

K'ómoks First Nation Ancestral Objects and Remains Repatriation and Management Policy

Approved by Chief and Council on April 28th, 2021

Effective date:

TERMS

Accessioning:

- The process of creating a permanent record of an object for which the KFN has custody, right, or title, and assigning a unique identification number to that object.

Acquisition:

- The act of gaining legal ownership and taking physical possession of an object for the purposes of indefinite curation.

Ancestral Objects:

- All objects that have been created or modified by KFN ancestors, or are unmodified objects that hold specific cultural or spiritual values to KFN members. For the purposes of this policy, Ancestral Objects include two types of objects, Artifacts and Cultural Objects.

Ancestral Remains:

- Human skeletal material (bones and teeth) recovered from KFN territory. Such skeletal material has a high probability of being from KFN ancestors.

Artifact:

- An Ancestral Object showing human workmanship or modification as distinguished from a natural object. In some cases, objects with no discernable cultural modification but that hold specific cultural/spiritual values to KFN members, or are considered heirlooms by KFN members are treated in the same manner as Artifacts. Most Artifacts are tools or implements created by KFN ancestors and are found at places of past KFN occupation. For the purposes of this policy, Artifacts are distinguished from Cultural Objects (defined below) in that they are not symbols of specific cultural and spiritual values used in social and ceremonial contexts.

Band Council:

- Duly elected Chief and Councillors of the K'ómoks First Nation (KFN).

Band Administrator:

- The senior administrator of the KFN.

Conservation:

- All actions that are aimed at protecting the character-defining elements of an Artifact so as to retain its heritage value and extend its physical life.

Cultural Objects:

- Ancestral Objects that have been owned by or manufactured by KFN ancestors that hold specific and highly significant cultural and spiritual values to KFN. Examples of Cultural Objects include but are not limited to: coppers, masks, blankets, rattles, talking sticks, poles, and headdresses. For the purposes of this policy, Cultural Objects are distinguished from Artifacts in that they are not commonly found at former habitation sites and may originate in relatively modern times.

Curation:

- The long-term management and preservation of materials and their associated documentation.

Deaccessioning:

- The process used to officially remove an object from KFN's listed holdings/collection.

Documentation:

- Any records, photographs or descriptions of the provenience of the collection including the location of the Artifact, Cultural Object or Ancestral Remains collection site and the context of the collection, the date of collection, other such pertinent information, and the date of acquisition by KFN (see Documentation Form (Appendix B, C and D)).

1.0 Purpose of Policy

To provide guidelines for KFN on receiving and retaining collections of Artifacts, Cultural Objects, Ancestral remains, and other objects/materials of relevance to KFN history and culture from private and institutional donors. KFN asserts ownership of and stewardship responsibilities over all Artifacts, Cultural Objects, Ancestral Remains derived from KFN territories and peoples. The only exception to this being where KFN recognizes a clear relationship of such Artifacts, Cultural Objects or Ancestral Remains to another First Nation. KFN recognizes their important stewardship responsibility for these objects and remains and their need to preserve, maintain and promote K'ómoks culture for present, past and future generations.

2.0 Applicability

This policy applies to KFN Council, Band Administrator, and all other KFN employees who work with the Ancestral Objects and Ancestral Remains directly and indirectly, including contractors, consultants and volunteers. This policy covers all Artifacts, Cultural Objects and Ancestral Remains within KFN territory.

3.0 Acquisitions

The KFN collects those Ancestral Objects (Artifacts and Cultural Objects) and Ancestral Remains that are associated with its cultural history, identity, and ancestry. These are used to promote awareness and education of the K'ómoks peoples and are curated indefinitely as a legacy for future generations. Additionally, these Artifacts will remain available for future research indefinitely, subject to clause 8 (Handling of Artifacts). Acquisitions fall into three classes: Artifacts, Cultural Objects, and Ancestral Remains, each with their own specific considerations and criteria.

3.1 Criteria

Acquisitions of Artifacts and Cultural Objects are considered that meet one or more of the following criteria:

- **Relevance:** The object provides information about the K'ómoks peoples.
- **Historical significance:** The object is associated with people, events and places related to the K'ómoks First Nation.
- **Scientific significance:** The object has the clear potential for study that increases our knowledge of KFN history.
- **Esthetic significance:** The object displays superior craftsmanship, beauty or quality of design and execution.
- **Rarity:** The object is unique, unusual or a very fine example of its type.
- **Cultural/spiritual significance:** The object holds social, spiritual or cultural meaning that is important to past and on-going K'ómoks cultural or spiritual practice and community identity.
- **Interpretive potential:** The object can be used to interpret, demonstrate and teach aspects of the K'ómoks First Nation experience.

