

CURRICULUM CHANGE PROPOSAL

APPROVAL PAGE

Proposal Title: POLS Public Law Course Addition

College: Liberal Arts

Department: Political Science

DEPARTMENT CHAIR

I have read the enclosed proposal and approve this proposal on behalf of the department.

Nasr M. Demer

12/9/2021

Signature

Date

COLLEGE CURRICULUM COMMITTEE CHAIR

I have read the enclosed documents and approve the proposal on behalf of the college curriculum committee.

Signature

Date

COLLEGE DEAN

I have read the enclosed documents and approve the proposal on behalf of the college. I certify that the necessary funds will be allocated by the college in support of this proposal.

Signature

Date

UNDERGRADUATE CURRICULUM CHANGE MEMO

Date: 010/25/2021
From: Political Science Department
Through: Gaspare Genna
Through: Crystal Herman
To: Denis O'Hearn

Proposal Title: Addition of One Public Law Elective Course

The purpose is to integrate student interest and innovative research from the discipline to offer a new public law elective on indigenous law and politics. This course links case law, legal history, and judicial behavior to provide an introduction of the role of courts and law in national political development and contemporary policy. The course can focus on American law and First Nations (as shown in the sample syllabus) or be adapted to include comparative or international indigenous law and politics, tribal law and justice, and/or state and local indigenous law and politics.

POLS 3324: INDIGENOUS LAW AND POLITICS

Course Description

This course offers an introduction to indigenous affairs and law. Students are challenged to critically analyze the roles and structures of colonization, law, political institutions, and political processes in terms of how they impact Indigenous and non-Indigenous communities. Through their examination of legal policy and case law, students will evaluate how law and courts have impacted indigenous sovereignty as well as how contemporary law can enable or restrict indigeneity, repatriation, legal pluralism, and rights advocacy.

COURSE CHANGE FORM

COPY OF CATALOG PAGE NOT REQUIRED

All fields below are required

College : Liberal Arts

Department : Political Science

Rationale for changing the course:

The purpose is to integrate student interest and contemporary research from the discipline to offer a new undergraduate public law elective on indigenous law and politics.

All fields below are required

Subject Prefix and number POLS 3324_

Course Title Indigenous Law and Politics

Change	From	To
Ex. Prerequisite	Ex. POLS 2310	Ex. POLS 2312
Course Description	Current description	Proposed description
Course Description	NA	This course offers an introduction to This course offers an introduction to indigenous affairs and law. Students are challenged to critically analyze the roles and structures of colonization, law, political institutions, and political processes in terms of how they impact Indigenous and non-Indigenous communities. Through their examination of legal policy and case law, students will evaluate how law and courts have impacted indigenous sovereignty as well as how contemporary law can enable or restrict indigeneity, repatriation, legal pluralism, and rights advocacy.

These changes will be reflected in Banner, Goldmine, and the catalog

POLS 3324 – INDIGENOUS LAW AND POLITICS

INSTRUCTOR:
PHONE:
EMAIL:
OFFICE:
OFFICE HOURS:

LAND ACKNOWLEDGMENT

We, the UTEP Department of Political Science, acknowledge that we are in the unceded territories of the Indigenous Peoples who, along with countless generations of ancestors, are the guardians and keepers of this land, both throughout history and in contemporary times: the Tigua, Mansos, Sumas, Ndé, the Piros, Mescalero Apache, Chiricahua Apache, Tarahumara, Yaqui, Jumano, Comanche, Kiowa, Rarámuri, Tohono O’odham, Yaqui, Kickapoo, Diné, Hopi, Zapotec, Mixtec, Aztec-Nahua-Mexica, Huichol, Tepehuan, Coahuilteco, Chichimeca, and the other Native communities who comprise our multinational region. As scholars and people who reside and work in these lands, we respect and honor the millennia-long history of Native peoples on this land and their ongoing presence today.

