

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

Draft Spring 2015 Syllabus

This is a first draft of this syllabus. Additional articles and handouts will be added along with some potential changes and the addition of speakers and various activities later including at least two additional seminar papers. .

Intensive Weekend Class Schedule: May 15-17; May 29-31 Location: All classes are scheduled for Seminar II, Sessions are Friday 1-5, Sat. 8:20-5 and Sunday 8:00-4:30

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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, self-governance compacting and corporate structures

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.

DRAFT READING LIST

Some of these articles and additional articles will be posted on CANVAS.

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, pages 1-15.

Handout and Moodle postings including but not limited to: “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

Ramos, Alberto G. “The New Science of Organizations” 1984 (used paperbacks available through Amazon and similar websites)

Dennison, Jean, 2008, Osage Case (available on Evergreen website: search on Enduring Legacies: Native Cases

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 Friday May 15

Read the article, "[Racialising Tribal Identity and the Implications for Political and Cultural Development](#)" by Kimberly Tallbear Comment on the article by posting critical questions and your own commentary on the CANVAS. Make comments on the ideas of your colleagues that you see posted. Everyone is required to participate.

Assignment II: Due Saturday May 16

Seminar paper on Lamont

Assignment III: Due Sunday May 17

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

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 membership criteria and enrollment; voting rights and election procedures.
4. Comment on the differences between the two constitutions and make recommendations in your summary.
5. Presentation: prepare a brief presentation (10 minutes or less) for the class with at least one visual enhancement

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.

Assignment IV: Due Sunday May 17

One page proposal for your tribal change project described below

Assignment V: Due Friday May 29

Seminar paper on “New Science of Organizations”

Assignment VI: Due Sunday May 31
Tribal organization survey

Assignment VII: Due Sunday May 31
Group Project: Tribal governments and change.

You will have an opportunity to participate in class discussions to suggest projects and form groups. 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 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 10-12-page report. The report should describe a problem in tribal organization 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.

It is best to avoid discussing or revealing any sensitive information or personal critique of individuals that are not anonymous in your report. 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.

Direction for Tribal Organization Survey. There will be a discussion of these directions during the first session. It is due Saturday May 30 of second session.

Tribal Organization Survey

The objective of this exercise is gathering descriptive data about tribal organizations. Online research of tribal websites is the primary source, although you may find additional resources. If you decide to make a call to a tribal office to request information, be sure to keep your questions focused on factual data and not controversial issues. If the Tribe has a public affairs office or contact, that is a good place to begin.

Gather data to answer the following questions

1. Political organization. Is the tribal government constituted under the Self-Determination Act or under the Self-Governance Act amendments? Or is it based on ANSCA or traditional government institutions?
2. What are the political governing institutions? Describe them and any information on how they work and relate to each other. (Tribal Council,

Tribal Chair, tribal courts)

3. Geo-political divisions? Do elected representatives from specific regions? Local authorities?
4. List any other politically appointed institutions: special commissions, judges, etc.)
5. Administrative organization
 - How many departments does the administrative system have?
 - What are the major departments and divisions
 - Formal or informal ways that administrators can work across departments to achieve goals?
 - Programs or grants help or do not help integrate objectives
 - Tradition-based bodies like Elder's Council or Membership Committee, traditional courts
6. Unique features—roles, institutions, other.