



Resolution No. 09-2005-249

**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**(Approving the White Mountain Apache Tribe Computer Use and Internet Policy)**

**WHEREAS**, the powers vested in the White Mountain Apache Tribe by virtue of its inherent sovereignty or by existing law, the White Mountain Apache Tribal Council has the authority pursuant to Article IV, Section 1 (a) of the Tribe's Constitution to, *inter alia*, govern all use of Tribal equipment and employee conduct, and to exercise such other powers as may be delegated to the Council by members of the Tribe, or which are vested in the Tribe through its inherent sovereignty or by federal law; and

**WHEREAS**, the Information Technology Department Director, together with the Policies and Procedures Work Group, has proposed a Computer Use and Internet Policy ("CUIP"), as attached and incorporated by this reference;

**WHEREAS**, the CUIP is designed to protect the Tribe's interests and properties and to ensure that tribal employees are aware of appropriate computer usage; and

**WHEREAS**, the Tribal Council has reviewed and discussed the proposed CUIP and concludes that the adoption of the CUIP would greatly assist the Tribe in increasing employee productivity and reducing potential liability from inappropriate use.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

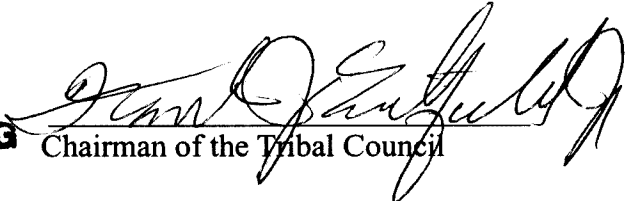
1. The proposed Computer Use and Internet Policy as attached and incorporated by this reference is hereby approved.
2. The Chairman, or in his absence the Vice-Chairman, is hereby directed to require that all Department Heads publish the CUIP and be responsible for ensuring that all subordinate managers and employees adhere to the terms and conditions of the CUIP.
3. The Chairman, or in his absence the Vice-Chairman is hereby authorized together with MIS and the Legal Department to enforce the terms and conditions of the CUIP and make non-substantive changes thereto.

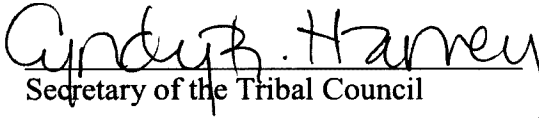
The foregoing resolution was on SEPTEMBER 14, 2005 duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a, (s), (t), and (u) of the Constitution of the

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Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

**ACTING**

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

**WHITE MOUNTAIN APACHE TRIBE**  
**COMPUTER USE & INTERNET POLICY**  
**EFFECTIVE \_\_\_\_\_, 2005**

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**1.0 Definitions.**

- 1.1 *Computers.* The term “computers” means computer systems, operating systems, software or hardware purchased by and for the Tribe, and includes peripheral equipment such as printers and scanners.
- 1.2 *Network Resources.* The term “network resources” means Local Area Networks, other computerized networks or software, the Internet or world-wide web, websites, web hosting and on-line information services.
- 1.3 *E-mail.* The term “e-mail” means electronic mail or electronic communications software or systems.

**2.0 Purpose.** This policy sets standards and restrictions for the use of Tribal computers, network resources, and e-mail in order to maintain cost efficiency, increase employee productivity, and to reduce potential liability and inappropriate use. This policy shall be known as the Computer Use and Internet Policy.

**3.0 Computer Use Policy.**

- 3.1 *Computer Use for Official Business Only.* The use of the White Mountain Apache Tribe automation systems, including computers, fax machines, and all forms of Internet access are intended for official business purposes of the Tribe. Departmental directors shall determine and justify the extent of the availability to staff of computers, network resources and e-mail. Those purposes include:
- A. Improving communications and information exchange within the Nation, and to entities outside the Tribe, such as local, state and federal agencies, businesses and other groups, and
  - B. Providing access to information and research resources to employees for the business of the Tribe.
- 3.2 *Personal Use is Limited.* Except as permitted in this policy, the Tribe’s computers, network resources and e-mail are not to be used for entertainment, personal communications, other personal use, or illegal, harassing libelous or obscene purposes during or outside government business hours. In addition, employees shall not connect their personal computers or laptops to the Tribe’s internet access points. Permitted personal uses are described in Section 5.0 of this Policy. Personal use is a

## Computer Use & Internet Policy

Effective:

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privilege and shall not interfere with official business or involve any expense to the Tribe. This privilege may be revoked or limited at any time by the Tribal Chairman, departmental directors or MIS. This policy for personal use may be applied to contractor personnel, interns and other non-government employees through incorporation by reference in contracts or memorandums of agreement as conditions for using the Tribe's computers, network resources and Internet services.

