

UNIVERSITY OF MANITOBA POLICY

Policy:	RESPECTFUL REMATRIATION AND REPATRIATION CEREMONY
Effective Date:	June 3, 2024
Revised Date:	
Review Date:	Ten (10) years from its Effective Date
Approving Body:	President
Authority:	<i>The University of Manitoba Act, C.C.S.M. c. U60</i>
Responsible Executive Officer:	Vice-President (Indigenous)
Delegate: (If applicable)	Vice President (Research & International)
Contact:	Co-Chair appointed by the Office of the Vice-President (Indigenous)
Application:	University Community

Part I Reason for Policy

OVERVIEW

- 1.1 In the Fall of 2019, the Department of Anthropology reached out to various Indigenous faculty, staff, and Elders at the University of Manitoba (the “University”) to discuss its housing of Indigenous Ancestors and Belongings who/that have been acquired and/or held at the Department of Anthropology and other Faculties and/or Departments of the University without Proper Consent, and the need to respectfully Rematriate and Repatriate Indigenous Ancestors and Belongings.
- 1.2 The University acknowledges that it has come into possession of Indigenous Ancestors and Belongings without Proper Consent, and that these acquisition, housing and/or research practices, regardless of intention, have not been respectful of Indigenous rights or interests and did not accord with the 2010 Tri-Council Policy Statement (TCPS 2) Ethical Conduct for Research Involving Humans or the Indigenous principles of ownership, control, access, and possession (OCAP®, OCAS, Qaujimajatuqangit).

- 1.3 This Policy documents the commitment of the University to respectfully engage in and honour the sacred Ceremony of the Rematriation and Repatriation of Indigenous Ancestors and their Belongings who/that were acquired or held by the University without Proper Consent throughout the University's history and to engage in respectful practices going forward.
- 1.4 The University apologizes for its role and complicity in colonial relations of violence caused by the inappropriate acquisition and housing of Indigenous Ancestors and their Belongings without Proper Consent, and the disrespect and harm to Indigenous Peoples, spirits, sacred places, Nations and Descendant Communities that has been caused by the actions or activities of the University.
- 1.5 This Policy is a living document, created in the spirit of collaboration between the University, Respectful Rematriation and Repatriation Ceremony Council, Respectful Rematriation and Repatriation Ceremony Working Circle, Indigenous Governments, Organizations, and Descendant Communities.

GUIDING PRINCIPLES

- 1.6 The Guiding Principles of this Policy include:
 - (a) the recognition that unjust and disrespectful acquisition, research and Caregiving practices— whereby Indigenous Ancestors and Belongings were acquired and held at the University without Proper Consent is physical and spiritual proof of a broader past relationship of colonialism, exploitation, hurt, and violence against Indigenous Peoples and the great need to make amends, atone, and move forward in a good way.
 - (b) the recognition that Indigenous peoples possess collective rights which are indispensable for their existence and well-being. This includes rights to maintain, protect and develop the past, present and future manifestations of their cultures; the use and control of their Belongings, archaeological and historical sites, oral traditions, intellectual knowledge, items of cultural significance, designs, ceremonies, technologies and visual and performing arts and literature; and to the respectful Rematriation and Repatriation of their Ancestors and Belongings.
 - (c) the recognition that Respectful Rematriation and Repatriation is Ceremony. To be and participate in this Ceremony, the University must act in Collaboration with Descendant Communities and commit to honour the Respectful Rematriation and Repatriation Ceremony with their hearts, minds, body, and spirits, and as articulated in this Policy;
 - (d) the need to decolonize this University policy and procedure through the use of respectful actions and language that humanizes and acknowledges life and spirit in what has been violated and dehumanized through centuries of colonial language and actions.

