

**University of Montana**  
**PSCI 595: American Indian Law & Policy**  
**Department of Public Administration & Policy**  
**Spring 2020: Online**

<b>Credit Hours</b>	<b>Three (3) Credit Hours</b>
<b>Instructor</b>	<b>Deb DuMontier, JD, MPA</b>
<b>Office Hours</b>	<b>By appointment, virtual or Law School Office #151. Email or text to arrange place or time.</b>
<b>Email</b>	<a href="mailto:deb.dumontier@umontier.edu">deb.dumontier@umontier.edu</a>
<b>Telephone</b>	<b>(406) 546-0591</b>
<b>Course Delivery</b>	<b>This course is online delivered via UM's Moodle platform and Mountain Time Zone for all scheduled due dates</b>

### **Communication with the Professor**

My approach is to be responsive and I will be available throughout the course to answer questions. I plan to respond to student inquiries whether email or text within 24 hours. If you do not hear from me, please try again and feel free to also notify Dr. Sara Rinfret at [sara.rinfret@umontana.edu](mailto:sara.rinfret@umontana.edu).

### **Course Description**

This is an elective course for the University of Montana's Master of Public Administration Program. This course will review Federal-Tribal history, law and policies providing a comprehensive overview and introduction to meet the following student learning objectives:

- Understand fundamentals of Federal-Tribal history.
- Understand the Constitutional principles most relevant to tribal governments.
- Understand and apply relevant provisions of federal statutes and regulations governing agency actions.
- Understand, analyze, and apply notable judicial decisions interpreting and establishing American Indian law.
- Demonstrate competence in finding and using sources of federal Indian law and related publications (includes basic legal research and analysis).
- Understand and apply the major substantive federal Indian law concepts, including sovereignty, jurisdiction Tribal-State relations, and natural resource issues and protections.
- Understand the essentials of International laws as applied to Tribal Nations
- Develop fluency in federal Indian law and policy terminology and concepts utilizing the textbook Roadmaps and Checkpoints for each chapter.

### **MPA Portfolio**

If you are using any of the class assignments for your final MPA portfolio, it is your responsibility to keep track of individual grades and professor feedback. Use your computer's "snipping tool" to capture graded feedback and save with your files. MPA Portfolio requirements can be found at <https://www.umt.edu/law/mpa/portfolio.php>

### **Required Text and Readings**

1. Mastering American Indian Law, 2d edition, by Angelique Wambdi Eaglewoman and Stacey L. Leeds

2. Companion book website: [www.MasteringAmericanIndianLaw.com](http://www.MasteringAmericanIndianLaw.com)
  - a. The website will provide required and recommended readings.
3. Other materials and instructions will be found in our Moodle course shell, organized by our weekly schedule.

### **Course Expectations**

The following items provide explanations for course expectations.

### **Using Moodle:**

This is an online course and each student is recommended to check our course site once per day. You may access Moodle at <http://umonline.umt.edu/>

### **Weekly Updates, Readings & Lectures:**

Each week you will work on assigned readings from the required text and supplemental readings from the companion website, review weekly updates introducing material with PowerPoint lectures from the professor or guest speakers, and overview of any assignments due for the week. ***If not already posted, weekly updates and lectures will be published no later than Monday evening of each week – this is to provide timely information for the class.***

### **Course Grading & Drafts:**

Please allow for up to 7 full business days after the due date to receive a grade. All grades will be recorded via Moodle gradebook. Each assignment will use a rubric. *If the rubric feedback is not enough, please let the professor know.* Students can submit drafts of assignments via email to the professor before turning in any assignment this semester. However, please work with the UM Public Speaking and Writing Center at <https://www.umt.edu/writingcenter/> before doing so. The professor will only read one draft per assignment. These must be emailed to the professor at least 72 hours in advance. Students can locate the gradebook by clicking on the tools icon at the top of the screen to find your list of grades.

### **Help with Technology:**

Please make sure that your Internet browser settings meet the requirements to be Moodle compatible. Call UM Online by phone, (406) 243-4999 or email [umonline-help@umontana.edu](mailto:umonline-help@umontana.edu) if technological problems arise. There is no on-call assistance during nights and weekends. For a total Moodle system failure, students will be sent an email by the University of Montana.

