FREQUENTLY ASKED QUESTIONS

ABOUT VIDEOCONFERENCING FOR ARBITRATORS – 4th Edition

PRIVACY AND SECURITY ISSUES

TECHNICAL REQUIREMENTS

FORMS and RESOURCES

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**.

NAA VIDEOCONFERENCE TASK FORCE

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.
- Competence 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.

Are there services that will set up and manage the features of a video arbitration hearing thereby allowing arbitrators to concentrate on the hearing itself?

- Two services that have the capability of setting up the arbitration hearing as well as managing the features during the hearing: Reportex in Canada; Veritext in the United States and Canada. Undoubtedly there are others nationwide but these two have recently been used by arbitrators with favorable results.
- In addition, you may be able to hire a law student, labor relations student, or IT professional who is competent to handle the technical aspects of a videoconferencing meeting for you.

ENSURING A FAIR AND ADEQUATE HEARING

How can I address the parties' concerns about the use of videoconferencing?

- Many individuals are unfamiliar with videoconferencing and wonder whether it can provide a reasonable substitute for an in-person hearing. Familiarity and proficiency in the use of

videoconferencing platforms, readily attainable, can provide all the assurance necessary that videoconferencing can provide a fair hearing.

- There are several ways to participate in a 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.
- Video conferencing platforms are available for use at no cost to participants.
- Video arbitrations are confidential and secure, with the recent platform security upgrades.
- The video conferencing platform allows the arbitrator to see and hear the witnesses clearly, to assess credibility, particularly if the witness is pinned by the advocates and the arbitrator during their testimony.

What if one party wants to proceed via videoconference and the other does not?

- Due to the unusual context of the global Covid-19 pandemic, the National Academy of Arbitrators addressed whether, without violating the Code of Professional Responsibility, an arbitrator can order a video hearing over the objection of a party as an exception to the usual presumption favoring mutual consent in scheduling cases.
- Advisory Opinion No. 26 regarding Video Hearing can be found by clicking here.

What can I do to make the parties (and myself) more proficient with using videoconferencing?

- As part of the process of assisting the parties in gaining proficiency with videoconferencing, practice sessions may be useful. A preliminary video-call with just the advocates or counsel can then be held to demonstrate all the features to advocates, allowing them to get comfortable with the facilities of videoconferencing.
- A further practice session or sessions with advocates and the parties may also be a useful way to permit 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. Discuss how participants will keep notes while watching the video stream. Explain the advantages of a larger or separate screen for viewing the participants, documents and taking notes. Discuss the benefits of using desktops, laptops and tablets over smart phones, particularly for the witness who should be clearly viewed during the hearing.
- These practice sessions are an excellent opportunity to try out the different features – e.g., Breakout Rooms (virtual caucus rooms); excluding or sequestering a witness; privacy issues; recording, using a court reporter; 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 through the pin feature, etc.
- 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. The Videoconference Task Force has prepared this Checklist for Zoom Settings.

What else should I cover in a pre-hearing conference?

- Agree upon the videoconferencing platform to be used
- Determine whether the hearing will be recorded, and who will have access to any recording

- Inform the participants that they are responsible for making their best efforts to make satisfactory arrangements with respect to their witnesses
- Decide when documents will be due, and how they are to be submitted
- Discuss if there is likely to be any unusual evidence – videos, physical, etc.

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, including any confidentiality issues (e.g., redacting personal identifiers, Social Security numbers, and protected health information). 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. Unless it is your usual practice, there is no need for you to review the exhibits prior to the hearing day, other than to confirm that your computer can open them.
- 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. If they are reluctant, remind them that there may need to be some changes in the "usual" way of doing things in order for a videoconference hearing to succeed.
- 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 regular 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 regular 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" and sent as a separate pdf.
- 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.)
- If a court reporter will transcribe the hearing, suggest that the parties provide a complete record of exhibits that may be introduced prior to the hearing.

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, the Chat window may be configured 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 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.

Will the parties be able to play a video or audio file during the hearing?

- To show a video or audio file, 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.
- Photographs, Charts, or Diagrams can also be shown using Share Screen in Zoom, so long as they are saved on the party's computer.

Is there a way for a witness to draw a picture while testifying?

- Most platforms have a Whiteboard feature that can be used in real time to draw on for everyone to see, such as a sketch to illustrate the witness' testimony. The Whiteboard can be saved to your computer afterward. They can also draw on a piece of paper and show it on their camera for all to see.

