

Collections Policy and Procedures American Museum of Natural History

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American Museum of Natural History

New York



Collections Policy

Approved by the AMNH Board of Trustees, October 11, 2023

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**American Museum of Natural History
New York**

Collections Policy

1.0 Introduction

- 1.1 This policy applies to all who manage, work with, use or visit the Collections of the American Museum of Natural History (“AMNH”). AMNH Staff who host visitors to the Collections are responsible for ensuring those visitors comply with the terms of this Policy.
- 1.2 For the purposes of this Policy, “AMNH Collections” or the “Collections” is defined as the permanent specimen and objects collections of the Science divisions and interdivisional facilities that are owned by the Museum or held on behalf of other agencies and form the core of its activities in scientific research, education, and exhibition. This includes the tangible physical objects themselves, any and all digital and other media-format representations, and replicas of the physical objects.
- 1.3 Excluded from the definition of Collections under this Policy are the Library collections and the objects held by the AMNH Education Department, which are covered by separate policies. However, specialized libraries, media, databases, and archives within the Science divisions are considered ancillary collections of the divisions and are governed by this policy.
- 1.4 This policy is implemented and supported by collection management procedures for each Science division and interdivisional facilities. The procedures for each are to be reviewed upon request by the Provost.
- 1.5 AMNH does not list its collections as assets on its financial statements, nor pledge the Collections as collateral for the satisfaction of debts.
- 1.6 AMNH maintains insurance on the Collections when on premises, at off-site storage, in transit, and when on loan. The collections insurance coverage is reviewed by the Audit Committee of the Board of Trustees.

2.0 Governance and Management of the Collections

2.1 Board of Trustees and Collections Committee

- 2.1.1 Per the AMNH Constitution and Bylaws, the Board of Trustees has delegated oversight of significant collection matters to its Collections Committee. The President is responsible for the general administration of this Policy.
- 2.1.2 The President, Provost, and Dean of Science for Collections shall report annually to the Collections Committee of the Board of Trustees on the status of the Collections, and the Collections Committee shall report their deliberations to the Board of Trustees with such recommendations that require review and approval by the Board of Trustees.

2.2 Senior Administration

- 2.2.1 The President delegates authority and responsibility for the collections to the Provost and provides for the implementation and monitoring through the five science division chairs and the Dean of Science for Collections.
- 2.2.2 The President, Provost and/or Dean of Science for Collections are responsible for approving significant or complex acquisitions or deaccessions of objects and specimens as set forth in Section 4.1 and below.

2.3 Science Division Chairs

- 2.3.1 Each Science Division Chair bears primary responsibility for ensuring that the curators in the division care responsibly for the Collections in their charge in accordance with this Policy and the written division procedures.
- 2.3.2 Science Division Chairs may assign curatorial management of each collection or specific taxonomic or disciplinary sub-unit of the collection where appropriate to a Curator-in-Charge.
- 2.3.3 Each Science Division Chair further delegates authority and responsibility for procedural implementation and compliance with this Policy and division procedures among the scientific staff in their Division.

2.4 Curators-in-charge

- 2.4.1 “Curators-in-charge” in the sense of this Policy is a functional designation (not a position title) used to identify the curator accountable for the management, use, care, and conservation of the specific collections in the curator’s care.
- 2.4.2 Each Curator-in-charge is responsible for working with and overseeing the work of the collections management staff in consultation with the curators of the Division, and under the direction of the Division Chair. Each is also accountable for implementing this Policy and the division’s procedures and for ensuring adherence

to the Museum's and the division's procedures for visiting scholars, students, post-doctoral researchers, and other researchers granted access to or loans from the collections in the curator's care.

- 2.4.3 Each Curator-in-charge, in consultation with the Registrar and Office of the General Counsel, is responsible for ensuring federal and state compliance on wildlife declarations, import and export compliance, identification, acquisition, preparation, sampling, conservation, maintenance, documentation, supervision of resident and visiting scholars, and that loans within their collection are carried out in accordance with the Policy and professional and ethical standards.
- 2.4.4 Each Curator-in-Charge is also responsible for working with their Division Chair, other divisional curators, divisional curatorial committees, and collection management staff to implement strategic collecting programs, proposals for collections support, and related projects.
- 2.4.5 For inter-divisional collections, such as the Ambrose Monell Cryo-collection, a Curator-in-Charge will be appointed by the Provost (or the Provost's designee) from among the curators of the five Science Divisions.
- 2.4.6 Each Curator-in-Charge may exchange, donate, sell or otherwise dispose of specimens and objects, in accordance with Section 5.2.1.

2.5 Collection Management Staff

- 2.5.1 The collection management staff is responsible for delivering preventive maintenance, curation and conservation support to the collections assigned to them, including management of inventory, documentation, research loans and collection databases. They are assigned responsibility for individual division collections care in consultation with and under the direction of the curators-in-charge and the Division Chair.
- 2.5.2 Collection management staff support researchers in accessing and using the collections on-site, and processes research loans.
- 2.5.3 When assisting in developing new collections strategies and proposals for collections support, collections management staff directly consult with the curators in the planning and execution of projects and with the Division Chair, who approves the submission of proposals, allocation of personnel effort, and time commitments.

2.6 Conservators and Preparators

- 2.6.1 Work undertaken by contract conservators and preparators includes preparation for research purposes, analysis, stabilization, repair, documentation, and monitoring of

objects and their environment in research storage, on display in the Museum, and on loan for exhibition at other institutions. Conservators and preparators assigned to the Divisions work under the direction of each Science Division Chair who is responsible to the Dean of Science for Collections and the Provost for all aspects of conservation matters within their Division.

- 2.6.2 Conservators assigned to the Department of Science Conservation work under the Director of Science Conservation.
- 2.6.3 The Director of Science Conservation, reporting to the Dean of Science for Collections, oversees conservation efforts across all Divisions, including preventative conservation, exhibit loans and exhibition objects preparation and support, environmental and pest monitoring, disaster planning and preparedness, and risk assessment, and provides training for collection management staff, registrars, and exhibition staff who may handle collection items as part of exhibition development.

2.7 Registrars

- 2.7.1 The Registrars are responsible for maintaining the permanent records of accessions, deaccessions, all incoming, outgoing, and intramural exhibition loans. The Office of the Registrars is under the review of the Dean of Science for Collections and the direction of the Provost.
- 2.7.2 For acquisitions, the Registrars record and assign accession numbers to all objects or lots being added to the Collections, according to the established registration system, and maintain the permanent records associated with both acquisition and accession including provenience, permits, specimen transfers, and all other legal documentation of the acquisition.
- 2.7.3 For exhibitions traveling outside the Museum, as well as for intramural exhibition loans, the Registrars prepare and retain the originals of exhibition loan records. They make arrangements for and oversee handling, packing, transport, and professional inspection of all objects entering or leaving the Museum-- for on-site exhibitions, incoming borrowed exhibitions, AMNH traveling exhibitions, and individual outgoing exhibition loans. They prepare condition reports, damage reports, loan agreements with individual lenders, photographs, insurance documents, packing and unpacking documents, shipping and receiving papers. They manage the Collection insurance program in collaboration with the Office of the Controller, the Chief Financial Officer and General Counsel to assure insurance coverage.
- 2.7.4 The Registrars, in consultation with the Office of the General Counsel, ensure compliance with state, federal and international regulations and provide regular training for AMNH staff on these topics.

2.8 Annual Collections Report

- 2.8.1 Each division chair, the Curator-in-Charge of the Ambrose Monell Cryo-collection, and directors of centers and institutes (e.g., Center for Biodiversity and Conservation) having programs and activities involving collections shall file an annual report of collections activities with the Provost, who will forward the report to the Dean of Science for Collections. The Annual Collections Report shall include:
- a. a synopsis of all acquisitions, accessions, deaccessions, dispositions, and loans during the year;
 - b. emergent issues of collections care;
 - c. the appointment of curators-in-charge and identify the segments of the Collection for which these curators are responsible;
 - d. the roster of collections management staff with their names, titles, individual primary responsibilities, and direct supervisor;
 - e. all approvals obtained as required by this Policy;
 - f. risk factors to collections that are addressed by various ongoing and planned collection upgrades;
 - g. such additional information as required by this Policy or requested by the Dean of Science for Collections or the Provost.
- 2.8.2 The Provost and the Dean of Science for Collections will annually summarize the divisional collections reports to the Collections Committee of the Board of Trustees.

3.0 Ethics of Collections Management

3.1 General Guidelines

- 3.1.1 Members of the AMNH community are bound by the AMNH Code of Ethical Practices and shall adhere to AMNH policies, procedures, and practices and to comply with applicable federal, state, and local laws and regulations in carrying out their responsibilities and to report intentional violations of this policy to the Dean of Science for Collections or the Provost.
- 3.1.2 When an individual's activities are not governed by specific policies, laws, or regulations, individuals should be guided by the generally accepted professional practices and ethical standards in their field, remembering that as a publicly-funded institution, members of the AMNH community are held to a standard that encourages and retains the public trust in AMNH.
- 3.1.3 Should a staff member have any questions about a matter appearing to involve the Collections or concerns about a violation of this Policy, the staff member should bring such matters to the attention of their division chair, the Dean of Science for

Collections, the Museum's Ethics Officer, or Senior Vice President and Chief People Officer.

3.2 Identifications, Authentications, and Appraisals

- 3.2.1 Museum employees shall not give appraisals for the purpose of establishing the tax-deductible value of gifts offered to the Museum.
- 3.2.2 Occasionally it is beneficial to the Museum for staff members to assist collectors, other museum professionals, and law enforcement officials (only following consultation with the General Counsel) in identifying, authenticating, and assessing the quality and condition of natural history specimens, objects, and documents, provided that such assistance does not involve commercial marketing or sale of material, or encourage or benefit illegal, unethical, or irresponsible traffic in such materials.
- 3.2.3 When an individual provides their professional advice on such matters in their official capacity as a staff member or in another appointment at the Museum, such advice must be accompanied by the Museum's *Collections Policy Disclaimer for Identification/Authentication Work*, available in the Provost's Office *Policies Regarding Scientific Research, Scholarship And Teaching*, which states that the information is an opinion, subject to change upon acquisition of new information, and is not to be used in a purchase or sale transaction, nor published without the written consent of the Museum employee and Dean of Science for Collections. Individuals may not provide such assistance for monetary or other compensation, unless otherwise approved by the Provost.

3.3 Use of Museum Property and Services

- 3.3.1 Museum employees, officers, trustees, and committee members shall not use Museum collections facilities or collections staff for appraisals, work-for-hire for non-AMNH work, or for maintenance, care, or storage of their personal collections.
- 3.3.2 Use of Museum collections, collection data, documentation, and illustrations by Museum staff shall be in accordance with Employee Handbook, sections 800 through 1000.
- 3.3.3 Books, bulletins and journals provided gratis to scientific staff as part of publication exchanges supported financially by the Museum are the property of the Museum and shall be retained unless written permission to dispose of them is obtained from the Provost.

3.4 Private Collecting: conflicts of interest and ethical constraints

- 3.4.1 Scientific staff is prohibited from assembling or adding to personal collections that are in their professional field of interest while an employee of the Museum. A scientific staff member who joins the Museum with a personal collection must file an inventory of that collection with the Provost and may retain that collection.
- 3.4.2 Although it is understood that an employee is not restricted from selling objects from their personal collection, an employee may not act as a dealer, buying and selling natural history objects for profit, whether or not in the employee's field of professional interest.

4.0 Acquisitions and Accessions

4.1 Legal and Ethical Assessment of Acquisitions

- 4.1.1 Accession refers to the formal act of legally accepting acquisitions of an object or objects to the Collections that the Museum holds in the public trust, which itself represents a significant investment of resources and a commitment to proper stewardship. AMNH shall not acquire any item or lot unless it is satisfied that it has been acquired legally, ethically, and in compliance with this Policy.
- 4.1.2 Title to all objects acquired for the collections shall be obtained, barring exceptional circumstances, free and clear, with unimpaired right of possession.
- 4.1.3 AMNH shall not knowingly acquire:
 - a. cultural property from its country of origin unless accompanied by an export certificate where the country of origin's laws so require;
 - b. cultural property that was stolen from any individual, corporation, institution, Indigenous group, or foreign nation;
 - c. cultural property that has been seized under compulsion arising directly or indirectly from the occupation of a country by a foreign power;
 - d. any biological or geological specimen that has been collected, sold, or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law, except with the express consent of the authorized governmental authority; or
 - e. any item or lot that was collected or recovered under circumstances that would support or encourage irresponsible damage to or destruction of archeological sites, cultural monuments, or defilement of human burial places.
- 4.1.4 AMNH may accept objects that have been legally confiscated and offered to AMNH by government authorities under terms approved by the Dean of Science for Collections or Provost in consultation with the General Counsel.

4.2 General Provisions

- 4.2.1 “Acquisition” means the acceptance by and physical possession at AMNH of objects for the permanent collections. It does not include receiving loans, which represent the temporary transfer of objects to and from a museum without a change of ownership.
- 4.2.2 “Accession” means the formal addition and transfer of custody, right, or title of objects to the Collections with the intent that they will be preserved and used as part of the permanent collections.
- 4.2.3 Acquisitions shall not normally be accessioned if there are plans to dispose of the items at a later date, to return the items to a country of origin, or for use solely by the Education Department.
- 4.2.4 Occasionally, collections become available for purchase, from individuals by bequest or lifetime gift, or from institutions that no longer are able or willing to maintain them. Acquisitions of such collections are judged on their individual merits, weighing the values, costs, and fit of such additions relative to Museum programs.
- 4.2.5 AMNH curators or their designee shall evaluate each item or lot before committing to its acquisition to assure adequate standards of care can be provided, that all legal and ethical requirements for acquisition have been met, and that the item or lot is fit for the purpose for which it was acquired. Accession requests from the Science divisions will be reviewed for compliance with this Policy by the Office of the Registrars. AMNH shall not acquire items that do not fulfill these criteria. AMNH shall not accept an acquisition that would constitute a commercial endorsement.
- 4.2.6 A “major acquisition”—one that will require an unusual amount of space or support, or one that represents a new area of collecting— shall be accompanied by a science division evaluation of its cost and impact on the resources available, including storage space, to curate and care for the material. This evaluation is subject to review by the Dean of Science for Collections and Provost before a major acquisition can be approved. If in doubt whether an acquisition is major, the curator and division chair should contact the Provost or Dean of Science for Collections.
- 4.2.7 A proposed acquisition should normally be placed in the collections of the appropriate division, which may differ from the division proposing the acquisition.

