



**HO-CHUNK NATION CODE (HCC)  
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE  
SECTION 9 – HO-CHUNK NATION SOCIAL MEDIA USAGE ACT**

**ENACTED BY LEGISLATURE: March 15, 2022**

**CITE AS: 6 HCC § 9**

**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 government personnel.
- c. Article V, Section 2 (h) of the Constitution grants the Legislature the power to enact all laws prohibiting the regulation conduct and imposing penalties upon all persons with the jurisdiction of the Nation.
- d. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.
- e. The Ho-Chunk Nation Employment Relations Act (ERA) (6 HCC § 5) prescribes policies and procedures for employment, employee conduct, discipline and workplace conditions.

**2. Purpose.**

Social networking in government serves two primary functions: 1) to communicate and deliver messages directly to citizens and 2) to encourage citizen involvement, interaction, and feedback. Information which is distributed via social networking must be accurate, consistent, timely and meet the information needs of the Ho-Chunk Nation. Since social media is used for social networking, this law seeks to ensure proper use of the Ho-Chunk Nation's social media sites by its representation.

### **3. Scope.**

- a. This act applies to all elected officials, employees, contractors, outside organizations and consultants and other workers of the Nation, including all personnel affiliated with third parties in their use of the Nation's technology equipment and software or in doing work for the Nation.
- b. This Act governs the creation, management and use of all of the Nation's social media and social media that holds itself out as representing the Nation, whether lawfully or unlawfully.

### **4. Definitions.**

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 all Ho-Chunk Nation employees, including but not limited to elected officials, appointed employees, independent contractors and Board or Committee members.
- b. Press Release means an official statement delivered to members of the press or news media for the purpose of providing information, creating an official statement, or making an announcement directed for public release.
- c. Public Relations Officer means a person designated by the Nation through their job description or by their branch of government as responsible for managing and disseminating information from the Nation to the public including but not limited to adding, changing or removing content from social media. A Public Relations Officer shall not include persons that only submit material to others so that it may be posted to social media.
- d. Social media are internet and mobile-based applications, websites and functions, other than email, that facilitate the creation and sharing of information, ideas, interests and other forms of expression through virtual communities or networks.

### **5. Press Releases.**

All press releases distributed through social media shall be issued through or approved by the Ho-Chunk Nation Public Relations Officer for their branch of government. All press releases distributed by Ho-Chunk Nation government's affiliates and subsidiaries shall be courtesy copied to Ho-Chunk Nation Public Relations Officers.

## **6. Elected Officials.**

Elected officials are not exempt from this Act.

## **7. Representation.**

In accordance with the Ho-Chunk Nation Employment Relations Act, Chapter 5 Section 30, e.7., “an employee may not present themselves as a representative of the Nation, or communicate with the news media on behalf of the Ho-Chunk Nation unless authorized or directed in writing by the Ho-Chunk Nation or its delegated representative(s).” Elected officials may speak to the news on behalf of their branch and/or legislative district which they represent or if they have been provided authority to speak on behalf of the Nation through a Legislative resolution or motion.

## **8. Management of Social Media Resources.**

- a. The Ho-Chunk Nation shall maintain and establish a positive and informative social media presence. The Ho-Chunk Nation has the responsibility to use social media resources in an efficient, effective, ethical and lawful manner pursuant to the Ho-Chunk Nation Constitution and any governing laws. The Ho-Chunk Nation also provides guidelines and standards for Ho-Chunk Nation representatives regarding the use of social media for communication with tribal members and the general public.
- b. The Ho-Chunk Nation will determine, at its discretion, how its web-based social media resources will be designed, implemented and managed as part of its overall communication and information sharing strategy. The Ho-Chunk Nation social media sites may be modified or removed by the Ho-Chunk Nation at any time and without notice, as described in this law.
- c. The Ho-Chunk Nation social media site(s) shall be consistently branded in order to communicate a clear association with the Ho-Chunk Nation and must contain a standard disclaimer. Branding shall include, but is not limited to, the use of the Ho-Chunk Nation’s name, logo, and any other aesthetic standards as defined by the Public Relations Officers.
- d. The Ho-Chunk Nation social media accounts are considered a Ho-Chunk Nation asset; administration to these accounts must be securely managed in accordance with the Ho-Chunk Nation’s Technology Resources Usage Act (6 HCC § 4). The Ho-Chunk Nation reserves the right to shut down any of its social media sites or accounts for any reason without notice.
- e. All social media web sites created and utilized during the course and scope of an employee’s performance of his/her job duties will be identified as belonging to the Ho-Chunk Nation including a link to the Ho-Chunk Nation’s official website.

- f. This law applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the Ho-Chunk Nation. This law also covers the private use of the Ho-Chunk Nation's social media accounts by all Ho-Chunk Nation elected officials, employees, appointed board or commission board members and all public safety volunteers to the extent it affects the Ho-Chunk Nation. Questions regarding this law can be directed to the Public Relations Officers.

