and other archaeological remains, which may from time to time be found on privately owned lands within Oklahoma, the Legislature declares as a statement of purpose that archaeological excavations on privately owned lands should be discouraged except in accordance with and pursuant to the spirit and authority of this statute. Persons having knowledge of the location of archaeological sites in the State of Oklahoma are encouraged to communicate such information to a reputable museum, institution of higher learning, a recognized scientific or historical institution or society or the Oklahoma Archaeological Survey. Those institutions, societies or museums contacted with such information should in turn inform the State Archaeologist, Oklahoma Archaeological Survey, so that the information may be recorded in the inventory of sites maintained for the state.

Amended by Laws 1985, c. 268, § 1, eff. Nov. 1, 1985. Renumbered from Title 70, § 3309 by Laws 1985, c. 268, § 2, eff. Nov. 1, 1985.

F. Laws, Regulations, and Conventions

Migratory Bird Treaty Act of 1918, 16 U.S.C. §703-712, Ch. 128, 40 Stat. 755 and subsequent amendments.

- Makes it illegal to kill, capture, collect, possess, buy, sell, ship, import, or export listed species including their parts, nests, and eggs, but allows museums and non-commercial institutions to obtain permits for legal possession, collection, and transportation of objects. The permits, however, impose extensive record-keeping requirements.
- States that only museums and other specified institutions can purchase any protected bird, or part thereof, and the seller must possess a Federal permit for legal sale.⁴⁴

Endangered Species Act of 1973, 16 U.S.C. §1531-1544 (1973), 87 Stat.884 and subsequent amendments.

- Requires museums to have a permit to purchase more recent objects that contain parts of endangered or threatened species.
- Allows gifts of endangered or threatened specimens to museums if there is proof of pre-Act ownership and if the objects have not been offered for sale since the date of this law.
- Allows loans or gifts between educational institutions. Permits are not required in such instances, even if the objects cross state lines.⁴⁵

Bald Eagle Protection Act of 1940, 16 U.S.C. §668-688d, 54 Stat. 250 and subsequent amendments (Golden Eagles added in 1962).

- Prohibits and imposes civil and criminal penalties for taking, buying, selling, trading, possessing, importing, or exporting of eagles or their parts, nests, eggs, or products made of them. The legality of potential acquisition or possession of eagles or their parts, nests, eggs, or products made of them must be considered.
- Authorizes permits for taking, possessing, and transporting eagles and their parts for scientific, exhibition, and Native American religious purposes. Permits must be obtained to take, possess, and transport eagles and their parts for purposes of science or exhibition.
- Requires permits for any materials acquired by museums after the law was enacted.⁴⁶

⁴⁴ <http://web.archive.org/web/20210506165802/https://www.fws.gov/laws/lawsdigest/MIGTREA.HTML>

⁴⁵ <http://web.archive.org/web/20210516202501/https://www.fws.gov/endangered/esa-library/pdf/ESAall.pdf>

⁴⁶ <http://web.archive.org/web/20210517202048/https://www.law.cornell.edu/uscode/text/16/chapter-5A/subchapter-II>

Lacey Act of 1900, 18 U.S.C. §43-44 and subsequent amendments.

- Places stipulations on the importing and labeling of wildlife and their parts.
- Poses complex problems for museums in relation to the acquisition and disposal of wildlife materials and the sale of wildlife materials in museum shops because it is hard to prove the legal history of such pieces.⁴⁷

Convention on International Trade in Endangered Species (CITES), 16 U.S.C. §1538[c].

This convention is an international agreement between governments. It has the purpose of conserving species identified as endangered or threatened with extinction by limiting and/or preventing international trade.⁴⁸

Marine Mammal Protection Act of 1972, 16 U.S.C. §1361-1407, P.L. 92-522 and subsequent amendments.

- Requires permits for exhibiting marine mammals and their parts and for holding them in storage.
- Exempts museums from permit requirements for pre-Act materials or to purchase legitimate handcrafts, although they should consider getting permits for all other marine mammal materials.⁴⁹

Act for the Preservation of American Antiquities of 1906, 16 U.S.C. §§ 431-433.

- Authorizes Federal departments to grant permits for survey and excavation and to enforce protection of archeological sites and objects under their jurisdiction.
- Requires that excavated materials be permanently preserved in public museums.⁵⁰

Archaeological Resources Protection Act of 1979, 16 U.S.C. § 470aa-470mm, 93 Stat. 721.

- Requires that information on the nature and location of resources on public and Indian lands remain confidential if its release may harm the resources. This may be applicable to information in the associated records of an archaeological project, which must be protected when the location or nature of the resources is requested for research or other legitimate use and its release may harm the resource.
- States that archaeological resources excavated from public lands will remain the property of the United States, and the material remains and copies of

⁴⁷ <http://web.archive.org/web/20210426000227/http://www.fws.gov/le/pdf/files/lacey.pdf>

⁴⁸ <http://web.archive.org/web/20210922183539/https://cites.org/eng/disc/what.php>;
<http://web.archive.org/web/20210517202819/https://www.law.cornell.edu/uscode/text/16/1538>

⁴⁹ <http://web.archive.org/web/20210517203044/https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act>

⁵⁰ <http://web.archive.org/web/20161130200744/https://www.nps.gov/history/local-law/anti1906.htm>

associated records will be preserved in a suitable university, museum, or other scientific or educational institution.

- Authorizes the Secretary of the Interior to issue regulations for the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands.
- Gives the Secretary of the Interior authority for the ultimate disposition of archaeological resources from public lands.⁵¹

Preservation of American Antiquities, 43 CFR Part 3.

- Authorizes Federal land managers to seize materials recovered illegally from archeological resources located on Federal lands. Directs Federal land managers to dispose of seized materials by depositing them in the proper national depository or by other means.
- Requires that every collection recovered under the Antiquities Act be preserved in a public museum as designated in the respective permit and be accessible to the public.
- Identifies procedures for the transfer of Antiquities Act permitted collections if the depository housing such collections ceases to exist.⁵²

Protection of Archaeological Resources: Uniform Regulations, 43 CFR Part 7.

- Implementing regulations for ARPA.
- Requires that for a repository to house archeological collections, as proposed in an ARPA permit, it must certify in writing its willingness to assume curatorial responsibility for the collections, and to safeguard and preserve the collections as property of the United States.
- Requires that Federal land managers specify in ARPA permits the name of the repository in which collections are to be deposited.
- Specifies that archeological resources excavated or removed from public lands remain the property of the United States, and that archeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.
- Authorizes the Secretary of the Interior to issue regulations for the curation of Federally-owned and administered collections. In the absence of such regulations Federal land managers are authorized to provide for the exchange of collections among suitable repositories.⁵³

National Historic Preservation Act, 16 U.S.C. §§ 470 et. seq. (1966) and subsequent amendments.

⁵¹ <http://web.archive.org/web/20210517203817/https://eca.state.gov/files/bureau/96-95.pdf>

⁵² <http://web.archive.org/web/20210517205527/https://www.law.cornell.edu/cfr/text/43/part-3>

⁵³ <http://web.archive.org/web/20210517210102/https://www.nps.gov/history/local-law/43cfr7.htm>

This act provides for the maintenance and expansion of a National Register of districts, sites, buildings, structures, and object significant in United States history, architecture, archaeology, and culture. Further, it requires that Federal agencies and their designees/authorized representatives consider the effects of their federal undertakings on cultural resources that are listed on or eligible for the National Register of Historic Places (NRHP). The process of complying with Section 106 in Oklahoma provides Oklahoma Archeological Survey with a role in commenting specifically on potential impacts to significant archaeological resources.⁵⁴

Reservoir Salvage Act of 1960, as amended, 16 U.S.C. § 469-469C.