Acquisitions of Ancestral Remains are considered for all historical Indigenous skeletal remains recovered from within KFN territory, unless there is compelling evidence that the remains are associated with a neighbouring First Nation.

3.2 Conditions

The following conditions must be met before acquiring Ancestral Objects or Ancestral Remains:

- KFN has determined to the best of its ability that the Ancestral Objects are free of legal and ethical hindrances.

- There is room to store the Ancestral Objects (Artifacts and Cultural Objects) within KFN facilities.
- The Ancestral Remains are derived from within KFN territory.
- Adjacent First Nations do not object to the Ancestral Remains being repatriated to KFN.
- There is room to store Ancestral Remains within KFN's facilities (i.e., the mortuary house)

3.3 Acquisition Methods

KFN acquires Ancestral Objects or Ancestral Remains by:

- Donation: Gifts, deeds of trust and other forms of unencumbered gifts-in-kind.
- Transfer: Objects/Remains transferred to KFN from private and public heritage, educational or other institutions.
- Consideration may be given to purchasing Cultural Objects in exceptional circumstances. All purchases of Cultural Objects need the explicit approval of KFN Council.

3.4 Acquisition Guidelines

Authority and Responsibility for Acquisition

Chief and Council will consider and may approve acquisitions that:

- May be sensitive or controversial;
- Require stewardship resources beyond an allocated budget;
- Require special collaboration, storage, conservation, restoration or maintenance.

The Band Administrator is responsible for:

- Establishing a collections review committee for the purposes of ensuring that potential acquisitions meet all legal requirements; to verify that the proposed object is authentic and to verify that the incoming Ancestral Objects meet the collecting conditions and criteria before it is approved or recommended to Council.
- Ensuring that Ancestral Remains are from within KFN territory and that adjacent First Nations do not object to their repatriation to KFN.
- Ensuring appropriate storage/display space is available.
- Contracting an external appraiser to document insurance requirements for transporting and storage purposes.
- Ensuring that Documentation for objects, decisions and transactions are created and maintained.

Charitable Donations: The following conditions must be met for there to be a donation:

- The donor must transfer legal ownership of the object to KFN;
- The donor must transfer possession of the object;

- There must be no legally-enforceable conditions attached to the donation;
- The transfer of the object must be made with the intention to make a donation.

Accepting Gifts

- Gifts are accepted through a Certificate of Transfer form signed by the donor and an authorized signatory for the KFN. It indicates the donor's verification of legal ownership and freedom from claims by other parties.
- Where possible, records of provenance (place of origin) and other information accompany the object.
- Artifacts, Cultural Objects and Ancestral Remains are not restored, accessioned or made available for use until the Certificate of Transfer has been finalized – See **Appendix A** for a copy of the Certificate of Transfer Form.

3.5 Ownership

- Formal transfer of title commences when the Certificate of Transfer has been legally executed and the Ancestral Objects or Ancestral Remains physically enter the care of the KFN. All donations are irrevocable upon the transfer of title to the KFN.

4.0 Appraisals

- If the Band Administrator determines that an appraisal is required, the cost for the appraisal is usually a responsibility of the donor.

5.0 Documentation

5.1 The minimum information required for Ancestral Objects or Ancestral Remains entering the care of the KFN includes the following:

- Donor's name, address and phone number
- Brief description of the object
- The circumstances surrounding the object's discovery and acquisition (where, when and by whom) (especially location and context)
- The original owner and manufacturer and information about any subsequent owners
- An interpretation of objects use or function
- Declaration that the object is free and clear of all claims, liens and encumbrances
- Any associated reports, published descriptions or other prior descriptions or analyses
- Any other pertinent information

5.2 Accession Numbers

- Each Ancestral Object or Ancestral Remains must be assigned an accession number that is unique to that object. This number should be applied in a uniform way and where possible, consistent with the Borden System.
- For numbering Artifacts, the Archaeology Branch should be contacted to identify the appropriate sequence of numbers to be assigned to Artifacts from a specific archaeological site or Borden Block.
- For accessioning Cultural Objects, KFN will use a sequential set of numbers beginning at the first acquisition (i.e., KFN-1).
- For accessioning Ancestral Remains, KFN will use a sequential set of numbers beginning at the first acquisition (i.e., KFN-1) that is clearly linked to existing provenience information (i.e., Borden Number, site name etc.) for the set of Ancestral Remains.

