

CMP Appendix 1: Texas Archeological Research Laboratory (TARL) Policy on Requests and Access to Human Remains for the Purposes of Destructive Sampling and Analysis

TARL and The University acknowledge that human remains are imbued with significance by most human communities. This policy recognizes that there is an inherent complexity in curating human remains which stems from the many different, and at times opposing, socio-cultural, spiritual, political and scientific/academic perspectives and values which intersect over these sensitive collections.

TARL and The University simultaneously acknowledge that the study of human remains, including data that at present can only be derived through destructive sampling and analyses, can result in scientific advances in a great number of fields of investigation and study. This policy document is intended to evidence physical 'protection' of human remains at TARL by curatorial staff and to acknowledge the ethical issues we must balance with every request, while assuring respect for the individual remains and descendant communities. It defines responsibilities for management and oversight related to skeletal collections under arrangements made with researchers who are specifically requesting access to human remains for the purposes of destructive sampling/analysis.

I. Introduction

TARL promotes the use of its collections for research in all fields and with a wide variety of research methods. In order to maximize the research potential of TARL's collections, in some circumstances it may be appropriate to remove samples, conduct invasive tests, or otherwise impact the substance of items in the collections. As pertains specifically to archeological human remains, TARL honors diverse beliefs about the humanity and sacredness of ancestral remains. Decisions regarding the appropriateness of such requests must balance the legitimate needs of the scientific and scholarly community with the long-term preservation of the collections for future needs – including future research needs that might be precluded by current sampling or invasive tests. These remains reveal valuable information about the prehistoric populations of Texas. As research methods advance over time, they will continue to yield new information. At the same time, human skeletal remains often have great significance for affiliated individuals and descendant groups in the present. We have therefore established this policy for the management of researcher requests for the destructive sampling of all archeological human skeletal remains at TARL. The goal of this policy is to balance core missions of research and collections management with our understood responsibility as respectful stewards of human remains.

II. Overview

Destructive analysis or other research may subject human skeletal material to considerable risk of damage. It will only be permitted under certain circumstances: when the knowledge gained clearly outweighs the loss of material, and only after all of the requisite permissions from affiliated descendant communities, and federal and/or state regulatory agencies have been obtained. Even then, the destruction must be limited and TARL staff will take all appropriate steps to minimize the loss of material. TARL seeks to balance the loss to this inherently sensitive collection caused by sampling with the potential of the proposed research.

Proposals must be submitted directly to the Head of Collections who will perform the initial and quantitative review of the researcher's request for access, the legitimacy of the sampling methodology, the availability and suitability of the requested remains, procure permission from the documented owner of the remains, and request additional information from the researcher if deemed necessary.

Once the Head of Collections has determined that it is legal, ethical, and advisable for the specified collections to be the subject of destructive analysis and deems the proposal acceptable, he/she will present a summary of the project to the Deaccession Committee for final approval. The Deaccession Committee is responsible for approving or denying any proposals for destructive analysis of archaeological human skeletal remains at TARL. The committee may suggest a modification of the research design or require additional steps on the part of the researcher.

Proposals from all researchers are reviewed and on a case-by-case basis.

III. Access to TARL's Human Skeletal Collections

TARL does not loan human remains in most instances. Researchers requesting access, whether for physical assessment of traits and morphometric analyses, or for destructive sampling and analyses, must make arrangements with the Head of Collections to come to TARL. TARL reserves the right to deny, suspend or stop the sampling process if, in the judgment of TARL staff, the process is perceived to be too destructive to the remains being sampled or if the remains are being requested under a Native American Graves Protection and Repatriation Act (NAGPRA) claim. In those instances where TARL agrees to a loan of human remains, special arrangements must be made with the Head of Collections and authorized by the Deaccessions Committee and the Director of TARL.

