

ONEIDA NATION PUBLIC MEETING NOTICE

WEDNESDAY, AUGUST 21 2024, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public-meetings](https://oneida-nsn.gov/government/register/public-meetings)



Send Public Comments to

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Ask Questions here

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920-869-4417

COMPUTER RESOURCES ORDINANCE AMENDMENTS

The purpose of the Computer Resources Ordinance is to regulate the usage of technology resources and processed data owned and operated by the Nation .

The Computer Resources Ordinance amendments will:

- ◆ Revise the title and references throughout the Law from “computer resources” to “technology resources.”
- ◆ Clarify that users are expected to conduct themselves professionally and to refrain from using technology resources of the Nation for activities that are inappropriate no matter in what location the user utilizes the technology resources of the Nation.
- ◆ Clarify that it shall not be deemed an inappropriate use for a user to share information or evidence regarding the inappropriate use of another user if reporting the inappropriate use in accordance with the proper reporting structure.
- ◆ Clarify that any standard operating procedure defining excessive use of technology resources for any user that is an employee of the Nation is required to be developed in accordance with all other laws and rules of the Nation.
- ◆ Include a new provision in which DTS is delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation.

Individuals may attend the public meeting for the proposed Computer Resources Ordinance amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES WEDNESDAY, AUGUST 28, 2024

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary’s Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Computer Resources Ordinance amendments please review the public meeting packet at oneida-nsn.gov/government/register/public-meetings.



COMPUTER RESOURCES ORDINANCE AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Revise the title and references throughout the Law from “computer resources” to “technology resources.” ▪ Clarify that users are expected to conduct themselves professionally and to refrain from using technology resources of the Nation for activities that are inappropriate no matter in what location the user utilizes the technology resources of the Nation. [2 O.C. 215.5-1]. ▪ Clarify that it shall not be deemed an inappropriate use for a user to share information or evidence regarding the inappropriate use of another user if reporting the inappropriate use in accordance with the proper reporting structure. [2 O.C. 215.5-2]. ▪ Clarify that any standard operating procedure defining excessive use of technology resources for any user that is an employee of the Nation is required to be developed in accordance with all other laws and rules of the Nation. [2 O.C. 215.7-1(a)]. ▪ Include a new provision in which DTS is delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.9-1].
Purpose	The purpose of this law is to regulate the usage of technology resources and processed data owned and operated by the Nation. [2 O.C. 215.1-1].
Affected Entities	DTS, employees, independent contractor personnel, interns, members of boards, committees or commissions, volunteers, guests, and visitors
Public Meeting	A public meeting has been scheduled for August 21, 2024.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A. *Background.*** The Computer Resources Ordinance was originally adopted by the Oneida Business
- 3 Committee in 2004 through resolution BC-09-29-04-B. The purpose of the Computer Resources
- 4 Ordinance is to regulate the usage of technology resources and processed data owned and operated by
- 5 the Nation. [2 O.C. 215.1-1]. It is the policy of the Nation to provide its community and employees
- 6 access to the tools necessary to participate in a technological society. [2 O.C. 210.1-2].
- 7 **B. *Request for Amendments.*** On the April 30, 2024, the Legislative Operating Committee received a
- 8 request from Shane Hill, Manager of Digital Security with the Digital Technology Services (DTS), to
- 9 consider amendments to this law to include a delegation of rulemaking authority to DTS so DTS has
- 10 the ability to promulgate rules to support and enforce the Computer Resources Ordinance. The
- 11 Legislative Operating Committee added the Computer Resources Ordinance amendments to its Active
- 12 Files List on May 15, 2024.
- 13

14 **SECTION 3. CONSULTATION AND OUTREACH**

- 15 A. Representatives from the following departments or entities participated in the development of the
16 amendments to the Computer Resources Ordinance and this legislative analysis:
17 ▪ DTS.
18 B. The following laws were reviewed in the drafting of this analysis:
19 ▪ Administrative Rulemaking law; and
20 ▪ Oneida Personnel Policies and Procedures.
21

22 **SECTION 4. PROCESS**

- 23 A. The development of the proposed amendments to the Computer Resources Ordinance complies with
24 the process set forth in the Legislative Procedures Act (LPA).
25 ▪ On May 15, 2024, the Legislative Operating Committee added the Computer Resources Ordinance
26 to its Active Files List.
27 ▪ On June 5, 2024, the Legislative Operating Committee approved the draft of the proposed
28 amendments to the Computer Resources Ordinance and directed that a legislative analysis be
29 developed.
30 ▪ On June 19, 2024, the Legislative Operating Committee approved the legislative analysis of the
31 proposed amendments to the Computer Resources Ordinance.
32 B. At the time this legislative analysis was developed the following work meetings had been held
33 regarding the development of the amendments to the Computer Resources Ordinance:
34 ▪ May 31, 2024: LOC work session with DTS.
35