4.3 Field Collecting

- 4.3.1 Direct acquisition during field research and expeditions shall be conducted with the permission or agreement of and according to the laws of the relevant jurisdiction.

- 4.3.2 Curators or other collection staff may not enter into formal agreements (e.g., MOUs; material transfer agreements) for fieldwork to be conducted jointly with other museums, universities, or similar research organizations. In all cases where required, desired, or of particular benefit to the Museum, a written agreement regarding allocation, disposition, and use of field collections shall be sought and obtained, where possible, prior to the field work and signed by the Dean of Science for Collections. All such agreements that impose obligations on AMNH for financial contributions, training, educational materials, or research facilities must be in writing and executed by the Dean of Science for Collections in consultation with the Provost and General Counsel. Prior approval is not required for joint fieldwork by AMNH curators and their individual colleagues, nor where fieldwork is supported by grant funds to AMNH that are budgeted specifically for that purpose.
- 4.3.3 In the case of acquisitions that will eventually be divided and part returned to the country or institution of origin, if the items are to remain in the custody of the Museum for a significant period of time (generally speaking, more than a year), the items or lots will be formally accessioned, subject to approval by the Registrars. Longer pre-accession periods of collections held in the Museum will require a written explanation for the delay of the accession by the division chair, which will become part of the permanent accession record. The accession record will include a copy of the agreement as well as a record of the subsequent deaccession. The purpose is to avoid possession of inappropriate, illegal, or non-compliant objects, to assure that agreements made for purposes of collection-sharing are documented in a permanent way, and assure that the Museum can demonstrate good faith in meeting the terms of the pre-existing agreement.
- 4.3.4 In the case of agreements with countries of origin, other museums, or others that require division of items or lots to be made collaboratively or unilaterally by Museum employees, every effort will be made to stipulate a closing date after which all partition of the items will cease.

4.4 Gifts

- 4.4.1 A valid gift requires that the owner intended to make a gift of the item or lot, that there was a complete and unconditional transfer of title and delivery of possession to the Museum, and that the Museum accepted the property as a gift.
- 4.4.2 The AMNH standard documents required for this purpose are either a deed of gift or a specimen transfer form specifying the transfer of title and possession. These forms identify the person who owns the donation, warrant that the item or lot has been lawfully acquired and imported into the USA, and state that the donation is an unrestricted gift for the general purposes of the Museum.

- 4.4.3 Other gift documents (e.g. letters, emails) transferring title and possession may be used and supplemented when necessary, as determined by the registrars or Dean of Science for Collections and consultation with the Office of General Counsel, as required, to provide the information required by AMNH standard documents.

4.5 Partial Interest Gifts

Partial interest gifts allow a donor to make fractional interest gifts over time. Such gifts are rare but can be beneficial to the Museum and donor. They require special tax and legal considerations and may only be accepted upon terms and conditions in a signed gift instrument that is approved by General Counsel and the Provost. The terms generally address an allocation of the right of possession, cost of insurance, and a commitment to convey the balance of the ownership interest.

4.6 Bequests

Upon a proposed bequest of an item or lot to the collections, the Office of Institutional Advancement will refer the appropriate documents to the Dean of Science for Collections and General Counsel to arrange for a curator's examination and review. The curator, or designee under direct supervision, must physically examine the item(s) and then a decision to accept or reject will be made by the curator or other authorized person or committee according to the division's procedure. If a curator is initially contacted regarding a bequest, the curator shall notify their division chair, Dean of Science for Collections and General Counsel who will consult with the Development Office on the proposed gift.

4.7 Exchanges

Incoming material from an exchange requires submission of an accession record to the Office of the Registrar. Outgoing material from an exchange requires a deaccession record and must meet the requirements for deaccessioning in this policy.

4.8 Permanent or Long-Term Loans

- 4.8.1 Permanent or long-term loans to the Museum are sometimes offered for objects and collections owned by US and foreign government agencies, tribal groups, and institutions whose own collection policies do not allow transfer of title, or until and if the country or group develops the facilities to properly house them. AMNH will receive such loans under terms acceptable to AMNH. The acquisition record shall include a copy of the agreement and designate the status of the specimens in the accession records and division inventory. Such loans are otherwise not accepted.

- 4.8.2 Permanent or long-term loans require the same approvals as an accession. Permanent loans shall be documented by a written repository agreement approved by the Museum's Office of General Counsel, signed by the lender and shall address, in accordance with each science division's procedure, at least the following:
- a. the purpose of the loan (exhibition, research, or education);
 - b. the rights to use and publish on the material;
 - c. financial obligations to be borne by each party;
 - d. the duration of loan and right of the Museum to return the loan; and
 - e. the legal and ethical responsibilities of the Museum during custody and upon termination of the loan.

4.9 Restrictions

Acquisitions should discourage restrictions as to use or future disposition. Where restrictions are attached to an acquisition beyond a short-term, donor specified research embargo (typically 5 years or less), review by General Counsel and approval of the Provost is required. Every effort shall be made to place a reasonable limit on the timeframe for application of restrictions and to define the conditions under which their force may terminate or be revised by the Museum. Restrictions shall be adequately documented and retained as part of the permanent acquisition records.

4.10 Approvals of Acquisitions

- 4.10.1 Science divisions may accept donations and exchanges of items, collect through field work, and purchase specimens or objects from acquisition funds made available to the division, subject to the following:
- a. Approval is arrived at through the division's implementation procedures. This may include 1) approval by the division chair and curator-in-charge, or 2) approval by the loan committee of the division.
 - b. The approval of the Provost and the President shall be required prior to acceptance for any of the following:
 - i. an acquisition entailing a restriction or condition on the Museum as to title, right of possession, care, exhibition, loan, or requiring special restrictions such as attribution beyond the records of the division;
 - ii. an exchange with a commercial dealer or collector acting as a dealer, or
 - iii. a purchase or exchange where the price and special expenditures, or exchange value of either object, exceed \$100,000.
 - c. Human remains are not acquired except under circumstances detailed in section 6.2.

- d. The President and Provost shall refer to the Board of Trustees for approval any acquisition that lies outside the scope of the disciplines represented by the five scientific divisions, that is significant in acquisition cost or ongoing maintenance expense, that entails significant risk to the Museum, or is otherwise extraordinary or sensitive in nature.

4.10.2 If the collection is of a large volume and represents a significant impact on museum resources, or will require considerable curation or transportation cost before it is fully incorporated into the research collection and available to researchers, the following additional information must be submitted to the Dean of Science of Collections and the Provost:

- a. how the collection is to be transported to the Museum;
- b. cost of transporting the collection to the Museum;
- c. where the collection will be held while it is being processed into the research collection;
- d. projected time needed for curation prior to the completion of the accession record;
- e. projected cost of curation, including extra staff, cabinets, labels, computer entry, etc.;
- f. before any sizable collection can be acquired and accessioned, the division chair and Provost must be made aware of and approve the curatorial time and budget that will be committed to integrating the collection into the research collection.

4.11 Acquisition/Accession Record

4.11.1 The Museum shall not acknowledge, claim, or display ownership of an acquisition until title and possession have been transferred and an accession request is submitted and approved by the Office of the Registrars who will create a formal accession record. No other form or process of accession is acceptable. The accession record shall include a legal instrument of conveyance for all gifts, bequests, purchases, and exchanges and shall be signed by the seller or donor and provide an adequate description of the objects involved and the precise conditions of transfer. The record shall include approval signatures of the science Division Chair and a Registrar.

4.11.2 Documentation that has been gathered to establish title, right of possession and the appropriateness of the acquisition within the context of the legal guidelines given above, such as permits, provenience and history, shall be made a part of the record. These records and title documents (invoice, bill of sale, deed of gift, correspondence offering a gift, receipts and acceptances, IRS form 8283, and the like) shall be retained permanently as part of the accession record.

4.11.3 The accession record shall contain, but not be limited to, the following information:

- a. a unique accession number that will be associated with the object or lot in such a way that the acquisition, and any object or sample that is part of the acquisition, shall be permanently associated and identifiable with the accession record at any time in the future. A lot may include bulk collections so that one accession number will be associated with all objects in the lot. Upon sorting and identification, each item will be associated with this accession number, as by a lot-based or specimen-based catalog number or unique object identifier (UID) in an inventory database, to indicate identifiable, specific acquisition of material;
- b. which research collection will receive the items or lots;
- c. name and address of the donor;
- d. name of collection owner if different from donor;
- e. items or lots in collection, e.g., number of objects or number of lots, books, notes, photographs. Reasonable preliminary estimates are appropriate for large collections, although these accession records shall be amended as estimates are refined;
- f. statement of the provenience of the objects—a brief summary should be provided for large collections containing hundreds or thousands of objects with varied or extensively detailed provenience;
- g. estimated insurance value of objects;
- h. documentation supporting compliance with the legal and ethical requirements of this policy, e.g., export permits from the country of origin, or U.S. federal or state permits;
- i. signed letter, document, or certificate from the owner stating that title and possession to the collection is being transferred to the American Museum of Natural History;
- j. statement of any restrictions placed on the use of the collections, and applicable terms of use, that have been approved by the Provost;
- k. date collection was physically transferred to the Museum;
- l. date and signature of the science Division Chair acknowledging that all reasonable measures were taken to provide adequate documentation and that the Division Chair believes that the collection is being accessioned under the legal and ethical principles laid down by this policy;
- m. copy of the receipt given to the donor or owner;
- n. any other information detailing the circumstance or original acquisition and the curatorial history of the collection;
- o. department or division catalog number or other internal tracking number when available.

4.11.4 Should a registrar find the documentation required for the accession to be incomplete or otherwise inadequate, the registrar will either (a) reject the accession request and provide a justification to the Division Chair, or (b) refer the matter to the Dean of Science for Collections and General Counsel for adjudication.

5.0 Deaccessions and Disposition

5.1 General Provisions

- 5.1.1 “Deaccession” means the removal of collection material from the Museum’s Collection, or the act of recording/processing a removal of collection material from the Museum’s Collection.
- 5.1.2 In natural science collections, typically many objects are involved in deaccessions via exchanges and donations between institutions, and by destructive sampling. These transactions benefit the Collections through reciprocal activities of the collecting institutions and enhanced curation of the collection or special research opportunities.
- 5.1.3 The Museum recognizes that collections are not static and must be continually improved to reflect new research directions, to complete the record of life and nature they represent, and to support new exhibitions. Improvement includes growth through new acquisitions, judicious removal of materials from the collections through exchange, gift, or sale to other institutions or agencies.
- 5.1.4 Specimens and objects are normally retained in the Collections as long as they retain their physical integrity and continue to be relevant to the scope and purpose of the collections and the scientific and educational mission of the Museum. When these conditions no longer prevail, objects may be removed by exchange, donation, sale, or destruction. Reasons to approve a deaccession request shall be:
- a. the specimen or object is damaged beyond usefulness or has been lost or stolen and has not been recovered;
 - b. the material does not relate or is tangential to the Museum's scope of collections, research or educational activities;
 - c. the data are insufficient to document the specimen or object;
 - d. the specimen or object is a health hazard;
 - e. the specimen or object has little scientific or educational value;
 - f. the specimen or object will be destroyed by scientific study;
 - g. ownership of the specimen or object has been determined adverse to the Museum;
 - h. repatriation is required or requested and deemed appropriate;
 - i. the object must be returned to the donor, or the donor's heirs or assigns, to fulfill donor restrictions relating to the item which the institution is no longer able to meet;
 - j. the Museum is unable to provide proper care, and another repository has been determined to be more suitable.
 - k. it is an exchange where the outgoing specimen is well represented in the collection, while the incoming specimen is not.

- 5.1.5 To monitor acquisitions and deaccessions/dispositions, each division files an annual collections report, signed and certified by the division chair, which includes its acquisitions and dispositions during the year as well as other pertinent activity.

5.2 Approvals

- 5.2.1 Curators-in-charge may exchange, donate, sell, or otherwise dispose of specimens and objects, pursuant to the above reasons, subject to the prior approval of their Division Chair and the Repatriation Policy, described below.
- 5.2.2 Prior notice shall be given by the curator and division chair to the Dean of Science for Collections and the Provost for their approval for:
- a. a sale, exchange, or donation of an object whose monetary value might reasonably be expected to exceed \$25,000;
 - b. a disposition of a restricted gift or bequest;
 - c. a disposition of a gift within 3 years of receipt, requiring the filing of IRS form 8282;
 - d. a disposition of an out-of-the ordinary-course sample or extract of a portion of a significant specimen (whether housed in the research collections or on display).
- 5.2.3 Where the value of the item or lot to be sold or exchanged is reasonably assumed to exceed \$100,000, or the applicable restrictions as deemed by the Provost or President may prohibit such dispositions, then the further approval of the Collections Committee of the Board of Trustees is required.
- 5.2.4 In considering the removal of specimens and objects from the collections, the judgment of the Division Chair and the Curator-in-charge and other appropriate members of the curatorial staff, to the extent practical, shall be followed. Documentation of the basis for disposition shall be recorded in the deaccession record and in the science division's records of inventory.
- 5.2.5 Preference shall be given to placing material that is part of the historical, cultural, or scientific heritage of New York State or of the United States at institutions within the state or nation, respectively. Alternatively, the object may be transferred to the Museum's Department of Education for use in public programs. If the object is offered for sale, preference shall be given for sale at public auction or the public marketplace in a manner that will best protect the interests of the Museum.
- 5.2.6 Objects shall not be given or sold privately to Museum employees, officers, members of the Board of Trustees or committees, or their representatives, except under extraordinary circumstances and when approved as provided under section 5.2.2.