COURSE DESCRIPTION

This course offers an introduction to indigenous affairs and law. Students are challenged to critically analyze the roles and structures of colonization, law, political institutions, and political processes in terms of how they impact Indigenous and non-Indigenous communities. Through their examination of legal policy and case law, students will evaluate how law and courts have impacted indigenous sovereignty as well as how contemporary law can enable or restrict indigeneity, repatriation, legal pluralism, and rights advocacy.

UTEP EDGE

This course encompasses activities associated with UTEP EDGE, including 1) **communication** through class discussion, debate, and written assignments, 2) **problem-solving and critical thinking** through the class discussion and assignments, 3) **social responsibility** by critically evaluating and understanding the cause and effects of legal policy and principles of civic engagement, 4) **global awareness** through comparative approaches to indigenous law and policy, and 5) **teamwork** through moot court simulations, and 6) **leadership** by fostering analytical and creative skills to accomplish shared goals. Student teaching modules incorporate student **research** and application across these areas and challenge students to think in innovative ways to analytically evaluate contemporary issues, generating viable solutions to complex legal and political problems.

LEARNING OUTCOMES

Over the course of the semester students will have:

- An understanding of the key elements of indigenous law and politics.
- The skills necessary to understand and evaluate contemporary political events and problems.
- Gained an understanding of a variety of areas of law and how courts operate within and across jurisdictions.
- Learned to think critically and analytically about legal and political issues and articulate arguments with empirical and legal justification.
- Developed writing and public speaking skills to communicate their arguments, evaluations, and policies with empirical and legal justification.
- Explored how political processes, institutions, and policies can create, maintain, or diminish inequalities.
- Demonstrate understanding of ethical implications of policies and processes, analyzing and evaluating the moral implications and repercussions of policies.
- Developed skills for team work and collaboration by learning to hold space for others, accomplishing shared goals and tasks, and demonstrating respect and value for a diversity of opinions, viewpoints, and perspectives.

REQUIRED READING

- Dunbar-Ortiz, Roxanne. 2015. *An Indigenous Peoples' History of the United States*. Beacon Press.
- Pevar, Stephen L. 2012. *The Rights of Indians and Tribes*. 4th edition. Oxford University Press.

COURSE REQUIREMENTS AND GRADING

Evaluation in this course will be based on the following components:

Critical Reflections	15%
Comprehension Questions	20%
Moot Court Simulation	20%
Teaching Module	20%
Final Exam	25%

The grading scale is as follows:

90-100	A
80-89	B
70-79	C
60-69	D
59 and below	F

Critical Reflections

Critical Reflections are short written assignments that ask students to develop, communicate, and reflect upon their opinions. These assignments ask the student to engage in self-reflection and self-awareness, by helping student identify and evaluate their own beliefs, opinions, assumptions and their implications. As such, critical reflections are an extension of critical thinking. These assignments are evaluated based upon quality of student engagement, not by the content of the answers or level of uncertainty within responses.

Comprehension Questions

Comprehension Questions are a short series of questions that evaluate student comprehension of class material and assigned readings. These assignments thus allow the instructor to evaluate and remedy any confusion in a timely manner. Students should respond to the questions in their own words, citing any material used beyond class slides. Students are evaluated by the completion and quality of effort of the assignment. Incorrect answers are not penalized as these assignments are designed to assess understanding of the complex material.

Teaching Module

Students are required to develop a one teaching module for their classmates focusing on one theme pertaining to Indigenous Peoples. The selected theme is the student's choice, but must be confirmed by the instructor. The goal of each module is that other students gain an understanding of each topic, related laws/policies, political context(s), and implications or effects. Modules should include resources beyond those provided by the course to offer a deep investigative dive into the theme. Students are encouraged to be creative and innovative in how they wish to teach. These teaching modules are not required to follow a set format. Modules can be in the form of pdf or document files, video presentations, Powerpoint, Prezi, storytelling, and other options (as well as in combination). References must be included at the end of the module so that students can access the same materials used in the module for further inquiry.

