



The Arc/k Project - Collection Policy for Partnerships with Indigenous Communities

Introduction

The Arc/k Project is a 501(c)(3) non-profit organization created in 2013 with a mission to digitally archive that which is too valuable, too important, and too unique to be lost or forgotten. To preserve global heritage, The Arc/k Project seeks to partner with Indigenous communities to digitally capture and preserve cultural objects and locations via emerging and innovative modern digital formats including 3D imaging as well as other immersive digital experiences.

The Arc/k Project is committed to espousing and promoting ethical partnerships and practices in the digital cultural heritage domain. To this end, The Arc/k Project supports and embraces the ethics and guidelines set out in the *Protocols for Native American Archival Materials* ([here](#)) as well as the goals and implementations of the Native American Graves Protection and Repatriation Act (NAGRPA, Public Law 101-601, 15 U.S.C. Sect. 3001 et.seq.), and Article 31 of the United Nations' Declaration on the Rights of Indigenous Peoples, which affirms Indigenous peoples' right to maintain, control, protect, and develop intellectual property over their cultural heritage, traditional knowledge, and traditional cultural expressions. We also support Local Contexts.org, Mukurtu CMS and other organizations that both recognize and seek to promote the sovereign rights Indigenous communities have as inherent stakeholders of their own cultural heritage. In the advancement of our mission, The Arc/k Project has established the following policies and guidelines for partnerships and collaborations with indigenous communities and organizations.

Other than NAGPRA, many indigenous community rights are not encoded as law. The Arc/k Project views the extralegal rights in these documents as *moral rights* of which we are obliged to recognize and respect

Interactions with Native American and Other Indigenous Communities

The Arc/k Project seeks to establish and maintain close and collaborative relationships with Native American and other Indigenous communities based upon principles of mutual respect and valid recognition of their various traditional ways of knowledge, communication and ownership. Through consultation, we seek to learn about and adhere to traditional and customary practices associated with tribal cultural heritage. We recognize that long-term cultural heritage preservation requires a continuing commitment to dialogue and cooperation between our organization and designated tribal representatives. We seek to encourage

discussion and mutual knowledge sharing in areas of cultural heritage education, digital preservation practices and other interests. Our hope is that these policies serve as a platform, to be built upon and further developed in the future.

The Arc/k Project believes that indigenous communities should be owners and primary stakeholders of their own digitized cultural heritage models and VR experiences. In the past, colonialism included confiscation or robbery of a culture's artifacts to "protect them". We seek to break this cycle and through mutual knowledge sharing empower communities to document and archive their own collections.

Policies on the Collection of Indigenous Community Digital Content

The Arc/k Project recognizes that Indigenous communities are important and inherent stakeholders of all sensitive materials that are culturally affiliated with them and rejects the concept of "digital colonialism"; a practice which excludes indigenous communities from stakeholder, ownership and monetization rights for digital representations of their cultural heritage. Furthermore, we believe these stakeholder rights apply to issues of collection, preservation, access, and use of or restrictions on these materials.

If objects to be digitized are culturally affiliated with more than one community, organization or institution, the Arc/k Project will make a good faith effort to bring stakeholders together for negotiating agreements and arrangements regarding access, protocols, monetization, and use for all community stakeholders. The Arc/k Project will take no stance, nor take part in any negotiations regarding ownership or stakeholder rights to cultural heritage objects, digital or terrestrial. If a multi-party agreement cannot be attained, the Arc/k Project will not move forward on any digitization project.

The Arc/k Project is committed to digitize and preserve Indigenous Community materials strictly in accord and in partnership with the culturally associated tribal government(s) laws and legal restrictions surrounding cultural issues. Through consultation, we seek to establish mutually beneficial collection planning and collection development goals with tribal communities. We support and honor document agreements with communities, through a formal Memorandum of Understanding and/or other contracts.

The Arc/k Project also recognizes that it has an ongoing and special responsibility regarding the collection of digital objects and locations that may be recognized as culturally sensitive and that the status of such objects and locations may change. If at any time it comes to our attention that such materials require additional protocols, we will consult with the appropriate representatives of individual tribal communities for guidance and adhere to their recommendations.