PURPOSE

1.7 The purpose of this Policy is:

- (a) to acknowledge that the University takes responsibility for its role and complicity in the acquisition and the assumption of stewardship of Indigenous Ancestors and their Belongings without Proper Consent and the harm this has caused.
- (b) to articulate the University's commitment to the Respectful Rematriation and Repatriation Ceremony of Indigenous Ancestors and Belongings who/that have been provided to and/or received by the University without Proper Consent and to act through respectful, transparent and effective mechanisms developed in partnership and Collaboration with Indigenous Peoples, their Nations, and Descendant Communities.
- (c) to articulate a framework for and to set out the manner by which the University shall respectfully engage in Respectful Rematriation and Repatriation of Indigenous Ancestors and Belongings using the Guiding Principles and to recognize that best practices and guidance are required for the University's Caregiving of Indigenous Ancestors and their Belongings, including how and when to engage in Respectful Rematriation and Repatriation.
- (d) to honour the Calls to Action set out by the Truth and Reconciliation Commission of Canada (TRC), which identifies the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) as the framework for reconciliation at all levels and across all sectors of society, and further the commitment by the University toward reconciliation and to act respectfully and in dignified ways with respect to Indigenous Peoples, their Nations, and communities.
- (e) to uphold the UNDRIP as an expression of the "minimum standards" necessary to protect and respect the rights of Indigenous peoples, and specifically Articles 11, 12 and 31, and to fulfill the University's obligation and commitment to respect human rights and promote their fullest realization, including the human rights of Indigenous Peoples.
- (f) to ensure that the University is compliant with relevant legislation, accords, and policies.

Part II Policy Content

DEFINITIONS

2.1 The terms below have the following defined meanings for the purpose of this Policy

and any related Procedures:

- (a) **“Belongings”** means 1) Indigenous human biological materials (e.g., blood, tissue, DNA etc.); 2) tangible items or objects (e.g., ceremonial objects, funerary objects/possessions, drums, artwork, tools, clothing, field notes, photographs, recordings, vessels, or other objects that have particular sacred or communal functions); 3) intangible cultural expressions that exist in unpublished form(s) including audio and video recordings of Indigenous voices and people, primary transcripts of Indigenous voices and song, photographs of Indigenous people, primary direct and indirect transcription of Indigenous Traditional Knowledge (e.g., maps, sketches); and/or 4) all such items that relate to Indigenous Ancestors, including any soil or items, that may have been taken from the sacred resting place(s) or that have been in contact with them; that have been acquired, deposited, loaned, abandoned, or have come within the possession or stewardship of the University, either legally or illegally, without Proper Consent.
- (b) **“Caregiving”** means the University’s assumption of responsibility to take care of the Indigenous Ancestors and Belongings under its stewardship in accordance with appropriate guidance provided by the Council and/or Descendant Communities, and any Care Plan, including but not limited to matters relating to sacred burial, respectful reburial, housing and Ceremony, and which may involve the University to honour respectful caregiving commitments for as long as requested.
- (c) **“Care Plan(s)”** means a documented plan that records the care to be provided to Indigenous Ancestors and/or Belongings while in the care of the University, that includes the consideration of unique needs, circumstances, and cultural and spiritual preferences of Descendent Communities or as guided by the Council. Care plans provide guidance to caregivers so they can effectively care for Indigenous Ancestors and/or Belongings. The structure of care plans may differ as it is the result of a Collaborative planning process which respects the ongoing self-determination and sovereignty of Descendant Communities.
- (d) **“Ceremony”** means to acknowledge and strengthen connection with the physical and spiritual worlds, and may include prayer, actions, intentions, and mark significant life moments, as diversely practiced by First Nations, Inuit and Métis.
- (e) **“Co-Chairs”** or **“Respectful Rematriation and Repatriation Ceremony Co-Chairs”** means three (3) representatives, each respectively appointed by the Council, Office of the Vice-President (Indigenous), and Department of Anthropology or Archives and Special Collections, who together are responsible for the coordination and implementation of this Policy, on behalf of Office of the Vice-President (Indigenous), Office of the Vice-President (Research and International).