- 5.2.7 Objects that have lost their value to the Collections because of alteration, replication, deterioration, or other compelling reason and have no value for exchange, sale, or donation may be discarded or destroyed, with the deaccession record deposited with the Office of Registrar.

5.3 Deaccession Record

The de-accession record shall contain, but not be limited to, the following information:

- a. date the material was de-accessioned and removed from the Collections;
- b. AMNH accession number;
- c. department catalog number;
- d. name of division and department de-accessioning the material;
- e. description of material, including number of specimens;
- f. estimated insurance value;
- g. reason for deaccession;
- h. disposition (where object is transferred to and name of contact, if applicable);
- i. method of disposition/transfer;
- j. date and signatures of Division Chair, Curator-in-charge, and Registrar;
- k. authorized signature and date of other required approvals in section 5.2;
- l. any supporting documentation that was not submitted with the original accession, such as export permits, copy of receipt of outgoing transfer, correspondence, notes of any restrictions, etc.

5.4 Restrictions

- 5.4.1 Where restrictions exist as to disposition of an object, the Museum shall do the following:
- a. mandatory conditions shall be observed unless deviation from their terms is authorized by a court of competent jurisdiction or is otherwise deemed necessary and permissible following legal review by the Office of the General Counsel, or
 - b. non-binding restrictions shall be observed until reasonable efforts to comply with the restricting conditions are no longer practical or possible.
- 5.4.2 If, within 3 years of receiving donated property for which the donor asked the Museum to sign IRS Form 8283 (i.e., the donor's deduction for each noncash contribution is more than \$500), a division wishes to sell, exchange, consume, or otherwise dispose of that property, the division should seek the advice of the Office of General Counsel and Finance Department to understand any tax reporting obligations to the IRS and/or the donor.

- 5.4.3 For unrestricted objects where the value exceeds \$2,500, the Museum will make reasonable efforts to notify the donor if it intends to dispose of the object within ten years of receiving the gift or within the donor's lifetime, whichever is less. If there is any question as to the intent or force of restrictions, the Museum will seek the advice of its General Counsel.
- 5.4.4 The unique and special nature of human remains, funerary, and sacred objects shall be considered in disposition decisions concerning such collections. The disposition of human remains in relation to repatriation requests or consultation involving representative groups, peoples, and cultures is covered under separate *Repatriations Procedures* document.

5.5 Use of Proceeds

The proceeds realized from a sale of collection items must be used for acquisitions to the collections or the preservation, protection, and care of the collection. These proceeds may not be used to defray ongoing operating expenses of the Museum.

6.0 Human Remains

6.1 General Provisions

- 6.1.1 As a result of the Museum's long history in archeological and anthropological research, its collection includes human remains. While there is continuing scientific value in such a collection, today the issue of human remains in museums is sensitive and is framed more widely by both legal mandates, and the shared interest of the museum community and of lineal descendants and culturally affiliated Indigenous communities in the proper care and respectful treatment, including repatriation, of their ancestral human remains.
- 6.1.2 For the purposes of this Policy, "human remains" is defined as the physical remains of the body of a *Homo sapiens*. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets.
- 6.1.3 There is a need for dialogue and collaboration with recognized Indigenous communities that aims to develop mutually acceptable solutions. The Museum must respectfully consider the interests of related Indigenous communities and lineal descendants and the inherent connections that peoples of the World have with their ancestors.

6.2 Acquisition of Human Remains

The Museum does not acquire human remains except in exceptional circumstances and only with the express written consent of the Indigenous peoples to whom the remains are ancestral. In such cases, specific approval of the President and Provost is required for new acquisition of human remains.

6.3 Research Loans

Human remains are generally not borrowed by AMNH from, nor loaned to, other institutions, except upon the approval of the Loan Committee of the Anthropology Division and the Anthropology Division Chair.

6.4 Access for Scientific Research

- 6.4.1 AMNH supports the American Association of Biological Anthropologists Code of Ethics, which states that all biological anthropologists have an ethical obligation to consult actively with individuals or groups with whom they are doing research. Researchers are also required to explain how they identified consulting partners (agency, institution, group, individual) and why that is the appropriate authority to speak for the community.
- 6.4.2 Consistent with the American Association of Biological Anthropologists Code of Ethics, requests to conduct research that involves human remains must involve individual and/or community consultation and be accompanied by a statement identifying the method of community consultation, how the consulting partners were selected, relevant permissions granted, including, where possible, permission of affiliated groups to conduct the research and publish the findings. If obtaining ethical permissions from the community is not relevant/feasible, researchers must describe why consultation is not being pursued or was not granted.
- 6.4.3 The Museum does not allow access to human remains or any underlying documentation while the outcome of any claim for their return is pending, except when required by the Museum or requested by the claimant, for considerations related to disposition of the claim.
- 6.4.4 Access to human remains is limited to authorized staff, visiting researchers with specific permission under agreed supervisory arrangements, and individuals and cultural groups identifying as members of descendant communities pertaining to the human remains.

6.5 Conservation

The Museum will handle and manage human remains within its collections in a manner consistent with high ethical standards and in accordance with applicable

federal, state or local laws or regulations. Where human remains require conservation, the principle of minimum intervention and reversibility will always be applied, avoiding treatments that will unnecessarily contaminate or damage human remains.

6.6 Display

Except for archaic, prehistoric, and fossil material, the Museum does not display human remains in its exhibitions or in public or education department programs out of respect for the sensitivities of descendant communities, the public and staff generally, and the sanctity of human life. Where required or beneficial to the delivery of message or scientific facts in public display, reasonable alternatives, such as casts, images, and virtual reconstructions, may be substituted for actual human material.

6.7 Deaccessioning Human Remains

Human remains may be deaccessioned (a) pursuant to the U.S. Native American Graves Protection and Repatriation Act (NAGPRA), (b) where found to have been imported illegally, or under circumstances that render the claim of AMNH to right of possession invalid, (c) in response to approved claims for repatriation submitted in accordance with the Museum's procedures set forth in the *Repatriation Procedures* document.

7.0 Claims for Repatriation of Cultural Property and Human Remains

7.1 General Principles

- 7.1.1 The Museum recognizes the interests of Indigenous people and their descendent communities throughout the world and is committed to its responsibilities as steward of its collections to provide access to and repatriation of human remains, associated funerary items, sacred objects, and objects of cultural patrimony through fair, transparent, and effective mechanisms developed according to its policies and procedures and involving consultation with Indigenous peoples whenever possible.
- 7.1.2 The Museum is committed to ethical and respectful care of its collections and culturally appropriate treatment of human remains, funerary objects, and non-funerary ethnographic and archaeological objects while they are in its possession.
- 7.1.3 AMNH complies with the Native American Graves Protection and Repatriation Act which requires federal agencies and federally-funded museums and institutions to repatriate to lineal descendants and federally-recognized Native American tribes the following: human remains, funerary objects, sacred objects, and objects of cultural patrimony.

7.2 Repatriation Procedures

7.2.1 Repatriation requests fall into three classes that depend on the provenience of the objects under consideration:

- A. NAGPRA repatriation,
- B. Non-NAGPRA repatriation of human remains and associated funerary objects,
- C. Non-NAGPRA repatriation of collections objects other than human remains and funerary objects.

7.2.2 Procedures for the receipt, review, authorization, and disposition of claims for repatriation are described separately in the *Repatriation Procedures* document, which has been approved by the Collections Committee of the Board of Trustees.

8.0 Access to Collections and Security

8.1 General Requirements of Security

8.1.1 In light of the irreplaceability of the collections, their scientific and in some case monetary value, and the importance of protecting AMNH collections for future generations, it is essential to meet security standards issued from time to time to protect the collections while supporting and promoting ongoing scholarly use and development of the collections.

8.1.2 This policy describes security standards that establishes broad responsibilities, basic objectives, procedures, recording and monitoring technologies, with consideration for the special or unique nature of each collection and of their storage area physical environments.

8.2 Staff Collection Access

8.2.1 Curatorial and collections management staff will have access to the collections assigned to their care.

8.2.2 Formally appointed Research Associates and RGGS and affiliated graduate students may have access to the collections relevant to their study, including departmental libraries and archives, upon approval by the Division Chair or Dean of Science for Collections and upon any conditions they require. Only these researchers may have access to collection storage and even in these cases, division chairs must pay close attention to who is provided means of access.

- 8.2.3 Volunteer and part-time employee access to collections must be restricted and supervised. All volunteers must be registered through the Volunteer Office. Volunteers and other non-staff persons may be used to assist in curation and arrangement of collections, but they may not have unsupervised access nor off-hours access to the collections except upon approval by Dean of Science for Collections.

8.3 Scholar Research Access

- 8.3.1 During normal operating hours, the Collections shall be accessible for legitimate research and study by responsible, approved researchers (including visiting graduate students), subject to the discretion of each science division. Division staff are responsible for supervision and enforcing procedures necessary to safeguard the objects and the facilities.
- 8.3.2 Visits to collections shall involve a formal documentation process wherein the purpose and duration of the visit, use of the Collections and facilities, are made sufficiently clear prior to the anticipated visit to allow the Curator-in-charge (or Division Chair) time to evaluate carefully the request and approve or disapprove it.
- 8.3.3 Access by visiting scholars and external graduate students must be monitored and supervised by a member of the scientific staff. The division shall maintain a visitor's register as a permanent recording of sign-in, sign-out names, dates and times and signed or initialed by the staff member supervising the visitor. The visitation record is to be included in the divisional annual report of collections activities that is submitted to the Provost's Office.

8.4 Tours and non-Scholar Collection Access

- 8.4.1 Tours and other visits by the general public to collections areas shall involve a formal documentation process wherein the purpose and duration of the visit, use of the collections and facilities, are made sufficiently clear prior to the anticipated visit to allow the curator-in-charge (or division chair) time to evaluate carefully the request and approve or disapprove it.
- 8.4.2 Tours and public visits must be accompanied by curatorial or collections management staff, or their responsible designees, subject to division chair approval. Unannounced tours and visits to collections by visitors will not be permitted.
- 8.4.3 All visitors must go through a checkout procedure by the collection staff (and noted on the visitor record). No large containers, briefcases, or backpacks are allowed in collection storage during tours and public visits.

- 8.4.4 Private collectors and dealers-- categories of users of most concern from a security standpoint-- will have only indirect access to specimens and then only under direct supervision of curatorial or collections management staff. Without exception, access to specimens by this category of user will be limited exclusively to regular weekday work hours.

8.5 Staff Service Access

- 8.5.1 Unless specifically requested by the relevant division chair, access by Security staff into collection storage areas will be restricted to scheduled security tours or documented emergencies.
- 8.5.2 Access by members of Facilities Services, Construction, and Custodial staff will be restricted and access will be permitted solely by prior agreement of the Dean of Science for Collections and the Division Chair, except in cases of documented emergencies. Access to collection areas by Facilities Services, Construction, and Custodial staff will be restricted to business hours and supervised by collection management staff, except in the case of emergencies or by prior agreement with collection management staff, where Security staff may substitute for collection management staff.

8.6 Contractor or Other Access

- 8.6.1 Contractor access is not permitted unless approved by the collections management staff or the Dean of Science of Collections and accompanied by a Security guard or approved by the curator-in-charge or science division chair and accompanied by a responsible member of the collection management staff.
- 8.6.2 Access to collections for filming or other media purposes will be permitted solely after approval by AMNH Communications and by prior agreement of the curator-in-charge, science division chair, Dean of Collections or Provost. Following approval of the request, the media staff will be accompanied at all times by a member of the AMNH Communications staff and a responsible member of the collection management staff or a Security guard. All arrangements for filming or media, movement of specimens, or preparation of space must be approved in advance by the Curator-in-charge, science Division Chair, or the collection management staff.

8.7 Physical Security Requirements

- 8.7.1 All collection cabinets that can lock must be locked; all doors to collection areas must be locked and kept locked. Keys to these cabinets should be restricted and the arrangements for issuing keys set out in the division's procedures. Divisions should report problems with meeting this requirement in their annual collections activities report. Exceptions to this policy should be brought to the attention of the Dean of

Science for Collections for consideration of possible remedies.

- 8.7.2 Office space and collection storage space should not be mixed except for ongoing research materials that reside securely in a curator's laboratory or office. Where offices and collection storage are already unavoidably mixed due to design decisions made years ago in response to space limitations and other considerations, departments must move towards having all collection cabinets in these areas locked and appropriate thought given to improving collection security. No new office space may be developed in areas shared with collection storage.

