

Chapter 15. Department of Repatriation, Archives and Records

15.1501 SHORT TITLE

This Statute shall be entitled “Department of Repatriation, Archives and Records” Statute. This statute rescinds and replaces “Gijigowi Bibskaabiimi” WOS 2010-008.

(Source: WOS 2012-002, April 22, 2012, Section I)

15.1502 PURPOSE

To create the Executive Department of the Repatriation, Archives and Records and to provide coordination and assistance for the MACPRA/NAGPRA Representative. The Department shall manage Tribal Archives and house and process Tribal records and assist the MACPRA/NAGPRA Representative with duties relating to the repatriation of Native American remains and cultural items and will receive and manage such items.

(Source: WOS 2012-002, April 22, 2012, Section II)

15.1503 DEFINITIONS

- A.** “**Archives**” means the collection of tribal history and culture that is significant to the identity of Odawa people.
- B.** “**Cultural**” means aspects of the Odawa history, spirituality, traditions, arts, values and mannerisms.
- C.** “**Cultural Proficiency**” means the knowledge, skills, and attitudes/beliefs that enable a person to work well with, respond effectively to, and be supportive of the Odawa Citizens and Community.
- D.** “**Department**” means the Repatriation and Archival Records Department.
- E.** “**MACPRA**” means the Michigan Anishnaabeg Cultural Preservation and Repatriation Alliance. An alliance of the Tribe of Michigan that defends and protects indigenous grave and traditional cultural properties.

F. “**NAGRPA**” means the Native American Graves Protection and Repatriation Act (as amended).

G. “**Remains**” means Tribal ancestral remains or Native American remains and/or funerary objects.

H. “**Representative**” means the person designated as the Tribe’s representative to MACPRA and authorized by NAGPRA on behalf of the Tribe.

I. “**Tribe**” means the Little Traverse Bay Bands of Odawa Indians or the Waganakising Odawa.

(Source: WOS 2012-002, April 22, 2012, Section III)

15.1504 CREATION OF THE REPATRIATION AND ARCHIVAL RECORDS DEPARTMENT

A. Pursuant to Article VII (D) (22) of the Tribal Constitution the Tribal Council shall have the power to: “Approve the creation or dissolution of Executive divisions or departments to promote and protect the peace, health, safety, education, and general welfare, including but not limited to cultural and natural resources, of the Little Traverse Bay Bands of Odawa Indians and its members”.

B. The Tribal Council hereby approves the creation of the Repatriation and Archival Records Department within the Executive Branch of government and shall be overseen by the Repatriation and Archival Records Department Director.

(Source: WOS 2012-002, April 22, 2012, Section IV)

15.1505 DEPARTMENT AUTHORITY

A. Collect, preserve and manage any and all information about the Odawa people, both historical and contemporary, utilizing the most current methods of archival preservation and digitization in order to create a seamless process for internal creation of educational materials, programs, classes and resources.

B. Serve as a clearing house and storage facility for all government documents and products created through government processes and functions.

C. The Department shall coordinate with the Representative to ensure that the repatriation of Native Ancestral remains, cultural patrimony, and sacred objects to tribe is handled in a culturally significant manner.

D. The Department shall coordinate with the Representative to ensure that traditional cultural properties and sacred sites are protected.

E. The Department shall assist the Representative with administrative tasks and services.

(Source: WOS 2012-002, April 22, 2012, Section V)

15.1506 STAFFING

A. If appropriate, the Department shall begin operations with currently employed LTBB staff as designated by the Executive.

B. All research, academic, and work products produced by the Department shall belong to the Tribe and be considered public documents.

C. Credits may be given for program and/or individual contributions to materials produced by the Department.

D. Copies may be used in educational promotion purposes; all copies shall include all original credits.

E. Copy for profit shall be prohibited.

F. Only persons who possess cultural proficiency shall be eligible for hire in this Department with the exception of hiring persons that provide technical expertise outside of the Odawa culture or Anishinaabemowin.

(Source: WOS 2012-002, April 22, 2012, Section VI)

15.1507 APPROPRIATIONS

The current appropriations for the Archives and Records Program within the Gijigowi Bibskaabiimi Department shall be used to implement this statute along with any additional supplemental funds necessary to meet the obligations of this Statute; and the Executive shall present Tribal Council with future annual budgets necessary to implement this statute.

(Source: WOS 2012-002, April 22, 2012, Section VII)

15.1508 REPEAL

Any Statute, Resolution or Regulation, or portion therein, that is in conflict with this Statute is repealed upon the effective date of this Statute.

(Source: WOS 2012-002, April 22, 2012, Section VIII)

15.1509 SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2012-002, April 22, 2012, Section IX)

15.1510 EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto AND the passage of Waganakising Odawak Statute Education Department and Waganakising Odawak Statute Gijigowi Anishinaabemowin Language Department.

(Source: WOS 2012-002, April 22, 2012, Section X)