- (f) **“Collaboration”** refers to the processes of shared, Indigenous-led decision making, rooted in respect, responsibility, and equal relationship, and valuing different ways of knowing.
- (g) **“Descendant Communities”** means the descendants of the Original Peoples who are the rightful stewards of the Indigenous Ancestors and their Belongings, and can include an individual, relative, Nation, community or group.
- (h) **“Holistic Rematriation and Repatriation”** means the bringing together Indigenous Ancestors and/or their Belongings for Respectful Rematriation and Repatriation, who/that originated from the same place/site but may be separated and housed at multiple institutions, departments, faculties, colleges, units, libraries, schools or equivalent.
- (i) **“Indigenous”** means those who are recognized by their Indigenous community and who self-identify as Indigenous. More specifically, Indigenous refers to the First Nations, Inuit, and Métis of North America/Turtle Island.
- (j) **“Indigenous Ancestor(s)”** or **“Ancestor(s)”** means the spirits and physical or biological remains of Original Peoples, including in what is now generally referred to as Manitoba and North America/Turtle Island.
- (k) **“Original Peoples”** means Indigenous Peoples – the Nations, Peoples, communities, and individuals who have called the sacred lands of what is now known as Manitoba and North America/Turtle Island home for thousands of years. This large and diverse group is not limited by the arbitrary geographic boundaries imposed by colonization on rights and responsibilities associated with original or ancestral lands, and territory.
- (l) **“Policy”** means this Respectful Rematriation and Repatriation Ceremony Policy.
- (m) **“Proper Consent”** means free, informed and ongoing consent, understanding and permission, and refers to the process whereby Indigenous individuals, families, Nations, local governing authorities, and/or Descendant Communities would have given/would give the University (including through its employees and other authorized representatives) consent and permission to acquire and/or steward Indigenous Ancestors and/or their Belongings. Proper Consent also refers to and values Indigenous people’s protocols, ways of knowing and living, and their ways respecting “permission”, including ongoing accountability, collaboration, and respectful relationships within the consent process.

- (n) **“Respectful Rematriation”** or **“Rematriation”** means a literal return to Mother Earth¹ and also refers to “a restoration of right relationships and a true action of decolonization, aimed not just at righting a past wrong, but transforming our collective future”.²
- (o) **“Respectful Repatriation”** or **“Repatriation”** means the respectful return of custody, responsibility, and any and all ownership claims, including copyright (where applicable), and/or the burial/reburial, according to the ways, knowledge, wishes, and beliefs of Original Peoples and Descendant Communities or with guidance of the Council, of any Indigenous Ancestors and Belongings who/that came under the stewardship of the University without Proper Consent. Respectful Repatriation may include Holistic Rematriation and Repatriation.
- (p) **“Respectful Rematriation and Repatriation Ceremony Council”** or **“Council”** means a group of Grandmothers, Grandfathers, Elders and Knowledge Keepers brought together by the University for the purpose of providing guidance on matters relating to Respectful Rematriation, Repatriation, and Caregiving at the University.
- (q) **“Respectful Rematriation and Repatriation Ceremony Working Circle”** or **“Working Circle”** means a group of representatives of Indigenous Governments, Indigenous organizations, other invited Indigenous professionals, and members of the University staff, faculty, and student body, brought together to assist in the creation of this Policy and Wise Practices/Procedures, and which may assist with the implementation of Respectful Rematriation and Repatriation Ceremony.
- (r) **“Temporary Resting Room”** means the respectful Caregiving area to house and care for Ancestors and their Belongings at the University until they can be Rematriated and/or Repatriated. Not all Belongings will be cared for in the Temporary Resting Room. Any Belongings held in the Temporary Resting Room are those that are identified to have been found alongside Ancestors at their sacred burial sites or that have housed or been in contact with Ancestors during their housing.
- (s) **“University”** means the University of Manitoba.

¹ Meade, Norman. 2022. Métis Elder from Manigotagan, MB. Oral teaching. RRRC Council meeting. Oct 26th.

² Thunder Bay Library Rematriation Project and the Re-Imagining Value Action Lab/RiVAL 2022. “Library Rematriation Project.” Journal of Aesthetics and Protest Newsletter. Issue 11. <http://www.joaap.org/issue11/newsletters/RIVAL.pdf>; see also: Gray, Robin R.R. 2022. Rematriation: Ts'msyen Law, Rights of Relationality, and Protocols of Return. Native American and Indigenous Studies 9(1):1–27; Maracle, Lee. 1996. I Am Woman: A Native Perspective on Sociology and Feminism. [2nd ed., rev.]. Vancouver: Press Gang Publishers.

