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VIDEOCONFERENCE TASK FORCE

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FREQUENTLY ASKED QUESTIONS ABOUT VIDEOCONFERENCING FOR ARBITRATORS

Contents

GETTING STARTED 3
What are the essentials I need for effective video conferencing? 2
How should I set up my office for my video hearing? 2
What else should I consider in setting up my office? 2
GETTING THE PARTIES ON BOARD 2
How can I encourage the use of videoconferencing among the parties? 2
What can I do to make the parties (and myself) feel more comfortable? 3
MANAGING THE PARTIES' EXHIBITS 3
How should I deal with documents and exhibits prior to the hearing day? 3
How will I receive the documents or exhibits? 4
How should I handle my exhibits at the hearing? 4
How should I handle exhibits that the parties want to introduce at the hearing? 5
What about after the hearing? 5
RUNNING A HEARING BY VIDEOCONFERENCE 5
What do I need to check on the day of the hearing? 5
What should I say to the parties as I begin the hearing? 6
How do I end my hearing? 6
SEQUESTER, CAUCUS, AND HALLWAY CONVERSATION-HOW TO USE BREAKOUT ROOMS in ZOOM 7
How are Breakout Rooms made available in a Zoom meeting? 7
What can Breakout Rooms be used for? 7
Before setting up the Breakout Rooms, what should be said to those in the hearing? 7
How do I set up the Breakout Rooms? 8
How do I assign the participants to a Breakout Room? 8
How can participants in the Breakout Rooms communicate with the other Rooms? 9
How do I join participants in a Breakout Room? 9
How do I end the Breakout Rooms? 9

<u>PRIVACY AND SECURITY ISSUES</u>	10
<u>What video conferencing platform should I use?</u>	10
<u>If I choose Zoom, what version should I use?</u>	10
<u>Are there privacy and security issues with Zoom?</u>	10
<u>What can I do to enhance privacy and security?</u>	10
<u>TECHNICAL REQUIREMENTS</u>	11
<u>What are the basic computer system requirements for videoconferencing?</u>	11
<u>Which Operating Systems are compatible with Zoom?</u>	11
<u>Which Tablets or Mobile devices are compatible with Zoom?</u>	11
<u>How much bandwidth do I need to run a Zoom hearing?</u>	11
<u>What Camera and Microphone Should I Use?</u>	11
<u>NOTE:</u>	11
<u>NAA VIDEOCONFERENCE TASK FORCE</u>	12

GETTING STARTED

What are the essentials I need for effective video conferencing?

- A desktop computer with enough power to run the program, a camera, and a microphone.
 - A computer with a large display will make things easier.
 - See the separate FAQ's regarding the technical specifications.
- You will be supervising the hearing, viewing the participants, looking at documents, and making notes.
- A good Wi-Fi connection is essential. Public Wi-Fi may not be reliable.
- A secondary computer or tablet in the event your desktop dies.
- Familiarity with a good video conferencing platform.
 - Make sure your plan has enough minutes for an entire hearing.
- A positive, flexible mind-set.

How should I set up my office for my video hearing?

- Seriously consider buying a set of headphones with a microphone, even if your computer has a built-in mic. Your voice will sound more professional and you will be able to hear the other participants better.
- Set up a clean professional background behind you.
- Avoid clutter.
- Consider a green screen or a virtual background, or both.

What else should I consider in setting up my office?

- Lighting is very important – make sure lighting is adequate to show your face clearly.
- Avoid glaring light caused by windows – you may need blackout screens or curtains.
- Natural light may vary depending on the time of day.
- Practice ahead to check lighting and develop a good distance for your face from the camera.

GETTING THE PARTIES ON BOARD

How can I encourage the use of videoconferencing among the parties?

- Many advocates and parties are unfamiliar with videoconferencing and may be suspicious of it. They may need some reassurance that they can manage the operation of a videoconference and that they can be sure a fair hearing will take place.
- Explain to the parties that there are several ways to participate in the videoconference: by desktop computer, laptop, tablet, smart phone, or by regular landline phone. Those who have computers, tablets, or smart phones, can participate fully, as they would in a

regular meeting. For those who don't have video capability, the call will be like a regular conference call.