Themes

1. Indigenous Peoples and COVID
2. Indigenous Peoples and Health
3. Indigenous Peoples and Violence Against Women
4. Indigenous Peoples and Women's Rights
5. Indigenous Peoples and LGBTQ+
6. Indigenous Peoples, Police, and Prison System
7. Indigenous Peoples: (Debunking) Myths and Stereotypes
8. Indigenous Peoples and Legal Pluralism
9. Indigenous Peoples, Sovereignty, and Decolonization
10. Indigenous Peoples and Economic Status
11. Indigenous Peoples and Family Separation
12. Indigenous Peoples, Human Rights, and Social Movements

13. Indigenous Peoples and the Environment
14. Indigenous Peoples and Democratic Representation
15. Indigenous Peoples and Academia/Education

I am happy to provide feedback or revisions for modules. If there is a topic you wish to research that is not represented in the above list, contact the instructor.

Moot Court Simulation

Students will participate in a moot court simulation that allows students to play the roles of counsel, Chief Justice, or Associate Justice in a hypothetical case pertaining to Indian law.

Counsel roles will consist of writing a brief providing an overview of their argument on each of their sides, participation in oral argument(s), and answering questions from the Justices. Counsel should present arguments based upon constitutional issues, fact patterns, precedent, and other legal sources.

Justice roles consist of reading the submitted briefs, fielding questions during oral arguments, deliberating in a conference, and writing the opinion for the case outcome and legal rationale. Chief Justice will preside over oral arguments and conference deliberation, calculating the votes and the assignment of opinion drafting. Associate justices within the majority will work as a team to draft the majority opinion. Dissenting justices will work as a team to draft the dissenting opinion. Each justice has the opportunity to draft their own individual concurring or dissenting opinion. The Chief Justice will similarly participate in the drafting of the majority or dissenting opinion.

SPECIAL ACCOMODATIONS

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. CASS' Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.

ACADEMIC DISHONESTY

Absolutely no form of academic dishonesty will be tolerated. The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

UNIVERSITY WRITING CENTER

The University Writing Center is a useful tool each of student should take advantage of in for all written/paper assignments. While not required, your paper will be improved following a consultation with the staff. The staff sees students through appointments or walk-ins, though appointments are preferred. For more information, go to: <http://uwc.utep.edu/index.php/hours-location>. For appropriate assignments, **I offer up to 10 points extra credit** if you consult the writing center. In order to be eligible for this credit, you must show evidence of your consultation and evidence of the revisions suggested and those you made. You must also provide a reflection as to what you learned from the experience (for instance, what types of errors do you systematically make and how can you correct them). Hence, credit will only be possible with adequate evidence and thoughtful reflection of the writing and revision process.

COUNSELING AND PSYCHOLOGICAL SERVICES

The center, located at 202 Union West, offers confidential counseling services in English or in Spanish. They also provide group and individual counseling for currently enrolled UTEP students. For more information, go to: <https://www.utep.edu/student-affairs/counsel/>.

ADELANTE CHILD DEVELOPMENT CENTER

Child care is available for children of all students of the University. The Adelante Child Development Center is located at 314 W. Schuster and is managed and operated by Adelante Childcare, Inc. Children aged three months to 12 years are accepted, depending on space availability (Hourly, daily and weekly care are available and the Center offers a Summer Camp for school-age children). Age-appropriate early childhood developmental programs are offered in the curriculum. The Adelante Child Development Center is licensed by the Texas Department of Protective and Regulatory Services. Financial assistance is available for qualifying parents through Child Care Services. For more information, please call: **915-532-1114** or contact: studentaffairs.utep.edu/childcare. If, for any reason, you cannot find a care-taker for your child(ren), you are welcome to bring them to class.