How should I handle exhibits 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.
- If the court reporter wasn't given copies of exhibits in advance, remind the parties to provide those after the hearing.
- Delete or dispose of 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. Don't forget your 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, if desired.
- Explain that you can sequester witnesses.
- Ensure that you have phone or other external contact with the advocates and that they will have similar contact with their 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.
- Remind them that if they are disconnected from the meeting, they should call or email their advocates, but assure them that they will be able to rejoin the meeting.
- If you prefer, you can use [this script](#) or your own variation.

What should I expect during a witness' testimony?

- During witness testimony, all participants should be able to see the witness testify.
- Consider giving instructions and an oath to the witness that reflects the unique nature of testimony via videoconference. You can use [this one](#), for example.
- Recommend to the advocates that they "pin" the witness video; recommend to the witness that they "pin" the video of the advocate who is asking the questions.

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 "In the Waiting Room" during the discussion of the objection. Explain what will happen before you exclude

the witness. Use the Participants tab to take the person out of the Waiting Room and return them to the hearing.

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 you elected to record the Chat messages, all of the messages sent to Everyone will be recorded; those sent privately to only one participant will not be.
- 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.
- If you are recording through Zoom, the Zoom recording will follow you and record Breakout room conversations, unless you pause the recording.
- 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, WebEx, and many others. Currently, there are only two platforms that have the necessary feature of breakout rooms: Webex and 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 originally included some stipulations that could overreach into invading users' privacy. It has however changed its privacy policy and will no longer store, collect, or share users' data related to audio, video, chats and documents.
- Zoom has been subjected to intense scrutiny and has responded positively to fix many of the flaws in its design. There are ongoing issues with the platform however it remains one of the two best options to satisfy the needs of an arbitration hearing.

What can I do to enhance privacy and security?

- Install the latest version of Zoom and install updates whenever they become available.
- Note that Zoom has added a Security tab to the Host's screen. Familiarize yourself with the Features that can be changed while in the hearing.
- Take the appropriate cautions when using Zoom:
    - Do not share meeting links on a publicly available location such as a public social media post.
    - Set a strong password for entering your hearing; do not embed the password in the link that you send to the parties---put it in a separate email to the parties.
    - 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).
    - Provide the meeting URL and password close to the meeting start time and ask participants not to share it to anyone.
    - Require that participants download the Zoom app and forbid "Join from your browser". Turn this option off in your personal Zoom settings.
    - Use the Waiting Room to screen people coming to the meeting.
    - Lock the meeting after all participants have joined. The meeting may be temporarily unlocked to allow later participants to join and then re-locked.
    - Do not transfer documents through the Chat feature.
    - Exchange documents electronically in advance of the hearing through a thumb drive, CD ROM; zip file; Dropbox; etc.
    - 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.

- Are there services that will set up and manage the features of a video arbitration hearing thereby allowing arbitrators to concentrate on the hearing itself?
  - There are several court reporting services that have offered to host videoconferences. Be sure that they will be ready to run a hearing for you, which is more involved than a video deposition. Arbitrators have had experience with Reportex in Canada and Veritext in the United States and Canada and reported favorable results. Although there are no doubt others, these two services have demonstrated the capability of setting up the arbitration hearing as well as managing the features during the hearing.
  - In addition, you may be able to hire a law student, labor relations student, or IT professional who is competent to handle the technical aspects of a videoconferencing meeting for you.

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 (recommended) and some earlier versions of Windows
- 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.

NAA VIDEOCONFERENCE TASK FORCE

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RECOMMENDED ZOOM SETTINGS

The recommendations that follow are based on the latest update to the Zoom settings (5.4.6 for desktop clients), as of the date of this memorandum.

