

# DENVER ART MUSEUM

## Policy on Collection Use and Repatriation of Cultural Items

Treatment of Cultural Items Pursuant to the Native American Graves Protection and Repatriation Act (Public Law 101-601).

### Introduction

It is the mission of the Denver Art Museum to collect, preserve, interpret and exhibit objects for the benefit of present and future generations in a manner that respects the diversity of human cultures. Through its nationally recognized collections, exhibitions, publications and programs, the DAM has helped to underscore the inherent value and integrity of Native American cultures and is committed to working in direct consultation with Native American communities to help assure the survival of Native American traditions into the 21st century and beyond.

The Denver Art Museum supports the purposes and objectives of the Native American Graves Protection and Repatriation Act and is resolved to abide by and work within the framework of its provisions.

### Guidelines

The following principles will govern the Denver Art Museum policy in regard to culturally sensitive Native American materials:

1. The relationships between the Denver Art Museum and Native American peoples will be governed by respect for the human rights and concerns of Native Americans and the values of scientific research and public education.

2. The Denver Art Museum recognizes that respect for the human rights of Native Americans means it has a special fiduciary responsibility in the preservation, care and

exhibition of those objects in its collections that are considered funerary objects, sacred objects or cultural patrimony under NAGPRA.

3. The Denver Art Museum will strive to resolve questions of the disposition and treatment of culturally sensitive materials consensually on a case-by-case basis through cooperative and timely discussions between the museum and all interested Native American tribes. Where issues remain after good faith discussions, an attempt will be made, to the extent permitted by the Native American Graves Protection and Repatriation Act, to settle these issues through mutually agreed upon processes of mediation or arbitration.

4. The Museum will not knowingly acquire any object whose ownership is contrary to Colorado or Federal law or whose circumstances of collection are unethical or contrary to the goals and/or ethical practices of the Denver Art Museum and the museum profession in general.

5. It is not the policy of the Denver Art Museum to collect human remains.

6. The Denver Art Museum, to the extent possible, will consult with the living cultural groups regarding ownership and treatment issues before deciding whether to acquire culturally sensitive material related to those groups. Any acquisition of funerary items or sacred objects will be based on thorough consultation with culturally affiliated Native peoples and will be accompanied by documentation showing the acquisition is related to the Museum's institutional mission. The Museum may consider assisting and acting as a conduit, when appropriate, for the return of non-DAM material to the culturally affiliated group.

7. The Denver Art Museum recognizes the obligation to interpret cultural items with accuracy, sensitivity and respect for their relationship to the cultures of Native peoples. Dialogues with Native peoples will be conducted to represent fairly and objectively the beliefs and viewpoints of Native peoples. The need for meaningful dialogue is especially important when culturally sensitive materials are proposed for exhibition.

8. Public access to the Denver Art Museum's collections is essential to its mission and will strike a balance between safeguarding the collections from harm and encouraging their use in promoting awareness and appreciation of the rich cultural legacy of Native peoples. However, public access to culturally sensitive materials may be restricted if such access offends religious or cultural practices or beliefs.

9. Denver Art Museum staff will consult with religious and tribal leaders regarding the care and handling of culturally sensitive materials as well as the appropriate use of informational discoveries that may result from studies of these objects.

10. Subject to Museum policies regarding care, conservation, risk management and security, access to sensitive collections will be provided to appropriate and recognized Native peoples, on an individual or group basis, who wish to perform rituals or ceremonies using collections in a specially prepared area. Any request to alter the physical appearance of an object for religious or ceremonial purposes will be reviewed by curatorial, collections and conservation staff prior to such activity.

11. All negotiations concerning culturally sensitive materials shall be conducted with professional discretion. Collaboration and openness with concerned parties are the goals of these dialogues; and if publicity is desirable, then it will be carried out in collaboration.

12. The Denver Art Museum will strive to answer promptly inquiries requesting information about its collection to appropriate Native American tribal authorities and will provide physical access to existing records and documentation.

13. The repatriation of unassociated funerary objects, cultural patrimony and sacred objects by the Denver Art Museum will be made in accordance with the provisions of Section 7 of the Native American Graves Protection and Repatriation Act.

14. The Denver Art Museum recognizes that there may be instances in which materials are shown to be appropriate for repatriation but where the Tribe, group, or individual requires additional time to facilitate repatriation to appropriate parties within the

Tribe. In such circumstances the Museum, if appropriate, will offer to maintain the materials in custody until such time as the Tribe designates, or will transfer the materials to a third party that the Tribe designates as a repository in trust for them, upon such terms as are agreed.

15. In appropriate circumstances, the Museum will request permission from the Native American tribal owners prior to repatriation to photograph, document or commission a replica of the object.

16. In circumstances of repatriation, the Denver Art Museum will require release from any claim from the tribe, group or individual to whom the objects are repatriated and indemnification from the party to which the materials are repatriated against competing claims.

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