9.0 Access and Use of Collections Objects Data

9.1 Collections Data

- 9.1.1 Collections data are defined as those data, metadata, and resources which define and describe the collection objects (whether in electronic form or not) and which are directly linked to the collections. This includes, but is not limited to, information about specimen or object identification, provenience, media, disposition, storage location, and transactions, such as is provided by catalogs, images, label information, field notes, and other associated descriptors. Collections data are therefore an extension of the collection objects yet are distinct from the physical objects themselves and all digital and other tangible derivatives of the objects. Interpretive data and conclusions that are derived from specimens/objects in the normal course of scientific and scholarly research are excluded from this definition.
- 9.1.2 It is assumed that free, open, and timely access to these kinds of collections data will result from standard avenues of scholarly publication and electronic dissemination.
- 9.1.3 The Museum's collections data, specimen-based and taxonomic databases, catalogues, and lists, like the collections from which they are derived, are the property of the Museum. The division chairs and curators shall exercise responsible stewardship over these data so as to maximize the usefulness of these resources to the research community, while protecting the resources for the future.
- 9.1.4 Staff will be granted the right to copy and make duplicates of their field notes and photographs and other documentation. Should the staff person leave the Museum, copies of the field notes and field photographs will be provided as requested by the researcher. The original materials shall be maintained as part of the collections in the division or in permanent storage in the Museum archives or special collections, or as otherwise provided in the AMNH Scientific Research Data Custody, Retention and Access policy.
- 9.1.5 Reasonable measures will be made by AMNH to assure that ongoing research by the scientific staff is not expropriated by others through injudicious dissemination of

recently collected data, or access to recently collected specimens which are the focus of ongoing research and/or authorship within the Museum.

9.2 Digital Specimen Data

- 9.2.1 Digital specimens are defined as representations of the physical specimen/object in numerical or digital form that serve as surrogates for the physical specimens. These data are primary, first-order, or fundamental surrogates of the physical specimen, in part or in entirety, having as an essential element an associated unique identification with the original physical object.
- 9.2.2 Excluded from this definition are digital 2D photographs and digital reconstructions or interpretive post-acquisition renderings derived from the first-order digital surrogates of the physical object, such as polygonal mesh models, iso-surfaces, and other renderings intended to simulate the appearance of the object in novel synthetic environments that are created during the normal course of scientific investigation.
- 9.2.3 Digital specimens have inherent value to the Museum and its research and education communities. A detailed digital surrogate of a specimen, such as a tomographic or surface scan, can allow close study of fine structural details without the destructive sampling often required to extract similar information via conventional methods. The digital surrogate may stand in place of the physical object in cases where the object is subsequently lost or destroyed. Combined with rapid means of data dissemination, access to digital specimens expands the reach of museum objects by allowing remote study, thereby increasing their discoverability and expanding public interest in the Museum's Collections, decreasing the risks to specimens from repeated handling, and relieving staff time from conventional lending and other curatorial tasks.
- 9.2.4 Digital specimens having unique identification with the original physical object as described above are considered assets of the Museum in the same manner and extent as the physical objects. This pertains regardless of the circumstances by which the digital specimen was first created from the AMNH physical object (i.e., the creator, date, location). These assets remain the property of the Museum and are to be retained as part of the collections until such time as they may be deaccessioned.

9.3 Dissemination and Use of Collections Objects Data

- 9.3.1 The Museum recognizes and supports a culture of data sharing among scholars, associated data repositories, and the means by which the Museum's collections are made more discoverable to researchers and the public. This Policy shall define the minimum standards, terms, and conditions by which collection data in any media,

including hard copy, physical digital media, on-line service, social or other electronic media, may be released to another institution, aggregator, or scholar. Where substantial issues with the application of this Policy arise or are anticipated, the Dean of Science for Collections and/or the Provost shall be consulted in advance.

9.3.2 AMNH recognizes that in some circumstances access to some information (as well as to the collections themselves) may be variously restricted. Although no list can be complete, the following restrictions to access have been identified:

- a. information that might create threats to the conservation of biodiversity, such as precise geographic information about threatened, endangered, or commercially exploitable species;
- b. information that might create threats to collection localities, including fossil or archaeological sites, and thus impede preservation efforts;
- c. information associated with collections that are culturally sensitive;
- d. information associated with collection material that is restricted by binding agreements with other parties or is otherwise restricted as deemed appropriate (e.g., when it might jeopardize collection security).

9.3.3 As natural forms (i.e., objects occurring in nature) and the factual description of natural forms, the Museum makes no claim of copyright to its specimens (digital or physical) or to its collections catalog data and metadata. The Museum does claim ownership of its specimens (digital or physical), catalog data and metadata, has interest in their status, preservation and use, and therefore requires that dissemination and use of collections objects data by third parties be specified in a Terms and Conditions of Use agreement.

9.3.4 Provided that no conflict with this Policy is created during the process of collections data dissemination, the procedures by which collections objects data are shared externally shall be determined by each Science Division and shall minimally include the following terms and conditions in a written data release and Terms and Conditions of Use license agreement:

- a. terms and conditions shall be specified under which the use of AMNH collections data and AMNH digital specimen data may be used, copied, published or distributed. The borrower's rights, if any, to share, reproduce, sublicense, and re-package the data shall be made explicit;
- b. restrictions on publication, if any, shall be specified, including terms on the release of sensitive information (e.g., locality data for endangered species, and restricted donor identification). Any provisions for reciprocity and in-kind services shall be specified;
- c. statement that AMNH retains ownership of the digital representations of AMNH specimen/objects plus any and all physical derivatives created by the user from the digital specimens;

- d. where a globally unique identifier (GUI) reference to the physical object is a component of the collections catalog data being released, and where that GUI includes or links directly to an acronym or codon that identifies the American Museum of Natural History (such as “AMNH” as part of a catalog number), assigning the “CC0 1.00 Universal” license to the release is appropriate in recognizing that the data are being placed in the public domain without restriction;
- e. use of digital specimen/objects in any publication, website, repository, or any print or digital media must acknowledge AMNH as the holder/owner of the specimen objects and must include appropriate attribution of AMNH, including object name and/or AMNH catalog number, in each instance or appearance, except by prior agreement or where the Museum prohibits or disassociates its name from the use;
- f. the statement that, unless expressly stated otherwise, the AMNH makes no warranties about the information content of the data and disclaims any and all liability for uses of the work to the fullest extent permitted by applicable law;
- g. copies of the agreement, signed by the user, shall be maintained in the permanent records and/or recorded in the collections management system of the division and each issuance of a license agreement shall be summarized in the division’s annual collections report.

10.0 Research Loans

10.1 Incoming Research Loans

- 10.1.1 At any point in time thousands of specimens belonging to other research institutions are held for research purposes and are under loan agreements by the AMNH for use by AMNH researchers. It is expected that all such materials will be returned to the institution of ownership in a timely way.
- 10.1.2 All incoming loans are regulated by loan agreements held by the individual divisions/departments and their respective curators. Incoming research loans shall be processed and managed under the care of the collection management staff. A *loan record* shall be maintained in the division by the collection management staff with an inventory list of all incoming objects.
- 10.1.3 Only curators and those resident research associates authorized by the division chair have authority to accept institutional loans for research and to review the required documentation and legal compliance. This includes loans for research by graduate students, post-doctoral fellows, and other staff, all of whom will require a curator to be the responsible party for any loans made for their use.

10.2 Outgoing Research Loans

- 10.2.1 The division/department shall maintain consistent and current loan procedures. Any changes to procedures must be submitted for approval by the Dean of Science for Collections within six months of implementation. The procedures shall specify a loan duration, approval by a loan committee or curator-in-charge, and that the loan is promptly recorded in a database accessible by the division chair, Dean of Science for Collections, and Provost. Objects shall not be loaned except under the stipulations of the divisional procedures. Exceptions to these procedures require the approval of the science division chair, the Dean of Science for Collections, and the Provost.
- 10.2.2 Research loans are made to institutions, not to individuals, for research use by bona-fide investigators of a research institute, educational institution, or museum. Exceptions to this policy require the approval of the science division chair, the Dean of Science for Collections, and the Provost. When requested for use by students, the material is loaned to the advisor whose institution accepts responsibility for the loan.
- 10.2.3 An outgoing research loan invoice shall be created and maintained in the divisional records. The invoice shall include a Terms of Use agreement between the AMNH (lender) and the borrower, and must minimally specify the following:
- a. the date of the loan transaction;
 - b. the duration of the loan;
 - c. an itemized listing of the specimen/objects/lots included in the loan transaction;
 - d. a statement of the general condition of each specimen object, or where a condition of “satisfactory” applies to an entire loan by default, an indication as to which of the loan contents, if any, represents a departure from the default condition;
 - e. indication of the means of conveyance (e.g., hand carry, FedEx, USPS) and the date of its occurrence;
 - f. terms and conditions on the use of the loan, including whether written permission is required for pest treatment, preparation, restoration, dissection, casting, photography, publication, destructive sampling, use that results in the complete consumption of the sample, and transfer to a third party;
 - g. ownership of the products of research shall be addressed where required by the AMNH intellectual property policies;
 - h. provision for an acknowledgement of the borrower’s receipt of the loan and acceptance of any terms and conditions, either by signature of responsible party, or by other documentation to be permanently associated with the loan invoice;
 - i. a statement that the Museum shall receive credit in publications and data releases for providing samples to the researcher and shall receive copies of all publications and notices of releases, except where declined or prohibited by the

Museum, or precluded by journal publication format.

10.2.4 In circumstances where reasonable doubt exists regarding the ability of the borrowing institution to care for the specimen, a facilities report and a statement on the care required of the specimens or objects shall be required.

10.2.5 The division chair shall periodically review with the curator-in-charge or collection staff delinquent loans and adopt a procedure to address compliance with this policy.

10.3 Destructive and Invasive Sampling Policy

10.3.1 Destructive and invasive sampling varies with the scientific field. In natural sciences dismemberment/dissection of specimens is a common occurrence and leads to increased specimen value. In other collections, destructive and invasive sampling is considered an exceptional occurrence and may be prohibited, as in the case of human remains.

10.3.2 Each division shall establish an approval procedure for destructive sampling which shall weigh the obligation to balance the demands placed on the collections for current research, the need for preservation for future use, and ethical considerations in the case of cultural objects and human remains. This obligation applies to the physical and chemical integrity of the specimen.

10.3.3 Requests shall be evaluated on the basis of written information provided by the researcher. Technological options, such as tomography, laser surface scanning, radiography, should be considered as alternatives to destructive sampling wherever practical, especially for research on rare, unique, or type specimens. Procedures shall be undertaken in a controlled manner with approval by a curator and the division chair or curatorial committee.

10.3.4 Any highly unusual case where there is an intent to extract or destroy a noticeable proportion of a significant specimen must also be referred for approval to the Dean of Science of Collections, and, if warranted, to the Provost.

10.3.5 If the specimen or object will be completely destroyed during sampling or so damaged that its significance for the collections shall be substantially compromised, the object shall be deaccessioned with a deaccession request submitted to the Office of the Registrar.

10.3.6 Criteria to be used in evaluating destructive sampling requests by staff members and outside researchers shall include:

- a. the intended use and its scientific merit;

- b. the nature of the specimen and its history of acquisition and sensitivities surrounding the specimen, including its rarity, type status, scientific importance, and monetary value;
- c. the quantity of material necessary and limitations on the quantity made available;
- d. the researcher's competence with the proposed methods and the appropriateness of these methods as the least intrusive and the most likely to yield the intended results;
- e. the researcher's resources, including availability of relevant specimens at the requesting institution, to carry out the study without sacrificing all the available material of the particular collecting event or compromising the future utility of the specimen or object for other investigations;
- f. the possibility of the Museum receiving an exchange of other materials from the researcher or institution in situations where the specimen or object is to be completely destroyed or extensively damaged;
- g. where the sampling includes DNA sampling, whether the DNA extraction will be returned to the Museum for reference to decrease the need for additional extractions by other researchers; and
- h. the willingness of the researcher to abide by the Museum's operational standards for processing, documentation and for the dissemination of the results of the work within a reasonable time period.

10.3.7 Failure of a researcher or institution to comply with Museum requirements and standards in previous transactions shall be reported to the Science Division Chair and the Dean of Science for Collections and may be grounds for denying new requests and other sanctions. Open transactions (e.g., loans) shall become a part of the record of the current request.

10.3.8 Original data, documentation, and transaction records of specimens or objects that have undergone destructive sampling shall be preserved in division files. Authorization for destructive sampling shall be specified in an invoice, original loan agreement, or addendum to an original agreement. The agreement shall stipulate the scope of the material to be sampled and address the terms of the authorization, including (but not limited to):

- a. the methods and extent of sampling;
- b. whether unused portions of specimens or objects are to be returned to the Museum;
- c. what, if any, resulting analytical data and duplicates of tangible products such as photographs and slides shall be provided to the Museum to become part of the specimen or object's permanent record;
- d. what, if any, period of confidentiality the researcher may be granted during which the data may not be made available by the Museum to others;

- e. what, if any, gene sequence data shall be deposited in relevant public access databases, with GenBank accession numbers provided;
- f. the responsibility of the researcher or their institution for all costs associated with the sampling, including curatorial and collections management time in handling the request; and
- g. that the Museum shall receive credit in publications and databases for providing samples to the researcher and shall receive copies of all publications and notices of database deposits.

11.0 Exhibition Loans

11.1 Outgoing Loans for AMNH Traveling Exhibitions

11.1.1 Outgoing loans from the AMNH Collections to be displayed in AMNH traveling exhibitions shall be reviewed by the Curator-in-charge, a registrar, a conservator, an Exhibition department representative with responsibility for maintenance of exhibitions on-site, and a representative of Global Business Development. Loans shall require at least the approval of the science division chair or its loan committee and shall be discretionary with each science division evaluated according, but not limited to the following criteria:

- a. the rarity, scientific importance, and monetary value of the material;
- b. the nature of the material and the conditions of preservation and security under which it will be kept;
- c. the impact of the material's absence on research and exhibition;
- d. the impact of the material's absence on education programs;
- e. the potential risk of moving and transporting the material;
- f. the cost to the Museum of preparing the loan;
- g. legal restrictions on the object's loan;
- h. concerns of Indigenous peoples.