- Inform the parties whether the video conferencing platform that you will use will permit any participant invited to the meeting to join without cost to them.

What can I do to make the parties (and myself) feel more comfortable?

- As part of the process of nudging parties to feel more comfortable with a videoconference, offer to have a complimentary practice session with them. Start with a video-call with just the advocates or counsel. You can then show all the features to advocates, allowing them to get comfortable with the facilities of videoconferencing.
- Offer to hold a further practice session or sessions with advocates and the parties. This permits the key individuals from the Union and the Employer to experience how the videoconferencing works, making them feel more secure with it before the actual hearing.
- These practice sessions are an excellent opportunity to try out the different features – e.g., Breakout Rooms, excluding a witness, communicating during a breakout session, privacy issues, recording, exchange of documents, the Chat feature, the difference between the Gallery View and the Speakers View, and the capacity to focus the camera on the witness, etc. Discuss how participants will keep notes while watching the video stream.
- Once the parties' comfort level with use of this technology is established, there is much greater willingness to make use of videoconferencing.
- After you have set up the meeting with the Zoom Options you want to use, save a "Meeting Template" for future use. You can save up to 40 different templates.

MANAGING THE PARTIES' EXHIBITS

How should I deal with documents and exhibits prior to the hearing day?

- Document management will be critical to the success of videoconferencing procedures.
- Have a conversation with the parties prior to the hearing to discuss how exhibits will be handled. You should obtain clear agreement as to advanced sharing of all proposed exhibits.
- Ideally, the parties should agree on a set of joint exhibits that can be shared with you prior to the hearing.
- If they cannot agree to present documents as Joint Exhibits, the parties must discuss the remaining exhibits. They should be prepared to share these exhibits with opposing advocates and you. Encourage them to share exhibits pending admission into the record.
 - The parties should not send exhibits to you without sharing them with each other.

- If witnesses will not be with the advocates, arrangements should be made to get exhibits to them.
- To the extent possible, minimize the number of exhibits that will be exchanged on the hearing day.

How will I receive the documents or exhibits?

- If the files are not too large, they may be emailed to you and opposing advocates. Some files may be sent by compressing them into a .zip file.
- If the files are too large for email, you can sign up for a free Dropbox, Google Drive or other file-sharing account. You can give the parties access by sending an invitation to share files with you. Most file-sharing services do not require the other users to have an account.
- If you have addressed these matters well ahead of the hearing, the parties may also mail the exhibits to you by snail mail.
- Many companies and law firms have secure file-sharing systems. The parties will upload any exhibits to be shared and send a link to you once all the exhibits have been uploaded.
- If there are security issues that prohibit sending the exhibits electronically, the parties can mail hard copies, or a zip drive or a CD-ROM with the exhibits on it to you by snail mail.
- Each exhibit should be saved in a separate electronic file; they will be far easier to manage. It is far too cumbersome to search through one file that may consist of many pages.
- Each exhibit should be identified as it would be on the record: "Joint Exhibit 1- collective bargaining agreement."
- Ask the parties to provide you with a comprehensive exhibit list, so you are sure you have everything in place.
- If an individual file is large, ask the parties to affix numbers to the pages. This will make it easier to search during the hearing. (Adobe Acrobat Pro DC can be used for Bates numbering.)

How should I handle my exhibits at the hearing?

- If you will take notes during the hearing on a computer, consider loading the exhibits you received onto a second laptop or tablet.
- Be sure to index or label them so that you can easily find the exhibit that the parties are referring to.
- At the start of the hearing, it may be helpful to open each of the exhibits in separate tabs so that you can easily move between them.
- You may feel more comfortable printing the documentary exhibits so that you can handle them during the hearing just as you typically would.

- On a tablet with a stylus pen, you can mark up the electronic version of the exhibits, either highlighting or commenting as you typically would.
- In Adobe Acrobat Pro DC, you can annotate, highlight, comment, and convert .pdf documents to Word.

