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**Tribal Law
BUSA 2420
3 Credits
Spring 2022**

Faculty: Robert Yazzie

E-mail: ryazzie@navajotech.edu

Office: Law Building (If face-to-face)

Office Phone: 505-870-2907

Office Hours: Email or call to set up an appointment.

Modality: Online/virtual

Class Location: Zoom or Blackboard

Class Meeting Times: 9:00 – 10:30 am. Online Virtual

REQUIRED MATERIAL:

LAW 106-01

- ❖ The Rights of Indians and Tribes, 4th Edition (Oxford University Press) by Stephen L. Pevar
- ❖ Navajo Courts and Navajo Common- A Traditional of Self-Governance, Raymond D. Austin
- ❖ “Fundamental Laws of the Diné ” entitled Diné Bi Beenahaz’áanii Biste Sil47 and enacted by the Navajo Nation Council (Resolution CN-69-02) on November 8, 2002, and codified at 1 N.N.C. §§201-206.
- ❖ Copies of Statutes and Cases: To be provided;

Current Affairs Materials: Students are *expected* to keep current on recent developments in the law and society, including reading at least one newspaper, law periodical or Internet site per week;

- Students are encouraged to obtain and use a “Flash Drive” to save their work

Tools: No required tools; flash drive recommended; Students will probably want to have a 3-ring binder to keep hand-out materials.

Lab Fee: No Lab Fees



Tribal Law

Course description: Review tribal, state and federal relationship, tribal sovereignty/inherent tribal power, federal and state power over Indian affairs, Trust Responsibility, land status and reality, civil and criminal jurisdiction and Indian treaties. This course includes a history of American Indian law and policy among the various tribal nations, the states, and the federal government. Finally this course will adhere to the university's commitment to providing a student-oriented learning environment based on the Dine' philosophy of education: Nitsahakees, Nahat'a, Iina'a, and sihasin.

Learning Objectives and Assessments: Upon successful completion of the course, the students will:

- Understand Federal Indian Law and Policy eras: 1. Treaty making 2. Reservation and Removal 3. Allotment 4. Indian Reorganization 5. Termination 6. Self Determination 7. Forced Federalism. **Measured by:** Assignments and final exams.
- Understand the impact of various changes in U.S. policy, Indian Reorganization Act (IRA) and its method of case briefing that consequently lead to Native Nation Sovereign expansion, maintenance, and diminishment. **Measured by:** Discussion and assignments.
- Gain understanding of inherent tribal powers and how that plays an essential role in federal and state regulation of Indian affairs and the ability of tribes to make their own laws and be governed by them. **Measured by:** Tests.
- Understand the Federal Indian Law method of case briefing. **Measured by:** Briefing cases through assignments.



Course Activities:

Week	Date	Class Topics/Reading Due	Assignments Due	Assessments
1		Course overview	Review Syllabus	
		Last day to add/drop		
2		History of Federal Indian Policy. Read Chapter 1	Chapter summary:	Discuss the highlight of Indian Policy
3		Read Chapter 2	Chapter summary:	Discussion, A&Q
4		Read Chapter 3	Chapter summary: Trust Responsibility	Discussion, A&Q
5		Read Chapter 4	Chapter summary:	Discussion, A&Q
		Graduation Petition due		
			Midterm exam	
		Midterm grades due		
6		Read Chapter 5	Chapter summary: Federal Power	Discussion, A&Q
7		Read Chapter 6	Chapter summary: Tribal Gov't Power	Discussion, A&Q
		Last day to withdraw with "W"		
8		Read Chapter 7	Chapter summary: State Power	Discussion, A&Q
9		Read Chapter 8	Chapter summary: Crim. Jurisdiction	Discussion, A&Q
10		Read Chapter 9	Chapter summary: Crim. Jurisdiction	Discussion, A&Q
11		Read Chapter 10	Chapter summary: Taxation	Discussion, A&Q
12		Read Chapter 11	Chapter summary: Hunting & Fishing	Discussion, A&Q
13		Read Chapters 12	Chapter summary: Indian Water Rts.	Discussion, A&Q
14		Read Chapter 13 & 14	Chapter summary: Indian Gaming	Discussion, A&Q
15		Read Chapter 16 & 17	Chapter summary: 1978 ICWA	Discussion, A&Q
16		Project Presentation		
17			Finals	
		Grades due to the Registrar		
		Graduation		



