



**HO-CHUNK NATION CODE (HCC)  
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE  
SECTION 4 – INTERNET & INTRANET USAGE ACT**

**ENACTED BY LEGISLATURE: APRIL 11, 2000**

**RESTATED: OCTOBER 25, 2001**

**CITE AS: 6 HCC § 4**

**1. Authority.**

a. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(f) of the Constitution grants the Legislature the power to set salaries, terms and conditions of employment for all governmental personnel.

c. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct and imposing penalties upon all persons within the jurisdiction of the Nation.

d. The Ho-Chunk Nation Personnel Policies and Procedures Manual prescribes policies and procedures for employee conduct, discipline, and workplace conditions.

**2. Purpose.** This Act regulates the usage of the Internet and Intranet by employees and other users of Ho-Chunk Nation owned and operated computer workstations.

**3. Declaration of Policy.** The Ho-Chunk Nation recognizes the responsibilities of the Nation and its employees to each other and to the public and, as such, prescribes policies to ensure fair and consistent conditions of employment for all. Intranet and Internet services are an employee privilege to enhance workplace productivity. This service must be used judiciously and professionally to ensure it supports achievement of the desired goals and objectives of the Nation. Therefore,

a. Intranet and Internet services are the property of the Ho-Chunk Nation.

b. The Nation shall enforce the provisions of this Act to prohibit the misuse of Intranet/Internet service and Tribal property that is adverse to the interests of the Nation.

c. Misuse of the service and Tribal property shall be considered employee misconduct for the purposes of disciplinary action.

d. The authoring, forwarding, viewing, or sending of graphic nudity, obscene, or pornographic material and the use of obscenity or profanity is strictly prohibited.

#### **4. Scope.**

a. This Act applies to all Nation employees and others using or operating Ho-Chunk owned and operated computers in the workplace, to include laptop computers used outside of the workplace.

b. This Act also applies to all supervisors of Nation employees and to personnel responsible for the administration, operation, and maintenance of the Nation's computers and management information systems.

c. The provisions of this Act shall be incorporated as a directive in the Nation's Personnel Policies and Procedures Manual.

#### **5. Service Access Guidelines.**

a. Each Nation governmental entity office is routinely provided an e-mail address for access to the Nation's area wide network (GroupWise).

b. Internet access for either or both e-mail and World Wide Web access is controlled and must be requested and justified by individual users and supervisors. For Internet access, the supervisor must validate an employee's request as work required and submit the written request with justification to the Department Director or Executive Director.

c. If Internet access has been previously denied or revoked, the supervisor on the behalf of the employee may petition the Management Information System Division (MIS) of the Department of Administration for access upon the employee's demonstration to the supervisor that the employee understands and acknowledges appropriate use of the Internet.

#### **6. Responsibilities.**

a. Management Information Systems Division (MIS). MIS will provide necessary Intranet and Internet services for authorized users and assist supervisors with the administration and monitoring of employee usage. Specifically, MIS shall:

(1) Provide access to Internet and Intranet service as required.

(2) Configure, monitor, and audit usage of each workstation account and provide that information to the appropriate department managers as requested.

(3) Monitor network traffic to ensure minimal impact on normal work activities and make recommendations as needed. Due to network impact, streaming media (audio and video) will not be permitted at any time.

(4) Restrict or prohibit employee access from Internet sites determined by management to be non-work related or in poor taste. Access to Internet sites must be related to the employee's work, official travel, or research.

(5) Provide regular monthly billing to each department for Internet usage, if available.

(6) Remove existing modems and telephone lines no longer needed, as required.

b. All Departments and Offices.

(1) Executive Directors/Directors will submit a written request to MIS for employee access to the Internet. The request will include:

(a) Name of individual requiring access.

(b) Justification for requested access.

(2) Report changes to access lists as personnel changes occur.

(3) Ensure all employees are aware of the provisions of this Act.

(4) Monitor Internet and Intranet usage and enforce the provisions of this Act.

c. Users.

(1) Each user is responsible the proper usage of their Internet and Intranet services in accordance with this Act.