11.1.2 All objects from the AMNH Collections selected for outgoing exhibition loan must be formally accessioned.

11.1.3 Tracking and management of these loans is the responsibility of the Registrar. The AMNH Traveling Exhibition Agreement shall require at least the following:

- a. an acceptable facility report shall be secured for all venues;
- b. the stability of the material for loan and transport shall be evaluated and any necessary preparation and conservation shall be carried out prior to the loan;
- c. the identity of the party paying the costs of conservation, insurance, mounting, appraisal, packing and shipping, including the costs of a hand-courier when required by the status or condition of the object shall be explicit in the loan agreement;

- d. a condition report (photo and notes on condition from examination prior to shipment) shall be prepared to accompany each object on shipment out. The condition report shall be updated at each packing and unpacking. The loan agreement shall require condition reports to be filed by the borrower upon receipt and upon shipment to the Museum upon return and shall require prompt notice to the Museum of any loss or damage;
- e. items and lots from the AMNH Collections and from others lending to the exhibition must be fully insured or indemnified for the whole period of the loan on an “all risks, wall to wall” insurance policy. Insurance is normally arranged by AMNH through its approved insurers at AMNH expense. If the borrower proposes to use its own insurance or an indemnity by the foreign government or agency, the insurance policy and insurer, or indemnity and foreign agency, shall be subject to approval of the Registrar and General Counsel. The insurance or indemnity shall provide for AMNH or other lenders to be named insureds with a waiver of subrogation;
- f. a borrower outside of the United States shall be required to furnish an official document, or an equivalent assurance, certifying that loans are granted immunity from seizure where a risk of seizure exists in the opinion of the Registrar, curator of the exhibition, or General Counsel;
- g. all loans must comply with all USA and foreign government import and export regulations.

11.2 Outgoing Loans for Exhibition at Another Institution

As with outgoing loans for AMNH exhibitions, loans for exhibition at another institution shall require at least the approval of the Science Division Chair or its loan committee and shall be discretionary. Tracking and management of these loans is the responsibility of the Registrar who shall obtain a loan agreement and shall require at least items a through g under 11.1.3.

11.3 Incoming Loans for Exhibition at AMNH and for use in AMNH Traveling Exhibitions

While not strictly involving AMNH Collections, incoming loans of objects for exhibition at AMNH or for AMNH Traveling Exhibitions are managed by the Registrar assigned to the exhibition with assistance from the AMNH curator of the exhibition and the Exhibition staff assigned to manage the exhibition. Incoming exhibition loans shall comply with the following:

- a. insurance values, as determined in writing by the lender and acceptable to AMNH before the item or lot leaves possession of the owner, shall be obtained to procure sufficient coverage under the Museum's insurance, lender's insurance, or federal indemnity;

- b. condition reports with photographs shall be prepared and kept on file upon each packing and unpacking, and any damage or loss shall be reported promptly to the lender;
- c. immunity from seizure shall be sought by the Registrar and General Counsel from the US State Department for all international loans of objects;
- d. a loan agreement shall be signed by the lender acceptable to the registrar, curator, and Exhibition staff; loan renewals shall be sought when required; and loans shall be returned promptly at the end of the loan period;
- e. if an object is to travel to other venues after exhibit at AMNH, the registrar shall ensure that the lender's agreement so provides and that the above items a) through d) are met.

11.4 Intramural Loans for Exhibition at AMNH

11.4.1 Loans from the Science Divisions to the Department of Exhibition for purposes of exhibition within AMNH premises will be managed by the Office of the Registrar in consultation with a conservator and approval of the Science Division of origin.

11.4.2 All objects from the AMNH Collections selected for exhibition at AMNH must be formally accessioned. This requirement is for all new exhibitions at AMNH that are created following the date of approval of this Policy.

11.4.3 The reason for the loan shall be reviewed (e.g., casting, making surface molds, temporary relocation off-site to contractor studios) as well as the exigencies of exhibition development, exhibit/storage location, maintenance, environmental conditions, terms of agreement, and procedures for access to objects by science division staff during the course of the exhibit. As with incoming loans for purposes of exhibition the following conditions will be met:

- a. a loan agreement shall be signed by the lending curator-in-charge or division chair, acceptable to the registrar, science division, and Exhibition Department. Loan renewals shall be sought when required and loans shall be returned promptly at the end of the loan period;
- b. condition reports with photographs shall be prepared and kept on file upon each transfer of objects, and any damage or loss shall be reported promptly to the science division;
- c. the identity of the AMNH department responsible for paying the costs of conservation, condition reporting, mounting, appraisal, packing and transport shall be explicit in the loan agreement;
- d. adequate storage facility, environmental conditions, and security shall be provided.

12.0 Access to Genetic Resources and Benefit-Sharing Policy

- 12.1 All living organisms carry genetic material that could be potentially useful to humans, whether sourced from natural environments or from existing collections. Incentives for the conservation and sustainable use of genetic resources, as well as the traditional knowledge of Indigenous and local communities, derive from the ways in which these resources are accessed and how the benefits of their use are shared. The AMNH recognizes its role as both provider and user of genetic resources in the conduct of its mission. The Museum supports and endorses the principles and standards established under the Convention on Biological Diversity (CBD) and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS).
- 12.2 AMNH staff conducting work in jurisdictions where CBD and ABS apply are required to comply with the Nagoya Protocol in accordance with the applicable access and benefit-sharing procedures and requirements for mutually agreed terms between provider and user.
- 12.3 AMNH researchers must submit to the Provost copies of any and all documents resulting from the ABS application and approvals process, including any internationally recognized certificate of compliance (IRCC), material transfer agreement (MTA), and memorandum of understanding (MOU) between parties.
- 12.4 AMNH researchers must ensure that the relevant descriptive information on all specimens and objects covered by an IRCC, MTA or MOU are entered into and maintained in the divisional collections management system (CMS). Further, the association between objects and the terms and provisions of the IRCC, MTA or MOU must be permanently maintained in the CMS for future reference and for any subsequent transfer of or authorized use of the objects by third parties.
- 12.5 The Provost must approve all AMNH research that is conceived with the aim of discovering and developing marketable products.
- 12.6 Where AMNH research projects are not conceived with the aim of discovering and developing marketable products but do lead to the discovery of potential commercial uses of certain genetic resources, the AMNH will notify the country of origin as soon as is practical. AMNH will not commercialize any plant, animal, or fungal material without the prior informed consent of the country of origin and appropriate stakeholder institutions. AMNH undertakes to share fairly and equitably any benefits arising from such commercialization.
- 12.7 Use of AMNH genetic research shall be in accordance with AMNH intellectual property policies.

- 12.8 AMNH does not sell biological material from its collections for commercial purposes.

13.0 Minimum Standards for Collections Management Informatics and Inventory Control

13.1 *Collections Management Systems (CMS)*

13.1.1 Museum collections require standards and procedures for in-depth documentation and records preservation to care for and manage the objects within the Collections. To meet these needs, collections management systems based on recognized standards and functionalities are required whenever the sheer size of the collections, the amount and complexity of the associated information, and the ability to effectively access and query this information is paramount. Whereas a “record” can pertain to any recorded information, regardless of the medium or methods for retrieval, adequate standards for preservation and management of collections information will typically demand the use of digital records and a CMS in one form or another. These systems have become crucial tools for modern collections management, expanding the types of information that are recorded, and thereby facilitating the administration, preservation, and use of the information assets pertaining to the physical collections.

13.1.2 Each science division shall maintain a CMS that provides for up-to-date inventory control of collections information, with provision for use authorization, archival, and recovery. Aspects of inventory control shall include, but not necessarily be limited to, object description, provenience, ownership, accession status, loan status, and location of all objects in its collections. This includes items or lots out on loan from the collections for research or through the Office of Registrar for exhibition. Paper-based records should be digitized and incorporated into the CMS wherever possible, so as to provide long-term preservation, security, and accessibility of the information.

13.1.3 The following features are considered minimally necessary functional components of a proper CMS: (1) catalog (including taxonomic and geographic descriptors), (2) acquisition/accession and deaccession, (3) loans, (4) parties/contacts, (5) locations, (6) condition/treatments, and (7) associated multimedia. More sophisticated and advanced systems that further enhance the capabilities of a CMS may prove necessary in order to improve communication between provider and user of information and to automate and manage collections-based tasks and workflows as collections grow or diversify and as institutional needs change.

- a. Each science division shall maintain a CMS that provides for a **catalog**-- the compilation of essential information formally identifying and describing an object, specimen, or lot within a particular collection. It will typically include information concerning the unique identity, type status, provenience,

acquisition, location, condition, conservation, history of movements and transactions, exhibition and loan history. Evidence of the identity, condition, history, of scientific value of a specimen, object, or collection when recorded in a permanent manner enhances its value. Also, this record may need to substitute for a specimen or object should, for example, the object deteriorate, be lost, stolen, or destroyed.

- b. It is recognized that some science divisions may have inherited catalogs that fall short of the standards outlined here or may be dealing with large volumes and backlogs of un-cataloged material. When cataloging new material, including legacy and backlog collections, efforts will be made to address these issues to the extent made possible by available resources and to bring catalog data up to established standards.
- c. Each science division shall maintain a CMS that provides for **accession and deaccession**-- the recording and documentation of objects added to and removed from the collections, including accession and deaccession numbers assigned by the Registrars, documentation of transfer of title, valuation, and legal compliance. For objects being deaccessioned, the CMS will maintain documentation of transfer of title, sale, exchange, records of approval, and reason for disposal.
- d. Each science division shall maintain a CMS that provides for **loans management**— managing the information relating to the temporary physical transfer of an object among institutions, the specific details of the transaction (e.g., date loaned, term, borrower identity, institutional affiliation, location, shipping records, authorizations, terms and conditions for use). Such loans records shall be permanently associated in the CMS with one or more catalog records.
- e. Each science division shall maintain a CMS that provides for **locations and movements**-- records of an object's current and previous locations within the Museum premises so that it can be located, dates of movement and authorizations for movement, exhibition or display, including exhibition history and documentation of research done on an object for an exhibition.
- f. Each science division shall maintain a CMS that has adequate **backup and recovery** processes to protect data against failure and disaster, including human error which may result in loss or corruption of data. In consultation with AMNH Information Technology, the backup process may be automated and provision made for the retention of redundant copies of the information stored in multiple locations.

- 13.1.4 Any division that cannot currently meet this minimum shall report that fact in their annual collections report and include a plan, and describe progress being made toward that plan, for meeting the minimum standard. Where meeting the minimum standard is deemed impractical for an extended period of time, due to staffing levels, workload, facility provisions, or other reasons, specific priorities shall be established and inventory control measures implemented based upon scientific significance, type status, importance to collections, monetary value, status of curation and other similar considerations.
- 13.1.5 When selecting or developing any new implementation of a CMS for collections informatics purposes, or when substantially revising an existing system, every effort shall be made to deploy systems that maximize the stewardship of the collections and enhance the Museum's mission in research and education. To that end, and whenever possible, the CMS should meet current Darwin Core data standards—the elements, fields, attributes, or concepts deployed in information management systems (see <http://rs.tdwg.org/dwc/>)-- with provision for relational data structures, digital asset management, usage rights and licensing, globally unique object identifiers, public online access, and functional integration with existing institutional collections databases and divisional CMS.

13.2 Control Procedures

- 13.2.1 Each science division must identify a curator-in-charge as the person who has authority to receive and accept objects and specimens into custody and to review the required documentation and legal compliance for each collection within the Science Division. AMNH shall only accept items through trained designated staff and at designated times and points of acceptance where entry of the items can be logged and receipts issued. Designated points of entry are 1) collection management or research staff within a science division by hand or by post where the science division is the point at which these parcels are opened; or 2) another point designated by the Division Chair.
- 13.2.2 Each division will identify in its procedures the division staff with the authority to create, edit, update and access inventory catalog records and who is accountable to keep the catalog current.
- 13.2.3 Each science division shall maintain up-to-date information that accounts for all incoming specimens or specimen lots entering into the division's custody. An inventory record must be created at the time a specimen or specimen lot enters the AMNH or at the time of discovery, if later.
- 13.2.4 Each science division shall maintain up-to-date information that accounts for all outgoing specimens or specimen lots leaving the division's custody. In general, such

material shall be either recorded as a) an outgoing research loan, b) an outgoing exhibition loan, or c) a deaccession or other disposition.

- 13.2.5 Many specimens come into AMNH on a temporary or provisional basis, most awaiting completion of research with a later determination that the specimen be accessioned into the collection (e.g., specimens retained in exchange for identification from other institutions), or in cases of joint collecting with a foreign or other US institution, the specimens await research and a later agreement on allocation of the specimens collected from an expedition. Other objects come in for authentication, or on loan, or to be examined and considered for purchase or exchange. No science division shall take possession of material without recording in its inventory records a deposit, loan, or acquisition, which shall be done promptly, generally within 3 months.
- 13.2.6 Those non-divisional units within the AMNH (e.g., Center for Biodiversity and Conservation, Ambrose-Monell cryo-collection, Institute for Comparative Genomics) that field collect as part of their activities must do so in collaboration with a science division through the relevant division chair and Dean of Science for Collections. Prior to any field work, the Division Chair and Dean of Science for Collections must receive the opportunity for a prior review and then a final copy and progress reports of all field research agreements with host countries, their agencies or institutions that involve acquisition and curation of specimens on deposit or under custodial control of AMNH. The director of the non-divisional unit, the Division Chair and Dean of Science for Collections will oversee compliance with this Policy and the foreign agreements, including any requirement of repatriation of some or all of the specimens to collaborating institutions.
- 13.2.7 Specimens of protected species must be brought in through a designated port unless prior arrangements are made with U.S. Fish and Wildlife Service.
- 13.2.8 All items or lots deposited at designated entry points must comply with the pest management procedures set out in the procedures manual for the relevant science division, or with general AMNH procedures, and be treated to eradicate any insect pests before entering collections areas. AMNH staff shall inform the depositor of the items that the items shall be treated in accordance with the AMNH procedures.
- 13.2.9 Collection management staff receiving items shall complete a brief condition checklist in standard form prepared by conservation on the item being deposited and shall highlight any defects, damage, conservation problems, health or safety issues and reject any item that poses a risk to staff or the public and record the reasons. AMNH is under no obligation to accept hazardous items from the public or to perform safe disposition on their behalf.