Initially, access to the human skeletal collection will depend upon completeness of the documentation of permission from any controlling entity, agency or TARL-recognized group as appropriate to the recognition of the legal ownership of the collection of human skeletal remains for which access has been requested. If the collection being requested is a Federally-owned collection, permission for destructive analysis also must come from the owning Federal agency. It is the responsibility of TARL to contact the owning federal or state agency for permission prior to any work being carried out. For culturally identifiable and/or affiliated materials that fall under NAGPRA, permission must be obtained from the affiliated Native American tribe(s). **It is the responsibility of the researcher to schedule accordingly if requesting access to human skeletal collections for the purpose of destructive sampling when TARL is not the owning institution and must seek permission. Be sure to allow TARL staff time adequate to contact the requisite agencies in order to obtain the necessary permissions and be sure to provide a research and sampling schedule that accommodates this for all tribal/state/federal Held-In-Trust collections for which access is being sought.**

Access will also depend upon:

- Available space, facilities, staff, donor restrictions and/or the preservation/stability of the materials for which the request was submitted.
- The window during which the requested collections may be accessed is subject to established or special procedures necessary to safeguard the remains, physical restrictions related to space and facilities, and the availability of appropriate staff and permission-granting entities.
- Staff will be present during all times of access by researchers to ensure the safe and respectful treatment and handling of the human remains.
- Being that TARL is managed by a small staff, researchers should allow ample time for staff to prepare the requested materials for access.
- If you will require a certain amount of space/table space for your research and/or sampling, or any other specific accommodations, please notify the Head of Collections well ahead of your indicated arrival date and time.

TARL cannot undertake the work of selecting remains to be sampled for researchers, and will not agree to blanket requests for access. An incomplete research proposal will delay any judgment on its approval. As a result, requests for destructive analyses will generally require a preliminary research visit (more, if deemed appropriate by the Head of Collections or researcher). Access at a requested time is subject to the availability of the Head of Collections. In no case shall administrative or other staff allow access to collections for the purposes of destructive sampling in the absence of the Head of Collections.

Certain sets of remains or individual elements may be considered too rare, fragile, culturally sensitive, or scientifically significant for loan or destructive sampling and analyses. The Head of Collections will make the requesting researcher aware of such instances as applies to their request during the initial research proposal review or following the Deaccession Committee's review when appropriate.

IV. Submitting a Research Proposal with a Sampling Request for TARL's Human Remains Collection

A research proposal must include the following information when a researcher is seeking access to TARL's human remains collection to perform destructive sampling:

- Date of sampling request.
- Requester's name, address, phone number, e-mail address and all contact information for the sponsoring agency and/or affiliated institution(s).
- A CV for the principal investigator, and the names and qualifications of the technicians if different (CV's are preferred).
- A description of the project and an explanation of the significance of the proposed research to include a description of the research methodology and expected analytical results.
- Types of sampling and analysis to be performed (destructive to the objects) and why they are appropriate to the questions being posed by the researcher.
- A discussion of why non-invasive or non-destructive techniques cannot be used to address the research questions.
- A discussion of why TARL's collections represent the best or only source of remains for sampling.
- Catalog numbers or accession numbers and description of each set of remains to be sampled in the project. This may involve a pre-sampling visit to TARL.
- Number of individuals / sample size and weight of tissues/bone per individual or set of remains or element. Indicate which osteological element(s) will be sampled and where on each element (i.e. distal radius, anterior proximal tibia, buccal aspect of M³ root tip, etc).
- Indicate who will be performing the actual sample extraction, if not the researcher requesting access, and a copy of that professional's qualifications to conduct the destructive sampling.
- Location where the analysis will be performed and qualifications of the lab.
- Date, or reasonable range of dates, when the remainder of sample(s) will be returned to TARL and how that will be arranged by the researcher.

V. Evaluation Criteria to be Considered by the Deaccession Committee During Proposal Review

Proposals are evaluated first by the Head of Collections and then the Deaccession Committee according to the following criteria:

- Is provenience and ownership legally documented and confirmed? Ownership, if not TARL?
- What is the NAGPRA status of the requested remains? Is tribal response required?