- (t) **“University Community”** means all central administration, departments, faculties, colleges, units, libraries, schools, centres, employees, students, researchers, educators, scholars (whether visiting or not), fellows, individuals with University appointments, visitors, volunteers and members of administrative or governing bodies and committees of the University.
- (u) **“Wise Practices”** or **“Procedures”** describes the procedures attached to this Policy that will provide guidance on how the Policy will be implemented and followed. These derive from both Indigenous pedagogies and University processes.

APPLICATION

- 2.2 This Policy applies to the University and the University Community.
- 2.3 Notwithstanding Section 2.2, this Policy does not apply to anything held by or stored with the National Centre for Truth and Reconciliation, or anything acquired or obtained thereby through donation, gift, deed, agreement or otherwise.

RESPONSIBILITIES OF THE UNIVERSITY AND UNIVERSITY COMMUNITY

- 2.4 The University is committed to:
 - (a) engaging in Respectful Rematriation and Repatriation as outlined in this Policy and any related Wise Practices/Procedures, and in accordance with all governing laws and policies.
 - (b) respectfully Collaborating and being led by Descendant Communities, in all cases, but on a case-by-case basis, to ensure that comprehensive Respectful Rematriation and Repatriation respects their ongoing self-determination and sovereignty and acknowledging that Descendant Communities will follow their own human, natural, and sacred laws, ways, practices, and processes regarding this work.
 - (c) accepting guidance from the Council in all aspects of this Policy, in accordance with applicable laws and policies.
 - (d) engaging in outreach and Collaboration with Descendant Communities on Respectful Rematriation and Repatriation, as deemed appropriate, through its Co-Chairs under the guidance of the Council, and in coordination with the Office of the Vice President (Indigenous), and the Working Circle as needed.
 - (e) prioritizing Respectful Rematriation and Repatriation matters, so that they occur in a timely manner and as resources allow, with the initial prioritization of the Respectful Rematriation and Repatriation of Indigenous Ancestors.

- (f) implementing and undertaking internal searches and census activities at the University and its Departments, Faculties, Colleges, Units, Libraries, Schools or equivalent, to identify Indigenous Ancestors and Belongings, and providing sufficient resources and personnel to support and assist its Departments, Faculties, Colleges, Units, Libraries, Schools or equivalent, to undertake searches and census activities within their respective areas necessary for respectful Caregiving and Respectful Rematriation and Repatriation.
- (g) establishing outreach and Collaboration criteria and appropriate Care Plans when Indigenous Ancestors or Belongings taken or held without Proper Consent have been identified at the University and Wise Practices/Procedures to guide Respectful Rematriation and Repatriation efforts to move forward in a good way.
- (h) respectful Caregiving as outlined in this Policy and associated Wise Practices/Procedures until comprehensive Respectful Rematriation and Repatriation occurs, and/or for a duration requested by Descendant Communities or as guided by the Council. Being a respectful Caregiver includes seeking and following guidance on proper engagement and Care Plans in accordance with applicable laws and policies, from the Council, related Descendant Communities, and the Working Circle where appropriate. Such Care Plans may include Ceremonies (including but not limited to, respectful housing, feasting, pipe Ceremonies), identifying descendants and relatives, archival assessments and digitization of materials, protocols for access, use or handling, and/or Respectful Rematriation and Repatriation.
- (i) creating and maintaining a Temporary Resting Room for as long as is required.
- (j) ensuring barriers to the application of this Policy are reduced, including, but not limited to, that Descendant Communities will not be required to incur financial costs associated with Respectful Rematriation and Repatriations or Caregiving by the University.
- (k) providing and seeking out sufficient resources to support Respectful Rematriation and Repatriation efforts by the University, ongoing educational efforts and supporting initiatives that breathe life into this Policy.
- (l) continuing to build relationships and working in Collaboration with Descendant Communities, as well as other heritage-holding institutions (e.g., museums, universities, provincial and federal government archives) in Manitoba and elsewhere to complete Holistic Rematriation and Repatriations, wherever possible.