GRADING PLAN:

Homework
Class Participation
Project(s)
Quizzes:
Midterm
Final Exam
Portfolio

A = 90-100%

B = 80% - 89%

C = 70% - 79%

D = 60-69% - 69%

F = 59 or less

Grading Policy

Each student must do their own work. Cheating and Plagiarism are strictly forbidden. Cheating includes but is not limited to: plagiarism, submission of work that is not the student's own, submission or use of falsified data, unauthorized access to exam or assignment, use of unauthorized material during an exam, supplying or communicating unauthorized information for an assignment or exam.

Participation

Students are expected to attend and participate in all class activities. Points will be given to students who actively participate in all class activities including, field trips, laboratories, and all other classroom events.

Cell phone and headphone use

Please turn cell phones off **before** coming to class including during Zoom class. Cell phone courtesy is essential to quality classroom learning. Headphones must be removed before coming to class.

Attendance Policy

Students are expected to regularly attend all classes for which they are registered. A percentage of the student's grade will be based on class attendance and participation. Absence from class, regardless of the reason, does not relieve the student of his/her responsibility to complete all course work by the required deadlines. Furthermore, it is the student's responsibility to obtain notes, handouts, and any other information covered when absent from class and to arrange to make up any in-class assignments or tests if permitted by the instructor. Incomplete or missing assignments will necessarily affect the student's grades. Instructor will report excessive and/or unexplained absences to the academic counselor for investigation and



potential intervention. **Instructor may drop students from the class after 3 absences unless prior arrangements are made with the instructor to make up work and the instructor deems any excuse acceptable.**

Study Time Outside of Class for Face-to Face Courses

For every credit hour in class, a student is expected to spend two hours outside studying course materials.

Study Time for Hybrid or Blended Courses

For a hybrid or blended course of one credit hour, a student is expected to spend three hours per week studying course materials.

Study Time for Online Courses

For online course of one credit hour, a student is expected to spend four hours per week studying course materials.

Academic Integrity

Integrity (honesty) is expected of every student in all academic work. The guiding principle of academic integrity is that a student's submitted work must be the student's own. Students who engage in academic dishonesty diminish their education and bring discredit to the college community. Avoid situations likely to compromise academic integrity such as: cheating, facilitating academic dishonesty, and plagiarism; modifying academic work to obtain additional credit in the same class unless approved in advance by the instructor, failure to observe rules of academic integrity established by the instructor. The use of another person's ideas or work claimed as your own without acknowledging the original source is known as plagiarism and is prohibited.

Diné Philosophy of Education

The Diné Philosophy of Education (DPE) is incorporated into every class for students to become aware of and to understand the significance of the four Diné philosophical elements, including its affiliation with the four directions, four sacred mountains, the four set of thought processes and so forth: Nitsáhákees, Nahát'á, Íina and Siih Hasin which are essential and relevant to self-identity, respect and wisdom to achieve career goals successfully.

Students with Disabilities

The Navajo Technical College is committed to serving all students in a non-discriminatory and accommodating manner. Any student who feels he or she may need special accommodations should contact the Accommodations Office (<http://www.navajotech.edu/student-services#accommodations-services>) in accordance with university's Disabilities Accommodations Policy (see [http://www.navajotech.tech.edu/images/about/policiesD0cs/Disability Exhibit-A 6-26-2018.pdf](http://www.navajotech.tech.edu/images/about/policiesD0cs/Disability%20Exhibit-A%206-26-2018.pdf)).



Email Address:

Students are required to use NTU's email address as a formal mode of communication.

Final Exam Date: May 11, 2022