How should I handle exhibits that the parties want to introduce at the hearing?

- If additional documents need to be shared during the hearing, you can use a file-sharing account, or they can be emailed.
- Be sure to remind the parties to follow the natural protocol, sharing it first with opposing advocates, then you, and finally, the witness, once you authorize it.
- If you are using Zoom for your videoconferencing, you can set up the Chat window to allow for file transfers during the hearing. You can limit the file formats you will allow.
- If you are using another videoconferencing platform, check to see if it will allow file transfers within the platform.
- To show a video or other visual exhibit, any participant you have given permission can use Share Screen in Zoom. The advocate will be able to control the playback, pausing or stopping just as they would in a hearing room.
- Unanticipated documents that must be shown to a witness who is not in the same location can also be shared via Share Screen, allowing everyone to see the document at the same time.
- If you need to review an exhibit for an evidentiary ruling, you can temporarily exclude the witness while the exhibit is considered.

What about after the hearing?

- If additional documents were admitted during the hearing, arrange for the advocates to provide those to you.
- Verify that you have a complete set of all the exhibits that were received into the record.
- Delete other exhibits that were sent in advance but weren't admitted to the record.
- Be sure that you create a backup copy of the exhibits, so they will not be vulnerable if your computer malfunctions. Once you have finished your award, DELETE the files from your computer and the back-up.

RUNNING A HEARING BY VIDEOCONFERENCE

What do I need to check on the day of the hearing?

- Make sure that all notifications are turned off on your computer.

- Turn off all peripheral devices: cell phones, landlines, etc.
- Ensure that you will not be interrupted by others in the building during the hearing.
- You may not be able to take notes on your videoconference computer, so determine how you will take notes – laptop, tablet, or legal pad – and have it ready.
- If you will be using a keyboard, make certain that it is silent and will not be heard by the participants.
- Check your camera, lighting, and sound before the videoconference begins.
- Dress as you typically would for a hearing. Avoid stripes or other busy prints; solid colors are best.

What should I say to the parties as I begin the hearing?

- Explain that you will be running the hearing through the videoconferencing platform.
- Assure the parties that you will be able to work through technical difficulties and have a good and fair hearing.
- Explain that they will have breakout rooms, just as in a regular hearing, and will be able to talk to each other privately in the breakout rooms.
- Explain that you can sequester witnesses.
- Provide basic explanations regarding witness expectations, such as not reviewing notes or allowing others into the room while they testify.
- Discuss whether you will be making an audio recording of the hearing, and whether you will make the recording available to the parties under your stipulated terms.
- Explain to the parties that they will not be able to record the hearing without your consent.
- Ask them to make certain that their keyboards are silent.
- Assure them that if they are disconnected from the meeting, they can rejoin through the invitation link. If they have problems, they should call or email their advocates.

How do I end my hearing?

- Select End Meeting in Red at the bottom of your screen. Zoom will ask if you want to End the Meeting for All? Select “yes.”

SEQUESTER, CAUCUS, AND HALLWAY CONVERSATION-HOW TO USE BREAKOUT ROOMS IN ZOOM

How are Breakout Rooms made available in a Zoom meeting?

- Breakout Rooms are not available as a default in Zoom. You need to go to your “Settings” on your Zoom webpage.
- Under “Meetings” – after the heading “In Meeting (Advanced), Select the setting, “Allow the host to assign participants to Breakout Rooms when scheduling.”
- You can now create Breakout Rooms during your meeting. “Breakout Rooms” will now be visible in a tab at the bottom of your meeting screen.

What can Breakout Rooms be used for?

- Breakout Rooms are useful for any time when parties want to be able to discuss something alone (e.g., the Union or Management advocates with their clients; the arbitrator with just the advocates; the arbitrator with one of the parties during an agreed mediation; or the arbitrator with the parties’ nominees on a three-person board of arbitration).
- They can also be used to place (sequester) a witness who is yet to testify in a witness room until the parties are ready to hear the witness’s evidence.
- Finally, use a Breakout Room to separate a witness during an evidentiary objection that may be lengthy.
 - For shorter exclusions, the arbitrator can place a participant “On Hold” during the discussion of the objection. Explain what will happen before you exclude the witness. Use the Manage Participants tab to take the person off hold and return them to the room.

