

**The Evergreen State College
Graduate Program in Public Administration
Tribal Organization and Structure**

Spring 2011 Syllabus

Intensive Weekend Class Schedule: May 13-15; June 3-5. Location: All classes are scheduled for Seminar II, E1107. Sessions are Friday 1-5 pm, Sat. 8:30am-5pm and Sunday 8:00am-4:30 pm

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Program Overview and learning objectives

This class will focus on the organizational structure and operations of tribal governments. The relationships between structure and institutions as set forth by tribal constitutions written according to the IRA models will be compared to non-IRA models for governance. The influence of the Indian Self-determination Act and the Tribal Self-governance Act will also be explored. Students will critically analyze tribal governance institutions and practices including management systems and budgeting processes. Tribal membership criteria, enrollment procedures and membership rights, tribal constitutional change and relationships between traditional and contemporary governance practices are subjects that will be addressed in class readings and discussion. Students will also analyze the scope of authority of tribal courts and the separation of tribal legislative from administrative and judicial functions.

PROGRAM OBJECTIVES

1. Gain a working knowledge of tribal governmental structures and functions in the post-IRA period.
2. Understand key components of tribal operations including budget, personnel and administrative management.
3. Apply a comparative approach to tribal operations under “direct service”, self-determination contracting and self-governance compacting.
4. Understand differences between direct service, self-determination contracting and self-governance compacting and potential costs and benefits when choosing different structures for service delivery.

READING LIST

Berry, Kate and Henderson, Martha, *Geographical Identities of Ethnic American; Trace, Space and Place*. University of Nevada Press, Reno Nevada, 2002. Handout: Chapter Nine, "Coping with Health Care Delivery on the Round Valley Indian Reservation, *Teresa L. Dillinger*. (pages 201-227)

Cruz, Zuni Christine, *Tribal Law as Indigenous Social Reality and Separate Consciousness: Reincorporating Custom and Traditions into Tribal Law*. Tribal Law Journal, University of New Mexico School of Law, Albuquerque, NM, Handout: pages 1-15.

Handout and Moodle postings on: "Racialising Tribal Identity and the Implications for Political and Cultural Development" by Kimberly Tallbear

Lamont, Eric (ed.). (2006). American Indian Constitutional Reform and the Rebuilding of Native Nations. University of Texas Press. ISBN: 978-0-292-71317-8

The Harvard Project on American Indian Economic Development, The State of Native Nations: Conditions under US Policies of Self-Determination Oxford University Press ISBN 13: 9780195301267 paperback 448 pages May 2007

Rebuilding Native Nations: Strategies for Governance and Development Edited by Miriam Jorgensen; University of Arizona Press 384 pp. 2007

Expectations of Students:

Participation & Attendance: Students are required to attend each class meeting. In the event that an absence is unavoidable, seminar faculty must be notified prior to a class and/or seminar absence. After one absence per quarter, make-up work may be assigned and is left to the discretion of the faculty on a case-by-case basis. Makeup work for absences, which may include written assignments, additional response papers and comments on video recordings or books, must be completed by the end of the quarter in question to ensure full receipt of course credit. Missing more than one session will result in no credit.

Credit: Students will receive 4 graduate credits at the completion of each quarter if all course requirements have been satisfactorily completed to meet course objectives and are turned in on time. Partial credit and credit denial decisions will be made by the faculty team. Plagiarism (i.e., using other peoples' work as your own), failing to complete one or more assignments, completing one or more assignments late (without having made special arrangements *before* the due date), or multiple absences may constitute grounds for denial of credit. Unexcused absence or lack of academic work may result in no credit at the discretion of the faculty unless students have made arrangements for make up work. Written self-evaluations and faculty evaluations are required for credit at the end of each quarter.

Evaluation: Students will be evaluated based upon their progress towards the learning objectives that will be assessed from classroom and assignment performance. All students will receive a written evaluation from their seminar faculty at the end of the quarter. Students must also prepare a written evaluation of their seminar faculty and may choose to turn in their faculty evaluations either to their faculty during conference or to the program secretary in the Graduate Studies Office. Written self-evaluations are also required for full credit at the end of each quarter and

should be prepared prior to conference with faculty during evaluation week at the end of each quarter- no conference will be conducted without the self-evaluation.

Human Subjects Review: If you intend to collect and analyze original data via human beings as primary sources, you MUST complete TESC Human Subjects Review process FIRST. Data collection activities are dependent upon the Human Subjects Review application being reviewed and approved by The Evergreen State College Institutional Review Board. Any changes to your research tool or sample must also be cleared through the review process and/or supervising faculty. <http://www.evergreen.edu/deans/humansubjectsreviewapp.htm>

E-mail: students need an e-mail account for communication and to participate in program listservs. Computer and Internet access are required.

