

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-10-09-24-A.

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 This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.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, tablets, telephones, facsimile machines, photocopiers, networks, virtual applications, and software, such as internet connectivity and access to internet services and electronic mail.

(f) “User” means any individual who uses the technology resources of the Nation, 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 technology resources for authorized activities.

215.4-2. Users may engage in personal use of technology 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 laws, rules, or standard operating procedures of the Nation.

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

215.5 Inappropriate Personal Use.

215.5-1. 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. Misuse or inappropriate personal use of technology resources of the Nation includes:

(a) Any personal use that could cause congestion, delay, or disruption of service to the network. This may include, but is not limited to, 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 technology resources of the Nation for activities that are illegal.

(d) Using technology resources of the Nation for activities that are offensive to fellow users. Such activities include, but are not limited to, hate speech, or material that ridicules another individual 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 software and data, that includes, copyrighted, trade marked or material with other intellectual property rights, beyond fair use, or 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) of this law.

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

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

215.5-2. 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.

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.

Emergency Adopted – BC-03-24-04-A

Adopted – BC-09-29-04-B

Amended – BC-10-09-24-A

#