36 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 37 A. *Computer to Technology Resources.* The proposed amendments to the Law change the title and
38 references throughout the Law from “computer resources” to “technology resources.” Technology
39 resources is defined as any tools, systems, and applications that use technology to fulfill their purposes.
40 [2 O.C. 215.3-1(e)]. The Law provides that technology resources may include, but are not limited to,
41 computers, tablets, telephones, facsimile machines, photocopiers, networks, virtual applications, and
42 software, such as internet connectivity and access to internet services and electronic mail. *Id.*
43 ▪ *Effect.* The revised title and references throughout the Law are more inclusive of the fact that the
44 Nation uses many different forms of technology beyond just computers, and the amendments
45 demonstrate that the Law should apply to all technology used within the Nation, not just computers.
46 B. *Location of Inappropriate Personal Use.* Currently, the Law provides that users are expected to
47 conduct themselves professionally and to refrain from using technology resources of the Nation for
48 activities that are inappropriate. [2 O.C. 215.5-1]. The proposed amendments to the Law add in
49 clarification that users are expected to conduct themselves professionally and to refrain from using
50 technology resources of the Nation for activities that are inappropriate no matter in what location the
51 user utilizes the technology resources of the Nation. *Id.*
52 ▪ *Effect.* The proposed amendments to the Law recognize that the same expectations apply even
53 though some users of the Nation may be using technology resources of the Nation from a variety
54 of locations, especially with the ability for some employees of the Nation to telecommute.
55 C. *Reporting Inappropriate Use.* The proposed amendments to the Law add in a new section that clarifies
56 that it shall not be deemed an inappropriate use for a user to share information or evidence regarding

57 the inappropriate use of another user if reporting the inappropriate use in accordance with the proper
58 reporting structure. [2 O.C. 215.5-2].

- 59 ▪ *Effect.* The Legislative Operating Committee intended that this new provision to the Law make it
60 very clear that a user who may forward on or share information or evidence regarding the
61 inappropriate use of another use will not be found to be engaging in an inappropriate use if using
62 the information or evidence to report the inappropriate use of another use in accordance with the
63 proper reporting structure.

64 **D. *Development of Standard Operating Procedures.*** Currently the Law provides that supervisors are
65 authorized to develop standard operating procedures defining excessive use for users subject to the
66 Nation’s personnel policies and procedures and who are under the supervisor’s authority. [2 O.C. 215.7-
67 1(a)]. The proposed amendments to the Law add further clarification into the Law by providing that
68 supervisors are authorized to develop standard operating procedures defining excessive use of
69 technology resources for any user that is an employee of the Nation and subject to the supervisor’s
70 authority, in addition to the fact that any standard operating procedure is required to be developed in
71 accordance with all other laws and rules of the Nation. *Id.*

- 72 ▪ *Effect.* The proposed amendment to the Law clarifies that any standard operating procedure
73 developed by a supervisor needs to be developed in accordance with all other laws and rules of the
74 Nation. It is important that there is consistency throughout the laws, rules, and standard operating
75 procedures of the Nation and that no conflicts exist between the various levels of regulations.

76 **E. *Delegation of Administrative Rulemaking Authority.*** The proposed amendments to the Law add in a
77 new provision in which DTS is delegated rulemaking authority in accordance with the Administrative
78 Rulemaking law to promulgate rules to govern technology resources of the Nation. [2 O.C. 215.9-1].

- 79 ▪ *Effect.* The Administrative Rulemaking law provides that only authorized agencies may
80 promulgate rules once they are granted rulemaking authority by a law of the Nation. [1 O.C. 106.4-
81 1]. This new provision of the Law delegates DTS rulemaking authority in accordance with the
82 Administrative Rulemaking law. This delegation of rulemaking authority will allow DTS to
83 develop rules to best govern the technology resources of the Nation.

84 85 **SECTION 6. EXISTING LEGISLATION**

86 **A. *References to the Other Laws of the Nation.*** The following laws of the Nation are referenced in the
87 Computer Resources Ordinance.

- 88 ▪ *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and
89 Procedures is to provide for the Nation’s employee related policies and procedures including
90 recruitment, selection, compensation and benefits, employee relations, safety and health, program
91 and enterprise rules and regulations, and record keeping.