Provides for the recovery and preservation of “historical and archeological data (including relics and specimens)” that might be lost or destroyed due to the construction of dams and reservoirs through the National Park Service.⁵⁵

Archaeological and Historic Preservation Act of 1974, 16 U.S.C. §496-496C.

Extends the application of the Reservoir Salvage Act of 1960 to recover and preserve “historical and archeological data (including relics and specimens)” that might be lost or destroyed as a result of any Federal construction project or Federally-licensed activity or program.⁵⁶

Oklahoma Antiquities Law, 53 OK Stat § 53-361 (2014).⁵⁷

protects archaeological sites on the State Register of Historic Places or on property owned by or under the control of the State of Oklahoma or any of its political subdivisions that are subject to taking, salvage, excavation, restoration, or scientific or educational studies.

- A. Excavation of such sites must be done by trained researchers who have been issued a permit from the State Archaeologist, Oklahoma Archeological Survey.
- B. All artifacts recovered from excavations on state lands must be deposited in an Oklahoma museum or repository. The policy of the State Archaeologist, the State Historic Preservation Officer, and the Sam Noble Oklahoma Museum of Natural History is to make archaeological materials available to qualified researchers for study and to responsible museums for display.
- C. A provision in the law can also help landowners protect their archaeological sites against unauthorized relic digging.

⁵⁴ Description provided by Oklahoma Archeological Survey, <http://web.archive.org/web/20210325073953/https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

⁵⁵ <http://web.archive.org/web/20210517204320/https://www.usbr.gov/cultural/ReservoirSalvageAct1960.pdf>

⁵⁶ http://web.archive.org/web/20210426041420/https://www.nps.gov/history/local-law/fhpl_archhistpres.pdf

⁵⁷ See appendix C; Description provided by the University of Oklahoma Archeological Survey, <http://web.archive.org/web/20210922184633/https://www.ou.edu/archsurvey/cultural-resource-management>.

- D. Violators of the provisions of this law are guilty of a misdemeanor and, upon conviction, may be fined up to \$500 and/or be imprisoned up to 30 days in the county jail.

Oklahoma Burial Desecration Law, 21 OK Stat § 21-1168.4 (2014).⁵⁸

This Law extends protection to human remains and associated burial goods in unmarked graves on both state- and privately-owned land. Among the provisions of this law:

- A. It is illegal to knowingly disturb, buy, sell, or barter human skeletal remains or associated items from unmarked graves. Also, these items may not be displayed for profit or in any commercial enterprise.
- B. People who encounter or discover unmarked graves and their contents should stop any further disturbance activities and report the find to an appropriate law enforcement officer in the county where the remains are found.
- C. Violators of this law may be guilty of either a misdemeanor or a felony. For a misdemeanor conviction, violators may be fined up to \$500 and/or be imprisoned up to six months in the county jail. A felony conviction could result in a \$1000 fine with up to two years imprisonment in the state penitentiary.

Native American Remains, Sacred Objects, and Cultural Patrimony: The primary law governing The Choctaw Cultural Center is the *Native American Graves Protection and Repatriation Act* (NAGPRA), 25 U.S.C. § 3001-3013, 104 Stat. 3042, P.L. 101-106 and subsequent amendments.⁵⁹

- Provides for Native American tribes and individuals, or Native Hawaiian Organizations, to claim Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that were excavated or discovered on Federal or tribal lands after passage of NAGPRA.
- Establishes criminal penalties for trafficking in cultural items obtained in violation of the law. Department of the Interior bureaus may take custody of human remains and/or cultural items that were illegally trafficked in violation of the law and, after any criminal penalties are issued by prosecutors and approval for transfer is granted, may assume responsibility for such items until appropriate consultation with tribes occurs and ultimate disposition is determined.
- Requires Federal agencies and museums receiving Federal funding to review their collections for any items subject to NAGPRA, consult with tribes, determine cultural affiliations, and repatriate such items to tribes and/or individuals.⁶⁰

⁵⁸ See appendix C; Description provided by the University of Oklahoma Archeological Survey, <http://web.archive.org/web/20210922184633/https://www.ou.edu/archsurvey/cultural-resource-management>.

⁵⁹ See appendix B

⁶⁰ <http://web.archive.org/web/20210922185416/https://www.nps.gov/subjects/nagpra/index.htm>

Historic Sites Act of 1935, 16 U.S.C. § 461-467.

This act establishes as a national policy to preservation for public use of historic sites, buildings and objects. This act led to the eventual establishment within the National Park Service of the Historic Sites Survey, the Historic American Building Survey (HABS), the Historic American Engineering Record (HAER), and the National Historic Landmarks Program.⁶¹

1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (implemented in the United States by P.L. 97-446 in 1983, 19 U.S.C. § 2601).

In the United States, this convention translates into the Convention on Cultural Property Implementation Act. This act authorizes the President to enter into agreements with countries which are parties to the "Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property," to apply import restrictions on the archaeological or ethnological materials of requesting countries. Directs the President to seek a commitment of the requesting country to allow exchanges of such materials where such an exchange would not jeopardize such country's cultural patrimony.⁶²

National Stolen Property Act, U.S.C. § 2314.

This act prohibits the transportation in interstate or foreign commerce of any goods with a value of \$5,000 or more with the knowledge that they were illegally obtained and prohibits the "fencing" of such goods. The act allows foreign countries' cultural patrimony legislation to be effectively enforced within U.S. territory by U.S. courts. These patrimony laws generally consider theft to include the unauthorized excavation or removal of artifacts from their archaeological context in the country of origin. Such laws must confer ownership of these antiquities to the country of origin's government.⁶³

American Alliance of Museums Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era.

These guidelines are intended to assist museums in addressing issues relating to objects that may have been unlawfully appropriated during the Nazi era (1933–1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation,

⁶¹ <http://web.archive.org/web/20210517210426/https://www.nps.gov/history/local-law/hsact35.htm>

⁶² <http://web.archive.org/web/20210517210628/https://eca.state.gov/files/bureau/unesco01.pdf>;
<http://web.archive.org/web/20210922185916/https://www.congress.gov/bill/97th-congress/house-bill/7333?s=1&r=1>

⁶³ <http://web.archive.org/web/20201127132235/https://eca.state.gov/files/bureau/18-2314.pdf>

coercive transfer or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances.⁶⁴

⁶⁴ AAM Board of Directors. Approved November 1999; amended April 2001;
<http://web.archive.org/web/20210922190308/https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>

G. Unlawful Appropriation of Objects During the Nazi Era⁶⁵

This area of collections stewardship is of such sensitivity and high importance that it has separate standards and best-practice statements regarding a museum's obligations. These statements have been promulgated by the field to provide guidance to museums in fulfilling their public trust responsibilities.