Before setting up the Breakout Rooms, what should be said to those in the hearing?

- Explain that communication will only be possible with the people who are within the same room. Communications in a Breakout Room cannot be heard or seen outside of the Breakout Room, including Caption messages, Chat messages, and any conversation.
- Explain who will go into which rooms for what purposes.
- Provide a means of leaving the Breakout Room and returning to the main meeting. (This is done in the Breakout Room Options, explained below).
- Explain that anyone in the Breakout Room can contact you by clicking the “Ask for Help” button. A button will appear on your screen, asking you to join a Breakout Room. You can then join the breakout to find out what is happening in that room.
- Explain that you can send a Broadcast message which will appear momentarily in every room. This will enable you to communicate with everyone simultaneously.

- Explain that you can end the Breakout Rooms by broadcast message or after a fixed amount of time. The default is set to end the Breakout Room 60 seconds after the notice is given, but this can be changed.
- Arrange with advocates, that if for any reason they are stuck and cannot communicate with you, that they can phone, text, or email you and each other.

How do I set up the Breakout Rooms?

- Click on the Breakout Rooms button. A pop-up appears asking if the host wants the participants to be automatically assigned to the rooms or to do it manually.
- Create more rooms than you need. You will likely need at least three rooms during the hearing (one for the Union, one for Management, and one for you to meet with advocates or any other group of your choosing). Do this at the start because once you begin using the Breakout Rooms, you cannot add more rooms.
 - You can change room assignments after the Breakout Rooms are opened but cannot create more rooms. If you find you need more Breakout Rooms, you must return everyone to the main meeting and then recreate the Breakout Rooms.
- The Breakout Rooms are numbered sequentially. Before the rooms are opened, you can change the names of the Breakout Rooms from their numbers, just as you can rename your participants if they appear under a phone number or a generic name (e.g. iPhone).
- Under the Options, find “Allow participants to return to the main session at any time.” Select this option unless there is a good reason not to. Doing so gives the parties a way back into the main meeting. Otherwise, their only option for leaving the Breakout Room is to leave the meeting.
- You can arrange with advocates that when they are finished in their Breakout Room, they should return to the main meeting room alone to report that their side is ready to return. Then the advocate can bring back the rest of the party.
- Zoom has many other Options which you may find useful for your hearing.

How do I assign the participants to a Breakout Room?

- The names of your participants will appear on the Breakout Rooms popup. You can select which Breakout Room you will assign them to. Do this by clicking on “Assign.”
- Start the Breakout Rooms by clicking, “Open all Rooms.” Each person who has been assigned is invited to click onto the room they have been assigned to. They will then leave the main meeting and appear in the assigned Breakout Room.

- Once the Breakout Rooms are operative, you can re-assign participants from one room to another.
- Each participant, including you, can be in only one room at a time.

How can participants in the Breakout Rooms communicate with the other Rooms?

- As the host, you can use the Broadcast Message to communicate with everyone. This option appears once the Breakout Rooms are opened.
- Those in a Breakout Room can speak freely with each other and use the Chat window. These messages and communications cannot be seen or heard outside of their Room.
- If those in a Breakout Room want to speak with you while in the Room, they simply click, “Ask for Help.” You will receive their invitation to join that Breakout Room. Use the Breakout Rooms popup to join that room.
- If you have selected the option that will permit participants to return to the main meeting from a Breakout Room, then advocates can return to you in the main room when they want to speak with you. You can send a broadcast message to the other Breakout Rooms to tell everyone (or the other advocate) to return to the main meeting. You can then discuss the issue(s) raised with the advocates.
- If all else fails, the advocates and you can email, text, or phone each other.

How do I join participants in a Breakout Room?