- 13.2.10 AMNH shall generally refuse special conditions attached to any item or lot acquired. See Section 4.9 for temporary research embargo exceptions. If a depositor or owner wishes to attach other special conditions to an item, then these must be placed in writing and sent to the Dean of Science for Collections at least five (5) business days before the item is due to be acquired.
- 13.2.11 AMNH shall only accept items after reasonable assurance that the owner holds valid legal title to the items and that delivery to AMNH complies with this policy's provisions as to legal and ethical assessments applied to acquisitions by the Museum for its collections.
- 13.2.12 Originals of field notes, maps, research notes, original specimen labels, correspondence, reports, electronic files, illustrations, recordings, photographs including negatives, archives, catalogues and lists integral to the preparation and study of the specimens and objects are organic to the Collections and shall be the physical property of the Museum.

13.3 Lost or Missing Items

- 13.3.1 In the event a collection item or lot is discovered or recognized as lost, the curator-in-charge will inform the Dean of Science for Collections, the Registrars, and Security as appropriate. Each missing item is an individual and often unique item and thus each recent discovery of loss must be investigated. Details of the loss sustained and any subsequently acquired information should be recorded and maintained in the Divisional CMS. Efforts to recover lost or stolen property, or to perfect the Museum's title in abandoned property, shall be referred to General Counsel.
- 13.3.2 Relevant staff (e.g., collection managers, registrars, division chair, Director of Security, General Counsel, Provost and President) should be informed as appropriate, depending on the significance/value of the item that is missing and the possible cause of the loss. The Dean of Science for Collections will lead a review to consider whether a change to procedures is required to prevent a reoccurrence.

14.0 Care and Conservation

14.1 Preventive Maintenance

- 14.1.1 Each division shall establish in consultation with the Director of Science Conservation and subject to the approval of the Dean of Science for Collections or Provost a written preventive maintenance plan that sets priorities for the care of the collections as a whole, including digital collections, and for the care and treatment of individual specimens, objects, and documents of particular scientific, educational, historic, or aesthetic value.

- 14.1.2 Most specimens come to museums through field collecting. But, whatever their source, all specimens undergo some field and/or laboratory preparation prior to becoming part of a collection. Preparation may entail the skilled excavation of fragile fossils from the surrounding matrix, or the complex chemical fixation of biological tissues to stop putrefaction.
- 14.1.3 For biological collections, most basic preparation is done in the field within hours of the collection of the specimen. This ensures that they will not deteriorate before being taken to the laboratory for final preparation, analysis, and storage. Geological and paleontological collections are prepared both in the field and in the laboratory depending on the particular collecting environment and the needs of the specimen.
- 14.1.4 Preventive conservation continues after preparation in the field. It is an on-going process throughout the life of each item that provides for the mitigation of deterioration and damage through:
- a. appropriate environmental conditions;
 - b. handling and maintenance procedures for storage, exhibition, packing, transport, and use;
 - c. integrated pest management;
 - d. emergency preparedness and response; and
 - e. reformatting/duplication.
- 14.1.5 In broad terms, the science collections use three main ways of preservation: dry (usually pressed, pinned, boxed, articulated skeletons, disarticulated skeletons, study skins or mounted), in fluid (primarily in an ethyl alcohol), or at extreme low temperatures (for example, in liquid-nitrogen-cooled dewars at -100 deg C). The preservation of items in the collections is influenced by practical considerations and contemporary developments. AMNH is always open to consider new information and methods of specimen preservation.
- 14.1.6 The preventive maintenance plan shall normally provide for prevention and treatment of pests. It shall include procedures for treatment of specimens and objects entering the buildings; prevention of infestation from outside sources, a survey and regular inspection for pests, and restriction of nutrients and living organisms in collection areas.

14.2 Conservation and Maintenance Facilities, Expertise and Treatments

- 14.2.1 High standards of professional collections care are essential to ensure that specimens are of value in research, exhibitions and other activities, and to promote the long-term preservation of the collections for use by future generations. AMNH

places emphasis on developing the knowledge, skills and expertise of its collections management staff with the objective that they acquire:

- a. expert knowledge about their own and associated collections, and the broader field to which they relate, so that they are able to make informed decisions on collections development and provide appropriate advice for users of the collections;
- b. the museum and archive skills necessary to handle, prepare, display, conserve and store items;
- c. sufficient understanding of modern information technology to be able to apply it in the use and development of information management systems for the collections;
- d. understanding of health and safety, security and risk management issues, as they apply to the collections and those who work with them;
- e. broader management skills, especially in planning, assessing priorities and managing resources to meet curatorial needs.

14.2.2 A science division may either maintain its own facility for preparation and conservation or make cooperative arrangements to use the facilities or training of another AMNH department, such as the Office of the Director of Science Conservation. Preparation or conservation work may also be contracted out to freelance workers, or to other institutions, as approved by the curator-in-charge or division chair.

14.2.3 Treatments shall reflect the currently accepted conservation methods and practices in the field. Treatments shall be undertaken only by qualified Museum personnel, within the limits of their area of expertise and the facilities, or within training programs supervised by Museum conservators, or by conservation experts outside the Museum. In either case, treatments (including pest management) shall adhere to professional ethics and guidelines, such as those supported by The Society for the Preservation of Natural History Collections (SPNHC).

14.2.4 Conservation and preparation techniques and materials shall be fully documented by individuals who use, prepare, and manage these materials and shall be recorded in the division's files.

14.2.5 While collection care is principally the responsibility of scientific staff directly involved with the collections, other departments are also responsible when handling specimens and objects on loan to them, and preventive conservation is the responsibility of all staff, including those in the departments of Facilities-Operations, Exhibitions, and those responsible for events, conferences, and development functions.

14.3 Collections Condition Survey

- 14.3.1 In planning and executing collection upgrades, moves, and other activities relating to the physical curation of the collections, collection staff will survey, and visually inspect the conditions in which collections are kept to determine priority areas for improvement.
- 14.3.2 The outcome of these assessments will be summarized and included in the relevant section of each division's annual collections report.

14.4 Building Conditions

- 14.4.1 Facilities and Maintenance managers will be responsible for the provision and maintenance of suitable building conditions and will work closely with conservation and division collections management staff and curators to achieve the best possible conditions for the collections, making full use of defect reporting systems. Collections are safeguarded through the management of the following facilities systems:
 - a. building maintenance;
 - b. mechanical and electrical maintenance;
 - c. building management systems;
 - d. intrusion alarms;
 - e. fire and evacuation systems;
 - f. pest management.
- 14.4.2 All relevant systems will be covered by service contracts and inspected periodically. When capital developments are planned the care of the collections will be taken into account and collections management staff and curators-in-charge of collections will be involved in the planning process.

14.5 Environmental Monitoring and Control

- 14.5.1 Collection management staff will be responsible for monitoring the collections environment as follows:
 - a. monitor the environment in storage and display areas, to measure and record relative humidity (RH), temperature, visible light, ultraviolet radiation (UV) and atmospheric pollutants where applicable;
 - b. collect environmental data using continuous recording systems and hand-held meters and retain the data for a minimum of 5 years;
 - c. collate, utilize and act upon data to provide stable and appropriate collection environments; and

- d. monitor, manage and eradicate pests.

14.5.2 AMNH will store and display collections in a managed environment (RH, humidity, light) that minimizes their rate of deterioration and as close to professional standards as possible. The following control methods will be used:

- a. relative Humidity (RH): localized buffering material, humidifiers, dehumidifiers, air conditioning;
- b. temperature: air handling units and localized heating and cooling;
- c. visible light: daylight exclusion, blinds, filtering films, controllable fiber optic lighting, Light Emitting Diodes; and
- d. UV Radiation: filtering films, daylight exclusion.

14.6 Premises Maintenance

Cleaning programs will be established and followed in line with benchmarking action plans. Any staff and volunteers that are undertaking cleaning work in collection storage or display areas will be trained in cleaning techniques that are not detrimental to the collections. Chemical-based commercial cleaning products will be avoided in favor of non-chemical methods. Vulnerable areas, such as textiles, will have dedicated cleaning materials and equipment to prevent the potential introduction of pests from other areas.

14.7 Quarantine Procedures

New acquisitions and incoming materials, such as material returning to AMNH from external loan, will be physically isolated from the Museum's collections pending full inspection and treatment to reduce the risk of pest infestation, toxic chemicals, or dangerous bacteria from affecting other collections. Where suitable, items will be sealed in polythene and held at -40°C for 72 hours to eradicate pests. Where material is not suitable for freezing, other methods (e.g. approved chemical treatments, anoxia, or heat) may be used. Only when treated will such objects be introduced into stores or displays containing other collection items.

14.8 High Risk Organic Material

Collections that are particularly vulnerable to insect infestation (e.g., pinned insects, textiles, feathers and fur) will be segregated to prevent the rapid spread of an infestation in the event of an outbreak. They will be stored in clearly marked boxes or sealed cabinets that are easily identifiable for regular visual inspections. When appropriate and needed, high-risk collections may be fumigated by trained individuals (either collections staff or contractors) in consultation with the Safety Officer and Conservator of Natural Science Collections and in compliance with laws and regulations regarding the selection and use of such materials.

14.9 Handling, Moving and Transport

- 14.9.1 Museum objects should be moved as infrequently as possible. They are particularly at risk when being moved or handled. AMNH will move its collection objects safely and securely.
- 14.9.2 The movement of large or awkward items will be planned in accordance with advice from the collections staff. Such moves will be risk-assessed and method statements will be produced.
- 14.9.3 All objects that are transported will be appropriately wrapped or crated to give them the most suitable protection, as specified by the collections staff and/or curators-in-charge.
- 14.9.4 When necessary for reasons of fragility, high value, complexity, etc., items that are transported abroad may be accompanied by a courier, who will be either a member of the AMNH staff or a delegated representative from another institution. A conservator, registrar, or curator may determine when a courier is required, subject to the review of the Dean of Science for Collections.

14.10 Interventive Conservation and Preparation

- 14.10.1 Only appropriately qualified and experienced conservators and collections-care staff will be employed to carry out preparation and/or treatment of an object, whether to stabilize or enhance its condition or engage in any other conservation work. Conservation and preparation work should be underpinned by knowledge and understanding of the object. Critical to this is documentation of its condition and treatment, and a long-term plan for the care of the object.
- 14.10.2 Conservation and/or preparation work should be planned and carried out in consultation with curatorial staff and undertaken by an appropriately qualified person, or under the supervision of an appropriately qualified person. Work undertaken by the AMNH conservators and preparators will conform to generally accepted professional standards and ethics. All treatments will be photographed and documented and records will be maintained in accordance with professional standards.

15.0 Safety

- 15.1 Safety of staff and the public is a priority at AMNH. AMNH has established a safety office and Director of Environmental Health and Safety in the Department of Human Resources and an *Institutional Biosafety Policy* in consultation with representatives of the Scientific Staff and approved the Provost of Science. It applies to all research

and educational programs and facilities involving biohazards and conducted or operated on the premises of AMNH in New York or Arizona regardless of the source of financial support. AMNH expects that all members of the AMNH community will cooperate fully with the AMNH safety programs and requirements.

- 15.2 The science divisions and non-divisional centers shall implement in consultation with the AMNH Director of Environmental Health and Safety a hygiene plan with appropriate safety procedures and training for staff, volunteers, and researchers to follow. The plan will cover all hazardous materials used in collections preservation and conservation (e.g., fumigants, preservatives, storage fluids, cryogenic systems and materials).
- 15.3 It is the responsibility of those staff members who are directly involved with specimens and objects that have been exposed to toxic materials through preparation or fumigation practice to clearly identify these conditions if known and to report them to the division chair, curator-in-charge, and collection manager assigned management of conservation for warnings to staff handling these specimens.
- 15.4 AMNH has developed guidelines and procedures for handling toxic materials, chemicals, and substances, as well as for other aspects of research relating to occupational and environmental safety. These policies are in the *Laboratory Safety Manual* and are generally administered by the Director of Environmental Health and Safety. Any investigator planning to use such materials must consult with the Safety Office for guidance on required training, proper handling, state and federal safety regulations, proper procedures in the event of spillage, etc., prior to initiating a study or bringing such materials into a laboratory. In most instances, a laboratory must be inspected and approved by the Director of Safety and Environmental Health before hazardous substances are brought to that location at AMNH.