Meetings

ZOOM SETTING	MODIFY / KEEP
Security	
Waiting room When participants join a meeting, place them in a waiting room and require the host to admit them individually. Enabling the waiting room automatically disables the setting for allowing participants to join before host.	Turn this ON This, like the breakout rooms, is an important feature for a hearing. It enables the host to check who is coming into the meeting before they are admitted. Also, it enables the host to place someone in the waiting room during the meeting, e.g. a witness, while an evidentiary objection is being made
Choose which participants to place in the waiting room: "Everyone" Customize the title, logo, and description	Click "Everyone". This means everyone is put into the waiting room, awaiting admittance by the host at the start of the meeting. You can click the "Customize Waiting Room" link to change the default Waiting Room settings
Meeting Passcode All instant, and scheduled meetings that users can join via client, or room systems will be passcode-protected. The Personal Meeting ID (PMI) meetings are not included.	Turn this ON Safer for the meeting to require a passcode as well as a link
Personal Meeting ID (PMI) Passcode All Personal Meeting ID (PMI) meetings that users can join via client, or room systems will be passcode-protected.	Turn this ON
Require passcode for participants joining by phone A numeric passcode will be required for participants joining by phone if your meeting has a passcode. For meeting with an alphanumeric passcode, a numeric version	Turn this ON This is an added security measure

will be generated	
Embed passcode in invite link for one-click join Meeting passcode will be encrypted and included in the join meeting link to allow participants to join with just one click without having to enter the passcode	Keep this ON Likely our invitations will not be made public. Having the passcode included in the meeting link makes our notices to parties easier for them to access and act on. For additional security, you could turn this off.
Only authenticated users can join meetings The participants need to authenticate prior to joining the meetings, hosts can choose one of the authentication methods when scheduling a meeting.	Have this turned OFF Having it off makes meeting attendance simpler
Only authenticated users can join meetings from Web client The participants need to authenticate prior to joining meetings from web client	Turn this OFF
Approve or block entry to users from specific regions/countries Determine whether users from specific regions or countries can join meetings/webinars on your account by adding them to your Approved List or Blocked List. Blocking regions may limit CRC, Dial-in, Call Me, and Invite by Phone options for participants joining from those regions.	Having this ON or OFF is a personal choice.

Schedule Meeting

Host video Start meetings with host video on	Having this ON or OFF is a personal choice
Participants video Start meetings with participant video on. Participants can change this during the meeting	Having this ON or OFF is a personal choice. Having it ON saves the host from having to ask participants to show themselves. Having this OFF gives participants a choice about when they appear on video at the start of the hearing

Audio Type Determine how participants can join the audio portion of the meeting. When joining audio, you can let them choose to use their computer microphone/speaker or use a telephone. You can also limit them to just one of those audio types. If you have 3rd party audio enabled, you can require that all participants follow the instructions you provide for using non-Zoom audio. Telephone and Computer Audio Telephone Computer Audio	Have "Telephone and Computer Audio" checked Some of those attending the meeting may have to do so by telephone
Allow participants to join before host Allow participants to join the meeting before the host arrives	Turn this OFF Better to have the participants wait in the Waiting Room until you start the meeting rather than meeting each other without you or engaging in *ex parte* communication (even innocent conversations) before the other party arrives
Enable Personal Meeting ID A Personal Meeting ID (PMI) is a 9 to 11 digit number that is assigned to your account. You can visit Personal Meeting Room to change your personal meeting settings.	Turn this OFF Use a unique meeting ID and passcode for each meeting
Use Personal Meeting ID (PMI) when scheduling a meeting You can visit **Personal Meeting Room** to change your Personal Meeting settings.	Keep this OFF Go to the Personal Meeting Room and click on "Enable waiting room"
Use Personal Meeting ID (PMI) when starting an instant meeting	Keep this OFF
Mute all participants when they join a meeting Automatically mute all participants when they join the meeting. The host controls whether participants can unmute themselves.	Having this ON or OFF is a personal choice. Having it ON saves the host from having to ask participants to unmute themselves. Having this OFF may avoid some interruptions from participants as they join and gives participants a choice about when they appear on video at the start of the hearing
Upcoming meeting reminder Receive desktop notification for upcoming	Turn this ON It's helpful for participants to get a notice 5

meetings. Reminder time can be configured in the Zoom Desktop Client.	minutes before the meeting reminding them of it. You can set the time of the reminder (5 or 10 minutes or more).