6.0 Storage

All Ancestral Objects will be securely stored in a temperature and humidity controlled environment commensurate with the specific Artifacts' indefinite curation. All Artifacts, Cultural Objects, and Ancestral Remains will be stored in manner that is consistent with KFN's cultural beliefs and practices. Select Artifacts will be stored in secure display cases within KFN buildings (e.g., Band Hall; I-Hos, Puntledge). Where such information is available, all Cultural Objects will be secured and stored or displayed with identification of the last known KFN owner of the object prior to it being repatriated to KFN.

All Ancestral Remains will be permanently stored in KFN's Mortuary House at the KFN cemetery on Bayside Drive. Each set of ancestral remains will be stored in a cedar box with clear documentation of the accession number associated with it (copper plates on the outside of the boxes). All Artifacts associated with Ancestral Remains will be stored with those Ancestral Remains inside a cedar box.

All documentation associated with the Ancestral Objects and Ancestral Remains will be stored in a fire-proof safe and digitally in a secure server.

KFN retains the right to enter into arrangements for storage with other governments, institutions, or storage service providers.

7.0 Deaccessioning

Artifacts or Cultural Objects may be considered for removal when they are irreparably damaged, redundant, irrelevant, given to a museum or non-profit society or claimed by the original owner or heirs and successors and the claim is validated through legal processes.

7.1 Conditions for Deaccessioning

- If a donors or heirs/successors request the return of an Artifact or Cultural Object, it can be returned only if the KFN's records contain evidence that the object is not the property of the KFN and all legal requirements establishing ownership are satisfied. This includes non-controversial evidence of ownership.
- Assessment of evidence of ownership will be undertaken by Chief and Council.
- The KFN will deaccession Artifacts, Cultural Objects or Ancestral Remains for the purpose of repatriation when it is demonstrated that other First Nations, institutions, bodies or governments have a right to the objects.

7.2 Deaccessioning Procedures

- Artifacts, Cultural Objects or Ancestral Remains to be deaccessioned will be offered first to a museum that aims to curate it in perpetuity.
- Secondly, Artifacts, Cultural Objects or Ancestral Remains will be offered to public institutions such as libraries, schools or charities.
- Deaccessioned objects cannot be acquired by members of the KFN Council, KFN staff/contractors or their families (spouses, children, parents and in-laws).

8.0 Handling of Artifacts, Cultural Objects or Ancestral Remains

All Artifacts, Cultural Objects or Ancestral Remains will be always handled in a manner consistent with their curation in perpetuity. The Artifacts, Cultural Objects or Ancestral Remains will always be handled and treated in accordance with K'ómoks cultural beliefs. The Band Administrator shall ensure that all staff that come into contact with the Artifacts, Cultural Objects or Ancestral Remains receives training from qualified personnel. In addition, a handling procedures manual will be developed and available to all relevant staff

9.0 Physical Access to Artifacts, Cultural Objects or Ancestral Remains

- Artifacts, Cultural Objects or Ancestral Remains are not to leave the premises of the KFN unless it is a conservation or preservation activity authorized by the KFN Council.
- Requests for access to Artifacts, Cultural Objects or Ancestral Remains for research purposes will be directed to the Band Administrator who will consider them using the following criteria:
 - a) Condition of Artifact or specimen
 - b) Risk to Artifact or specimen from handling or proposed analyses
 - c) The value of the knowledge or information to both K'ómoks and the scientific/historic community gained from the study of the Artifacts.

9.1 Individual Access to Artifacts, Cultural Objects or Ancestral Remains

- A staff member will oversee access to the Artifacts, Cultural Objects or Ancestral Remains.
- If the visitor, whether or not s/he is a KFN Member, wants to photograph the Artifacts, Cultural Objects or Ancestral Remains for publication, an agreement is required concerning the use and citation of the images.

- Requests to access Artifacts, Cultural Objects or Ancestral Remains for religious or ceremonial purposes will be directed to Chief and Council for consideration.

