



Mashpee Wampanoag Tribal Council
Virtual Meetings
POLICIES & PROCEDURES

Approved by Tribal Council: 3/13/2024

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INTENT OF POLICY

During the Covid-19 Pandemic it was discovered that a Mashpee Wampanoag Tribal Council virtual meeting platform needed to be developed so that council members, tribal members, and business partners could interact in a transparent, safe, and effective means using virtual tools. The intent of this policy is to guide the Mashpee Wampanoag Tribe for having virtual tribal council meetings.

The Mashpee Wampanoag Tribe with the help of the Tribe's Executive Office and I.T. Department shall oversee the procedures to ensure an effective virtual meeting by providing the necessary tools and necessary resources.

This policy is effective for all called to order tribal council meetings. It shall also cover any special assigned virtual meetings as deemed necessary by the Mashpee Wampanoag Tribal Council.

DEFINITIONSVirtual Meeting

A meeting that uses an software application approved by MWT and MWT IT to assist in conducting a Tribal Council meeting. This software must have video camera and audio capabilities. A virtual meeting must have a public access link so that tribal members are able to join into the meeting. A virtual meeting must be monitored by someone from the MWTC or an assigned person to assist in any internet, audio, video camera, or screen share issues. An internet connection is needed to ensure a healthy feed.

Tribal Council

The governing body of the Tribe pursuant to the Constitution of the Mashpee Wampanoag Tribe.

Live Streaming

The transmission or broadcasting of live video and/or audio coverage over the Internet.

Regularly Streamed Meetings

Per 2017-ORD-007 - Section 4.b. Amended and Restated Meetings of the Tribal Council- Regular Meetings of the Tribal Council-Attendance at Tribal Council meetings shall be open to enrolled members of the Tribe and their spouses when accompanied by their Tribal member spouse and invited guests who have submitted a request and been approved to appear on the meeting agenda, provided, the Council may hold executive sessions during a regular meeting, from which all members of the public may be excluded, for the purpose of considering the matters set forth in Section 7 of the rules.

Emergency Meetings

Per 2017-ORD-007 - Section 6.A. Amended and Restated Meetings of the Tribal Council- Emergency Meetings of the Tribal Council- Emergency meetings of the Tribal Council may be called at any time by the Chairperson or upon written request of any three members of the Tribal Council. Such meetings shall be open to all enrolled members of the Tribe, provided, the Council may hold executive sessions during an emergency meeting, from which all members of the public may be excluded, for the purpose of considering the matters set for in section 7 of the rules. Such meetings shall conform to the requirements of the Constitution and Emergency meetings requirements in the 2009-ORD-003, Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions, as amended.

Special Meetings/Events

Per 2017-ORD-007 - Section 5.A. Amended and Restated Meetings of the Tribal Council- Special Meetings of the Tribal Council, may be called at any time by the Chairperson or upon written request of any three members of the Tribal Council. Special meetings shall conform to the requirements of the Constitution and SpecialMeetings requirements in the 2009-ORD-003, Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions, as amended. Such meetings shall be open to all enrolled members of the Tribe, provided, the Council may hold executive sessions during a special meeting, from which all members of the public may be excluded, for the purpose of considering the matters set forth in Section 7 of the rules.

Ceremonies

Those ritual observances and procedures performed at grand and formal occasions that are open Tribal members.

Media Consent and Audience Code of Conduct

This is a formal written or recorded communication directed at those individuals present that consent to participation and it further grants permission for audio and visual recording, quotes, or photographs taken at the event to be live streamed or posted in social media, on the internet, or in printed press.

Open Meetings

These meetings are open to Tribal members for viewing and attendance and are broadcast on the Mashpee Wampanoag Tribe's social media page(s).

Closed Meetings

These meetings are open to Tribal members for viewing and attendance, but are not broadcast.