- 2.5 The University calls upon all members of the University Community to:
- (a) educate themselves as to the histories of colonialism and violence associated with the acquisition and stewardship of Indigenous Ancestors and Belongings without Proper Consent;
 - (b) be aware of their respective responsibilities and to educate themselves as to the expectations and reporting requirements, if any, under this Policy and associated Wise Practices/Procedures; and
 - (c) educate those for whom they are responsible regarding expectations for ethical conduct set out in this Policy and any associated Wise Practices/Procedures.
- 2.6 The University Departments, Faculties, Colleges, Units, Libraries, Schools or equivalent, commit to undertake internal searches and census activities and reporting at their respective Departments, Faculties, Colleges, Units, Libraries, Schools or equivalent, to identify and report on Indigenous Ancestors and Belongings obtained and/or held without Proper Consent, and commit to providing sufficient resources to undertake such searches and census activities and reporting necessary for respectful Caregiving and Respectful Rematriation and Repatriation.

EDUCATION AND SUPPORT

- 2.7 Education is a fundamental aspect of the University's commitment to preventing and addressing further harm and violence against Indigenous Peoples, Nations and Descendant Communities by the acquisition and stewardship of Indigenous Ancestors and Belongings taken or held without Proper Consent. The University will provide access to coordinated education and training programs pertaining to preventing, responding to, and raising awareness about improper acquisition, research, teaching, and Caregiving practices, and information on the Respectful Rematriation and Repatriation Ceremony and this Policy and related Wise Practices/Procedures. Educational measures taken by the University will be proactive, grounded in the Guiding Principles of this Policy, and include implementing and actively promoting education, awareness, prevention, and training programs, in multiple fully accessible formats and tailored to multiple audiences.
- 2.8 As part of its role in relational repair and reconciliation, the University is committed to public truth-telling and transparency regarding the matters set out in this Policy, specifically the historical reasons necessitating the development of the Policy and the University's ongoing commitments.
- 2.9 The University will respect, support, and defer to Descendant Communities' ways, processes, knowledges, and decisions regarding Respectful Rematriation and Repatriation. The University will work within any existing provincial and federal

heritage and repatriation legislation and will advocate for their revisions, should they be necessary, based on Collaboration with Indigenous Peoples.

ADDITIONAL MEASURES

- 2.10 Subject to express exceptions stated herein, the University commits to not accessioning or accepting care in the future of Indigenous Ancestors and Belongings brought to the University that have been acquired and/or obtained without Proper Consent, including but not limited to, accessions of donated faculty records or accessions under statutory authority, including but not limited to *The Anatomy Act* (Manitoba) or *The Heritage Resources Act* (Manitoba), as amended from time to time.
- 2.11 Exceptions may be made to the foregoing provision upon the guidance of the Council, and/or Working Circle where appropriate, done in accordance with provincial and federal laws.
- 2.12 Nothing in this Policy or any related Wise Practices/Procedure is intended to detract from the academic freedom of the University's academic staff and encourages that academic freedom in relation to Indigenous Ancestors and Belongings be conducted with Proper Consent, responsibly, ethically and in accordance with all intellectual property rights, copyright and this Policy and Wise Practices/Procedure.
- 2.13 Research and/or teaching at the University shall only take place with Indigenous Ancestors or Belongings with Proper Consent, or by establishing Collaborations, partnerships, and/or agreements with Descendant Communities. Standard community-led access protocols will be applied to all Ancestors and Belongings housed at the University.
- 2.14 Decisions about specific Rematriations and Repatriations will only be made by the University in Collaboration with the involved and related Descendant Communities, or under the guidance of the Council and Co-Chairs. Descendant Communities will decide how and when to make public statements about specific Rematriations and Repatriations to their Communities. When there is no identified Descendant Community, decisions regarding public statements made by the University will be made by the Co-Chairs under the guidance of the Council, or the Working Circle as needed. Public statements made by the University about this Policy or Wise Practices/Procedures or the efforts of the University with regard to Rematriations and Repatriations will be done ethically, and will take into account the sensitivity, privacy and confidentiality of information and the wishes of Descendant Communities, in accordance with this Policy and Wise Practices/Procedures.
- 2.15 Any archived data relating to the University's Council and Working Circle will follow standard archival community-led access protocols, OCAP® and OCAS protocols, as well as Qaujimajatuqangit. Descendant Communities' own protocols for archival materials and other documentation associated with this work will be observed.