- Is there a confirmed TARL inventory of the set or sets of remains being requested? Metrics?
- Does the current documented state of preservation of the remains support researcher handling AND destructive sampling?
- Have the remains being requested for sampling been sampled previously and to what extent? Have they been loaned for sampling or any type of analysis which required handling and/or exposure?
- What is an appropriate upper threshold for sampling based on the current quantity/volume of material and based on documented evidence of previous rounds of destructive sampling?
- The physical sampling methodology is clearly defined and described in the proposal (i.e. how the sample will be physically derived from each element and by whom).
- The proposed analyst is qualified to perform the work, as is the person who will be conducting the sample collection, if different from the analyst.
- The research proposal is sound and provides the rationale for the use of destructive analysis. Also, the amount of sample and number of remains/elements requested is **only** what is necessary to obtain accurate results, and does not request amounts beyond what is required for the analytic methodologies. The amount requested will be compared to the amount required by current industry testing standards.
- The analytical methods proposed should yield the intended results, and are the least intrusive analytical means of obtaining those results; non-destructive/non-invasive methods are always the preferred method of sample extraction.
- The degree to which any proposed destructive sampling affects the specimen is minimal.
- The researcher has prepared an inventory of the specific sets of remains/individuals/elements to be tested and the part of the skeletal element(s) to be sampled
- The remainder of any samples which are not completely used will be returned so they can be retained to TARL collections for future use and study
- The probability of receiving analytical results from the researcher is high. TARL staff can confirm the researcher's history/ability to provide the raw data, photographs, research report and resulting publications in the manner indicated by the agreement and/or permission granting letter.
- Request for access for sampling will be denied if the researcher has a history of failing to provide raw data, returning unused samples and/or publications on other projects, whether at TARL or elsewhere.
- The requesting researcher has signed all necessary forms and agreed to (by signing and providing TARL a copy) all terms and conditions put forth in the TARL Application for *Access to TARL Human Remains Collections for Destructive Sampling/Analysis* and the TARL form *Researcher Guidelines for Access to the Human Remains Collection for Study and Sampling*
- The Head of Collections will maintain a database of access by researchers by (HO) accession number that will track the various samples (weights, volumes, elements, sampling methodology, sampling location, post-sampling preservation) and analyses performed on TARL human remains for internal purposes and monitoring of the human remains collection.

VI. Procedures and Authority for Reviews of Researcher Requests for Destructive Sampling of TARL's Human Skeletal Collection

Requests for access to the human remains collections for the purposes of destructive sampling should be submitted at least two months in advance of the anticipated date of the actual sampling. Researchers are encouraged to submit their materials six months or more in advance in those instances when requesting collections for which NAGPRA may be involved.

The Head of Collections, in consultation with the Deaccession Review Committee, and the owning and controlling government and/or tribal agencies as appropriate, is responsible for allowing and monitoring access to the human skeletal collections as well as collection-related information and documentation. Receipt of the researcher request (including TARL Forms: *Application for Access to TARL Human Remains Collections for Destructive Sampling/Analysis* and *Researcher Guidelines for Access to the Human Remains Collection for Study and Sampling*) by the Head of Collections initiates an initial review of the proposal. The Head of Collections may return the proposal and require further information from the researcher before the proposal will be sent to the Deaccession Committee for review. When necessary, the Head of Collections will obtain the appropriate documentation from affiliated Native American tribes and descendant communities, the owning federal or state agency, or the owning private individual following receipt of the researcher's proposal. **Again: It is the responsibility of the researcher to schedule accordingly if requesting access to human skeletal collections for the purpose of destructive sampling when TARL is not the owning institution and must seek permission. Be sure to allow TARL staff time to contact the requisite agencies in order to obtain the necessary permissions and be sure to provide a research and sampling schedule that accommodates this for all tribal/state/federal Held-In-Trust collections.**