## 9. Rules of Use

- a. Ho-Chunk Nation employees with administrator access are responsible for managing social media sites. Facilities or departments wishing to have a new social media presence must initially submit a request to the IT in order to ensure social media accounts are kept to a sustainable number and policies are followed. All approved social media sites will be clearly marked as an official Ho-Chunk Nation site and will be linked to the official Ho-Chunk Nation website, [www.ho-chunknation.com](http://www.ho-chunknation.com). IT shall inform the Ho-Chunk Nation Legislature when a new social media account is approved and provide the Legislature with the list of approved social media accounts when requested by the Legislature. No one may establish social media accounts or websites on behalf of the Ho-Chunk Nation unless authorized in accordance with this law and other applicable tribal law. The administration of all social media web sites must comply with applicable laws, regulations, and policies as well as proper business etiquette.
- b. The Ho-Chunk Nation social media accounts accessed and utilized during the course and scope of an employee's performance of their job duties may not be used for private or personal purposes or for the purpose of expressing private or personal views on personal, political or policy issues or to express personal views or concerns pertaining to Ho-Chunk Nation employment relations matters.
- c. No social media website may be used by the Ho-Chunk Nation or any of its employees to disclose private, confidential or sensitive information.
- d. Ho-Chunk Nation employees who post on a social media site will act in a professional manner and be accurate and free of grammatical errors as the content posted will not only reflect on the writer but also on the Ho-Chunk Nation as a whole, including elected officials and other Ho-Chunk Nation employees and appointed officials. Examples include but are not limited to:
  - Adherence to the Ho-Chunk Nation Technology Resources Usage Act.
  - Using only appropriate language.
  - Not providing private or confidential information, including names, or using such material as part of any content added to a site.
  - Not negatively commenting on community partners or their services, or using such material as part of any content added to a site.

- Not providing information related to pending decisions that would compromise negotiations.
  - Be aware that all content added to a site is subject to open records/right to know laws and discovery in legal cases.
  - Always keep in mind the appropriateness of content.
  - Compliance with the Ho-Chunk Nation Code of Ethics, 2 HCC § 1.
- e. Where moderation of comments is an available option, comments from the public will be moderated by the site administrator, with administrative rights, before posting. Where moderation prior to posting is not an option, sites will be regularly monitored by the site administrator, Ho-Chunk Nation Public Relations Officers or their designee within the IT division.
- f. Ho-Chunk Nation employees with administrative rights will not edit any posted comments. However, comments that are posted by members of the public will be removed if they are abusive, obscene, defamatory, in violation of copyright, trademark right or other intellectual property right of any third party, or otherwise inappropriate or incorrect. A comment that supports opposing views is not in itself grounds for removal. The following are examples of comments, that may be removed by Ho-Chunk Nation Public Relations Officials;
- Potentially libelous comments
  - Obscene or racist comments
  - Plagiarized material
  - Private, personal information published without consent
  - Comments unrelated to the topic of the posted subject
  - Hyperlinks to material that is not directly related to the discussion

## **10. Data Ownership**

- a. All social media communications or messages composed, sent, or received on Ho-Chunk Nation equipment in an official capacity are the property of the Ho-Chunk Nation and will be subject to the Ho-Chunk Nation Technology Resources Usage Act. This law classifies certain information as available to the public upon request. The Ho-Chunk Nation maintains the sole property rights to any image, video or audio captured while a Ho-Chunk Nation employee is representing the Ho-Chunk Nation in any capacity.
- b. The Ho-Chunk Nation retains the right to monitor employee's social media use on the Ho-Chunk Nation equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

## **11. Violations and Penalties.**

- a. If violations of the Act are suspected, the Division of Information Technology (IT) and the branch's Public Relations Officer shall notified.
- b. When a violation of this Act is suspected by IT or the branch's Public Relations Officer, there will be immediate notification to the Department of Personnel.
- c. IT and the HCN Public Relations Officer will actively investigate each misuse of the technology usage. The investigation will attempt to determine the duration of the violation(s) and it will attempt to determine if the violations were intentional.
- d. IT and the branch's Public Relations Officer shall report any intentional violations to the Department of Personnel for possible disciplinary action.
- e. Any violation of this Act may result in disciplinary action, up to and including termination of employment with the Nation.

## **12. Sovereign Immunity.**

- a. Nothing in this Act will be deemed to waive the sovereign immunity of the Ho-Chunk Nation or any of its enterprises, officers, agents or employees.

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### **Legislative History:**

09/21/21	Legislature creates Social Media Workgroup per Resolution 09.21.21C.
01/18/22	Legislature places Social Media Usage Act for 45 day public comment review, via Resolution 01.18.22C.
03/04/22	45 day public comment review period expires with no comments received.
03/15/22	Legislature enacts the Social Media Usage Act, via Resolution 03.15.22C.