16.0 Collections Risk Management and Disaster Preparedness

- 16.1 The following are examples of risks to museum collections:
 - a. security risks from arson, terrorism, theft, and vandalism;
 - b. natural disaster risks from earthquake, fire, flood, storm damage; and
 - c. infrastructure risks from failure of heating, ventilating, air conditioning systems, loss of power, water leaks, and structural deficiencies;
 - d. inappropriate handling and loan procedures; and
 - e. loss of data due to inappropriate documentation procedures.
- 16.2 Common operations risks to the collections include:
 - a. pests and pollutants;

- b. excessive exposure to light, incorrect temperature and humidity, rising damp;
 - c. toxic chemicals and materials;
 - d. construction of new facilities or renovations;
 - e. removal of Museum exhibits, and installation of new exhibits; and
 - f. special events in the Museum involving catering, performers, environmental alterations; and special events with large numbers of visitors.
- 16.3 The Conservator for Science Collections will work with the staff of each science division to identify all risks to the collections and ensure that mitigating procedures are put in place to reduce the risks to the collections that would lead to any loss of scientific value. Within each division's collections assessments, the risks associated with type, figured, research, high value, exhibition and other items that bring value to the AMNH will be prioritized. Data gathered during this process will be provided to science division chairs and used to inform strategy for managing and conserving the collections, so that they can continue to support the scientific infrastructure of AMNH.
- 16.4 The results of this process, including the key findings, mitigation plans, and resource needs, will be included in the annual collections report of each science division. The annual collections report will note the risk factors addressed by various ongoing and planned collection upgrades. The division chair will also include a report on current status and routine management efforts, plus any new findings resulting from the risk assessment effort, how key risks to the collection environment have been identified, and what support infrastructure is currently in place and what new support is required. Curators-in-charge will provide data contributed to the annual collections report that allows the division to assure continuity of business and to effectively maintain its collections.
- 16.5 Risk to collections will be included in AMNH museum-wide Business Continuity and Disaster Planning Policies. A collection management risk review will be undertaken every three years to inform the AMNH Risk Management Group composed of senior officers.
- 16.6 Disaster plans for all venues housing museum collections will be regularly reviewed and updated where necessary. Divisions will maintain an Emergency Preparedness, Response and Salvage plan for their collections, which defines roles and outlines procedures to ensure business continuity and recovery of collections and associated data. Development of this plan will be accomplished collaboratively between the Director of Science Conservation and collection staff.
- 16.7 As part of disaster preparedness each division will develop in consultation with the Disaster Recovery Committee and the Dean of Science of Collections a reasonable insurance value of the collection. The insurance value will not be construed to be a commercial value, replacement value, nor scientific value, but instead a reasonable

estimate of the costs of extensive damage to the collection resulting in significant salvage costs. The science division chair will provide this value in the annual collection report to the Dean of Science for Collections and the Provost.

17.0 Review of Collections Management

- 17.1 Under certain circumstances, the Dean of Science for Collections and Provost may mandate periodic reviews of Divisional collections management procedures and inventories. Such reviews may be undertaken by staff from outside of that particular collection unit.
- 17.2 The results of the reviews will be signed by the Division Chairs and submitted to the Dean of Science for Collections and the Provost, and the Provost will provide summaries of the reviews to the Collections Committee of the Board of Trustees.

18.0 Amendments and Periodic Review

This Policy has been approved by the Board of Trustees after the review of division chairs, curators, and other collection management staff, the Provost and President, and the Collections Committee of the Board of Trustees. Any amendments must be approved by both the Collections Committee of the Board as well as the full Board of Trustees. This Policy is scheduled for review every 10 years. This Policy was approved in 2023, is next due for review in 2033, and can be updated more frequently, in whole or in part, if required.

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Museum Disclaimer for Identifications and Authentications

As noted in the Museum's [Collections Policy](#) **Section 3.2** ("Identifications and Authentications"), and in particular **Section 3.2.2**, it is beneficial to the Museum for staff members to assist collectors and other museum professionals in identifying, authenticating, and assessing the quality and condition of natural history specimens, artifacts, and documents. Pursuant to that Policy, information of this kind, provided in writing as a part of an employee's official capacity at the Museum, must be accompanied by the Museum's Disclaimer that the information is an opinion, subject to change upon acquisition of new information, and is not to be used in a purchase or sale transaction, nor published without the written consent of the Museum employee and Associate Dean of Science of Collections.¹

Below is the Museum Disclaimer referenced in Collections Policy Section 3.2.2. This Disclaimer, including the copyright language at the end, should be included verbatim in any written report (whether provided via email, hard copy, or otherwise) identifying or authenticating specimens, artifacts, or documents.

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¹ Also pursuant to Section 3.2.2 of the Museum's Collection Policy, all identification and authentication assistance, whether written or oral, must be provided free of monetary or other compensation, unless otherwise approved by the Provost. Employees should also obtain approval from the Associate Dean of Science of Collections and/or the Provost before engaging in identification or authentication assistance.

American Museum of Natural History

Repatriation Procedures

Adopted by the Board of Trustees October 11, 2023

Amended December 4, 2024

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1.0 Purpose and Scope

The American Museum of Natural History (AMNH) has a long history in archaeological and anthropological research worldwide, and as a result its collections include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

The purpose of these procedures is to facilitate the evaluation and disposition of repatriation requests in accordance with applicable law, best practices, and the Museum's institutional priorities, and to employ procedures that are fairly and objectively applied to all parties. **These procedures apply only to NAGPRA items in any Museum Department, and to human remains, funerary objects, sacred objects, and objects of cultural patrimony within the Anthropology Division Collections.**

2.0 Applicable Law

The Native American Graves Protection and Repatriation Act (25 U.S.C. §§ 3001-13) and its accompanying regulations (43 C.F.R. §§ 10.1-.12), jointly referred to in this document as “NAGPRA,” governs the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, and these Procedures must be read in conjunction with NAGPRA.

Requests for repatriation or disposition of human remains, funerary objects, sacred objects, and objects of cultural patrimony from domestic U.S. communities not covered by NAGPRA, or from international constituencies, may be subject to other legal constraints, but will also be governed by these procedures.

3.0 Roles and Responsibilities

The **President** of the American Museum of Natural History is charged by its Board of Trustees with the oversight of these procedures and their general administration.

The President delegates authority and responsibility for the scientific collections to the **Senior Vice President and Provost of Science** who, with the **General Counsel**, provides for the implementation and monitoring of repatriation through the **Division of Anthropology**, the **Dean of Science for Collections**, the **Cultural Resources Office (CRO)** and its **Director of Cultural Resources (DCR)** and affiliated staff.

The **Cultural Resources Committee (CRC)** is comprised of the **Chair of the Division of Anthropology**, the **Director of Cultural Resources**, the **Dean of Science for Collections**, the **Senior Repatriation Specialist**, and/or any other individuals the Provost may appoint to serve on the CRC from time to time. The CRC invites the Provost and General Counsel or their designee to participate in its meetings, and may invite other individuals to present to the CRC as needed.

4.0 Definitions

Most terms used in these procedures are consistent with the definitions established and utilized in NAGPRA. The NAGPRA definitions are also informative, though not binding, in evaluating domestic and international repatriation requests falling outside its purview and, for the sake of fairness and consistency, will be used when reasonable in evaluating those claims.

For convenience, an excerpt of the NAGPRA regulations’ definitions found under 43 C.F.R. § 10.2 are appended to this policy.

5.0 Categories of Repatriation Requests

Requests for repatriations may be received by AMNH from external sources (e.g., lineal descendants, Indian Tribes, Native Hawaiian organizations, government agencies, other

possible descendant communities, or other appropriate groups, etc.) and may be generated internally by the AMNH administration. Upon a request for repatriation of items from the AMNH collection, the DCR will assign the request to one of the three categories of repatriation:

- (A) NAGPRA;
- (B) Non-NAGPRA for human remains and associated funerary objects; or
- (C) Non-NAGPRA for sacred objects, objects of cultural patrimony, or other cultural objects other than funerary objects.

The Museum recognizes that it has an overriding ethical obligation to treat human remains with dignity and respect and acknowledges the profound connections between living peoples, their ancestors, and important cultural items. AMNH must give priority to compliance with its legal obligations under NAGPRA, followed by prioritizing Non-NAGPRA claims for human remains and associated funerary objects. It will next give full consideration to other repatriation requests on a case-by-case basis.

5.1 NAGPRA Repatriation

All repatriation decisions with respect to Native American human remains, associated and unassociated funerary objects, sacred objects and objects of cultural patrimony shall be made in accordance with the requirements of NAGPRA. For more information, see 43 C.F.R. §§ 10.1 – 10.12.

NAGPRA permits the Museum to make a joint affiliation of the relevant collections where appropriate. NAGPRA also provides guidance on how to assess competing claims from multiple requesting groups. For all collections that the Museum jointly affiliates, AMNH requires the affiliated groups requesting repatriation reach a consensus regarding physical transfer and possession of the relevant collections, which must be confirmed to AMNH in writing by the appropriate representative(s) prior to any physical transfer.

5.2 Non-NAGPRA Repatriation Procedures for Human Remains and Associated Funerary Objects

The Museum will give full consideration, on a case-by-case basis, to the transfer of human remains and associated funerary objects from its collections to (1) an Indigenous community, descendant community, or cultural group not covered by NAGPRA that has an ancestral or cultural affiliation; (2) a government agency; (3) a direct lineal descendant; or (4) other appropriate group. Non-NAGPRA repatriation requests for human remains and associated funerary objects shall be considered for repatriation only upon demonstration of the following:

- the remains are of Ancestors of the requesting group, or it can be reasonably demonstrated that the requesting group is otherwise an appropriate group to request and receive the human remains and funerary objects; and
- the human remains and associated funerary objects are requested by an appropriate representative of the requesting group.

For internally-generated repatriation requests, the requestor must propose an appropriate group and a justification for repatriation as part of their request, which the Museum will assess as part its review.

5.3 Non-NAGPRA Repatriations of Cultural Objects Other Than Funerary Objects

Where cultural objects are found to have been imported illegally, or under circumstances that render AMNH's claim of title or right of possession invalid, AMNH will approve a claim for restitution or repatriation related to (1) an Indigenous community, descendant community, or cultural group that has an ancestral or cultural affiliation to the cultural objects; (2) a government agency; (3) a direct lineal descendant; or (4) other appropriate group.

In situations not covered by the foregoing, AMNH will consider claims on a case-by-case basis, and in exceptional circumstances, for restitution or repatriation of cultural objects related to (1) an Indigenous community, descendant community, or cultural group that has an ancestral or cultural affiliation to the cultural objects; (2) a government agency; (3) a direct lineal descendant; or (4) other appropriate group, cognizant of the Trustees' fiduciary obligations to protect and preserve the AMNH collections.

For non-NAGPRA repatriations under Sections 5.2 and 5.3, AMNH will not normally mediate claims that are contested simultaneously by multiple claimants, and expects such claimants to come to a consensus independently. AMNH requires that these groups also come to a consensus regarding physical transfer and possession of the relevant collections, which must be confirmed to AMNH in writing by the appropriate representative(s) prior to any physical transfer.

6.0 Procedures Applicable to All Repatriations

- 6.1 DCR notifies the Provost and Chair of the relevant Science division of the receipt of a request for repatriation in due course.
- 6.2 CRO provides written acknowledgment of receipt of request/claim to the requesting individual, group, or agency, along with statement of policy and procedures for review of same. The acknowledgment will also specify any additional information needed to evaluate and process the claim/request.

- 6.3 CRO will enter the request into a register of the chronology of repatriation claims.
- 6.4 CRO will assess whether the requesting group or individual has standing to make the request. In cases where the determination is made that the claimant is without standing, the basis for such determination is provided in the CRO's Report of the Request for Repatriation, described in 6.9 below.
- 6.5 For NAGPRA requests, DCR will notify the CRC of the request and a proposed timeline for its processing.
- 6.6 CRO will ordinarily maintain coordinating communications with the claimant and will exercise due diligence in notifying other groups or individuals who it reasonably believes may have an interest in the claim. These groups are also welcome to participate in review of the requested items and associated collections records and archives.
- 6.7 CRO will initiate a formal review of the facts relevant to the repatriation request to assess whether the criteria for repatriation have been met.
- 6.8 The review will consider all lines of available evidence.. The DCR will solicit input from sources both internal and external to AMNH, as deemed necessary. The length of the process varies depending on the amount and type of material being claimed, the available evidence, and the number of consulting parties.
- 6.9 The results of the review will be formally recorded in a Report of the Request for Repatriation. The Report of the Request for Repatriation will include a written recommendation regarding the repatriation request.
- 6.10 In the case of NAGPRA repatriations, the Report of the Request for Repatriation is forwarded to the CRC, which evaluates the report and makes a formal recommendation to the Provost or may elect to return to the CRO for additional research and guidance.
- 6.11 In the case of non-NAGPRA repatriations:
 - The Provost shall appoint an ad hoc committee to examine the claim and make its recommendation to the Provost. The ad hoc committee shall minimally include the DCR, Chair of the relevant Science division, and one or more curators of the relevant Science division having specialized knowledge of the relevant cultural objects/human remains.
 - The CRO will record its Report of the Request for Repatriation, as discussed above, and forward the report to the ad hoc committee and the Office of General Counsel for review.
 - The ad hoc committee will evaluate the report and will consider any and all

available information on each requested object/human remains as it deems appropriate. The Office of General Counsel will review the report and conduct any legal analysis necessary.

- 6.12 The Provost will consider the Report of the Request for Repatriation, the recommendations of the CRC (for a NAGPRA claim), ad hoc committee (for a non-NAGPRA claim), and any guidance from the Office of General Counsel in formulating a decision on whether to grant or deny the repatriation request.
- 6.13 In the case of NAGPRA repatriations, if repatriation is approved by the Provost, the CRO will notify the claimant of the decision by AMNH and arrange for a Notice of Inventory Completion or Intent to Repatriate to be published in the Federal Register. Repatriation can take place 30 days after the publication of a Notice if no other claimant comes forward.
- 6.14 In the case of non-NAGPRA repatriations, if repatriation is approved, the Provost will inform the President, who will present the case to the Museum's Board of Trustees for deliberation by its Collections Committee, which will vote to either accept the decision, deny the claim, or remand the matter back to the CRO for reconsideration, based on any justification they deem appropriate.
- 6.15 For all approved repatriation requests, the CRO will work with the Chair of the relevant Science division and the Office of the Registrars to arrange for the expeditious return of the requested objects. CRO and the Registrars will arrange for a signed receipt upon completed transfer of the relevant collections. The Museum requires that the appropriate representative(s) sign this receipt before any physical transfer of the relevant collections occurs.
- 6.16 If repatriation is denied in any instance, the Provost will inform the President, who will present the case to the Museum's Board of Trustees for deliberation by its Collections Committee, who will vote to either accept the decision or remand the matter back to the CRO for reconsideration, based on any justification they deem appropriate. The DCR informs the claimant of any decision to not repatriate.
- 6.17 In the event that a claimant notifies the Museum that it disagrees with the decision not to repatriate, the CRO will refer the matter to the Provost and the Office of General Counsel for review and appropriate action. The CRO may request additional information from the claimant on their disagreement as appropriate.

