

**SOUTH DAKOTA BOARD OF REGENTS**

**Academic and Student Affairs**  
**Consent**

**AGENDA ITEM: 6 – D (3)**  
**DATE: August 2-4, 2022**

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**SUBJECT**

**New Graduate Certificate Request – USD – Indian Law**

**CONTROLLING STATUTE, RULE, OR POLICY**

[BOR Policy 2:23](#) – Program and Curriculum Approval

**BACKGROUND / DISCUSSION**

The University of South Dakota (USD) requests authorization to offer a graduate certificate in Indian Law within the Knudson School of Law. The proposed program will focus on federal laws that pertain to tribes, as well as the framework of how state may or may not interact with tribes under federal law. Additionally, those law students earning the certificate will have a strong understanding of various tribal approaches to enacting laws regarding various topics. Students could go on to work for tribes, law firms that serve tribes, or in related areas. The certificate could also attract Native students, who often evaluate law schools based on their Indian Law programs.

**IMPACT AND RECOMMENDATION**

USD plans to offer the certificate in Indian Law on campus. USD does not request new state resources. No new courses will be required.

Board office staff recommends approval.

**ATTACHMENTS**

Attachment I – New Certificate Request Form: USD – Indian Law

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**DRAFT MOTION 20220802\_6-D(3):**

I move to authorize USD to offer a graduate certificate in Indian Law, as presented.



## SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

### New Certificate

<b>UNIVERSITY:</b>	<b>USD</b>
<b>TITLE OF PROPOSED CERTIFICATE:</b>	<b>Indian Law Certificate</b>
<b>INTENDED DATE OF IMPLEMENTATION:</b>	<b>Fall 2022</b>
<b>PROPOSED CIP CODE:</b>	<b>22.0101</b>
<b>UNIVERSITY DEPARTMENT:</b>	<b>Knudson School of Law</b>
<b>BANNER DEPARTMENT CODE:</b>	<b>ULAW</b>
<b>UNIVERSITY DIVISION:</b>	<b>Knudson School of Law</b>
<b>BANNER DIVISION CODE:</b>	<b>2L</b>

<b>X</b>	<p><b><u>Please check this box to confirm that (place an “X” in the left box):</u></b></p> <ul style="list-style-type: none"> <li>The individual preparing this request has read <a href="#">AAC Guideline 2.7</a>, which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines.</li> <li>This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.</li> </ul>
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#### University Approval

*To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.*

<i>Elizabeth M. Freeburg</i>	4/11/2022
Institutional Approval Signature	Date
<i>President or Chief Academic Officer of the University</i>	

Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

**1. Is this a graduate-level certificate or undergraduate-level certificate? (place an “X” before the graduate type)**

Undergraduate Certificate	X	Graduate Certificate
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**2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.**

The proposal is for USD Knudson School of Law to start an Indian Law Certificate for law students at the Knudson School of Law. This program would give graduates a tangible credential that would assist them in getting jobs working in-house for tribes, for firms that serve tribes, and in related areas. The certificate would also aid us in attracting prospective students, especially Native students, who are often evaluating different schools based on their Indian Law Programs.

**3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.**

The certificate program would accord with the codified goals of USD (which are specifically described in the context of the Native American Cultural Center) in that it would “provide persons of Indian descent with educational opportunities both on and off the campus of the University of South Dakota and . . . provide to all persons the opportunity to research and study the history” as well as the laws relating to and “of the Indians of North America and South Dakota.” S.D. Codified Laws 13-57-3.2.

It also furthers Goal 1 of Strategic Theme 5 (Serving South Dakota) by leveraging USD expertise to address key statewide issues. Moreover, it accords with Goal 2 of Strategic Theme Five in that the Indian Law Certificate will provide a credential that will be of particular interest to stakeholder groups like Native American students, as well as Tribal Nations considering whether to employ USD law graduates.

**4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential.**

As stated above, the program would give graduates a tangible credential that would assist them in getting jobs working in-house for tribes, for firms that serve tribes, and in related areas. The certificate would also aid us in attracting prospective students, who are often evaluating different schools based on their Indian Law Programs. Several nearby law schools have such a certificate, including Montana, Mitchell-Hamline, University of Colorado, and University of North Dakota.

**5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?**

USD law students and prospective law students.

**6. Certificate Design**

**A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor’s or master’s degree)? If so, what areas of high workforce demand or specialized body of knowledge will be addressed through this certificate?**

No.

**B. Is the certificate a value-added credential that supplements a student’s major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.**

Yes, it is a value-added credential for law students at USD Knudson School of Law.

**C. Is the certificate a stackable credential with credits that apply to a higher-level credential (i.e., associate, bachelor’s, or master’s degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.**

No.

**7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form).**

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
LAW	883	Indian Law	N/A	3	No
LAW	804	Tribal Courts & Tribal Law	N/A	2	No
LAW	849	Indian Gaming & Economic Development <sup>1</sup>	N/A	2	No
LAW	803	Trusts & Wills	N/A	4	No
LAW	895	Practicum: Tribal Wills (I or II)	LAW 803 (4 crs)	1	No
Subtotal				12	

<sup>1</sup> If a student has difficulty fitting Indian Gaming & Economic Development into their schedule or it is not offered, the student could seek permission to substitute Federal Jurisdiction (LAW 808) or Administrative Law (LAW 805), although the preference would be for them to take Indian Gaming & Economic Development if at all possible.

**8. Student Outcome and Demonstration of Individual Achievement.**

*Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.*

**A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation?**

Students who complete the Certificate Program will be fluent in Federal Indian Law (in other words, with federal laws that pertain to tribes and with the framework of how states may and may not interact with tribes under federal law), and they will also have a strong understanding of various tribal approaches to enacting laws in different subject areas. Finally, they will have particularized knowledge as to the needs of individual Native clients in the will drafting context and of the types of wills that are available to meet these needs. They will also have particularized knowledge relating to the federal law framework governing tribal casinos and other gaming enterprises.

**B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row. *Label each column heading with a course prefix and number. Indicate required courses with an asterisk (\*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.***

Individual Student Outcome	Program Courses that Address the Outcomes				
	LAW 883*	LAW 804*	LAW 849*	LAW 803*	LAW 895*
Fluency in Federal Indian Law (in other words, with federal laws that pertain to tribes and with the framework of how states may and may not interact with tribes under federal law)	X		X		
Strong understanding of various tribal approaches to enacting laws in different subject areas		X			X
Particularized knowledge relating to the federal law framework governing tribal casinos and other gaming enterprises	X		X		
Particularized knowledge as to the needs of individual Native clients in the will drafting context and of the types of wills that are available to meet these needs.				X	X

**9. Delivery Location.**

*Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.*

**A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community College for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	Intended Start Date
<b>On campus</b>	Yes	Fall 2022

	Yes/No	If Yes, list location(s)	Intended Start Date
<b>Off campus</b>	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in <a href="#">AAC Guideline 5.5.</a></i>	Intended Start Date
<b>Distance Delivery (online/other distance delivery methods)</b>	No		
<b>Does another BOR institution already have authorization to offer the program online?</b>	No	<b>If yes, identify institutions:</b>	

**B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.**

	Yes/No	If Yes, identify delivery methods	Intended Start Date
<b>Distance Delivery (online/other distance delivery methods)</b>	No		

**10. Additional Information:**

Several nearby law schools have Indian Law Certificate programs, including University of North Dakota, Mitchell-Hamline, Colorado, and Montana.