Introduction

From the time it came into power in 1933 through the end of World War II in 1945, the Nazi regime orchestrated a system of theft, confiscation, coercive transfer, looting, pillage, and destruction of objects of art and other cultural property in Europe on a massive and unprecedented scale. Millions of such objects were unlawfully and often forcibly taken from their rightful owners, who included private citizens, victims of the Holocaust; public and private museums and galleries; and religious, educational, and other institutions. In recent years, public awareness of the extent and significance of Nazi looting of cultural property has grown significantly. The American museum community, the American Alliance of Museums (the Alliance), and the International Council of Museums (ICOM) are committed to continually identifying and implementing the highest standard of legal and ethical practices. The Alliance recognizes that the atrocities of the Nazi era demand that it specifically address this topic in an effort to guide American museums as they strive to achieve excellence in ethical museum practice.

The Alliance Board of Directors and the ICOM Board formed a joint working group in January 1999 to study issues of cultural property and to make recommendations to the boards for action. The report that resulted from the initial meeting of the Joint Working Group on Cultural Property included the recommendation that the Alliance and ICOM offer guidance to assist museums in addressing the problems of objects that were unlawfully appropriated during the Nazi era without subsequent restitution (i.e., return of the object or payment of compensation to the object's original owner or legal successor).

The efforts of the Working Group were greatly informed by the important work on the topic that had gone before. In particular, three documents served as a starting point for the Alliance guidelines, and portions of them have been incorporated into this document. These include: *Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)*; *ICOM Recommendations Concerning the Return of Works of Art Belonging to Jewish Owners*; and *Washington Conference Principles on Nazi-Appropriated Art* released in connection with the Washington Conference on Holocaust-Era Assets co-hosted by the U.S. Department of State and the United States Holocaust Memorial Museum. The Presidential Advisory Commission on Holocaust Assets in the United States (PCHA) was created in June 1998 to study and report to the president on issues relating to Holocaust victims' assets in the United States. The Alliance and the Association of Art Museum Directors (AAMD) worked with the PCHA to establish a standard for disclosure of collections information to aid in the identification and discovery of unlawfully appropriated

⁶⁵ <http://web.archive.org/web/20210922190308/https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>

objects that may be in the custody of museums. In January 2001, the PCHA issued its final report, which incorporated the agreed standard for disclosure and recommended the creation of a searchable central registry of the information museums disclose in accordance with the new standard. The Alliance and AAMD agreed to support this recommendation, and these guidelines have been amended to reflect the agreed standard for disclosure of information. Finally, the Alliance and ICOM acknowledge the tremendous efforts that were made by the Allied forces and governments following World War II to return objects to their countries of origin and to original owners. Much of the cultural property that was unlawfully appropriated was recovered and returned, or owners received compensation. The Alliance and ICOM take pride in the fact that members of the American museum community are widely recognized to have been instrumental in the success of the post-war restitution effort. Today, the responsibility of the museum community is to strive to identify any material for which restitution was never made.

General Principles

The Alliance, ICOM, and the American museum community are committed to continually identifying and achieving the highest standard of legal and ethical collections stewardship practices. The Alliance's Code of Ethics for Museums states that the "stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal." When faced with the possibility that an object in a museum's custody might have been unlawfully appropriated as part of the abhorrent practices of the Nazi regime, the museum's responsibility to practice ethical stewardship is paramount. Museums should develop and implement policies and practices that address this issue in accordance with these guidelines. These guidelines are intended to assist museums in addressing issues relating to objects that may have been unlawfully appropriated during the Nazi era (1933–1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation, coercive transfer or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances.

In order to aid in the identification and discovery of unlawfully appropriated objects that may be in the custody of museums, the PCHA, AAMD, and the Alliance have agreed that museums should strive to: (1) identify all objects in their collections that were created before 1946 and acquired by the museum after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, "covered objects"); (2) make currently available object and provenance (history of ownership) information on those objects accessible; and (3) give priority to continuing provenance research as resources allow. The Alliance, AAMD, and PCHA also agreed that the initial focus of research should be European paintings and Judaica.

Because of the Internet's global accessibility, museums are encouraged to expand online access to collection information that could aid in the discovery of objects unlawfully appropriated during the Nazi era without subsequent restitution.

The Alliance and ICOM acknowledge that during World War II and the years following the end of the war, much of the information needed to establish provenance and prove ownership was dispersed or lost. In determining whether an object may have been unlawfully appropriated without restitution, reasonable consideration should be given to gaps or ambiguities in provenance in light of the passage of time and the circumstances of the Holocaust era. The Alliance and ICOM support efforts to make archives and other resources more accessible and to establish databases that help track and organize information. The Alliance urges museums to handle questions of provenance on a case-by-case basis in light of the complexity of this problem. Museums should work to produce information that will help to clarify the status of objects with an uncertain Nazi-era provenance. Where competing interests may arise, museums should strive to foster a climate of cooperation, reconciliation, and commonality of purpose.

The Alliance affirms that museums act in the public interest when acquiring, exhibiting and studying objects. These guidelines are intended to facilitate the desire and ability of museums to act ethically and lawfully as stewards of the objects in their care, and should not be interpreted to place an undue burden on the ability of museums to achieve their missions.

Acquisitions

It is the Alliance's position that museums should take all reasonable steps to resolve the Nazi-era provenance status of objects before acquiring them for their collections—whether by purchase, gift, bequest or exchange.

- Standard research on objects being considered for acquisition should include a request that the sellers, donors or estate executors offering an object provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance is incomplete or uncertain for a proposed acquisition, the museum should consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before acquiring it. Such research may involve consulting appropriate sources of information, including available records and outside databases that track information concerning unlawfully appropriated objects.
- In the absence of evidence of unlawful appropriation without subsequent restitution, the museum may proceed with the acquisition.
- Currently available object and provenance information about any covered object should be made public as soon as practicable after the acquisition
- If credible evidence of unlawful appropriation without subsequent restitution is discovered, the museum should notify the donor, seller or estate executor of the nature of the evidence and should not proceed with the acquisition of the object until taking further action to resolve these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the museum's findings.
- The Alliance acknowledges that under certain circumstances acquisition of objects with uncertain provenance may reveal further information about the object and may facilitate the possible resolution of its status. In such circumstances, the museum may choose to

proceed with the acquisition after determining that it would be lawful, appropriate and prudent and provided that currently available object and provenance information is made public as soon as practicable after the acquisition.

- Museums should document their research into the Nazi-era provenance of acquisitions.
- Consistent with current practice in the museum field, museums should publish, display or otherwise make accessible recent gifts, bequests and purchases, thereby making all acquisitions available for further research, examination and public review and accountability.

Loans

- It is the Alliance's position that in their role as temporary custodians of objects on loan, museums should be aware of their ethical responsibility to consider the status of material they borrow as well as the possibility of claims being brought against a loaned object in their custody.
- Standard research on objects being considered for incoming loan should include a request that lenders provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance is incomplete or uncertain for a proposed loan, the museum should consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before borrowing it.
- In the absence of evidence of unlawful appropriation without subsequent restitution, the museum may proceed with the loan.
- If credible evidence of unlawful appropriation without subsequent restitution is discovered, the museum should notify the lender of the nature of the evidence and should not proceed with the loan until taking further action to clarify these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the museum's findings.
- The Alliance acknowledges that in certain circumstances public exhibition of objects with uncertain provenance may reveal further information about the object and may facilitate the resolution of its status. In such circumstances, the museum may choose to proceed with the loan after determining that it would be lawful and prudent and provided that the available provenance about the object is made public.
- Museums should document their research into the Nazi-era provenance of loans.

