

# TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: JAN 04 2018

ORDINANCE NO. 73 (2018)

WHEREAS, the Tribe's personnel policies and procedures, also known as the employee handbook, were most recently approved by Tribal Council in Ordinance No. 154 (2012) and published as an appendix to Cherokee Code Chapter 96 to provide policy guidance to employees; and

WHEREAS, the personnel policies and procedures address communications by Tribal employees but have not kept up with changes in technology and do not address the use of online social media;

WHEREAS, it has become increasingly common for individuals, including Tribal employees, to use online social media as a way of communicating information and opinions; and

WHEREAS, the personnel policies and procedures should be amended to give guidance to employees who use social media and to express the Tribe's expectations regarding that use.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that the personnel policies and procedures published as an appendix to Cherokee Code Chapter 96 are hereby amended by adding a new Article 17 governing the use of online social media by employees of the Tribe, to read as follows:

**ARTICLE 17**

**EBCI SOCIAL MEDIA POLICY**

**Section 17.00 PURPOSE AND POLICY**

The EBCI recognizes that it has become increasingly common for individuals to use online social media as a way of communicating their opinions and ideas. The EBCI neither encourages nor discourages employees from engaging in such activities. However, with the rapid growth and the expanding application of social media, we recognize the need to have a policy to ensure that employees who use social media have guidance as to EBCI expectations. This policy is in addition to the Eastern Band of Cherokee Indians (EBCI) Personnel Policy and the Office of Information Technology policies and provides guidance for employee use of social media which, for purposes of this policy, includes blogs, wikis, microblogs, message boards, chat rooms,

electronic newsletters, online forums, social networking sites, and services that permit users to share information with others in a contemporaneous manner.

## **PROCEDURES AND GUIDELINES**

The following procedures and guidelines apply to professional use of social media on behalf of the EBCI as well as personal use of social media by EBCI employees.

- Employees should familiarize themselves with and adhere to the EBCI's Personnel Policy, specifically Article 8, Code of Conduct and Article 10, Anti-Harassment. In addition, employees should familiarize themselves with and adhere to the EBCI Office of Information Technology's Internet and Electronic Mail Acceptable Use Policy.
- Employees should be aware of the effect their actions may have on their images, as well as on the EBCI's image. The information that employees post or publish may remain in the public domain for a very long time, and that most likely the information can never be entirely deleted or removed.
- Conduct that would violate EBCI policies is discouraged in general and is never allowed while using EBCI's equipment or during working time.
- Unless you have received prior written permission from the appropriate supervising authority, you should not represent or suggest in any social media content that you are authorized to speak on the EBCI's behalf, or that the EBCI has reviewed or approved the information you are presenting.
- You should not post information about co-workers, guests, vendors, or customers that is threatening, intimidating, maliciously false, or a violation of the EBCI's policies against discrimination and harassment on the basis of any legally recognized protected basis as set forth in Article 10, Anti-Harassment of the EBCI Personnel Policy.
- Employees should get appropriate permission before referring to or posting images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- Employees should be aware that EBCI may observe content and information made available by employees through social media. Employees should use their best judgment and refrain from posting material that is inappropriate or harmful to EBCI, its employees, or customers.
- Although not exclusive, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, slanderous, libelous, or that can create a hostile work environment.
- Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential or

not public, employees should check with the Human Resources Department, EBCI Personnel Policy and/or your supervisor.

- Social media accounts, platforms, sites, apps, networks, blogs and other types of online platforms and content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized EBCI spokespersons.
- If, while using social media, employees find or encounter a situation that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- Social media use shouldn't interfere with an employee's responsibilities at the EBCI. EBCI's computer systems are to be used for business purposes only. When using EBCI's computer systems, use of social media for business purposes is allowed but personal use of social media accounts, platforms, sites, apps, networks or personal blogging of online content is discouraged and could result in disciplinary action.
- Subject to applicable law, after-hours online activity that violates the EBCI Code of Conduct or any other EBCI policy may subject an employee to disciplinary action including termination if appropriate.
- If employees publish content after-hours that involves work or subjects associated with the EBCI, a disclaimer should be used, such as this: "The postings on this site are my own and may not represent EBCI's positions, strategies or opinions." Use good judgment about what you post and remember that anything you say can reflect on the EBCI, even if you include a disclaimer. The EBCI encourages professionalism and honesty in social media and other communications. Please remember that Article 8 of the EBCI Personnel Policy requires employees to conduct themselves with integrity, impartiality and professional conduct that will reflect favorably upon themselves and the EBCI.
- The EBCI highly recommends that employees keep EBCI related social media accounts separate from personal accounts.

BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

*Submitted by Principal Chief Richard G. Sneed*