### **Guidelines for Written Work:**

All written assignments should meet and use following criteria:

1. All work must be typed, double-spaced, utilize 12-point font, and have one inch margins.
2. Citations should follow proper style guidelines such as, MLA, Chicago, or APA – pick what works for you (in text citations and a reference page are necessary)
3. Assignments are due on the date/time listed in the course schedule; late assignments will not be accepted without prior approval.
4. All assignments must be turned in electronically via Microsoft Word. If the instructor cannot open the document, the student may not receive a grade. Submission of assignments via e-mail will not be accepted unless specific arrangements have been made.
5. Student collusion is not allowed for individual assignments and will be treated as an act of plagiarism.

**Moodle.** You can connect to Moodle here: <http://umonline.umt.edu>. If you have technical problems, call UM Online by phone, (406) 243-4999 or email [umonline-help@umontana.edu](mailto:umonline-help@umontana.edu). You should check the course site routinely for messages and updates.

**Grading.** All grades will be posted in Moodle. Below are the course assignments, points available, and the rounded weight attributed to each in calculating your final grade.

1. Discussion Forums – Five Questions for a combine 20% of final grade
2. Case brief: 20% of final grade
3. Paper: 30% of final grade
4. Tribal Government Synopsis: 30% of final grade.

The University of Montana uses the plus/minus grading system. To accommodate the plus/minus system the grading scale shown below will be used to reflect your final course grade.

Grade	Point Scale	Point Range	GPA
A	93-100	8 points	4.00
A-	90-92	3 points	3.67
B+	87-89	3 points	3.33
B	83-86	4 points	3.00
B-	80-82	3 points	2.67
C+	77-79	3 points	2.33
C	73-76	4 points	2.00
C-	70-72	3 points	1.67
D+	67-69	3 points	1.33
D	63-66	4 points	1.00
D-	60-62	3 points	.67
F	59 or lower	N/A	0.00

### **Assignments**

The course is set up on a weekly basis. Most weeks run from Monday through Sunday; however, weeks 2 and 6 are shorter and account for school holidays, so pay close attention to the dates and schedule below. Unless noted otherwise, forum discussions close each Saturday at 11pm and written assignments are due by 11pm on Sundays, and must be submitted via Microsoft Word. Late assignments without prior approval will not be accepted. Descriptions of written assignments with additional important details will be posted in the Weekly Highlights.

**Week 1:** Monday, January 13 (Spring Classes Begin) - Sunday, January 19, 2020

– Introduction to American Indian Law, Review Course Content, Start Reading Chapter 1

1. Readings for the week:
  - a. Course Syllabus
  - b. Welcome (Moodle)
  - c. Weekly Highlights/Lecture (Moodle)

- d. Mastering American Indian Law, Chapter 1 pps 3-26
  - e. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 1: Introduction to American Indian Law Materials
2. Assignment Due:
- a. Discussion Forum #1 - Welcome and Introductions
  - b. Sign up for Discussion with Professor

**Week 2:** *Monday, January 20 (Martin Luther King Jr. Day – No Classes)*

Tuesday, January 21 - Sunday, January 26

– Continue Introduction to American Indian Law

- 1. Readings for the week:
  - c. Complete reading Chapter 1 -Mastering American Indian Law, pps 3-26
  - d. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 1: Introduction to American Indian Law Materials
  - e. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. If you have not yet, please complete your introduction and your phone call/office discussion with Professor DuMontier.