Once ownership and appropriate permissions have been confirmed/received by the Head of Collections, he/she will schedule a meeting of the Deaccessions Committee and provide for them a summary of the proposal (and copies of the original research proposal when requested) and relevant information as pertain to the remains for which access is being requested: inventory of individuals, state of preservation, description of previous rounds of destructive sampling, if any, and a collections perspective on the ability of the selected individuals to tolerate the described sampling methodology. The committee may decide to approve the request for access, deny the request or send it back to the researcher for further development before they will reconsider the proposal. We encourage you to pay careful attention to the proposal submittal request criteria, the proposal evaluation criteria and any documentation such as correspondence provided by the Head of Collections to ensure that your proposal and request are sufficiently prepared for the committee review.

The Deaccessions Committee may take up to two months to arrive at a decision regarding a research proposal and request for access. Following the decision, the Head of Collections will draft a letter to the researcher indicating the result. In the case of a denial of access you will be provided with the decision-making criteria that were used to arrive at such a determination. In those instances in which the committee requires further information you will be informed of the criteria which the original submittal failed to meet and a follow-up review will be scheduled when you have provided an amended research proposal to TARL.

Proposals may be refused for several reasons, including the following reasons:

- The owning tribal/state/federal entity has denied permission for sampling access.

- The human remains which have been requested are singular in the collection or are too sensitive or poorly preserved for destructive sampling.
- The Head of Collections and/or the Deaccessions Committee felt that the research proposal failed to meet the burden of justification for destructive sampling of human remains.
- Another researcher has undertaken very similar work utilizing the requested remains.
- The individual/material requested has not been fully documented into TARL's permanent site files, accession files and/or Human Osteology and, when appropriate, NAGPRA files.
- The ethical considerations outweigh the value of any results generated.

In the case of the Deaccessions Committee returning with a decision of a denial for the researcher's request for access, the researcher may appeal the decision to the Associate Dean of the College of Liberal Arts.

VII. Ensuring Respectful Treatment

Human remains represent deceased individual human beings. TARL's policy is therefore that all human skeletal remains will be treated respectfully, and in accordance with any agreements that may exist between specific tribal and/or descendant communities and TARL. As a matter of providing our human remains basic "respectful treatment" TARL provides the following deferential curation standards:

- TARL maintains the collection of human remains in a locked room under security and staff surveillance. Intrusions are kept to a minimum and visitors are not allowed entry except as permitted specifically for research purposes as acknowledged by the Head of Collections. 'Browsing' of this sensitive collection is not allowed and a quiet, respectful environment is always maintained.
- Researchers who are permitted access will abide by the researcher guidelines that they have read and signed prior to beginning their work and accessing collections. Deviation from approved conduct and handling of the remains may result in termination of the researcher's access. In the instance of students, inappropriate or non-permitted behavior in the human remains collection will lead to notification of their research supervisor or sponsoring institution.
- In instances when the authority to grant permission comes from tribal entities and/or descendant communities, the researcher is bound by any additional handling guidelines and protocols as provided by such entity.
- Gloves (un-powdered, lubricant-free, medical-grade Nitrile) will be used by all researchers who are provided access to human remains. This required protocol is in place to protect both the remains and individual(s) handling them. Be aware of the transfer of oils from your skin to the remains by avoiding touching your head, face or glasses while handling the skeletal elements.
- There may be instances where researchers are asked to wear medical-grade face masks to prohibit the transfer of biological agents that might contaminant or preclude future analyses.

In short, all reasonable precautions will be taken to avoid unnecessary handling, physical exposure and cultural/traditional offense while enhancing the educational and research missions of the Texas Archeological Research Laboratory and the University of Texas at Austin. Primary responsibility for ensuring respectful treatment of skeletal remains is vested in the Head of Collections, with oversight provided by the Director of TARL.