In Meeting (Basic)

Require Encryption for 3rd Party Endpoints (H323/SIP) Zoom requires encryption for all data between the Zoom cloud, Zoom client, and Zoom Room. Require encryption for 3rd party endpoints (H323/SIP).	Keep this OFF
Chat Allow meeting participants to send a message visible to all participants Prevent participants from saving chat	Turn this ON There may be circumstances when having the Chat available is useful. You can always turn OFF Chat in your meeting. Or restrict the type of Chat that can take place. Click "Prevent participants from saving chat". There is usually no reason why the participants should want to save the Chat
Private chat Allow meeting participants to send a private 1:1 message to another participant.	Keep this OFF This enables participants to chat to Everyone. The host can also switch off Chat altogether in the meeting, although the Host and any Co- Host will still be able to send messages to Everyone, or to a particular participant, in their room. NOTE: Participants, including the host, can Chat only within their room. Communication to breakout rooms are by the Host through a Broadcast Message, or by those in the breakout room (other than a Co-Host) who can press "Ask for Help" to invite the Host to their breakout room.
Auto saving chats	Keep this OFF

Sound notification when someone joins or leaves Play sound for: • Everyone • Host and co-hosts only When someone joins by phone: Ask to record their voice to use as the notification	This is a personal preference. ON enables you to know when a participant leaves or joins, without checking the Participant list. OFF saves you the distraction of the sound. If ON, Play sound for Host and co-hosts only
File transfer Hosts and participants can send files through the in-meeting chat.	You can keep this OFF It is convenient though for parties to be able to transfer a document through Zoom. If you turn this ON for this purpose, you can restrict the type of files you will allow If you turn this ON, click "Only allow specified file types" and then stipulate, e.g. ".pdf, .docx, .pptx, .html, .xlsx, .jpeg"
Feedback to Zoom Add a Feedback tab to the Windows Settings or Mac Preferences dialog, and also enable users to provide feedback to Zoom at the end of the meeting	Turn this OFF, to increase the privacy of the meeting.

Display end-of-meeting experience feedback survey Display a thumbs up/down survey at the end of each meeting. If participants respond with thumbs down, they can provide additional information about what went wrong.	The default is OFF
Co-host Allow the host to add co-hosts. Co-hosts have the same in-meeting controls as the host.	Turn this ON It is sometimes useful to make counsel or another participant the co-host. This gives them some control over the meeting. For example, if you have Screen Sharing set to just the Host being able to share, you may want counsel to be a co-host so that they can share a document on their screen. It also enables them to move between the breakout rooms.

Polling Add 'Polls' to the meeting controls. This allows the host to survey the attendees.	Keep this OFF Polling is not typically done in a hearing
Always show meeting control toolbar Always show meeting controls during a meeting	Turn this ON Much easier for all concerned if they can see and use the control toolbar
Show Zoom windows during screen share	Turn this ON If you want to explain a feature of Zoom during the meeting, you will want to be able to look at the Zoom app on your screen
Screen sharing Allow host and participants to share their screen or content during meetings **Who can share?** Host Only	Turn this ON It's a useful feature to enable everyone to look at a common document or to use the whiteboard to draw what happened or to check what a witness has up on their screen The disadvantage of screen sharing is having participants share their screen when this is not required. The solution is to enable screen sharing, but to have only the host able to share. In a meeting the host can make counsel, or another participant, a co-host to enable counsel to share their screen Also, under the Security menu, during the meeting, the host could allow screen sharing as needed.
Disable desktop/screen share for users Disable desktop or screen share in a meeting and only allow sharing of selected applications.	Turn this OFF You may want counsel or another participant to be able to share their screen. If this is ON then no screen sharing is possible, including by the host
Annotation Allow participants to use annotation tools to add information to shared screens	Keep this ON Annotation allows a participant to draw on the whiteboard, e.g. signing Minutes of Settlement on the whiteboard CHECK Allow saving of shared screens with

	annotations
Whiteboard Allow participants to share whiteboard during a meeting Auto save whiteboard content when sharing is stopped	Keep this ON It is useful to be able to write on the whiteboard [remember the whiteboard is only two pages long] Do NOT click to auto save the whiteboard. Keep this unchecked. If you want to save a particular whiteboard in a meeting you will be able to do this at the time Save as PDF
Remote control During screen sharing, the person who is sharing can allow others to control the shared content	Keep this ON As host you may want to take control of the shared content, e.g. in drafting Minutes of Settlement
Nonverbal feedback Participants in a meeting can provide nonverbal feedback and express opinions by clicking on icons in the Participants panel.	Keep this OFF This is not a function needed in a hearing
Meeting reactions Allow meeting participants to communicate without interrupting by reacting with an emoji that shows on their video. Reactions disappear after 10 seconds. Participants can change their reaction skin tone in Settings.	This is a matter of personal preference
Allow removed participants to rejoin Allows previously removed meeting participants and webinar panelists to rejoin	Keep this OFF If you remove someone from the meeting, you don't want them to be able to return

