

Title 2. Employment – Chapter 215
COMPUTER RESOURCES ORDINANCE

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215.1 Purpose and Policy.

215.1-1. *Purpose.* The purpose of this policy is to regulate the usage of Tribally owned and operated computer resources.

215.1-2. *Policy.* It is the policy of the Tribe to provide its community and employees access to the tools necessary to participate in a technological society. Allowing limited personal use of these tools helps enhance the quality of the workplace and helps the Tribe to retain highly qualified and skilled workers and officials, as well as to develop the technological skills of the community. Pursuant to this law, users are permitted limited use of Tribal computer resources for personal needs if the use does not interfere with the authorized duties of the user or official business of the Tribe.

- (a) This law does not create a right to use Tribal computer resources for personal use.
- (b) This law in no way limits use of computer resources to fulfill authorized duties.

215.2 Adoption, Amendment, Repeal.

215.2-1. This law was adopted by BC Resolution # 9-29-04-B and effective immediately upon passage of that resolution.

215.2-2. This law may be amended by the Oneida Business Committee in accordance with Oneida legislative and administrative procedures.

215.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

215.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this law. Specifically, the following resolution is repealed by this law: BC-3-3-99-A (Adoption of Computer Resources Acceptable Use Policy).

215.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

215.3 Definitions.

215.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Computer Resources" means Tribally owned personal computers, networks, and software, including Internet connectivity and access to internet services and electronic-mail (e-mail). Limitations and monitoring of computer resources may also include, peripheral equipment, such as personal digital assistants (PDAs), telephones, facsimile machines, and photocopiers, only to the extent that the peripheral equipment is used in conjunction with Tribal personal computers and software.

- (b) "Employee" means an individual employed by the Oneida Tribe of Indians of Wisconsin.
- (c) "MIS" means the Oneida Management Information Systems Department.
- (d) "Personal Use" means computer resource use that is conducted for purposes other than accomplishing an authorized activity or official business of the Tribe.
- (e) "Tribe" means the Oneida Tribe of Indians of Wisconsin.
- (f) "User" means all those who use the Tribal computer resources, including but not limited to employees, independent contractor personnel, interns, members of boards, committees or commissions, volunteers, guests and visitors.

215.4 Acceptable Use.

215.4-1. Users may utilize computer resources for authorized activities.

215.4-2. Users may engage in personal use of computer resources when such use does not interfere with the mission or operations of the entity in control of the resources and does not violate applicable personnel policies and procedures.

215.4-3. Employees may engage in limited personal use of computer resources if the usage does not violate section 215.5-1 or standards enacted pursuant to section 215.7-1.

215.5 Inappropriate Personal Use.

215.5-1. Users are expected to conduct themselves professionally and to refrain from using Tribal computer resources for activities that are inappropriate. Misuse or inappropriate personal use of Tribal computer resources includes:

- (a) Any personal use that could cause congestion, delay, or disruption of service to the network. For example, downloading video, sound or other large file attachments that can degrade performance of the entire network.
- (b) The creation, copying, transmission, or retransmission of chain letters or unauthorized mass mailings regardless of the subject matter. An unauthorized mass mailing is a mailing sent to fifty (50) or more addresses without the permission of the employee's supervisor.
- (c) Using Tribal computer resources for activities that are illegal.
- (d) Using Tribal computer resources for activities that are offensive to fellow users. Such activities include: hate speech, or material that ridicules another on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation.
- (e) The creation, download, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials.
- (f) Posting unauthorized information to external newsgroups, bulletin boards or other public forums.
- (g) The unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data, that includes, copyrighted, trade marked or material with other intellectual property rights (beyond fair use), proprietary data.
- (h) Unauthorized use of another user's password or account.
- (i) Excessive personal use of the internet pursuant to section 215.7-1 (a).
- (j) Maintenance of a private business without proper authorization.
- (k) Transmission of computer viruses or other malicious code.

215.6 Privacy.

215.6-1. All activities on computer resources may be monitored, intercepted, recorded, read, copied, or captured by MIS to ensure user compliance with this ordinance. Use of computer resources, authorized or unauthorized, constitutes consent to this monitoring, interception, recording, reading, copying or capturing.

215.6-2. This policy in no way creates a right to privacy in computer resource usage. Users should not expect privacy in their usage, including accessing personal e-mail, brokerage, credit card and bank accounts through the internet.

215.7 Limitations on Use.

215.7-1. The privilege to use Tribal computer resources for personal use may be revoked or limited. If the user is subject to the Tribe's personnel policies and procedures, the supervisor may revoke or limit the privileges of that user.

(a) Supervisors are hereby authorized to develop standard operating procedures defining excessive use for users subject to the Tribe's personnel policies and procedures and who are under the supervisor's authority. These procedures may also establish the appropriate times to use computer resources for personal use. Supervisors must provide adequate notice of the terms of those procedures to all individuals covered by such procedures.

(b) Tribal entities, agencies or departments that provide computer resources to community members or to the public may adopt usage policies not inconsistent with this ordinance.

215.8 Computer Resources Acknowledgment Form.

215.8-1. Users shall receive a copy of the Computer Resources Ordinance and Computer Resources Acknowledgment form. All users shall sign the Acknowledgment Form in order to gain or continue access to computer resources.

215.9 Violations.

215.9-1. Violations of the law may result in limitation on use of or a loss of access to the computer resources.

215.9-2. The Oneida Tribe reserves the right to advise law enforcement officials of suspected crime found within a user's computer resources and provide them such resources as evidence.

215.9-3. Employee violations of this law are subject to the Oneida Tribe's progressive disciplinary policies contained in the Tribe's personnel policies and procedures, up to and including termination.

End.

Adopted - BC # 3-24-04-A (*Emergency Adoption*)

Adopted - BC # 9-29-04-B (*Permanent Adoption*)