Existing Collections

It is the Alliance's position that museums should make serious efforts to allocate time and funding to conduct research on covered objects in their collections whose provenance is incomplete or uncertain. Recognizing that resources available for the often lengthy and arduous process of provenance research are limited, museums should establish priorities, taking into consideration available resources and the nature of their collections.

Research

- Museums should identify covered objects in their collections and make public currently available object and provenance information.

- Museums should review the covered objects in their collections to identify those whose characteristics or provenance suggest that research be conducted to determine whether they may have been unlawfully appropriated during the Nazi era without subsequent restitution.
- In undertaking provenance research, museums should search their own records thoroughly and, when necessary, contact established archives, databases, art dealers, auction houses, donors, scholars, and researchers who may be able to provide Nazi-era provenance information.
- Museums should incorporate Nazi-era provenance research into their standard research on collections.
- When seeking funds for applicable exhibition or public programs research, museums are encouraged to incorporate Nazi-era provenance research into their proposals. Depending on their particular circumstances, museums are also encouraged to pursue special funding to undertake Nazi-era provenance research.
- Museums should document their research into the Nazi-era provenance of objects in their collections.

Discovery of Evidence of Unlawfully Appropriated Objects

- If credible evidence of unlawful appropriation without subsequent restitution is discovered through research, the museum should take prudent and necessary steps to resolve the status of the object, in consultation with qualified legal counsel. Such steps should include making such information public and, if possible, notifying potential claimants.
- In the event that conclusive evidence of unlawful appropriation without subsequent restitution is found but no valid claim of ownership is made, the museum should take prudent and necessary steps to address the situation, in consultation with qualified legal counsel. These steps may include retaining the object in the collection or otherwise disposing of it.
- The Alliance acknowledges that retaining an unclaimed object that may have been unlawfully appropriated without subsequent restitution allows a museum to continue to care for, research and exhibit the object for the benefit of the widest possible audience and provides the opportunity to inform the public about the object's history. If the museum retains such an object in its collection, it should acknowledge the object's history on labels and publications.

Claims of Ownership

- It is the Alliance's position that museums should address claims of ownership asserted in connection with objects in their custody openly, seriously, responsively and with respect for the dignity of all parties involved. Each claim should be considered on its own merits.
- Museums should review promptly and thoroughly a claim that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution.
- In addition to conducting their own research, museums should request evidence of ownership from the claimant in order to assist in determining the provenance of the object.

- If a museum determines that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the museum should seek to resolve the matter with the claimant in an equitable, appropriate and mutually agreeable manner.
- If a museum receives a claim that a borrowed object in its custody was unlawfully appropriated without subsequent restitution, it should promptly notify the lender and should comply with its legal obligations as temporary custodian of the object in consultation with qualified legal counsel.
- When appropriate and reasonably practical, museums should seek methods other than litigation (such as mediation) to resolve claims that an object was unlawfully appropriated during the Nazi era without subsequent restitution.
- The Alliance acknowledges that in order to achieve an equitable and appropriate resolution of claims, museums may elect to waive certain available defenses.

Fiduciary Obligations

Museums affirm that they hold their collections in the public trust when undertaking the activities listed above. Their stewardship duties and their responsibilities to the public they serve require that any decision to acquire, borrow, or dispose of objects be taken only after the completion of appropriate steps and careful consideration.

- Toward this end, museums should develop policies and practices to address the issues discussed in these guidelines.
- Museums should be prepared to respond appropriately and promptly to public and media inquiries.

H. Oklahoma Museum Association Abandoned Property

After two years of the OMA Abandoned Property Task Force conducting extensive research and meetings with Oklahoma museum professionals, the Oklahoma Museums Association Board of Directors adopted the Task Force recommended **Guidelines Relating to Unclaimed, Undocumented, and Abandoned Property** at the September 26, 2012 meeting. These guidelines, developed from other state best practice models, Oklahoma museum professionals input and legal counsel are intended for Oklahoma museums to use as a framework for handling unclaimed, undocumented, and abandoned property.⁶⁶

Please continue to the following page to begin reading the document.

⁶⁶ <http://web.archive.org/web/20210306172319/https://www.okmuseums.org/resources/guidelines-relating-to-unclaimed-undocumented-and-abandoned-property/>

Oklahoma Museums Association
Guidelines Relating to Unclaimed, Undocumented, and Abandoned Property
(September, 2012)

Background

The Oklahoma Museums Association Abandoned Property Task Force developed these guidelines to assist museums in dealing with unclaimed property, undocumented property, and abandoned property. The Board of Directors of the Oklahoma Museums Association approved these guidelines on September 26, 2012. By creating these guidelines, the Oklahoma Museums Association hopes to establish uniform procedures for dealing with or disposing of unclaimed property, undocumented property, and abandoned property in museums.

This information is not intended to constitute legal or tax advice. A museum should consult with legal counsel for guidance as specific issues, concerns, or questions arise.

Definitions

Abandoned property includes items deposited with, delivered to, or left on the premises of a museum without adequate documentation as to source and type of transfer under circumstances of apparent abandonment. Items of abandoned property are commonly referred to as doorstep donations.

Loan (On Loan, Loaned) refers to property held by, or maintained in the possession of a museum with the understanding that the lender intends to retain title to the property and that the museum must return physical possession of the property to the lender at some point in the future.

Undocumented property includes property, materials, artifacts, and other items that became part of the museum collection without adequate documentation regarding acquisition and, as a result, legal title may not be clear, may be uncertain, or may become subject to dispute. Undocumented property is often referred to as property **found in collections** and may have been acquired by loan, gift, bequest, purchase, abandonment, or some other means.

Concerns – Unclaimed and Undocumented Property

The legal arrangement between a museum and a lender of property to the museum is a **bailment**. Under this arrangement, the museum is generally obligated to take care of the property until the lender reclaims it. The museum must exercise reasonable care to prevent loss or damage to the property. This obligation could continue indefinitely.

A number of states have enacted laws enabling museums to resolve concerns relating to ownership, transfer, sale, or disposition of unclaimed and undocumented property. Oklahoma has not enacted laws that adequately address those concerns. As a result, museums in Oklahoma may face liability if the original owner, donor, contributor, or lender claims ownership and challenges the museum's claim of ownership. In many cases, unclaimed and undocumented property held by many Oklahoma museums has been maintained for decades. Also, in many instances the museum acquired the property before the now-customary use of donor agreements, loan agreements, temporary deposit receipts, or other documentation. With questionable legal title to unclaimed and undocumented property, museums can only make limited use of these items, while bearing the responsibility and cost of providing storage space, climate control, security, inventory control, insurance, conservation, records maintenance, and other services or resources.

In order to create certainty, promote uniformity, and manage the risks, responsibilities, and costs relating to unclaimed and undocumented property, museums should:

- Properly document every loan, gift, bequest, purchase, or other acquisition of property.
- Fairly allocate responsibilities between donors and lenders, on the one hand, and museums that are recipients of gifts and loaned items, on the other.
- Expeditiously resolve concerns relating to title and ownership of unclaimed and undocumented property left in their custody.
- When possible, work with the lender, donor, seller, or transferor to create documentation for property that is undocumented.