Allow participants to rename themselves Allow meeting participants and webinar panelists to rename themselves.	Keep this ON You may want someone to write in their correct name Those joining on an iPhone, for example, are shown as "iPhone". The host would want such a participant to write in their correct name
Hide participant profile pictures in a meeting All participant profile pictures will be hidden and only the names of participants will be displayed on the video screen. Participants will not be able to update their profile pictures in the meeting.	This is a matter of personal preference

In Meeting (Advanced)

Report to Zoom Hosts can report meeting participants for inappropriate behavior to Zoom's Trust and Safety team for review. This setting can be found on the Security icon on the meeting controls toolbar.	Turn this ON
Breakout room Allow host to split meeting participants into separate, smaller rooms Allow host to assign participants to breakout rooms when scheduling	Turn this ON This is perhaps the most important and useful feature of Zoom. It enables you to create separate union and management breakout rooms and to have additional spare rooms for other uses (separating complaints from respondents, sequestering a witness, meeting separately in the hallway with counsel, etc.) Check ON this feature. [remember, when in a meeting, to make more breakout rooms than you're likely to need. You cannot create more rooms once the breakout rooms are open]

Remote support Allow meeting host to provide 1:1 remote support to another participant	Turn this OFF Unless there is some particular reason why a participant needs support from the host. Turning it ON enables the host, with permission, to take charge of the participant's remote computer and alter the settings. However, the effect of turning this on, is to turn off the simultaneous screen sharing feature. NOTE: the decision to turn on Remote Support must be made in Settings before the meeting begins
Closed captioning Allow host to type closed captions or assign a participant/third party device to add closed captions	You can turn this ON It enables caption communication with everyone in the meeting. For those who are deaf, they may want the proceedings to appear in the closed caption. As host, you can assign someone else to write the close captions
Save Captions Allow participants to save fully closed captions or transcripts	Keep this OFF Unless you want the participant, who needs the closed captions, to have a saved copy of the captions' transcript
Far end camera control Allow another user to take control of your camera during a meeting	Keep this OFF
Group HD video Activate higher quality video for host and participants. (This will use more bandwidth.)	Turn this ON Unless there is a problem of insufficient bandwidth

Virtual background Allow users to replace their background with any selected image. Choose or upload an image in the Zoom Desktop application settings.	Keep this ON
Video filters Turn this option on to allow users to apply filters to their videos	Keep this OFF for hearings and professional activities
Identify guest participants in the meeting/webinar Participants who belong to your account can see that a guest (someone who does not belong to your account) is participating in the meeting/webinar. The Participants list indicates which attendees are guests. The guests themselves do not see that they are listed as guests.	Turn this ON NOTE: With single user licenses, everyone besides the host is a guest
Auto-answer group in chat Enable users to see and add contacts to 'auto- answer group' in the contact list on chat. Any call from members of this group will be automatically answered.	Keep this OFF Chat is a distraction in a hearing. The host can restrict the use of Chat in the meeting. The Chat function should be available though so that document transfer can occur through Chat
Only show default email when sending email invites Allow users to invite participants by email only by using the default email program selected on their computer	Keep this OFF If it were turned ON some participants may be excluded from the hearing because their email is not the default of the computer that they are using. This could cause an unnecessary exclusion of a participant
Use HTML format email for Outlook plugin Use HTML formatting instead of plain text for meeting invitations scheduled with the Outlook plugin	Keep this OFF Unless you work in Outlook
Allow users to select stereo audio in their client settings Allow users to select stereo audio during a meeting	Turn this ON It allows for better sound quality for the participants if they have stereo available to them

Allow users to select original sound in their client settings Allow users to select original sound during a meeting	Turn this ON
Select data center regions for meetings/webinars hosted by your account Include all data center regions to provide the best experience for participants joining from all regions. Opting out of data center regions may limit CRC, Dial-in, Call Me, and Invite by Phone options for participants joining from those regions.	Turn this ON Select data center regions based on personal preference
Show a "Join from your browser" link Allow participants to bypass the Zoom application download process and join a meeting directly from their browser. This is a workaround for participants who are unable to download, install, or run applications. Note that the meeting experience from the browser is limited	Keep this ON Although joining from a browser makes the meeting slightly more vulnerable to attack than a meeting joined via the Zoom app, some participants with IT security limitations (particularly government agency employers) may not be able to download the Zoom software and can only participate via a browser; other participants may be hesitant to put the Zoom app on their computers.
Allow live streaming meetings	Personal preference
Show a custom disclaimer when starting or joining a meeting Create your own disclaimer that will be shown at the start of all meetings hosted by your account	Personal preference
Request permission to unmute Select this option in the scheduler to request permission to unmute meeting participants and webinar panelists. Permissions, once given, will apply in all meetings scheduled by the same person.	Turn this ON The advantage of having it on is that, when participants move from breakout room to the main room, they are not automatically muted. They give general permission to the host to mute or unmute them when they enter the waiting room