Executive Session Meetings

Those meetings that are closed to Tribal members due to being held in Executive Session. Executive Session refers to a meeting or portion of a meeting whose proceedings are confidential. A motion passed by majority vote of the Tribal Council is required to go into Executive Session.

PUBLIC NOTICE - The Mashpee Wampanoag Tribal Secretary shall give written notice of the date, hour, place, and subject of each virtual event or meeting which will be held on the approved software application or similar application. This notice shall be posted through the Tribal Membership Portal and at public venues for community awareness.

VIRTUAL MEETING TYPES - There are four (4) types of meetings: Regular Tribal Council Meetings, Emergency Tribal Council Meetings, Special Meetings, and Executive Session Meetings. These meetings are either open or closed in nature. Open meetings are open to the Tribal members for viewing and attendance and are broadcast on the Tribal Member Portal. Closed Meetings are open to Tribal members for viewing and attendance, but are not broadcast. Executive Session are not available for Tribal member viewing and attendance due to the nature of topics covered during those meetings. Participants will not be allowed entry into the meetings unless authenticated by their first and last name in addition to a live visual.

Regular Meetings

Regular Meetings will be held in person and virtually unless otherwise instructed by Tribal Council. These include the *Regular Tribal Council Meetings* and the *Swearing In Ceremony* for newly elected Tribal Council Members.

Both meetings are open in nature and will be streamed live on the Tribal Member Portal. However, if a community member or Tribal Council Member brings a new topic to address at the table which is confidential in nature, these items will be addressed in Executive Session following the close of all other open business items. This portion of the meeting will not be streamed.

The *Swearing In Ceremony* is held on the business day following the Regular Tribal Election. At this event, newly elected Tribal Council Members will be sworn into office and the new officers will be elected. This event is open to the public and will be streamed live on the Tribal Member Portal.

Closed Meeting

Due to the nature of the topics on these meetings they are not broadcast.

Special Streamed & Virtual Meetings or Events

Special Streamed & Virtual Meetings or Events are those occasions other than the Regularly Streamed Meetings that Tribal Council has approved to stream live. This may include a groundbreaking ceremony or ribbon cutting ceremony for a Tribal project.

Executive Session Meetings

Executive Session Meetings are closed in nature. A motion passed by majority vote of the Tribal Council is required to go into Executive Session. This will be done any time that the Tribal Council needs to address a topic which is confidential in nature and is meant to protect those parties involved. Tribal Council may not take action while during Executive Session but may take action if necessary immediately upon returning from Executive Session to an open meeting. These meetings will only have the Tribal Council and its designees, the requested party and one person from the Communications or IT department to help monitor the virtual meeting. The content of these meetings is confidential.

CODE OF CONDUCT

Virtual Meetings will be conducted in accordance with 2017-ORD-007 Amended and Restated Meetings of the Tribal Council. Meeting participants and audience members must be notified prior to the start of business whether or not the session will be streamed live. The standard ground rules listed below will govern the behavior of meeting participants:

- Treat others with respect
- Be prompt in arriving to the meeting and in returning from breaks

- Turn cell phones off or to vibrate
- Talk one at a time, waiting to be recognized by the Chairperson
- Present yourself in a positive manner
- Address any concerns about the discussion or the meeting with the Chairperson as it is their responsibility to maintain the order of the meeting and keep the meeting on topic.
- Must give name & title to tribal administration for lower third graphics, archiving & future broadcasting.
- HIPAA violations will not be tolerated. The Health Insurance Portability and Accountability Act (HIPAA) is a federal law that says that a patient has control of his or her own protected health information. No one else can release that information without consent of the patient. Any employee attending a streamed (or any other) meeting who is subject to HIPAA regulations will be subject to disciplinary action up to and including termination for any violations of HIPAA during a virtual event.