Legal Considerations

The Oklahoma Uniform Unclaimed Property Act provides that property is unclaimed when there is a lack of activity generated by the owner of the property. If it remains unclaimed for a certain amount of time, then it is considered abandoned and must be reported to the State Treasurer. Museums operated by a nonprofit corporation primarily for educational, scientific, historic preservation, or aesthetic purposes are not subject to the provisions of the Act and, therefore, are not required to report unclaimed property in their possession. A museum may, however, take advantage of the provisions of the Unclaimed Property Act with respect to unclaimed property that it holds, if it files the required reports of unclaimed property and complies with the other requirements of the Unclaimed Property Act. Museums may report abandoned and unclaimed property without charge at www.unclaimed.state.ok.us.

Rather than relying on the Oklahoma Uniform Unclaimed Property Act, the Oklahoma Museums Association advocates following the guidelines in this document to address unclaimed property, undocumented property and abandoned property within a museum's collection held in public trust (or held for the benefit of the public).

The Native American Graves Protection and Repatriation Act requires museums that receive federal funds to complete inventories and summaries of Native American cultural items

in their collections, publish notices in the Federal Register, and repatriate Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to lineal descendants and culturally affiliated Indian tribes. Museums that receive federal funds and that own, control, or have possession of those types of property or items should comply with the requirements of the Act. Information about the Act, including helpful answers to commonly-asked questions, can be found at <http://www.nps.gov/nagpra/mandates/index.htm>.

Museum's Obligations to a Lender

New Loans. When a new loan is made to the museum, the museum should, at the time the loan is approved:

- Enter into a written loan agreement with the lender. The loan agreement should, at a minimum, contain the following:
 - Lender's name, address, telephone number, email address, and other contact information;
 - Description of the property loaned in sufficient detail for ready identification;
 - A clear statement that the lender is providing the property on loan to the museum.
 - The beginning date of the loan;
 - The expiration date of the loan;
 - Any requirements relating to the identification of the property loaned;
 - Any restrictions relating to the property loaned;
 - A requirement that the lender is responsible for notifying the museum of changes of address and changes of ownership of the property loaned.
- Inform the lender of all loan conditions;
- Provide the lender the museum's procedure for unclaimed property loaned to the museum;
- Provide the lender with a fully signed copy of the loan agreement;
- Retain a fully signed copy of the loan agreement in the museum's records;
- Inform the lender of these guidelines and provide the lender a copy of these guidelines upon request.

Existing Loans. Regardless of the date of the loan, the museum should:

- Update its records at least annually and whenever the lender informs the museum of a change of address or change in ownership;
- Update its records if the lender and museum negotiate a change in the duration or other terms of the loan;
- Prepare an updated loan agreement or an amendment to the loan agreement if any of the terms of the loan change; obtain the signatures of the lender and the museum; furnish a fully signed copy to the lender; and retain a fully signed copy in the museum's records.
- Inform the lender of these guidelines and provide the lender a copy of these guidelines upon request.

Old Loans. The museum should:

- Determine what the lender and the museum want to do with the loaned property;
- Provide museum contact information to the lender;
- If the museum decides to terminate the loan, notify the lender of the museum's intent to terminate the loan. The notification, which may be in the form of a letter, should include:
 - The name and address of the lender, if known;
 - The name of the museum;
 - The date of the loan or the approximate date on which the property came into the custody of the museum;
 - A description of property;
 - The name, address, phone number, email address, and other contact information of the museum staff member who the lender should contact for further information;
 - A statement that the museum is terminating the loan, along with a request that the lender contact the museum within 60 days.
 - Any other information that the museum considers pertinent or important.
- If the lender does not respond within 60 days, the museum should send a second letter with the same information as the first letter, again asking the lender to contact the museum within 60 days. If at the end of the second 60-day period, the lender has still not responded, the museum should consider sending a third letter, stating that the museum has determined, based on the lender's failure to respond to the two prior letters, that the lender has donated the property as of the date of the third letter and that the museum claims title to, and ownership of, the property.
- If the first letter is returned as undeliverable or if the museum cannot locate the lender after a reasonable search with no indication of the lender's whereabouts, the museum may wish to treat the property as having been abandoned. In that case, the museum should consult with legal counsel.

Documentation

Unclaimed and Undocumented Property - Found in Collections

- The museum should document the length of time that the museum has held the property.
 - Documentation may include inventories, catalog records, dated photographs, correspondence, or other records of ownership, maintenance, or possession.
 - If the museum cannot find existing documentation, the museum should catalog the property with a tracking number and note in the museum's records the date on which the property was found in the collection. This provides the museum a timeline to use later if the museum wants to claim ownership of the property. For example, by noting that undocumented property was found in the museum's collection in September 2012, the museum now has a record that it may proceed to claim title to the property in seven years, which would be September 2019.

- The museum should consider giving public notice of intent to claim title to the property, depending on the cost of publication, the nature of the property, and the value of the property.
 - Publish notice in a newspaper of general circulation in the area where the museum is located at least once a week for three consecutive weeks;
 - The notice should, at a minimum, contain:
 - The museum's name;
 - The date or approximate date of the museum's acquisition of the property, if known;
 - A description of property;
 - The name, address, and phone number of the museum staff member to contact for further information;
 - A statement that if written proof of claim is not presented to the museum by the current owner, and if the owner's right to receive the property is not established to the museum's satisfaction within 180 days after the date of the 3rd public notice, the museum will consider the property to have been abandoned and will claim ownership of the property.
 - Publish a similar notice on museum's website.

Oklahoma law does not provide certainty, and this procedure does not guaranty that the museum will acquire title to the property. Museums should consult with their own legal counsel for advice and direction in these circumstances.

Abandoned Property - Doorstep Donations

- Document the abandonment of the property. This may include taking pictures of property in the location in which it was abandoned and recording pertinent data, such as where it was left, who found it, when it was found, any notes or information that was found with the property, and other information.
- Generally, the museum may presume that an unsolicited item of property left at a museum from an unknown source is a gift if no one claims ownership within a year.
- Decide whether the property should be held as part of the museum's permanent collection or whether the museum should dispose it.

Claims for Property

Claims for Undocumented or Previously Unclaimed Property

- In general, the museum should exercise due care to maintain and preserve any property it is given.
- If someone submits a claim of ownership of property that was previously unclaimed, that was undocumented, or that was previously considered abandoned, the museum must investigate the claim, unless it is clear to the museum that the claim is unsupported, unsubstantiated, and frivolous.
- The museum should verify the identity of the claimant and evaluate all aspects of the claim in an effort to determine whether the claimant was the original lender or donor.

