

## TRIBAL CONSULTATION POLICY

### BACKGROUND

Oregon State University has long-standing relationships with Tribal governments. To strengthen these relationships and ensure consistent, respectful engagement, a policy has been drafted that formalizes practices across activities that may affect Tribes. This policy aligns with the federal Native American Graves Protection and Repatriation Act (NAGPRA) and related regulations, and supports Indigenous sovereignty, knowledge systems, and student success.

### POLICY SUMMARY

While the university has previously engaged with Tribal governments through both formal and informal channels, this new policy establishes consistent responsibilities and expectations for units interacting with Tribes. It introduces a formal framework for consultation, ensuring respectful and coordinated engagement across university activities.

The policy applies to university initiatives, research, infrastructure projects and educational efforts that may have a direct and foreseeable impact on Tribal communities. Key provisions include:

- Clear definitions of Tribal governments, consultation, and cultural resources.
- Requirements for early, good-faith engagement on initiatives with potential Tribal impacts.
- Examples of activities requiring consultation, such as certain kinds of research, education, infrastructure development and policy-making.
- High-level procedures for conducting consultations and documenting outcomes (with a more detailed procedures document maintained separately).
- Delegation of authority to the university president or their designee, with coordination through the Government Relations Office.

The draft policy has been positively received by Tribal governments and advocacy organizations. Successful implementation will require ongoing coordination, thorough documentation and the development of internal procedures.

### RECOMMENDATION

Staff recommend that the Executive, Audit and Governance Committee recommend to the board adoption of the Tribal Consultation Policy in Attachment 1.



## Oregon State University Policy on Tribal Government Consultation

### I. Purpose

This policy establishes a framework for meaningful engagement and consultation between Oregon State University and sovereign Tribal governments and aims to foster respectful and mutually beneficial government-to-government relationships. Through engagement and consultation, the university seeks to honor Tribal sovereignty and perspectives, incorporate Indigenous knowledge systems, and promote Indigenous student success, cultural preservation, and community engagement.

The expectations described in this policy are in support of, and not intended to limit, the many successful ongoing relationships and collaborations between the university and Tribal governments, both informal and formalized through memoranda of understanding (MOUs). The board encourages ongoing communication with Tribes regarding this consultation policy as well as other issues of mutual interest, including student success, research, and engagement.

The consultation process described in this policy is intended to align with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and related regulations, which take precedence over any conflicting requirements in this policy.

### II. Scope

This policy applies to all new university initiatives, programs, and research that may have a direct and foreseeable impact on Tribal governments and the people, lands, and waters they represent. It encompasses activities including but not limited to research, teaching and engagement, policy and program development, and other university activities that may foreseeably affect Tribal members, lands, or interests. This policy is not intended to address matters that affect Tribal members or communities to the same extent as the general public.

The obligations imposed by this policy apply solely to the university; it does not create legal rights for or impose requirements on others.

### III. Definitions

1. **Cultural Resources:** Tangible and intangible heritage, including but not limited to sacred sites, artifacts, traditional knowledge, languages, and ceremonial practices which are significant to Tribes.
2. **Tribal Governments:** Federally and state-recognized American Indian, Alaska Native, or Native Hawaiian Tribes, bands, nations, organizations and communities.
3. **Tribe.** As used in this policy, “Tribe” or “Tribal” refers to peoples of a Tribal government.

*NOT OFFICIAL UNIVERSITY POLICY – August 26, 2025, Draft Version***V. Consultation**

**Initiation of Engagement:** The university will communicate early, regularly, and in good faith with individual Tribal governments regarding proposed initiatives, research, and programs that are reasonably believed to have a direct and foreseeable impact on those Tribal governments.

**Conducting Consultation:** The university will conduct consultation in a manner that respects established MOUs, Tribal government sovereignty, cultural protocols, and traditional decision-making processes specific to the Tribal government. The university will provide Tribal governments with timely and meaningful opportunities to participate in consultation, including access to relevant information, resources, and expertise. Consultation may involve meetings, workshops, written correspondence, and other forms of communication as agreed upon by the parties.

When a Tribal government has agreed to engage in consultation, the university will collaborate with that Tribal government to analyze potential impacts, risks, and benefits, considering Indigenous perspectives, concerns, and interests.

**Consulting Procedure:** The university will establish and disseminate internally a consultation procedure and engagement protocol that describes roles, responsibilities, and implementation steps necessary to operationalize this policy and delegate its authority. Any Tribal government consultation activity will be coordinated through the university's Government Relations Office.

**VI. Examples of Activities Subject to Consultation**

The following are examples of possible activities by the university that will require consultation under this policy:

**Policies, Initiatives, and Programs.** Policies, initiatives, or educational programs that are reasonably believed to have direct and foreseeable impact on Tribal governments or their natural or cultural resources in a manner different from the general public, or that take place on land under the control or jurisdiction of a Tribal government.

**Infrastructure Projects.** Infrastructure projects that are reasonably believed to have direct and foreseeable impact on Tribal natural or cultural resources, treaty rights, or economic interests.

**Research.** Research or activity involving:

- The non-incident participation of Tribal members that are reasonably believed to foreseeably produce research results with implications specific to a Tribe or to individuals as members of a Tribe.
- Human subjects or human biological material, including DNA, cells, organs, gametes, tissues, waste, or other biological materials in which:
  - The individual's membership in or affiliation with a Tribe is identified, and
  - That is intended to or that may foreseeably result in conclusions or generalizations by the research community about a Tribe or individual members of a Tribe.

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- Native American Graves Protection and Repatriation Act materials, including Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony.
- Tribes' natural or cultural resources, and research or any substantial activity on land under the control or jurisdiction of a Tribal government.

**Education.** Class projects or activities that utilize:

- The participation of Tribal members, or activities taking place on land under the control or jurisdiction of a Tribal government that are reasonably believed to foreseeably result in public presentation, publication, or dissemination of findings with implications to a specific Tribe or to individuals as members of a Tribe.
- Native American Graves Protection and Repatriation Act materials, including Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony, including but not limited to objects with ceremonial, religious, historical, traditional, or other Tribal significance.
- Land under the control or jurisdiction of a Tribal government.

**VII. Resolution of Issues and Enforcement**

**Authority.** The university president or their designee is responsible for implementing this policy and for all university Tribal consultation activities under this policy.

**Decision-Making and Agreement:** The university will strive to reach consensus with Tribal governments through good faith consultation. If consensus cannot be achieved, the university will document Tribal concerns and the university's response, including any mitigation measures or alternative solutions proposed. Decisions will be made by the university with due consideration for the principles of Tribal sovereignty and self-determination.

**Implementation and Follow-Up:** Upon reaching an agreement or decision, the university will implement any commitments made as a result of the consultation process. The university will establish mechanisms for ongoing communication, monitoring, and evaluation to further enable the fulfillment of commitments and address any new developments in a timely manner.

**Revision of Process.** The university may periodically review and revise its consultation process and engagement protocol to improve effectiveness and address emerging issues.