7.0 Amendments and Periodic Review

These procedures have been approved by the Board of Trustees after the review of the Provost and President, General Counsel, staff of the Cultural Resources Office, and the Collections Committee of the Board of Trustees. Any amendments must also be approved by the Board of Trustees. These procedures are scheduled for review

every 10 years. These procedures were first approved in 2023, are next due for review in 2033, and can be updated more frequently, in whole or in part, if required.

Revision History

VERSION	DATE	DESCRIPTION
1	10/11/2023	Original Repatriation Procedures document, adopted by the Board.
2	12/04/2024	Updated to address latest NAGPRA regulations and related matters.

APPENDIX A

EXCERPT FROM 43 C.F.R. § 10.2, effective January 12, 2024.

NOTE: The Department of Interior may update these regulations from time to time. The Museum should consult with the latest version of the regulations to confirm these definitions and other sections as needed.

§ 10.2 Definitions for this part.

Act means the Native American Graves Protection and Repatriation Act.

Ahupua'a (singular and plural) means a traditional land division in Hawai'i usually extending from the uplands to the sea.

Appropriate official means any representative authorized by a delegation of authority within an Indian Tribe, Native Hawaiian organization, Federal agency, or Department of Hawaiian Home Lands (DHHL) that has responsibility for human remains or cultural items on Federal or Tribal lands.

ARPA means the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) and the relevant Federal agency regulations implementing that statute.

ARPA Indian lands means lands of Indian Tribes, or individual Indians, which are either held in trust by the United States Government or subject to a restriction against alienation imposed by the United States Government, except for any subsurface interests in lands not owned or controlled by an Indian Tribe or an individual Indian.

ARPA Public lands means lands owned and administered by the United States Government as part of:

- (1) The national park system;
- (2) The national wildlife refuge system;
- (3) The national forest system; and
- (4) All other lands the fee title to which is held by the United States Government, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

Assistant Secretary means the official of the Department of the Interior designated by the Secretary of the Interior as responsible for exercising the Secretary of the Interior's authority under the Act.

Consultation or consult means the exchange of information, open discussion, and joint deliberations made between all parties in good-faith and in order to:

- (1) Seek, discuss, and consider the views of all parties;
- (2) Strive for consensus, agreement, or mutually acceptable alternatives; and
- (3) Enable meaningful consideration of the Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations.

Cultural affiliation means there is a reasonable connection between human remains or cultural items and an Indian Tribe or Native Hawaiian organization based on a relationship of shared group identity. Cultural affiliation may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the human remains or cultural items.

Cultural items means a funerary object, sacred object, or object of cultural patrimony according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Custody means having an obligation to care for the object or item but not a sufficient interest in the object or item to constitute possession or control. In general, custody through a loan, lease, license, bailment, or other similar arrangement is not a sufficient interest to constitute possession or control, which resides with the loaning, leasing, licensing, bailing, or otherwise transferring museum or Federal agency.

Discovery means exposing, finding, or removing human remains or cultural items whether intentionally or inadvertently on Federal or Tribal lands without a written authorization for an excavation under § 10.6 of this part.

Disposition means an appropriate official recognizes a lineal descendant, Indian Tribe, or Native Hawaiian organization has ownership or control of human remains or cultural items removed from Federal or Tribal lands.

Excavation means intentionally exposing, finding, or removing human remains or cultural items on Federal or Tribal lands with a written authorization under § 10.6 of this part.

Federal agency means any department, agency, or instrumentality of the United States Government. This term does not include the Smithsonian Institution.

Federal lands means any lands other than Tribal lands that are controlled or owned by the United States Government. For purposes of this definition, control refers to lands not owned by the United States Government, but in which the United States Government has a sufficient legal interest to permit it to apply these regulations without abrogating a person's existing legal rights. Whether the United States Government has a sufficient legal interest to control lands it does not own is a legal determination that a Federal agency must make on a case-by-case basis. Federal lands include:

- (1) Any lands selected by, but not yet conveyed to, an Alaska Native Corporation organized under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*);
- (2) Any lands other than Tribal lands that are held by the United States Government in trust for an individual Indian or lands owned by an individual Indian and subject to a restriction on alienation by the United States Government; and
- (3) Any lands subject to a statutory restriction, lease, easement, agreement, or similar arrangement containing terms that grant to the United States Government indicia of control over those lands.

Funerary object means any object reasonably believed to have been placed intentionally with or near human remains. A funerary object is any object connected, either at the time of death or later, to a death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. This term does not include any object returned or distributed to living persons according to traditional custom after a death rite or ceremony. Funerary objects are either associated funerary objects or unassociated funerary objects.

- (1) ***Associated funerary object*** means any funerary object related to human remains that were removed and the location of the human remains is known. Any object made exclusively for burial purposes or to contain human remains is always an associated funerary object regardless of the physical location or existence of any related human remains.
- (2) ***Unassociated funerary object*** means any funerary object that is not an associated funerary object and is identified by a preponderance of the evidence as one or more of the following:
 - (i) Related to human remains but the human remains were not removed, or the location of the human remains is unknown,
 - (ii) Related to specific individuals or families,
 - (iii) Removed from a specific burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization, or

(iv) Removed from a specific area where a burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization is known to have existed, but the burial site is no longer extant.

Holding or collection means an accumulation of one or more objects, items, or human remains for any temporary or permanent purpose, including:

- (1) Academic interest;
- (2) Accession;
- (3) Catalog;
- (4) Comparison;
- (5) Conservation;
- (6) Education;
- (7) Examination;
- (8) Exhibition;
- (9) Forensic purposes;
- (10) Interpretation;
- (11) Preservation;
- (12) Public benefit;
- (13) Research;
- (14) Scientific interest; or
- (15) Study.

Human remains means any physical part of the body of a Native American individual. This term does not include human remains to which a museum or Federal agency can prove it has a right of possession.

- (1) Human remains reasonably believed to be comingled with other materials (such as soil or faunal remains) may be treated as human remains.

(2) Human remains incorporated into a funerary object, sacred object, or object of cultural patrimony are considered part of the cultural items rather than human remains.

(3) Human remains incorporated into an object or item that is not a funerary object, sacred object, or object of cultural patrimony are considered human remains.

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 (43 U.S.C. 1601 *et seq.*)), recognized as eligible for the special programs and services provided by the United States Government to Indians because of their status as Indians by its inclusion on the list of recognized Indian Tribes published by the Secretary of the Interior under the Act of November 2, 1994 (25 U.S.C. 5131).

Inventory means a simple itemized list of any human remains and associated funerary objects in a holding or collection that incorporates the results of consultation and makes determinations about cultural affiliation.

Lineal descendant means:

(1) A living person tracing ancestry, either by means of traditional Native American kinship systems, or by the common-law system of descent, to a known individual whose human remains, funerary objects, or sacred objects are subject to this part; or

(2) A living person tracing ancestry, either by means of traditional Native American kinship systems, or by the common-law system of descent, to all the known individuals represented by comingled human remains (example: the human remains of two individuals have been comingled, and a living person can trace ancestry directly to both of the deceased individuals).

Manager, National NAGPRA Program, means the official of the Department of the Interior designated by the Secretary of the Interior as responsible for administration of the Act and this part.

Museum means any institution or State or local government agency (including any institution of higher learning) that has possession or control of human remains or cultural items and receives Federal funds. The term does not include the Smithsonian Institution.

Native American means of, or relating to, a Tribe, people, or culture that is indigenous to the United States. To be considered Native American under this part, human remains or cultural items must bear some relationship to a Tribe, people, or culture indigenous to the United States.

(1) A Tribe is an Indian Tribe.

(2) A people comprise the entire body of persons who constitute a community, Tribe, nation, or other group by virtue of a common culture, history, religion, language, race, ethnicity, or similar feature. The Native Hawaiian Community is a “people.”

(3) A culture comprises the characteristic features of everyday existence shared by people in a place or time.

Native American traditional knowledge means knowledge, philosophies, beliefs, traditions, skills, and practices that are developed, embedded, and often safeguarded by or confidential to individual Native Americans, Indian Tribes, or the Native Hawaiian Community. Native American traditional knowledge contextualizes relationships between and among people, the places they inhabit, and the broader world around them, covering a wide variety of information, including, but not limited to, cultural, ecological, linguistic, religious, scientific, societal, spiritual, and technical knowledge. Native American traditional knowledge may be, but is not required to be, developed, sustained, and passed through time, often forming part of a cultural or spiritual identity. Native American traditional knowledge is expert opinion.

Native Hawaiian organization means any organization that:

(1) Serves and represents the interests of Native Hawaiians, who are descendants of the indigenous people who, before 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawai‘i;

(2) Has as a primary and stated purpose the provision of services to Native Hawaiians; and

(3) Has expertise in Native Hawaiian affairs, and includes but is not limited to:

(i) The Office of Hawaiian Affairs established by the constitution of the State of Hawai‘i;

(ii) Native Hawaiian organizations (including `ohana) who are registered with the Secretary of the Interior's Office of Native Hawaiian Relations; and

(iii) Hawaiian Homes Commission Act (HHCA) Beneficiary Associations and Homestead Associations as defined under 43 CFR 47.10.

Object of cultural patrimony means an object that has ongoing historical, traditional, or cultural importance central to a Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization. An object of cultural patrimony may have been entrusted to a caretaker, along with the authority to confer that responsibility to another caretaker. The object must be reasonably identified as being of such importance central to the group that it:

- (1) Cannot or could not be alienated, appropriated, or conveyed by any person, including its caretaker, regardless of whether the person is a member of the group, and
- (2) Must have been considered inalienable by the group at the time the object was separated from the group.

'Ohana (singular and plural) means a group of people who are not asserting that they are lineal descendants but comprise a Native Hawaiian organization whose members have a familial or kinship relationship with each other.

Person means:

- (1) An individual, partnership, corporation, trust, institution, association, or any other private entity; or
- (2) Any representative, official, employee, agent, department, or instrumentality of the United States Government or of any Indian Tribe or Native Hawaiian organization, or of any State or subdivision of a State.

Possession or control means having a sufficient interest in an object or item to independently direct, manage, oversee, or restrict the use of the object or item. A museum or Federal agency may have possession or control regardless of the physical location of the object or item. In general, custody through a loan, lease, license, bailment, or other similar arrangement is not a sufficient interest to constitute possession or control, which resides with the loaning, leasing, licensing, bailing, or otherwise transferring museum or Federal agency.

Receives Federal funds means an institution or State or local government agency (including an institution of higher learning) directly or indirectly receives Federal financial assistance after November 16, 1990, including any grant; cooperative agreement; loan; contract; use of Federal facilities, property, or services; or other arrangement involving the transfer of anything of value for a public purpose authorized by a law of the United States Government. This term includes Federal financial assistance provided for any purpose that is received by a larger entity of which the institution or agency is a part. For example, if an institution or agency is a part of a State or local government or a private university, and the State or local government or private university receives Federal financial assistance for any purpose, then the institution or agency receives Federal funds for the purpose of these regulations. This term does not include procurement of property or services by and for the direct benefit or use of the United States Government or Federal payments that are compensatory.

Repatriation means a museum or Federal agency relinquishes possession or control of human remains or cultural items in a holding or collection to a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Review Committee means the advisory committee established under the Act.

Right of possession means possession or control obtained with the voluntary consent of a person or group that had authority of alienation. Right of possession is given through the original acquisition of:

- (1) An unassociated funerary object, a sacred object, or an object of cultural patrimony from an Indian Tribe or Native Hawaiian organization with the voluntary consent of a person or group with authority to alienate the object; or
- (2) Human remains or associated funerary objects which were exhumed, removed, or otherwise obtained with full knowledge and consent of the next of kin or, when no next of kin is ascertainable, the official governing body of the appropriate Indian Tribe or Native Hawaiian organization.

Sacred object means a specific ceremonial object needed by a traditional religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. While many items might be imbued with sacredness in a culture, this term is specifically limited to an object needed for the observance or renewal of a Native American religious ceremony.

Summary means a written description of a holding or collection that may contain an unassociated funerary object, sacred object, or object of cultural patrimony.

Traditional religious leader means a person needed to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Tribal lands means:

- (1) All lands that are within the exterior boundaries of any Indian reservation;
- (2) All lands that are dependent Indian communities; and
- (3) All lands administered by the Department of Hawaiian Home Lands (DHHL) under the Hawaiian Homes Commission Act of 1920 (HHCA, 42 Stat. 108) and Section 4 of the Act to Provide for the Admission of the State of Hawai'i into the Union (73 Stat. 4), including "available lands" and "Hawaiian home lands."

Tribal lands of an NHO means Tribal lands in Hawai'i that are under the stewardship of a Native Hawaiian organization through a lease or license issued under HHCA section 204(a)(2), second paragraph, second proviso, or section 207(c)(1)(B).

Unclaimed human remains or cultural items means human remains or cultural items removed from Federal or Tribal lands whose disposition has not occurred under this part.

United States means the 50 States and the District of Columbia.