- If the claimant does not claim to be the original lender or donor, the museum should establish the claimant's relationship to the lender or donor; ascertain the claimant's reasons and justification for the claim; and evaluate the claimant's authority for making the claim. The claimant must provide information satisfactory to the museum that the claimant is entitled to claim and take possession of the property.
- If multiple claims to ownership are submitted, the museum should defer a determination of ownership until the various claims are resolved by agreement or legal action. If the museum verifies that multiple claimants are joint owners, the museum should make sure all parties agree to the final disposition of the property before taking action.
- If the museum is satisfied that the claimant or claimants are entitled to take possession of the property, the museum should enter into an agreement with the claimant(s) relating to disposition of the property. Among other matters, the agreement should (a) identify all parties, (b) describe the property, (c) state the circumstances relating to the claim, (d) provide an authorization for the museum to make the property available for retrieval by a specific person, (e) include representations by the claimant(s) that they are entitled to direct the return of the property and to provide the authorizations in the agreement, (f) permit the museum to take and retain photographs and make copies of any written documentation that is being returned, (g) include an indemnification by the claimant(s) to protect the museum from claims by others for the same property, (h) release the museum from liability relating to its prior possession of the property, and (i) be signed by all claimants.
- If the museum would like to retain the property, the museum should suggest or encourage the claimant or claimants to donate it or to provide it on loan for a specific period of time. If the claimant(s) agree, the museum should document their agreement and donation.

No Claim Submitted after Notice, Inquiry

- If no one claims the property, then the museum may wish to claim the property as having been abandoned. Oklahoma law does not provide certainty, so museums should consult with their own legal counsel for advice and direction in these circumstances.
- If the museum determines that the property has been abandoned, then the museum must decide whether to dispose of the property or to add it to its collection. If the museum chooses to dispose of the property, the museum should keep records, including descriptions of the property, method of disposition, and value at time of disposition.

Conservation Measures

Unless a written loan agreement provides otherwise, a museum may apply conservation measures to, or dispose of, undocumented property or property on loan to the museum without the owner's permission if:

- Immediate action is required to protect the property; or

- The property has become a hazard to the health and safety of the public or to the museum's staff, due to one or more of the following:
 - The property poses an immediate risk of harm to the museum's staff or collection or to the general public, in which case the museum should promptly notify the owner or, if the museum is not able to locate the owner, the museum may dispose of the property without delay and undertake efforts to notify the owner of the action taken;
 - The museum is unable to reach the owner through available means of communication and is required to take immediate action; or
 - The museum contacts the owner, but the owner does not agree to the protective measures that the museum recommends and does not or is unable to terminate the loan and collect the property within the time the museum determines the action is necessary.

When a conservation measure is undertaken, the museum:

- May claim a lien on the property in the amount of the costs incurred by the museum;
- Should generally not be liable to the owner for damage to, or loss of, the loaned property, as long as the museum acted properly and had a reasonable belief at the time the action was taken that the action was necessary due to an immediate risk of harm; and
- Should not be liable to the owner for damage to, or loss of, the property due to conservation measures applied, as long as the museum exercised reasonable care in choosing and applying such conservation measures.

Again, Oklahoma law does not provide certainty in this area, and museums should consult with their own legal counsel for advice and direction in these circumstances.

Other Considerations

Legal Certainty – This information is intended to serve as a guideline for museums. As noted, Oklahoma law does not provide certainty with respect to some of the matters described, and museums should consult with their own legal counsel for advice and direction, as necessary appropriate.

Contractual Obligations - A museum and lender can establish by contract a different process and different requirements relating to property donated or loaned.

I. Oklahoma Abandoned Property Law

60 OK Stat § 60-661 (2014); Report of abandoned property.⁶⁷

A. A person holding property, tangible or intangible, presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act shall report to the State Treasurer concerning the property as provided in this section.

B. The report must be verified and must include:

1. The name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform Unclaimed Property Act and items of value under Fifty Dollars (\$50.00), reported in the aggregate, except property which is one of a recurring number of continuous payments, including, but not limited to, royalties, annuities, dividends, distributions and other sums presumed abandoned pursuant to subsection D of Section 655 of this title, which shall be reported in the same manner as property with a value of Fifty Dollars (\$50.00) or more;
2. In the case of unclaimed funds of Fifty Dollars (\$50.00) or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last-known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;
3. In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible personal property, a description of the property and the place where it is held, which may be inspected by the State Treasurer, and any amounts, including offsets for drilling costs and rent, owing to the holder;
4. The description of the property, including type and identifying number if any, and the amount appearing from the records to be due;
5. The date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property;
6. In the case of a cashier's check, if known, the names and last-known addresses of the payee(s), the payor(s) and the purchaser(s); and
7. Any other information reasonably required by the Treasurer.

C. If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner

⁶⁷ <http://web.archive.org/web/20210922191256/https://law.justia.com/codes/oklahoma/2014/title-60/section-60-661/>

or if the name of the holder has changed while holding the property, the holder shall file with the report all known names and addresses of each previous holder of the property.

D. The report must be filed before November 1 of each year for property reportable as of the preceding July 1, but the report of any life insurance company must be filed before May 1 of each year for property reportable as of the preceding March 1. The State Treasurer may postpone the reporting date upon written request by any person required to file a report.

E. Not more than one hundred twenty (120) days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act shall send written notice to the apparent owner at the owner's last-known address informing the owner that the holder is in possession of property subject to the Uniform Unclaimed Property Act if:

1. The holder has in the records of the holder an address for the apparent owner which the holder's records do not disclose to be inaccurate;
2. The claim of the apparent owner is not barred by the statute of limitations; and
3. The property has a value of Fifty Dollars (\$50.00) or more, or the property has a value of less than Fifty Dollars (\$50.00) and is one of a recurring number of continuous payments, including, but not limited to, royalties, annuities, dividends, distributions and other recurring sums presumed abandoned pursuant to subsection D of Section 655 of this title. The holder is not required to send written notice to the owner if the holder has previously attempted to communicate with the owner, or otherwise exercised due diligence to ascertain the whereabouts of the owner. The mailing of notice by first-class mail to the last-known address of the owner by the holder shall constitute compliance with this subsection and, if done, no further act on the part of the holder shall be necessary.

F. Reports filed by a holder shall remain confidential except for that information required to be subject to public inspection pursuant to the Uniform Unclaimed Property Act.

G. The Treasurer may require a holder reporting fifteen or more items of property pursuant to this section to file the report online. The Treasurer shall promulgate rules necessary to carry out provisions for online filing.

Added by Laws 1967, c. 107, § 11, emerg. eff. April 24, 1967. Amended by Laws 1982, c. 278, § 7, eff. Jan. 1, 1983; Laws 1988, c. 281, § 9, operative July 1, 1988; Laws 1991, c. 331, § 20, eff. Sept. 1, 1991; Laws 1999, c. 10, § 7, eff. July 1, 1999; Laws 2001, c. 133, § 7, emerg. eff. April 24, 2001; Laws 2003, c. 224, § 6, eff. July 1, 2003; Laws 2006, c. 233, § 2, eff. Nov. 1, 2006; Laws 2008, c. 108, § 2, emerg. eff. May 2, 2008; Laws 2009, c. 433, § 1, eff. Nov. 1, 2009; Laws 2010, c. 241, § 2, emerg. eff. May 10, 2010; Laws 2013, c. 307, § 4, eff. Nov. 1, 2013.

J. CHOSH – Workplace Safety and Organization (Housekeeping)

Please continue to the following page to begin reading the document.



Choctaw Nation Employment Policy

CNOSH – Workplace Safety and Organization (Housekeeping)

Department of Occupational Safety and Health Department

I PURPOSE

- 1.1 The purpose of this policy is to contribute to safe work environments across the Choctaw Nation of Oklahoma through the establishment of basic requirements for different type of work sites.