GENERAL EXPECTATIONS

I expect all students to behave professionally in this class. You will be held responsible for all material covered in the textbooks, articles, videos, and the class discussions. If you miss a class, you are still responsible for the content of that day's information. I will not tolerate disruptive behavior, including (but not limited to) inappropriate computer use, reading newspapers, talking during lectures, using cell phones or pagers, and disrespecting classmates or the instructor. Additionally, I expect all students to attend class prepared and to show up on time. It is disrespectful to the instructor and the other students when individuals show up late or are not prepared to participate in the class discussion. I allow the use of laptops for class purposes only.

This class is designed to provide information and challenge students with new, and sometimes controversial, ideas and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. However, safe does not always mean comfortable. This class does not give you knowledge—i.e., knowledge and understanding are not transfused to students by simply sitting in class. Learning is an interactive process, requiring engagement with the material. Assignments are designed to assist you in learning processes, which consist of understanding material, remembering material, and being able to clearly (and correctly) communicate that material. Learning also entails developing your own insights, and applying them to better your own livelihood and authentic self.

CIVILITY AND RESPECT

Civility in the classroom and respect for the opinions of others is very important in an academic environment. It is likely you may not agree with everything which is said or discussed in the classroom, but courteous behavior and responses are expected. Our campus community reflects and is a part of a society comprising all races, genders, ethnicities, creeds, sexualities, and social circumstances. It is fundamental to our mission to create an unbiased community and to oppose vigorously any form of racism, religious intolerance, sexism, ageism, homophobia, heterosexism, and discrimination against those with disabling conditions. All identity groups (genders, sexualities, races, ethnicities, nationalities, creeds, religions, socioeconomic classes, etc.) must be treated respectfully.

COURSE SCHEDULE

The following is a list of topics to be covered at each class meeting, and the readings, which should be completed in order to fully participate in class that day. You are required to read the material prior to the class. Literature not included in the textbook but listed on syllabus are the responsibility of students to locate and read. Academic articles can often be found via the UTEP library's website under the "Articles and Database" tab, where you can search repositories like JSTOR and Sage as well as individual journal titles. **Under no circumstance should you pay to access an article.** If you need help locating a specific article, email me and I will help you.

While I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced. As a general rule, the course will follow this order of topics, regardless of date changes, unless otherwise announced. *Readings due* and *Watch* are homework assignments due prior to class that day.

Week 1

Introduction: Courts, Law, and Policy

Week 2

Colonization and Colonialism

Readings due:

- Wolfe, Patrick. 2006. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8 (4): 387-409.
- Lawrence, Bonita. 2009. "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview." *Hypatia* 18 (2): 3-31.
- Bourassa, Carrie, Melissa Blind, Devin Bietrich, and Eric Oleson. 2015. "Understanding the Intergenerational Effects of Colonization: Aboriginal Women with Neurological Conditions—Their Reality and Resilience." *International Journal of Indigenous Health* 10 (2): 3-20.
- Balestrery, Jean E. 2012. "Intersecting Discourses on Race and Sexuality: Compounded Colonization Among LGBTTTQ American Indians/Alaska Natives." *Journal of Homosexuality* 59 (5): 633-655.
- Lee, Tiffany S. 2009. "Language, Identity, and Power: Navajo and Pueblo Young Adults' Perspectives and Experiences with Competing Language Ideologies." *Journal of Language, Identity, and Education* 8 (5): 307-320.

Week 3

Treaty-Making: Indigenous People during US Settlement

Readings due:

- Dunbar-Ortiz (2015): Chapters 1-5

Week 4

Indigenous Peoples, the Constitution, and Marshall Trilogy

Readings due:

- US Constitution
- Discussion: What does the US Constitution mean for Indigenous Peoples? Has this meaning changed over time?

