



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

# **Oneida Tribe of Indians of Wisconsin**

## **BUSINESS COMMITTEE**



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

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### **BC Resolution # 7-28-04-A**

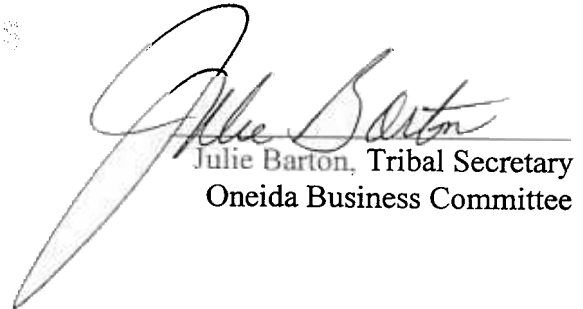
#### **Computer Resources Ordinance Implementation Plan**

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin; and
- WHEREAS,** the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Computer Resources Ordinance was adopted by the Oneida Business Committee by passage of BC Resolution # 3-24-04-A ; and
- WHEREAS,** the Computer Resources Ordinance provides clear notice regarding the potential for monitoring Internet and other computer activity; and
- WHEREAS,** monitoring is necessary in order to ensure that computer resources are not being used inappropriately or illegally; and
- WHEREAS,** recent statistics compiled by MIS indicate that of the 1,002 users who access the internet through the Tribe's computer resources, 5.51% of the sites visited related to inappropriate and/or illegal subjects; and
- WHEREAS,** the Computer Resource Ordinance requires all users to sign an Acknowledgment Form in order to gain or continue access to computer resources; and
- WHEREAS,** BC Resolution # 3-24-04-A directed that Management Information Systems (MIS) and the Human Resources Department (HRD) to work in conjunction with the Oneida Law Office to develop an implementation plan for Oneida Business Committee approval.

**NOW THEREFORE BE IT RESOLVED**, that the attached *Computer Resources Ordinance Implementation Plan* is hereby adopted.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 7 members were present at a meeting duly called, noticed and held on the 28<sup>th</sup> day of July, 2004; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said resolution has not be rescinded or amended in any way,



Julie Barton, Tribal Secretary  
Oneida Business Committee

## **Statement of Effect**

### *Computer Resources Ordinance Implementation Plan*

#### **Summary**

This resolution adopts the Computer Resources Ordinance Implementation Plan.

#### **Analysis**

In order for the Tribe to monitor computer use, users must have adequate notice of the parameters of the monitoring. Monitoring is necessary in order to ensure that computer resources are not being used inappropriately or illegally. Insufficient notice of monitoring could result in constitutional claims or state invasion of privacy claims against the Tribe.

The Computer Resources Ordinance was adopted on an emergency basis by the Oneida Business Committee through passage of **BC Resolution # 3-24-04-A**. The ordinance provides sufficient notice to users of Tribal computer resources by providing clear language that their activity can be monitored and by requiring the user to sign an Acknowledgment Form. The ordinance was drafted in conjunction with MIS, the Oneida Law Office and the Legislative Reference Office (LRO).

This Implementation Plan was developed pursuant to **BC Resolution # 3-24-04-A**, which provided "that Management Information Systems (MIS) and the Human Resources Department (HRD) are directed to work in conjunction with the Oneida Law Office to develop an implementation plan for the Computer Resources Ordinance which shall be presented to the Oneida Business Committee for approval..."

The implementation plan includes a roll-out plan for the Acknowledgment Form to be signed by users, which is necessary in order to gain or maintain access to the computer resources.

#### **Conclusion**

There are no legal bars to adopting the Resolution.

LOC/sdw  
7/21/04

## Computer Resources Ordinance Implementation Plan

This Implementation Plan was developed pursuant to **BC Resolution # 3-24-04-A *Emergency Adoption of Computer Resources Ordinance***, which provided “that Management Information Systems (MIS) and the Human Resources Department (HRD) are directed to work in conjunction with the Oneida Law Office to develop an implementation plan for the Computer Resources Ordinance which shall be presented to the Oneida Business Committee for approval...”

The purpose of this implementation plan is to provide a comprehensive method to provide notice to all Oneida Tribe computer resource users of the Oneida Computer Resources Ordinance. Additionally, the plan will provide processes for enforcement of the Computer Resources Ordinance.

The Ordinance applies to all “users” of Oneida tribal “computer resources.” “User” is defined as “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.” “Computer Resources” are defined as “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.”