- 92 ▪ This Law provides that employee violations of this law are subject to discipline in
93 accordance with the Nation’s laws governing employment. [2 O.C. 215.10-3].

- 94 ▪ Any disciplinary action against an employee for a violation of the Computer Resources
95 Ordinance is required to be conducted in accordance with the Oneida Personnel Policies
96 and Procedures.

- 97 ▪ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,
98 effective, and democratic process for enacting and revising administrative rules, to ensure that
99 authorized agencies act in a responsible and consistent manner when enacting and revising
100 administrative rules. [1 O.C. 106.1-2].

- 101 ▪ This Law delegates rulemaking authority to DTS to promulgate rules to govern technology
102 resources of the Nation. [2 O.C. 215.9-1].
- 103 ▪ Any rules promulgated by DTS are required to be developed in accordance with the process
104 and procedures of the Administrative Rulemaking law.

105 **B. *Other Laws that Reference the Computer Resources Ordinance.*** The following laws of the Nation
106 reference the Computer Resources Ordinance. The proposed amendments to the Law do not conflict
107 with any of the referenced laws.

- 108 ▪ *Social Media Policy.* The Social Media Policy regulates social media accounts, including a social
109 networking web page, blog or microblog, that is administered on behalf of the Tribe or a Tribal
110 entity. [2 O.C. 218.1-1].
 - 111 ▪ The Social Media Policy is not intended to provide a right for employees to use the internet
112 or social media while at work for personal use. [2 O.C. 218.1-3]. Supervisors retain
113 discretion to permit or prohibit the personal use of computers in accordance with the
114 Computer Resources Ordinance. *Id.*
- 115 ▪ *Boards, Committees, and Commissions Law.* The Boards, Committees, and Commissions law
116 governs boards, committees, and commissions of the Nation, including the procedures regarding
117 the appointment and election of persons to boards, committees and commissions, creation of
118 bylaws, maintenance of official records, compensation, and other items related to boards,
119 committees and commissions [1 O.C. 105.1-1].
 - 120 ▪ The Boards, Committees, and Commissions law provides that a member of an entity shall
121 sign an acknowledgment form provided by the Nation’s Secretary indicating notice of the
122 Nation’s applicable computer and media related laws, policies and rules. [1 O.C. 105.14-
123 3(d)].

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125 **SECTION 7. OTHER CONSIDERATIONS**

126 **A. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
127 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
128 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
129 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
130 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
131 completing the fiscal impact statement.

- 132 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact
133 statement be completed.

134

Title 2. Employment – Chapter 215
TECHNOLOGY RESOURCES

215.1	Purpose and Policy	215.6	Privacy
215.2	Adoption, Amendment, Repeal	215.7	Limitations on Use
215.3	Definitions	215.8	Technology Resources Acknowledgment Form
215.4	Acceptable Use	215.9	Administrative Rulemaking Authority
215.5	Inappropriate Personal Use	215.10	Violations

215.1 Purpose and Policy.

215.1-1. *Purpose.* The purpose of this law is to regulate the usage of technology resources and processed data owned and operated by the Nation.

215.1-2. *Policy.* It is the policy of the Nation 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 Nation 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 technology resources of the Nation for personal needs if the use does not interfere with the authorized duties of the user or official business of the Nation.

(a) This law does not create a right to use technology resources of the Nation for personal use.

(b) This law in no way limits use of technology resources to fulfill authorized duties.

215.2 Adoption, Amendment, Repeal.

215.2-1. This law was adopted by the Oneida Business Committee by resolution BC-0 9-29-04-B and amended by resolution BC-__-__-__-__.

215.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

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. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

215.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

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) “Employee” means any individual who is employed by the Nation but does not include elected or appointed officials or individuals employed by a corporation chartered by the Nation.

(b) “DTS” means the Digital Technology Services.

(c) “Nation” means the Oneida Nation.

(d) “Personal use” means any technology resource use that is conducted for purposes other than accomplishing an authorized activity or official business of the Nation.

(e) “Technology Resources” means any tools, systems, and applications that use technology to fulfill their purposes. Technology resources may include, but are not limited to, computers,

39 tablets, telephones, facsimile machines, photocopiers, networks, virtual applications, and
40 software, such as internet connectivity and access to internet services and electronic mail.
41 (f) “User” means any individual who uses the technology resources of the Nation, including but
42 not limited to employees, independent contractor personnel, interns, members of boards,
43 committees or commissions, volunteers, guests, and visitors.
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45 **215.4 Acceptable Use.**

46 215.4-1. Users may utilize technology resources for authorized activities.