- Before you join participants that have been moved to a Breakout Room, communicate with the lead person in the room to let them know you will join them. You can send a Broadcast message (which will be seen by all participants) or text or call.
- Within the Breakout Room popup, you can select “Join” above the name of the Breakout Room you wish to join.

How do I end the Breakout Rooms?

- Select “Close All Rooms.” They will cease automatically. Everyone in a Breakout Room then returns to the main meeting room. If you selected the Option to Countdown to Close the Breakout Rooms, the participants will return after your predetermined period.

PRIVACY AND SECURITY ISSUES

What video conferencing platform should I use?

- There are several platforms available: Meetings to Go; Skype; GoTo Meetings; Microsoft Teams; Zoom; GoogleMeet and many others. Currently the most widely used platform is Zoom. Avoid platforms meant just for chatting, like Google Hangouts.

If I choose Zoom, what version should I use?

- You should initially sign up for Basic, which is free. It allows unlimited time to practice one-on-one or up to 40 minutes with a group. Once you are comfortable with Basic and are ready to proceed with a hearing then you will minimally need Basic Pro.

Are there privacy and security issues with Zoom?

- Zoom's terms of service include some stipulations that some believe overreach into invading users' privacy. On the surface, Zoom's privacy policy appears to be similar to that of Facebook and Google: it suggests that it collects and stores personal data and shares it with third parties such as advertisers. Zoom responded that it does not sell user data and does not intend to, will not "monitor your meetings or its contents" and that it complies with privacy laws and regulations where it operates.
- Zoom's policy also covers what it labels "customer content," or "the content contained in cloud recordings, and instant messages, files, whiteboards ... shared while using the service." This includes videos, transcripts that can be generated automatically, documents shared on screen, and the names of everyone on a call. Again, Zoom responded that the only data it is able to collect is required to provide the Zoom service, such as basic information including what device a user is on. It committed not to gather any unnecessary data and said also that it would not mine that data or sell it to anyone.
- Before using Zoom or any other platform, you should research the privacy implications and decide whether you and the parties are comfortable. This is a rapidly evolving debate that is being monitored.

What can I do to enhance privacy and security?

- Set a strong password for entering your hearing.
- Use a 2-factor authentication (text messages with a one-time code sent to a cellphone or a standalone app that generates a one-time code).
- Lock the meeting after all participants have joined.

- Do not store anything in the cloud, particularly any audio recording that you may make of the hearing. Instead, store it directly to your computer.
- Use a unique email address specifically for Zoom, clearing cookies and blocking trackers after every call.

TECHNICAL REQUIREMENTS

What are the basic computer system requirements for videoconferencing?

- An internet connection – broadband wired or wireless (3G or 4G/LTE)
- Speakers and a microphone – built-in or USB plug-in or wireless Bluetooth
- A webcam or HD webcam - built-in or USB plug-in
- Or a HD cam or HD camcorder with video capture card

Which Operating Systems are compatible with Zoom?

- macOS X with macOS 10.7 or later
- Windows 10
- Ubuntu 12.04 or higher
- For other Operating Systems, check the Zoom website

Which Tablets or Mobile devices are compatible with Zoom?

- Surface PRO 3 running Win 10
- iOS and Android devices
- Blackberry devices

How much bandwidth do I need to run a Zoom hearing?

- The bandwidth used by Zoom will be optimized for the best experience based on the participants' network. It will automatically adjust for 3G, Wi-Fi or Wired environments. Be sure everyone is using recommended bandwidth for meetings and webinar panelists.

What Camera and Microphone Should I Use?

- Check the camera and microphone on your computer before the meeting begins.
- Consider a noise-canceling headset with built-in microphone.
- Wired is better than Bluetooth.
- If your computer doesn't have a camera and microphone built in, you can buy standalone components, but be sure they are designed for videoconferencing.

NOTE:

The National Academy of Arbitrators (NAA) Videoconference Task Force (VTF) will update this FAQ periodically. Please check the NAA website for those updates: <http://www.naarb.org>.

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