### I. Notice to Users.

#### A. Current Employees.

1. Directors/managers/supervisors are responsible for providing notice to their current employees that the employees are subject to the Ordinance.
2. HRD shall provide Computer Ordinance training for directors/managers/supervisors. This training shall commence no later than **60 calender days** after the adoption of the Implementation Plan.
3. Directors/managers/supervisors shall be responsible for distributing the Ordinance and collecting the signed Computer Resources Ordinance Acknowledgment Form, and returning to HRD , **within 30 calender days** of receiving the materials from HRD.
4. HRD shall file the Acknowledgment Forms in the employee’s records. HRD shall maintain a list of employees who do not have a signed Acknowledgment Form on file. HRD shall notify directors/managers/supervisors that the employee’s file is incomplete.
5. Directors/managers/supervisors may be subject to discipline for failure to notify employees of the Ordinance by distributing the Ordinance and collecting and returning the signed Acknowledgment forms.
6. Directors/managers/supervisors may be subject to a withholding of merits,

- incentives, and bonuses until they have met their responsibilities under this Plan.
7. Directors/managers/supervisors may request MIS suspend the computer use privileges of those employees who refuse to sign the Acknowledgment Form. Those employees may also be subject to discipline in accordance with the Bluebook.
- B. New Employees.
1. HRD shall be responsible for distributing the Ordinance and collecting signed Acknowledgment Forms at new employee orientation. HRD shall incorporate the Ordinance and its requirements into the training program.
  2. HRD shall develop a document for directors/managers/supervisors to inform them of their supervisory duties under this Plan and the Ordinance.
  3. New employees who do not sign the Acknowledgment Form will not be issued a computer account until they do sign. Employees who refuse to sign the Acknowledgment Form may be subject to discipline in accordance with the Bluebook.
- C. Other Users.
1. Other users include career center users, independent contractors, interns, volunteers, guests, boards, committees and commissions, their members, and their staff and other users of Tribal computer resources that are not employees of the Tribe.
  2. All users in this category must have either a temporary or guest account issued by MIS.
  3. MIS shall distribute the Ordinance and obtain a signed Acknowledgment form prior to assigning a computer account to a new user, .
  4. MIS shall maintain records for each temporary or guest account user, and shall include the acknowledgment form in those records.
  5. MIS employees may be subject to discipline for issuing accounts to users who do not have a signed Acknowledgment Form on record
- II. Process for Requests for Release of Employee Computer Information.
- A. Directors/managers/supervisors may request the release of information upon suspicion of a violation of the Ordinance or non-compliance with an applicable Tribal law or policy.
1. MIS shall develop a form request consistent with the Ordinance. The form request will include a place for the directors/managers/supervisors to describe his or her reason for requesting the information.
  2. MIS shall perform a preliminary review of the request. MIS should determine whether the request is in proper form and consistent with the Ordinance, and may review the request with the directors/managers/supervisors to determine if there are other options to address the situation.
  3. If MIS determines the request is proper, it shall forward such request to the Oneida Law Office.

4. The Oneida Law Office shall perform a legal review to determine if a release of the requested information is consistent with the Ordinance, as well as tribal, state and federal law. The Oneida Law Office will issue a recommendation to MIS.
  5. MIS shall make the final determination whether or not to release the requested information, provided that it would not constitute a violation of any law. If the request is granted, MIS shall release the appropriate information. MIS shall treat its communications with Directors/managers/supervisors as confidential.
  6. All releases of computer resources information must be consistent with the Ordinance, as well as tribal, state and federal law.
- B. Directors/managers/supervisors SOPs.
1. Directors/managers/supervisors are authorized under the Ordinance to develop departmental standard operating procedures governing times when it is appropriate for employees to use computer resources for personal use.
  2. All SOPs developed pursuant to this Plan should be kept on file with HRD.

### III. Monitoring.

- A. All MIS programs and processes for monitoring computer use should be consistent with the Ordinance, as well as other applicable tribal, state and federal law.
- B. MIS may submit its monitoring plan to the Oneida Law Office for review and recommendations.

### IV. Future modifications to Plan.

Reasonable modifications to this Plan may be made by MIS and HRD in consultation with the Oneida Law Office and the Legislative Reference Office. The Oneida Business Committee shall be provided appropriate notice of any such modifications prior to the modifications becoming effective.