Although meetings that are virtual and live streamed are open to the public for viewing and attendance, audience members will be asked to refrain from recording on their personal devices to prevent interference with the Communication Department's recording equipment. All meetings or events that are virtual and live streamed will be made available online in real time broadcast format, unless redacted as otherwise stated in these policies and procedures. Instructions for accessing these recordings will be made public knowledge. Recordings will be archived and disposed of in accordance with the Communication Department's Media Retention Schedule.

ENFORCEMENT

The Chairman and Communications Officer/ I.T. Department will work together to ensure that the Code of Conduct is adhered to at all times throughout the virtual meeting process. Those individuals whose behavior is disruptive, harmful, or otherwise in violation of the Audience Code of Conduct will be asked to leave or be dismissed. Tribal Council may choose further disciplinary action if necessary for those who are repeatedly asked to leave. No part of a closed event or meeting held in Executive Session may be recorded unless approved.

Media Consent and Audience Code of Conduct

It is common practice of the Regular Tribal Council Regular Meetings that members of the public be permitted to attend and speak on agenda items. Audience participants will be given verbal notification of the Media Consent and Audience Code of Conduct prior to recording. Further, the Media Consent will be posted on the Tribe's website so that participants are aware of the policy and procedure.

Audience participants will be made aware that the meetings are being recorded and streamed live. Audience members, especially those that choose to speak at the virtual meeting consent to having their voices and image recorded. Those individuals who wish not to be recorded may choose to leave or request their issues be addressed following the recording.

The Tribal Council values and welcomes civil, respectful, clear and concise communication from the public. During public comments, speakers should refrain from repetitious, profane, or irrelevant comments. Unsolicited comments and disruptive behavior are prohibited. Individuals who are disruptive may be given a warning and also, may, if necessary, be removed from the meeting.

Live Stream Retention and/or Redaction

It is possible that statements could be made which may be regarded as offensive, defamatory, or contrary to law. Statements such as these made in a Tribal Council meeting by Council officers and members or members of the public are not protected and may be the subject of legal proceedings and potential liability. The Tribal Council as a body does not accept liability for any inaccurate or defamatory statements or comments made at a virtual meeting, and will take appropriate steps to ensure that it does not publish that material by live streaming or publishing recordings of meetings.

All live streamed meetings will have a full and un-redacted recording saved in a secure location and may only be made available upon written request and written permission of the Chairman or by an order of the Mashpee Wampanoag Tribal Court or subpoena from the Mashpee Wampanoag Tribal Court.

Accordingly, at any time during a meeting the Chair have the discretion and authority to direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where statements are or are likely to be made that are considered inappropriate to be published (by streaming or recording).

Following any meeting, the Chair has the discretion and authority to direct the exclusion of all or part of any meeting recording that are considered inappropriate to be published.

Material considered to be inappropriate may include, but is not limited to material that may:

- be defamatory
- infringe copyright
- breach the privacy of an individual or unauthorized disclosure of the personal information of an individual
- be offensive

- constitute discrimination
- constitute racial hatred or vilification, if based on the race, color, national or ethnic origin of a person or group of people, and is likely to offend, insult, humiliate or intimidate
- disclose confidential or privileged information.

DISCLAIMER

Opinions expressed and statements made during a Tribal Council meeting are those of the individuals making them, and not those of the Tribal Council. Unless set out in a resolution of Council, Council does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a Council meeting and which may be contained in a live stream or recording of a Council meeting.

The Council does not accept any responsibility for any verbal comments made during Council meetings which may be inaccurate, incorrect, or defamatory and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

The Tribal Council does not accept any responsibility or liability for any loss, damage, cost, or expense that might be incurred as a result of the viewing, use or reliance of information or statements provided in a live stream or recording of a Council meeting. Endorsed Council minutes provide the definitive record of Council's resolutions.

TECHNICAL DISCLAIMER

There may be situations where, due to technical difficulties beyond Tribal Council's control a virtual meeting, live stream or recording may not be available. Every reasonable effort will be made to ensure the availability of virtual meetings and recordings of meetings.