2 SCOPE

- 2.1 This policy applies to all associates in the Choctaw Nation of Oklahoma.

3 EXCLUSIONS

- 3.1 None.

4 RESPONSIBILITIES

- 4.1 The Choctaw Nation of Oklahoma has established clear lines of responsibility in relation to the use of this policy. These responsibilities are as follows:
 - 4.1.1 Associates (non-supervisory) – to comply with this policy, applicable regulations and any other policies of the Choctaw Nation of Oklahoma that may apply. Violation of this policy shall result in disciplinary action, up to and including termination of employment and/or legal/criminal actions.
 - 4.1.2 Supervisors, Managers, and Leadership – to comply with this policy, applicable regulations and any other policies of the Choctaw Nation of Oklahoma that may apply. Also, to ensure that violations of this policy and all matters brought to the attention of or observed by supervisors, managers, and/or leadership in relation to this policy, are reported to the proper channels as soon as possible. Violation of this policy shall result in disciplinary action, up to and including termination of employment and/or legal/criminal actions.

5 COMPLIANCE REQUIREMENTS

5.1 General Work Areas

- 5.1.1 Associates shall keep all work areas clean and sanitary and shall comply with the following:
 - 5.1.1.1 Work areas shall be kept free of debris, unused materials, tools, equipment as feasible;
 - 5.1.1.2 Spills shall be promptly cleaned up;

- 5.1.1.3 Debris and trash shall be disposed of in appropriate containers;
- 5.1.1.4 Recyclable materials shall be stored in appropriate containers prior to disposal or recycling;
- 5.1.1.5 Storage areas shall be kept orderly;
- 5.1.1.6 Supplies shall be stored in an organized manner upon receipt; and
- 5.1.1.7 Sharp objects shall be stored and/or guarded in a manner to prevent injury.
- 5.1.2 Supervisors/managers over work sites shall ensure:
 - 5.1.2.1 Work sites contain appropriate facilities, conditions, and measures for associate safety;
 - 5.1.2.2 Work areas are maintained, as far as practical, in a dry condition;
 - 5.1.2.3 Where wet conditions are present:
 - 5.1.2.3.1 Drainage shall be maintained,
 - 5.1.2.3.2 Platforms mats or other dry standing places shall be provided, or
 - 5.1.2.3.3 Waterproof footwear shall be provided.
 - 5.1.2.4 Appropriate action is taken at work sites for protection against rodents, insects, and other pests;
 - 5.1.2.5 Adequate lighting is provided and maintained in all areas;
 - 5.1.2.6 Areas in front of electrical panels shall be kept clear and free of debris and materials storage for a minimum of thirty-six (36) inches; and
 - 5.1.2.7 Walking/working surfaces are safe during periods of inclement weather.
 - 5.1.2.7.1 Each work site will have a plan in place to safely handle inclement weather, such as heavy rain, snow and ice.

5.2 Office Areas

- 5.2.1 Associates shall keep office areas neat and orderly. The following general rules apply to prevent injuries and to maintain a professional workplace appearance, and associates shall comply with the following:
 - 5.2.1.1 All waste receptacles shall be lined with a plastic trash bag to avoid direct contact with waste during disposal.

- 5.2.1.1.1 Associates shall use a minimum of nitrile gloves when handling waste and shall use a compaction bar to compress waste when necessary.
- 5.2.1.1.2 Refer to Choctaw Nation of Oklahoma Personal Protective Equipment (PPE) Policy for more information.
- 5.2.1.2 File and desk drawers shall be closed when not in use to avoid injuries.
 - 5.2.1.2.1 Only one (1) file drawer at a time shall be opened to prevent tipping of file cabinets.
 - 5.2.1.2.2 Nothing shall be stored on top of high filing cabinets without adequate support.
- 5.2.1.3 Telephone cords, electrical cords, wastebaskets, open file cabinets and other ground-level hazards shall be managed in a manner that prevents obstruction hazards and protects associates from tripping.
 - 5.2.1.3.1 Electrical cords and computer/phone cables shall be bundled and stored.
 - 5.2.1.3.2 Cord covers shall be used to protect temporary extension cords (used for presentations, etc.) where there could be a tripping hazard(s).
 - 5.2.1.3.3 Small electrical appliances shall not be plugged into portable extension cords.
- 5.2.1.4 Space heaters shall not be used.
- 5.2.1.5 Electrical appliances shall not be used in wet areas unless the circuit is equipped with ground fault circuit interrupters (GFCI).
- 5.2.1.6 File cabinets desk drawers, safes, and other doors shall be fitted with handles or other hardware to protect associates from pinch points.
- 5.2.1.7 All materials shall be stored in a manner that prevents tipping of storage furniture (e.g. bookshelves, file cabinets) and inadvertent falling of overhead material.
- 5.2.1.8 Excessive amounts of paper or other material shall not be stacked on shelves, to reduce the possibility of shelf overload or falling items.
- 5.2.1.9 Workstations should be organized, as a minimum, at the end of each day.
- 5.2.1.10 Broken or damaged office furniture and equipment shall be removed from service.
 - 5.2.1.10.1 Office equipment shall only be repaired and serviced by qualified personnel or contractors.

5.3 Water Supply

5.3.1 Supervisors/managers shall ensure that drinking water is available for associates at work sites as follows:

5.3.1.1 Office Buildings/Health Facility Sites

5.3.1.1.1 Associates with a primary work site in an office building or health facility shall have drinking water available for their use.

5.3.1.1.1.1 Drinking fountains shall be kept clean and used as directed.

5.3.1.1.1.2 When drinking fountains are not available, disposable cups shall be provided with appropriate trash receptacles.

5.3.1.1.1.2.1 Associates may bring personal drinking cups; however, common or shared drinking cups are not permitted.

5.3.1.2 Remote Work Sites

5.3.1.2.1 Management shall ensure an adequate supply of drinking water is available for associates at remote work sites. The supply shall meet the following requirements:

5.3.1.2.1.1 Drinking water must be potable water and from an approved source;

5.3.1.2.1.1.1 Approved sources can include wells, city/rural water districts, bottled water or water fountains.

5.3.1.2.1.2 Water coolers/dispensers must be maintained in sanitary conditions and not used to hold non-potable water or any other substance;

5.3.1.2.1.3 Drinking water containers must be properly labelled and identifiable from containers holding non-potable water; and/or

5.3.1.2.1.4 Drinking water from streams, wells, or other temporary sources must be lab-tested in accordance with applicable regulations.

5.3.1.2.1.4.1 Testing reports and results must be maintained.

- 5.3.1.2.2 Non-Potable Water, which includes rainwater, reclaimed/recycled water and gray water, shall not be used for drinking, hand washing or other personal hygiene activities.
- 5.3.1.2.3 Non-Potable water may be used in other applications as authorized such as toilet and urinal flushing. Containers of Non-potable water shall be properly labelled and identifiable from containers of drinking water.

5.4 Toilet Facilities

5.4.1 Office Buildings/Health Facility Sites

- 5.4.1.1 Associates with a primary work site in an office building or health facility have toilet facilities available for their use.
 - 5.4.1.1.1 Associates will assist in keeping toilet facilities clean, sanitary and in good working order and report any issues to the appropriate departments.