(2) Each user's workstation will be installed with anti-virus software to protect against the introduction of viruses into the Nation's computer system.

(3) Users will not use chat rooms or instant messaging utilities, such as Yahoo Instant Messenger.

(4) All e-mail, both Intranet and Internet, will be limited to work related topics.

(5) All e-mail received and known to be non-work related will not be opened and shall be immediately deleted.

**7. Violations and Penalties.**

a. The misuse or abuse of Tribal property, including Intranet and Internet services, may result in the denial of the service, imposition of cost for the personal use of the service, reimbursement to the Nation of wages paid to an employee while the employee was misusing the services, and disciplinary action up to and including termination.

b. Any violation of this Act may also result in litigation to seek restitution from the employee for abuse and misuse of tribal property.

c. Violations of this Act shall be enforceable as a violation of the Personnel Policies and Procedures or the employment law of the Nation, and shall constitute a misuse of tribal property for personal gain.

d. When a violation of Intranet or Internet use has been confirmed by MIS there will be immediate notification to the user's direct supervisor.

e. The supervisor shall actively investigate each misuse of the Intranet or Internet with the individual employee and MIS. The investigation shall constitute documentation of frequency and duration of violations and it will be determined if the violation was intentional.

f. It will be the final decision of the supervisor if Intranet or Internet access will be terminated for violations pursuant to Ho-Chunk Nation Personnel Policy and Procedures.

g. Re-Occurrences of Violations. Upon the determination by the supervisor that there has been a reoccurrence of intentional misuse of the Intranet or Internet, privileges shall be terminated. If an employee had services reinstated after termination from misuse and additional violations occur, the employee's access privileges shall be permanently denied.

h. Excessive Intentional Misuse.

(1) If it is obvious that an employee has intentionally, frequently, and excessively misused the Intranet or Internet, MIS shall deny or restrict all use of the service(s) immediately. Only in these cases may MIS revoke all Intranet or Internet privileges without advanced notice to the supervisor or employee.

(2) Excessive Misuse is a subjective standard intended for the supervisor or MIS to examine on a case by case basis. As a threshold, excessive means:

(a) The use of the Internet to access sites strictly prohibited (e.g., obscene, pornographic, etc.).

(b) The repeated use of the Internet to access sites that are considered to be in poor-taste and which exhibits the use of poor judgement by the employee. Repeated use means three (3) or more visits to a web site within a three (3) to five (5) day work period.

(c) The repeated use of the Intranet or Internet to send, forward, or receive correspondence containing derogatory, vulgar, or profane language after having been notified by the supervisor or MIS that such language or material is objectionable. Repeated use means three (3) or more occurrences within a three (3) to five (5) day work period.

8. **Intranet Usage.** An e-mail utility (GroupWise) is provided to enhance the communication between employees. Every workstation has the capability to communicate with the other entities of the Nation using this vehicle. The creation or installation of additional Intranet applications prior to implementation must be approved by MIS.

a. The creation of written communication through the use of e-mail follows the same rules as any other type of written correspondence. All correspondence is restricted to business use. All correspondence created through the use of tribal property is solely owned by the Nation.

b. It is the responsibility of the individual to monitor their usage. Supervisors and the Network Administrator shall also monitor employee use.

c. Individual users have the responsibility to clean out their incoming and outgoing message boxes at regular intervals. In order to prevent access by other users, the e-mail package allows password protection. It is recommended that all individuals implement this security for their own protection.

d. Supervisors having reasonable cause to believe that an employee is misusing their e-mail communications have the right to read the contents of messages.

e. The MIS Network Administrator, upon finding network utilization problems caused by excessive e-mail correspondence by an employee, has the obligation to contact the supervisor with this information. The Network Administrator reserves the right to periodically clean the message boxes of all individuals. Contents of mailboxes will always be retained for a minimum of 60 days. Contents of trashcans will be retained for a minimum of seven (7) days. This action is necessary due to network storage limitations.

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Legislative History:

4/04/00	Enacted by Legislative Resolution 4/11/00D.
10/25/01	Restated to conform paragraph numbering IAW format prescribed by the Legislative Organization Act of 2001.