A Memorandum of Understanding (MOU) is used to document a relationship of goodwill between partners. It is generally not legally binding and used to set project goals, define responsibilities for both parties, assign tribal contacts and establish protocols. If desired, legal documentation may be a responsibility set in the MOU

Source image photographers must provide a license to The Arc/k Project granting permission for the creation of agreed upon digital content to be derived from the images provided. Any

license choice that allows for derivatives may be used. Licenses to be embedded in the digital files and for public display may differ from the license granted to The Arc/k Project.

3D models and VR experiences are owned by the culturally affiliated community who provides a license to The Arc/k Project of their choosing. Unlike models, photographers own the rights to their source photographs. We require licensing from the photographer to create a derivative 3D or VR experience from the images

Please note that licenses such as Creative Commons do not replace copyright registration. Even if a license is applied, it is advisable to register your copyright if you choose to protect work from unauthorized uses. For institutions, The Arc/k Project encourages the use of rightsstatements.org cultural heritage rights statements as to legally protect both source images and derived content. Decisions regarding copyright are solely determined by the culturally affiliated tribal community, not the Arc/k Project.

Digital Presentation of Indigenous Community Materials

The digital representation, description, and context of Indigenous materials will require, whenever possible, prior consultation and review by a culturally affiliated tribal representative or representatives. This review will include the categorization, vocabulary and depiction of the object as well as description; which for instance may require oral storytelling or involve limiting sensitive information and/or content as desired by the tribe or community. We promote and encourage the use of new models of ownership, description, and access which recognize the inherent and sovereign rights that indigenous communities have as stakeholders of their own cultural heritage; most notably by the use of Traditional Knowledge (TK) labels and licenses. In all cases, the Arc/k Project will endeavor to incorporate community representative(s) perspectives in presentation design, including object representation and other associated interpretive materials.

Digital Preservation and Storage of Indigenous Community Collections

The Arc/k Project recognizes that the manner in which culturally sensitive digital objects are accessed, preserved and stored may differ greatly from traditional archival norms. In each case, we will strive to provide digital preservation, storage, and access policies in accord with the wishes of the culturally affiliated tribe as communicated by their authorized representative(s).

Indigenous communities may have ways of ownership and knowledge that differ from common euro-centric practices. Control over how objects or locations are expressed, accessed and preserved are decided by the culturally affiliated community's representative(s)

We acknowledge that, in accordance with tribal community protocols, some sensitive documentary material, such as digital recordings or images of sacred ceremonies or objects, may require a limited life cycle and thus not be preserved in perpetuity. In some cases, digital materials may be preserved but restricted from public view, while in other cases the materials may be rendered in a digital format and

provided to the culturally affiliated community without a digital copy to be kept, displayed or preserved by the Arc/k Project. In any tribal dealing we encourage multiple copies, but we respect the right of the tribes over the safety of the overall archive.

Access to Indigenous Community Digital Collections

The Arc/k Project will not permit public access to digital collections, metadata or records which have not been agreed upon with tribal representatives. Those requesting access through

If models are licensed to the Arc/k Project, the culturally affiliated community still retains control over how and if their models and data are publicly accessed, used and described. Our goal is preservation of cultural heritage, whether it is publicly accessed or not

written or electronic request will be evaluated on a case-by-case basis strictly in consultation with the designated tribal representative(s). Furthermore, if it comes to our attention that digital images are in any way used in violation of existing applicable laws and regulations or in violation of ethical codes and/or agreements with the culturally affiliated tribe, public access will be restricted in lieu of consultation with the designated tribal representative(s).

NAGPRA Policies

The Arc/k Project supports NAGPRA and the repatriation of Native American ancestors, objects, and patrimonial rites. It is our policy to never digitally render or display human remains or associated and unassociated funerary objects without explicit and written approval of the affiliated tribal authority. We encourage representatives of tribal communities that have any NAGPRA related concerns about our collection to contact us at any time.

Advisory Committee

In some cases, The Arc/k Project, in partnership with an Indigenous community, may seek a relationship with an Advisory Committee which can serve to be an important link between our organization, Indigenous communities, and other cultural and government agencies. This Committee's advice would be actively sought on all policy matters concerning the collecting, exhibition, and interpretation of materials, as well as on any other matters of common interest that may arise.