47 215.4-2. Users may engage in personal use of technology resources when such use does not
48 interfere with the mission or operations of the entity in control of the resources and does not violate
49 applicable laws, rules, or standard operating procedures of the Nation.

50 215.4-3. Employees may engage in limited personal use of technology resources if the usage does
51 not violate section 215.5-1 of the law or standards enacted pursuant to section 215.7-1 of the law.
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53 **215.5 Inappropriate Personal Use.**

54 215.5-1. Users are expected to conduct themselves professionally and to refrain from using
55 technology resources of the Nation for activities that are inappropriate no matter in what location the
56 user utilizes the technology resources of the Nation. Misuse or inappropriate personal use of
57 technology resources of the Nation includes:

58 (a) Any personal use that could cause congestion, delay, or disruption of service to the
59 network. This may include, but is not limited to, downloading video, sound or other large file
60 attachments that can degrade performance of the entire network.

61 (b) The creation, copying, transmission, or retransmission of chain letters or unauthorized
62 mass mailings regardless of the subject matter. An unauthorized mass mailing is a mailing
63 sent to fifty (50) or more addresses without the permission of the employee’s supervisor.

64 (c) Using technology resources of the Nation for activities that are illegal.

65 (d) Using technology resources of the Nation for activities that are offensive to fellow users.
66 Such activities include, but are not limited to, hate speech, or material that ridicules another
67 individual on the basis of race, creed, religion, color, sex, disability, national origin, or
68 sexual orientation.

69 (e) The creation, download, viewing, storage, copying, or transmission of sexually explicit
70 or sexually oriented materials.

71 (f) Posting unauthorized information to external newsgroups, bulletin boards, or other public
72 forums.

73 (g) The unauthorized acquisition, use, reproduction, transmission, or distribution of any
74 controlled information including software and data, that includes, copyrighted, trade marked
75 or material with other intellectual property rights, beyond fair use, or proprietary data.

76 (h) Unauthorized use of another user’s password or account.

77 (i) Excessive personal use of the internet pursuant to section 215.7-1(a) of this law.

78 (j) Maintenance of a private business without proper authorization.

79 (k) Transmission of computer viruses or other malicious code.

80 215.5-2. It shall not be deemed an inappropriate use for a user to share information or evidence
81 regarding the inappropriate use of another user if reporting the inappropriate use in accordance with
82 the proper reporting structure.

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215.6 Privacy.

215.6-1. All activities using technology resources of the Nation may be monitored, intercepted, recorded, read, copied, or captured by DTS to ensure user compliance with this law. Use of technology resources, authorized or unauthorized, constitutes consent to this monitoring, interception, recording, reading, copying, or capturing.

215.6-2. This law in no way creates a right to privacy in technology 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 the technology resources of the Nation for personal use may be revoked or limited. If the user is subject to the Nation’s laws and rules governing employment, the supervisor may revoke or limit the privileges of that user.

(a) Supervisors are hereby authorized to develop standard operating procedures defining excessive use of technology resources for any user that is an employee of the Nation and subject to the supervisor’s authority. Any standard operating procedure shall be developed in accordance with all other laws and rules of the Nation. The standard operating procedures may also establish the appropriate times to use technology resources for personal use. Supervisors shall provide adequate notice of the terms of any standard operating procedures to all individuals covered by such procedures.

(b) Tribal entities, agencies, or departments that provide technology resources to community members or to the public may adopt usage policies not inconsistent with this law or rules developed in accordance with this law.

215.8 Technology Resources Acknowledgment Form.

215.8-1. Users shall receive a copy of the Technology Resources law and technology resources acknowledgment form. All users shall sign the acknowledgment form in order to gain or continue access to technology resources of the Nation.

215.9 Administrative Rulemaking Authority.

215.9-1. DTS shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern technology resources of the Nation.

215.10 Violations.

215.10-1. Violations of the law or any rule adopted in accordance with this law may result in limitation on use of or a loss of access to the technology resources of the Nation.

215.10-2. The Nation reserves the right to advise law enforcement officials of suspected illegal activity found within a user’s technology resources and provide them such resources as evidence.

215.10-3. Employee violations of this law are subject to discipline in accordance with the Nations laws governing employment.

End.

128 Emergency Adopted – BC-03-24-04-A
129 Adopted – BC-09-29-04-B
130 Amended – BC- _ - _ - _ -
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132