- 2.16 Allocations of funding or resources for Respectful Rematriation and Repatriation will not be taken from funding or resources allocated for Indigenous specific commitments or strategic priorities of the University.
- 2.17 The University, through the Offices of Vice Presidents (Indigenous, and Research & International), will continue to engage in and with larger communities (e.g., Descendant Communities, as well as academic, political, legal) in accordance with this Policy and will participate in provincial, national and international conversations on Indigenous rights and respectful language with respect to respectful Rematriation, Repatriation, and Caregiving.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the Vice-Presidents (Indigenous and Research & International) that a formal review of this Policy is required.
- 3.2 The Office of the Vice Presidents (Indigenous and Research & International), being guided by and in Collaboration with the Co-Chairs, Council, and the Working Circle when appropriate, are responsible for the implementation, administration and review of this Policy.
- 3.3 This Policy is a living document and a review can be requested through Legal Counsel or the Office of Vice Presidents (Indigenous, or Research & International), or in Collaboration with any Indigenous governments, organizations, or Descendant Communities.
- 3.4 Subject to Section 2.3, the entire University Community is responsible for complying with this Policy and honouring this Policy in a good way and in compliance with all laws and policies applicable to the University of Manitoba.

Part IV Authority to Approve Procedures

- 4.1 The Offices of Vice Presidents (Indigenous and Research & International), being guided by and in collaboration with the Co-Chairs, Council, and the Working Circle where applicable, may approve Procedures, which are secondary to and comply with this Policy.

Part V Review

- 5.1 This Policy is a living document and will be reviewed in this spirit on an ongoing basis and as required.

- 5.2 If no prior review of this Policy is conducted in accordance with Section 5.1, Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Policy is ten (10) years from date of approval.
- 5.3 In the interim, this Policy may be revised or repealed if:
- (a) the Vice-Presidents (Indigenous, and Research & International), or the Approving Body, being guided by the Council or Descendant Communities, deems it necessary or desirable to do so;
 - (b) the Policy is no longer legislatively or statutorily compliant; and/or
 - (c) the Policy is now in conflict with another Governing Document.
- 5.4 If this Policy is revised or repealed all Secondary Documents, if applicable, shall be reviewed as soon as possible in order that they:
- (a) comply with the revised Policy; or
 - (b) are in turn repealed.

Part VI Effect on Previous Statements

- 6.1 This Policy supersedes all of the following:
- (a) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (b) all previous Administration Governing Documents on the subject matter contained herein.

Part VII Cross References

- 7.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) Academic Freedom and Responsibilities Policy;
 - (b) Access and Privacy Policy;
 - (c) Archives Policy
 - (d) Art Collections Policy and Procedures;
 - (e) Ethics of Research Involving Humans Policy and Procedures;

- (f) Gifts to the University Policy;
- (g) Intellectual Property Policy;
- (h) National Centre for Truth and Reconciliation Governance Policy and Procedures;
- (i) Records Management Policy and Procedures;
- (j) Research Agreements Policy and Procedures;
- (k) Respectful Work and Learning environment Policy and Procedures;
- (l) Responsible Conduct of Research Policy, Code of Ethics, and Investigation Procedure;
- (m) Responsibilities of Academic Staff with Regard to Students Policy;
- (n) Other governing documents of the University which speak to research, teaching, Indigenous reconciliation, archives, or equity, diversity and inclusion and/or anti-racism;
- (o) University of Manitoba / University of Manitoba Faculty Association Collective Agreement; and
- (p) Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans – TCPS 2 (2022).