However, Tribal Council takes no responsibility for and accepts no liability in the event that live streaming of a meeting or a recording of a meeting is unavailable.

Technical issues may include, but are not limited to, the availability of the internet, network or device failure or malfunction, unavailability of social media platforms or power outages.

ELECTRONIC RECORD

Live Stream will be available on the Tribe's social media pages for a 2 year time period. Following that time period, the recording will be locally archived for 5 year time period. Local archives will be purged according to the Communication Department's Media Retention Schedule.

REQUEST TO VIEW PAST MEETINGS

All virtual meetings are open meetings, however some meetings maybe sensitive to tribal members only and not for the general public to view. In order to protect the Mashpee Wampanoag Tribe and its interests if a person would like to view a virtual meeting after the meeting is held the following must take place.

- 1) Write a formal letter to the Tribal Secretary requesting which meeting to view. Please allow 7 to 10 business days for review of such requests and to allow the IT department to prep the virtual meeting. There is a download and conversion process that is needed before virtual meetings can be viewed.
- 2) Recorded virtual meetings are only allowed to be viewed during regular business hours or by appointment scheduled by the Tribal Secretary.
- 3) May not use any personal devices (audio recorder, cameras, phones, or capture devices) to record the recorded virtual meeting. Person viewing may not go "live" on any social media sites while viewing the recorded virtual meeting.
- 4) The person who is requested to view the meeting must do so with the Tribal Secretary or assigned person present to ensure the meeting doesn't leave the Mashpee Wampanoag Tribe Administration offices.

Assigned viewing area will be dependent on availability.

The person that requested the viewing will be set up with a laptop or computer with audio capabilities. Due to the situation of virtual meetings caused by the pandemic. Those who request viewing will be required to adhere to safety protocols.

Only one person is allowed to view.

Requested person can view up to 8 hours (during normal business hours) of virtual meetings then will have to resume on the next day(s). This is to ensure no disruption of tribal operations happens.

LICENSE AND USE OF LIVE STREAMS AND RECORDINGS

Access to live streams and recordings of Tribal Council meetings is provided on <https://mashpeewampanoagtribe-nsn.gov/membership-home-page> for personal information only and non-commercial use.

Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of Tribal Council or Communications Department.

Copyright remains with Tribal Council.

For any commercial or media queries or use, please contact Communications Officer.

RETENTION SCHEDULESample Retention Schedule Listed Below:

The records retention schedule is organized as follows:

SECTION TOPIC	
A	Regularly Streamed Meetings
B	Special Streamed Meetings

A Regularly Streamed Meetings

Record Type	Retention Period	Description
REGULAR TRIBAL COUNCIL MEETING	2 Year Active 5 Year Inactive	<i>Categorized by fiscal year; must include brief description and memo date (FYXXXX_TCMeeting_Regular_Date_Recording_V0.0)</i>
MID-MONTHLY TRIBAL COUNCIL MEETINGS	2 Year Active 5 Year Inactive	<i>Categorized by fiscal year; must include brief description and memo date (FYXXXX_TCMeeting_Midmonthly_Date_Recording_V0.0)</i>
SWEARING IN CEREMONY	2 Year Active 5 Year Inactive	<i>Categorized by fiscal year; must include brief description and memo date (FYXXXX_TCMeeting_Swearing_Date_Recording_V0.0)</i>

B Special Streamed Meetings or Events

Special Streamed Meetings or Events will be retained for 2 amount of years as active files for viewing. These files must be clearly labeled and categorized. For example:

FYXXXX_Groundbreaking_BuildingA_Date_Recording_V0.0

All active files will be moved to the local archive after 5 years and will at that time be considered inactive files for viewing. Archived recordings are kept for 25 years prior to disposition. Recordings will be disposed of following 26 years while written minutes will remain permanently in the Tribal Record Archives.

For questions and concerns related to these policies and procedures, please contact:

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