- 3.3 *Access to Network Resources Only On WMAT Servers.* Any and all business of the Tribe conducted by computer or through network resources of any kind shall be on secure servers hosted and managed by MIS.
- 3.4 *Application of Policy.* This policy applies to all of the Tribe's computers, network resources and e-mail and includes any information in digital electronic format such as e-mail, databases, clip art, digital images, voice and sound recordings or any other digitized information that may be available or developed and is stored on the Tribe's computers.
- 4.0 Inappropriate Use of Computers Is Prohibited.** WMAT computers, network resources, and e-mail shall not be used inappropriately. Inappropriate use of such resources is cause for disciplinary action in accordance with the WMAT Personnel Policies Manual. Criminal investigations by the Whiteriver Police Department, or personnel investigation by any WMAT Department or MIS, of inappropriate use by any employee, do not constitute inappropriate use.
- 4.1 **Definitions of Inappropriate Use.** Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Use of Tribal computers, networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct including, but not limited to:
- Seeking to gain or gaining unauthorized access to propriety information; or
  - Hacking or otherwise seeking unauthorized access to passwords, computers or systems of other employees, individuals, business, agencies or governments; or
  - Using or knowingly allowing another to use the Internet for personal profit, personal business, commercial product advertisement or partisan political purposes not related to the Tribe's official business; or

- Processing, distributing, transmitting, storing or displaying electronic material which is obscene, pornographic, profane, sexually explicit, libelous or defamatory<sup>1</sup>; or
- Sending or posting confidential electronic materials outside of the Tribe, or posting Tribal confidential electronic materials inside the Tribe to non-authorized personnel; or
- Infringing on copyrights or other intellectual property rights, license agreements or other contracts (such as illegally manipulating, installing or making available copyrighted software, music or other protected intellectual property); or
- Forwarding unsolicited ads, junk mail or chain mail, known as SPAM<sup>2</sup>; or
- Accessing entertainment sites, such as games, movies, videos, chat rooms, music downloads; or
- Creating and distributing a computer virus; or
- Any other non-business use of a computer, network resource or e-mail.
- Misrepresenting oneself or the Tribe;
- Engaging in unlawful or malicious activities;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- Causing congestion, disruption, disablement, alteration, or impairment of Tribal networks or systems;
- Defeating or attempting to defeat security restriction on Tribal systems and applications.

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<sup>1</sup> NOTE: If you have received any material which is obscene, pornographic, profane, sexually explicit, libelous or defamatory, immediately contact MIS to initiate an investigation and have such material deleted.

<sup>2</sup> NOTE: Employees who inadvertently or unintentionally receive such material should delete it from their computer.

- 4.2 *Commercial Software.* The Tribe has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software.
- 5.0 Permitted Personal Computer, Network Resource, and E-mail use.** Tribal automation systems are Tribal resources and are provided as business communications tools. Limited personal use of WMAT computers, network resources, and e-mail is permitted, subject to the following limitations.
- 5.1 *Limited Use.* Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs before or after office hours or during authorized personal time (lunch or other breaks). Use of third-party e-mail (Yahoo, Hotmail, AOL) is strictly prohibited.
- 5.2 *No Cost.* Personal use is permitted only for uses that do not create user charges to the Tribe.
- 5.3 *Music.* Streaming music is permitted so long as such use does not infringe on intellectual property rights or interfere with or interrupt others in an office.
- 5.4 *Whiteriver Library.* This Computer Use and Internet Policy does not apply to the equipment or resources of the Whiteriver Library, which has its own policies and procedures.
- 6.0 The Tribe's Right to Inspect Computers.** The Tribe owns the rights to all data and files in any computer, network, or other information system used by the Tribe. The Tribe reserves the right to monitor computer and e-mail usage, both as it occurs and in the form of account histories and their content. The Tribe has the right to inspect any and all files stored in any areas of the network or on any types of computer storage media in order to assure compliance with this policy and state and federal laws. The Tribe will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual computer and e-mail activities. The Tribe also reserves the right to monitor electronic mail messages and their content. Employees must be aware that the electronic mail messages sent and received using Tribal equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by Tribal officials at all times. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate Tribal official.

6.1 *Attorney Work Product.* Inspection of attorney work product may only be conducted with the permission of the supervisory attorney of the office which employs that attorney.

**7.0 Computer Security Oversight, Investigations and Sanctions.**

7.1 *Security Oversight.* MIS, the Internal Auditor and other appropriate staff reserve the right to review employee use of computers, network resources or e-mail to determine whether such use is appropriate and conforms to this policy.

7.2 *Investigations.* MIS is charged with the responsibility of conducting general investigations of the use of computers, network resources or e-mail by WMAT employees on its own or by request of a Department Director. If MIS determines that an employee has committed a prohibited or inappropriate use of computers, network resources or e-mail, MIS shall report such use to the appropriate authority, including the Department Director, the Tribal Chairman or the Whiteriver Police Department.

A. It is a violation of Tribal policy for any employee, including system administrators and supervisor, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

B. The Tribe will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities.

7.3 *Sanctions for Inappropriate Use of Computers, Network Resources, or E-mail.* If an employee is found by MIS to be violating the Computer Use and Internet Policy, an employee's access to the Tribe's computers, network resources or e-mail may be revoked. In addition, appropriate disciplinary actions may be authorized in accordance with the Personnel Policies Manual, up to and including dismissal and criminal prosecution. Employees are individually liable for any and all damages incurred as a result of violating Tribal security policy, copyright, and licensing agreements.

**8.0 Guidelines.** MIS shall be responsible for establishing guidelines for use of computers, network resources and e-mail.