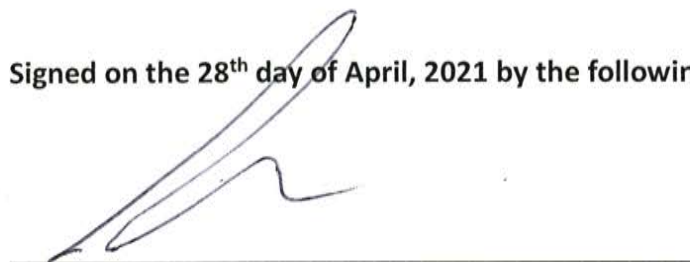
9.2 Institutional Access to Artifacts, Cultural Objects or Ancestral Remains

- Requests from institutions for access to Artifacts, Cultural Objects or Ancestral Remains will be directed to the Band Administrator for consideration.

10.0 Policy Revisions

- The policy will be assessed every three years from its effective date to determine its effectiveness and appropriateness. It may be revised before that time to incorporate changes and ensure that it reflects current standards, ethics and legislation. Revisions will be submitted to and approved by the KFN Chief and Council

Signed on the 28th day of April, 2021 by the following:



Chief Nicole Rempel



Councillor Charlene Everson



Councillor Katherine Frank



Councillor Richard Hardy

APPENDIX A
SAMPLE CERTIFICATE OF TRANSFER FORM
CERTIFICATE OF TRANSFER
K'ómoks First Nation

Accession Number: _____ **Date Received:** _____

Acquired By: _____

Donor's Name: _____

Address: _____

Phone: _____

Transfer of Ownership Statement

I hereby freely present and give without restrictions, or limiting conditions, the items listed below to the K'ómoks First Nation. I further agree that all enumerated items presented shall become absolute property of the K'ómoks First Nation and may be used in such ways and manner as the Council of the K'ómoks First Nation deem appropriate. K'ómoks First Nation reserves the right to dispose of objects that may pose a risk to the rest of the collection or may be deaccessioned for practical or legal reasons.

The undersigned donor hereby declares that he/she is lawfully entitled to give the aforesaid property to K'ómoks First Nation, and that the object is free and clear of all claims, liens or other encumbrances.

Donor's Signature: _____ **Date:** _____

K'ómoks First Nation _____ **Date:** _____

Type of Material: Artifacts, Cultural Objects or Ancestral Remains

Description of Artifact, Cultural Objects or Ancestral Remains:

Provenience (origin):

APPENDIX B
SAMPLE KFN ARTIFACT ACCESSION FORM

KFN Accession Number: _____ **Borden Number:** _____

Donor Information

Name: _____

Phone Number: _____

Address: _____

Email: _____

Declaration: I, _____ hereby state that to the best of my knowledge this object was my or my institutions' property and free of other encumbrances.

Artifact Information:

What is it?

What is it made of?

What was it used for?

What does it look like (sketch until a photo can be attached)?

Artifact Context Information:

Where was it found?

Was it found with anything else?

Who found it and under what circumstances?

When was it found?

How did the donor come to possess it?

Are there associated reports or publications describing these Artifacts? Are they being provided to KFN?

APPENDIX C
SAMPLE KFN CULTURAL OBJECT ACCESSION FORM

KFN Accession Number: _____

Donor Information

Name: _____

Phone Number: _____

Address: _____

Email: _____

Declaration: I, _____ hereby state that to the best of my knowledge this object was my or my institutions' property and free of other encumbrances.

Cultural Object Information:

What is it?

What makes this a Cultural Object as defined by the KFN Ancestral Objects and Remains Repatriation and Management Policy?

How is this Cultural Object affiliated with KFN?

What is it made of?

What was it used for?

What does it look like (sketch until a photo can be attached)?

How did the donor come to possess it?

How did this object leave KFN possession originally?

Who was the last known KFN person to own this Cultural Object?

APPENDIX D
SAMPLE KFN ANCESTRAL REMAINS ACCESSION FORM

KFN Accession Number: _____ **Borden Number:** _____

Donor Information

Name: _____

Phone Number: _____

Address: _____

Email: _____

Declaration: I, _____ hereby state that to the best of my knowledge these Ancestral Remains were my or my institutions' property and free of other encumbrances.

Ancestral Remains Information:

Where are these remains from? (site, town, area, landmarks etc.)

Is a specific list or inventory of individual skeletal elements being provided to KFN?

If no, then how complete is the individual (e.g., 50%)?

Are there associated reports or publications describing these Ancestral Remains? Are they being provided to KFN?

Do we know the age or sex of the individual?

Do we know how long ago the individual lived?

Are there any objects or artifacts specifically associated with this individual, and if yes, then what are they?

How did these Ancestral Remains become unearthed?