**Week 3:** *Monday, January 27 - Sunday, February 2*

– American Indian Property Law

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 2. pps 27-43
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 2: American Indian Property Law Materials
  - c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. Start formulating your thinking around the discussion question due next week

**Week 4:** *Monday, February 3 - Sunday, February 9*

– Continue American Indian Property Law

- 1. Readings for the week:
  - a. Complete reading Mastering American Indian Law, Chapter 2. pps 27-43
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 2: American Indian Property Law Materials
  - c. Weekly Highlights (Moodle)
- 1. Assignments Due:
  - a. Discussion Forum #2 (close at 11pm Saturday, February 7)

**Week 5:** *Monday, February 10 – Sunday, February 16*

– Criminal Jurisdiction to Indian Country

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 3: Criminal Jurisdiction to Indian Country, pp 45-63
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 3: Criminal Jurisdiction Materials

- c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. Review introduction to final project and start formulating a plan

**Week 6:** *Monday, February 17 (Presidents' Day – No Classes)* Tuesday, February 18 – Sunday, February 23

– Tribal Government, Civil Jurisdiction, and Regulation

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 4: Tribal Government, Civil Jurisdiction, and Regulation, pp 65-82
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 4: Tribal Gov't, Civil Jurisdiction and Regulation
  - c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. As you master civil jurisdiction readings, look ahead to Case Briefing due next week

**Week 7:** Monday, February 24 Sunday, March 1

– Case analysis/briefing

- 1. Readings for the week:
  - a. How to Brief a Case (Moodle)
  - b. Montana v. U.S., 450 U.S. 544 (1981)
  - c. Complete reading Chapter 4, Tribal Government Civil Jurisdiction, and Regulation and the Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 4: tribal Gov't, Civil Jurisdiction and Regulation
  - d. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. Case brief/analysis due by 11 pm Sunday, March 1

**Week 8:** Monday, March 2 -Sunday, March 7

– Tribal Business, Industries, and Best Commercial Practices

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 5: Tribal Business, Industries, and Best Commercial Practices, pp 83-100
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com)
  - c. Weekly Highlights (Moodle)
- 2. Assignment Due:
  - a. Discussion Forum #3 (close at 11pm Saturday, March 6)

**Week 9:** Monday, March 8-Sunday, March 15

– Family Law in Tribal Communities

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 6: Family Law in Tribal Communities, pp 101-125
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 6: Family Law Resources

- c. Weekly Highlights (Moodle)
- 2. Assignments Due – Enjoy Spring Break!

*Spring Break Monday March 16- Friday March 20*

**Week 10:** Monday, March 23 - Sunday, March 29

– United States as Trustee for Tribal Natural Resources

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 7: Natural Resources in Indian Country, pp 127-131
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 7: Natural Resources Materials: A. United States as Trustee for Tribal Natural Resources
  - c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. \*Written paper due next week by 11pm, Sunday, April 5

\*In no more than 5 pages (double-space) discuss why the federal trustee role should be reformed (what, why, and how), supporting your position using course material. Please ensure that your paper meets the written assignment guidelines in the syllabus. Word docs only.

**Week 11:** Monday, March 30 - Sunday, April 5

– Continue Natural Resources in Indian Country

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 7: Natural Resources in Indian Country, pp 132-138
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 7: Natural Resources Materials: B. Water Rights and Air Regulation; C. Hunting, Fishing, and Gathering Rights; D. Energy and Resource Development
  - c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. Complete written paper (close at 11pm, Sunday, April 5)

**Week 12:** Monday, April 6 – Sunday, April 12

– Tribal-State Relations

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 8: Tribal-State Relations pp 139-151
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 8: Tribal-State Relations Materials
  - c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. Discussion Forum #4 (close at 11pm, Saturday, April 11)

**Week 13:** Monday, April 13 - Sunday, April 19

– Sacred Sites and Cultural Property Protection

- 1. Readings for the week:

- a. Mastering American Indian Law, Chapter 9: Sacred Sites and Cultural Property Protection, pp 153-170
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 9: Sacred Sites and Cultural Property Materials
  - c. Tribal Consultation (Moodle)
    - i. Review powerpoint presented by Nicole E. Ducheneaux, JD, at the Indian Law Conference (Missoula, November 16, 2018)
    - ii. Review Department of the Interior (DOI) Tribal Consultation Policy
  - d. Weekly Highlights (Moodle)
2. Assignments Due:
- a. Discussion Forum # 5 (close at 11pm Saturday April 18)