5.4.2 Remote Work Sites

- 5.4.2.1 Supervisors/Managers shall ensure associates working at remote sites without permanent toilet facilities have toilet facilities provided or have access to toilet facilities.
 - 5.4.2.1.1 Access is provided by ensuring associates have transportation available to toilet facilities located no more than four (4) minutes away from their work site.
- 5.4.2.2 Toilet facilities provided at remote locations shall meet the following requirements:
 - 5.4.2.2.1 One (1) toilet shall be provided for every twenty (20) associates;
 - 5.4.2.2.2 Separate toilets shall be maintained for each sex, unless there are less than five (5) associates at the remote work site;
 - 5.4.2.2.3 Toilet facilities shall have adequate ventilation and lighting;
 - 5.4.2.2.4 Hand washing stations shall be provided near toilet facilities; and
 - 5.4.2.2.5 Sewage shall be released in accordance with applicable regulations.

5.5 Hand Washing Facilities

- 5.5.1 Supervisors/Managers over a work site shall ensure that personal cleaning supplies are provided at handwashing facilities for associates.

- 5.5.1.1 Personal cleaning supplies include soap and disposable paper towels or items of equal use/application such as anti-bacterial gels or sanitizer.
- 5.5.1.2 Hand washing stations shall be available for associates near eating and smoking areas.
- 5.5.2 Associates working with hazardous substances shall follow the applicable safety requirements regarding washing their hands and/or face after completing work activities and prior to breaks/lunch.

5.6 Hazardous Materials and Area

- 5.6.1 Associates working with hazardous materials, flammable substances, chemicals, electrical equipment/systems shall comply with applicable regulations and policies.
 - 5.6.1.1 Flammable substance storage shall not be located in office areas UNLESS it is required for maintenance, operation of building and/or operation of equipment.
 - 5.6.1.1.1 Flammable substances must be kept in closed metal containers stored in a storage cabinet, in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.
 - 5.6.1.2 Chemicals at work sites shall be stored in accordance with the Safety Data Sheet (SDS) for each chemical.
- 5.6.2 Supervisors/managers over a work site shall ensure refrigerators used to store chemicals, biohazards, medical materials, or other non-consumable items are clearly labelled and food items shall not be permitted in these refrigerators.
- 5.6.3 Hazardous materials generation and storage requirement questions shall be directed to the Environmental Protection Department.

5.7 Aisles, Access, Walkways, & Floors

- 5.7.1 Supervisors/managers over a work site shall ensure all aisles, walkways, and floors are at least three (3) feet wide and are clear of any obstructions.
 - 5.7.1.1 Obstructions include, but are not limited to, path-blocking objects and liquid or solid spills.
- 5.7.2 Access to workstations/work areas, fire aisles, fire extinguishers, fire blankets, electrical disconnects, safety showers, emergency exits, other emergency aids, doors, and access to stairways shall be kept clear at all times.
 - 5.7.2.1 Clearance is required for a minimum of three (3) feet on either side.
- 5.7.3 Stairs shall be kept clean, dry, free of waste, well-lit, and provided with adequate handrails and treads that are in good condition.
- 5.7.4 Floors shall be kept clean, dry (dry as possible), slip-resistant, and free of waste.

5.7.4.1 This includes removing unnecessary material, oil and grease, protruding nails, splinters, holes, or loose boards.

5.7.5 Supervisors/managers over a work site shall clearly mark/distinguish walkways from areas not for pedestrian traffic.

5.8 Recyclable Material, Debris and Trash

5.8.1 Supervisors/managers over a work site shall ensure the following:

5.8.1.1 Recyclable material, debris and trash shall be collected and stored in appropriate containers (e.g., trash compactors, recycle bins, plastic trash bags, garbage cans, roll-off bins) prior to disposal or recycling.

5.8.1.1.1 Trash or debris shall not be intermingled with waste, PPE, or contaminated materials.

5.8.1.2 An adequate number of waste receptacles are provided at accessible locations throughout all work areas.

5.8.1.3 Containers maintained outdoors shall be provided with lids that are kept closed. Contents shall be removed at appropriate intervals (e.g. garbage weekly, garbage daily in areas with wildlife, monthly recyclable cardboard, etc.)

5.8.1.4 Appropriate action shall be taken for protection against vermin, insects, and rodents.

5.8.1.5 Adequate lighting shall be provided and maintained for work performed and associate safety.

5.9 Food and Drink

5.9.1 Associates shall comply with the following:

5.9.1.1 All food and drink items shall be properly stored when not in use.

5.9.1.2 Food items shall not be stored in personal lockers for extended periods in order to prevent the potential for vermin infestation.

5.9.1.3 Perishable foods shall be refrigerated whenever possible.

5.9.1.4 All waste food containers shall be discarded in trash receptacles.

5.9.1.5 All tables, chairs, counters, sinks, and similar surfaces shall be kept clean and free of dirt, waste food, and food containers.

5.9.1.6 Refrigerators used to store food items shall be emptied of food items weekly.

5.9.1.7 Eating and drinking is prohibited in industrial work areas.

5.9.1.7.1 Industrial work areas shall have separate designated areas for eating and drinking.

5.9.1.8 Associates shall refer to site specific requirements for information regarding leaving work areas and before entering eating/drinking areas for restricted areas. i.e. paint booths, lead areas, etc.

5.9.2 Supervisors/managers over a work site shall ensure the following:

5.9.2.1 Food dispensing facilities will be operated in compliance with applicable health and sanitation regulations.

5.9.2.1.1 Refer to the Choctaw Nation of Oklahoma Food Safety Codes for specific regulations.

5.9.2.2 Buildings housing food dispensing facilities shall be floored completely, painted, well lighted, heated, ventilated, and sanitary. Windows shall be equipped with screens.

5.9.2.3 Microwave ovens shall be used for food items only.

5.9.2.4 Refrigerators designated for food storage shall clearly be labelled for food only (i.e. no chemical or sample storage).

5.9.2.4.1 Food shall be removed from food storage refrigerators at the end of each day.

5.10 Training

5.10.1 All associates shall complete training required by CNOSH and/or management on the safety and health hazards of poor housekeeping and improper chemical storage in order to protect themselves, their fellow associates, and the citizens of nearby communities.

5.10.1.1 Training may include but is not limited to:

5.10.1.1.1 Hazard Communication;

5.10.1.1.2 Housekeeping Program;

5.10.1.1.3 Safe work; and

5.10.1.1.4 Hazard reporting.

5.11 Inspections

5.11.1 CNOSH shall conduct periodic site inspections to identify any safety issues including but not limited to:

5.11.1.1 Obstructions, hazards, lack of order, or unremoved spills due to poor organization or poor housekeeping;

5.11.1.1.1 Associates in each area will be asked to identify and recommend corrective actions for their area.

5.11.2 During the periodic inspection, CNOSH shall check the system of work-related injuries and illnesses and verify if one or more incidents such as slips, trips, falls, or other types of accidents were related in some way to poor housekeeping.

6 DEFINITIONS

6.1 None.

7 RELATED DOCUMENTS, FORMS AND TOOLS

7.1 [CNOSH Workplace Safety and Organization \(Housekeeping\) Inspection Form](#)

8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Policy Oversight Committee, Jack Austin Jr.
Administrator	Department of Internal Policy
Next Review Date	June 13, 2021