Week 5

Indigenous Peoples: Removal, Allotment, and US Expansion

Readings due:

- Dunbar-Ortiz (2015): Chapters 6-8

Week 6

Indigenous Peoples, Termination of Treaties, and Assimilation

Readings due:

- Dunbar-Ortiz (2015): Chapters 9-11

Week 7

Indigenous Peoples, Self-Determination, and Devolution

Readings due:

- Dunbar-Ortiz (2015): Conclusion
- Reid, Rebecca A., and Todd A. Curry. 2019. "Conflicts in Indigenous Law: The Impact of Courts and Federalism in the United States and Common Law Nations." In *Research Handbook on Law and Courts*. Susan Sterett and Lee Walker (eds). Edward Elgar: 351- 364.
- Foxworth, Raymond, and Carew Boulding. 2021. "Discrimination and Resentment: Examining American Attitudes about Native Americans." *The Journal of Race, Ethnicity and Politics*: 1-28.
- Huyser, Kimberly R., Gabriel R. Sanchez, and Edward D. Vargas. 2017. "Civic Engagement and Political Participation Among American Indians and Alaska Natives in the US." *Politics, Groups, and Identities* 5 (4): 642-659.

Week 8

Indigenous Peoples in Contemporary America

- Trust Responsibilities
- Indian Treaties
- Federal Power over Indian Affairs
- Tribal Self-Government

Readings due:

- Pevar (2012): Chapters 1-6
- Davis, Seth. 2018. "The Constitution of Our Tribal Republic." *UCLA Law Review*, 65 (6): 1460-1481.

Week 9

Indigenous Peoples in Contemporary America

- State Power over Indian Affairs
- Criminal Jurisdiction in Indian Country
- Civil Jurisdiction in Indian Country
- Taxation
- Hunting and Fishing Rights

Readings due:

- Pevar (2012): Chapters 7-11
- Orr, Raymond, and Yancey Orr. 2021. "Victory for All, Administration for Some: An Examination of Differences in the Impact of Indigenous Jurisdictional Expansion in Oklahoma." *Policy Design and Practice* 4 (3): 426-440.
- Evans, Laura. 2011. "Expertise and Scale of Conflict: Governments as Advocates of American Indian Politics." *American Political Science Review* 105 (4): 663-682.

Week 10

Indigenous Peoples in Contemporary America

- Water Rights
- Civil Rights
- Unique Status
- Gaming

Readings due:

- Pevar (2012): Chapters 12- 16
- Jacques, Peter, Sharon Ridgeway, and Richard Witmer. 2003. "Federal Indian Law and Environmental Policy: A Social Continuity of Violence." *Journal of Environmental Law and Litigation* 18 (2): 223- 250.

Week 11

Indigenous Peoples in Contemporary America

- Indian Child Welfare Act
- Judicial Review
- Impact of Law and Courts

Readings due:

- Pevar (2012): Chapters 17-18
- Reid, Rebecca A., and Todd A. Curry. 2021. "Explaining Indigenous Peoples' Success in State Supreme Courts: Party Capability, Judicial Selection, and Representation." *Journal of Law and Courts* 9 (1): 69- 87.
- Crepelle, Adam. 2021. "Lies, Damn Lies, and Federal Indian Law: The Ethics of Citing Racist Precedent in Contemporary Federal Indian Law" 44 *N.Y.U. REV. L. & Soc. Change*: 529- 579.

Week 12

Moot Court Simulation

Week 13

Teaching Module Presentations

Week 14

Teaching Module Presentations

Week 15

Decolonization and Indigenous Rights

- Tuck, Eve, and K. Wayne Yang. 2012. "Decolonization is Not a Metaphor." *Decolonization: Indigeneity, Education & Society* 1 (1): 1- 40.
- Sium, Aman, Chandni Desai, and Eric Ritskes. 2012. "Towards the 'Tangible Unknown': Decolonization and the Indigenous Future." *Decolonization: Indigeneity, Education & Society* 1 (1): 1-XIII.