**Week 14:** Monday, April 19 - Sunday, April 20

– International Indigenous Issues and Tribal Nations

- 1. Readings for the week:
  - a. Mastering American Indian Law, Chapter 9: Sacred Sites and Cultural Property Protection, pp 153-170
  - b. Companion book website: [www.masteringamericanindianlaw.com](http://www.masteringamericanindianlaw.com) Chapter 10: International Indigenous Issues Materials
  - c. Weekly Highlights (Moodle)
- 2. Assignments Due:
  - a. None

**Week 15:** Monday, April 27-Sunday, May 3

-Staying Current and Start Final Project

- 1. Readings for the week:
  - a. Mastering American Indian Law Master Checklist, pp 185-188
- 2. Assignments Due:
  - a. Discussion Forums - Final Impressions (close at 11 pm, Saturday, May 2)
  - b. Final Project: Tribal Government Synopsis (due by 11 pm, Friday, May 8) (See Moodle)

**Finals Week:** Monday, May 4 through Friday, May 8

Complete Final Project

- 1. Assignments Due:
  - a. Discussion Forums - Final Impressions (close at 11 pm, **Friday, May 8**)
  - b. Final Project: Tribal Government Synopsis (due by 11 pm, Friday, May 8) (See Moodle)



## University/Class Policies

Please be familiar with the following University or class policies:

**Cultural Leave Policy:** UM has a Cultural and Ceremonial Leave Policy: “Cultural or ceremonial leave allows excused absences for cultural, religious, and ceremonial purposes to meet the student’s customs and traditions or to participate in related activities. To receive an authorized absence for a cultural, religious or ceremonial event the student or their advisor (proxy) must submit a formal written request to the instructor. This must include a brief description (with inclusive dates) of the cultural event or ceremony and the importance of the student’s attendance or participation. Authorization for the absence is subject to approval by the instructor. Appeals may be made to the Chair, Dean or Provost. The excused absence or leave may not exceed five academic calendar days (not including weekends or holidays). Students remain responsible for completion or make-up of assignments as defined in the syllabus, at the discretion of the instructor.”

**Disability Assistance:** The University of Montana does not discriminate against qualified students with disabilities. If a student would like to discuss the availability of accommodations, or any other matter relating to their disability, please contact [Disability Services for Students](#). We will work with you to provide an appropriate modification.

**Incompletes or Withdrawals for the Course:** If for some reason the course is not working out for you please adhere to the University’s policies for the last day to drop a class.

**Late Assignments:** Students are expected to submit all work by the date/time specified in the course calendar. Any exceptions to this must be approved by the instructor 72 hours before the date in question or be a clear emergency. Students must complete all assignments to receive a grade for the course.

**University Attendance Policy:** Students who are registered for a course but do not participate in the first two class forums/requirements may be required by the instructor to drop the course. This rule allows for early identification of class vacancies and to permit other students to add classes. Students must complete a drop form or drop the course in [Cyber Bear](#) to avoid receiving a failing grade. Students who know they will be absent, cannot participate or submit assignments should contact the instructor in advance.

**Wikipedia:** This online source is not reliable and should not be cited in any course assignment. The goal is to become accustomed to using scholarly sources for all work in any of your courses.

**Academic Dishonesty (Plagiarism):** Students must follow the University’s policies for [academic conduct](#). The University’s Graduate School Plagiarism Warning states:

Plagiarism is the appropriation or imitation of the language, ideas, and thoughts of another author and representing them as one's original work. It is a particularly intolerable offense in the academic community and is strictly forbidden. Students who plagiarize may fail the course and may be remanded to Academic Court for possible suspension or expulsion. Students must always be very careful to acknowledge any kind of borrowing that is included in their work. This means not only borrowed wording but also ideas. Acknowledgement of whatever is not one's



own original work is the proper and honest use of sources. Failure to acknowledge whatever is not one's own original work is plagiarism. ([UM Graduate School Degree Standard B6.000](#))

All work submitted must be your own; no duplicate work (work completed for another class) will be accepted. Acts of cheating or plagiarism will result in a grade of zero (0) for the assignment. Moreover, acts of plagiarism will also be reported to the Academic Court. To avoid acts of plagiarism, cite each reference or source you use and give proper credit for the ideas, opinions, and findings of others. When you are using the exact words of others, you must use quotation marks and include the page number where you found the quote in your citation.