Expectations of Faculty: Students can expect the faculty members to be prepared for classes and seminars, to be available for office hours as posted, to respond to telephone or email messages in a timely manner, and to provide timely feedback on assignments.

Assignment Expectations: All papers should be typed, 12 point font size, stapled, and follow APA format. All written work should be of high quality, clear, grammatically correct and without spelling errors. If you require assistance with your writing, please request resource assistance from the faculty.

Late assignments: Turning in assignments late is unacceptable. However, if there is a need to turn in an assignment late based on family or work-related emergency situations, the student must contact their seminar faculty no later than the original assignment due date to discuss options. Parameters are left to the discretion of the faculty on a situation-by-situation basis. Late assignments must be completed by the adjusted due date as assigned by faculty to ensure full credit

ASSIGNMENTS

Assignment I: Due First Session in May

Read American Indian Constitutional Reform by Lemont. Read the article, “Racialising Tribal Identity and the Implications for Political and Cultural Development” by Kimberly Tallbear in your handout material and available on Moodle. Comment on the article by posting critical questions and your own commentary on the class web-crossing Moodle site. Make comments on the ideas of your colleagues that you see posted. Everyone is required to participate. If you do not have access to the web-crossing site, please e-mail your work and it will be posted on the Website.

Assignment II: Due First Session May

Locate two distinctly different tribal constitutions. Discuss the provisions for the following structures and processes in a 5-page paper.

1. Separation of powers. Are the executive, legislative and judicial branches of government separate and independent? For example, are tribal judges elected or appointed and does the tribal constitution or some other tribal law give them the power to independently review actions of the tribal government? Is the administrative

director or manager of the tribe hired under a contract where he/she can only be fired “for cause”, i.e. gross negligence or dereliction of duty, or, do they serve strictly at the will of the tribal council?

2. Legislative Power: Are tribal laws only made by the tribal council, only by the general council, or both? Are there provisions for tribal citizens to appeal actions of the governing body, or to initiative referendums or changes in the constitution or laws themselves?
3. Membership: How do the two documents deal with citizenship/membership criteria, voting rights and election procedures?

Comment on the differences between the two constitutions and make recommendations. in your summary.

TIPS. It will be easier to point out contrasts if you select different types of constitutions such as an IRA template constitution versus a non-IRA constitution. Good sources for copies of constitutions include 1) www.narf.org (go to the Native American Law Library link) 2) various tribal government websites. 3) Your own tribal offices. A good source for information on tribal codes and constitutions is the National Indian Law Library (NILL) at the Native American Rights Fund (NAR). The URL for NARF is <http://www.narf.org/>. At that site, you can go to the NILL site and then to the Tribal Law Gateway.

Seminar 2 page paper: Due first session on Lamont book.

Assignment III: Due first day of the second session end of May.

Group Project: Tribal governments and change.

You will have an opportunity to participate in class discussions to suggest projects and form groups comprised of 3-4 members. The objective is to identify a situation where a tribal initiative or proposal is being considered for changes in structure or organization. The groups will collect information about the proposed change and the processes already in place to create change. Your study will provide the background of why the change is being considered and the motivations of those inside and outside tribal government.

After gathering information, applying knowledge from your readings, and your own search for published information, the group will produce a 20-page report. The report should describe the problem and its history and context. Another section will describe the processes that have been used for gathering input and information about the change by the tribe: you can make recommendations for additional resources if necessary. Finally, the group should assess the entire situation and make recommendations for possible alternatives. The first session of this class includes some outstanding speakers. You may want to ask them for ideas.

Students are encouraged to visit tribal locations and interview individuals as well as seeking written material. The class will meet the first Friday of the second session in your group to complete your group project. Your work should be based on your time

spent in off-site participation in this directed research project. It is best to avoid in your report discussing or revealing any sensitive information or personal critique of individuals that are not anonymous. If there is the slightest potential for this to happen, you should complete a Human Subjects Review available at the Dean's office. Faculty is available to assist you: we may be able to come out to locations with you or suggest contacts. You should complete a 1 page proposal for your study during the first session.

Students are required to complete self-evaluations and faculty evaluations for every class.

SESSION ONE MAY 6,7,8 (Sample: to be redrafted and updated)

MAY 6

THEME	ACTIVITY	ASSIGNMENTS DUE
The structure of tribal governments	1:00 Introduction	May 8: website assignment May 16 constitutional comparison paper.
	1:30 Seminar: Lemont.	Seminar paper on Lamont
	3:00 Break	
	3:15 Speaker Larry Parker, Social Worker, Confederated Colville Tribes, Nespelem, WA	

May 7

THEME	ACTIVITY	ASSIGNMENTS DUE
The organization of tribal government	8:30 Seminar	Readings: Packet; Parts I and III.
Tribal rules on child custody	Role Playing Exercise on disposition of Child Custody matters	Handout material on Child Custody rules

MORE TBA for Sat/Sun First Session and for Second Session