Email Notification

When a cloud recording is available Notify host when cloud recording is available Send a copy to the person who scheduled the meeting/webinar for the host	Keep this ON So that you know if and when a recording has been made Click this if you use someone else to schedule your meeting
When attendees join meeting before host Notify host when participants join the meeting before them	Keep this ON This will not function if no-one is allowed to join the meeting before the host, which is a recommended setting above. However, if an attendee does join the meeting before the host, you should be notified
When a meeting is cancelled Notify host and participants when the meeting is cancelled	Keep this ON
When an alternative host is set or removed from a meeting Notify the alternative host who is set or removed	Keep this ON
When someone scheduled a meeting for a host Notify the host there is a meeting is scheduled, rescheduled, or cancelled	Keep this ON
When the cloud recording is going to be permanently deleted from trash Notify the host 7 days before the cloud recording is permanently deleted from trash	Keep this ON If you made a recording, you will want the opportunity to save the recording if it is to be deleted

Other

Blur snapshot on iOS task switcher Enable this option to hide potentially sensitive information from the snapshot of the Zoom main window. This snapshot display as the preview screen in the iOS tasks switcher when multiple apps are open.	Keep this OFF
Invitation Email Your meeting attendees will receive emails in language based upon their browser/profile settings. Choose languages which your expected attendees will receive content in to edit. Choose email in language to edit [English]	You can edit the invitation email that is sent to the participants. To do so, click on the For example, you can add: "Please confirm your receipt of this email. If you share this email, please ensure it is shared only with those whose attendance in the meeting is required. Participants coming into the hearing will first come into a waiting room, from which they will be admitted to the hearing by the host. NOTE: If your invitation is from the app, either an Instant Meeting or a Scheduled meeting, you do not have the option of requiring the participants to register. For registration – typically for a large group – it is better to schedule from your browser within Zoom, where you can require additional details of the participants.
Schedule Privilege You can assign users in your account to schedule meetings on your behalf. You can also schedule meetings on behalf of someone that has assigned you scheduling privilege. You and the assigned scheduler must be on a Paid plan within the same account. Assign scheduling privilege to No one I can schedule for + No one	You can assign scheduling to someone else, e.g. an assistant

VIDEOCONFERENCE TASK FORCE

Jeanne Charles	**Homer C. La Rue**
Chair	**Vice-Chair**

The above is our current personal assessment of the optimal Zoom settings for conducting a labor arbitration hearing, given what we know of the features, privacy settings, and security of the Zoom platform as of the preparation date. It is the Zoom user's individual decision as to which settings they prefer, based on their individual exercise of judgment, notwithstanding the content of this document.

Chris Albertyn & Keith Greenberg
December 15, 2020

Zoom for arbitration, mediation and med-arbitration

In light of the impact of the Coronavirus and the need for heightened isolation, consideration should be given to use of videoconferencing as a method for meeting to resolve labour disputes.

In addition to addressing the current health requirements, and saving travel and hearing room costs, use of videoconferencing can be an effective alternative to in-person meetings.

Having reviewed different platforms for holding video-conference calls, Zoom has specific advantages. As a consequence, the description below is only of Zoom as the app of choice for e- meetings.

Hearings

Exhibits need to be scanned and can be emailed or shared on screen or sent via the Chat feature within Zoom during the e-meeting. However, it would be preferable to scan and email relevant documents in advance of the hearing.

For evidentiary rulings, the arbitrator (the host of the e-meeting) is able to temporarily exclude the witness while the ruling is dealt with. Otherwise, all participants see and hear each other, just as they would in a regular hearing room.

Mediations and Med-Arb

Zoom allows the arbitrator to establish breakout rooms. So, as in an in-person mediation or a med-arb, separate rooms can be established for the Union and for the Employer. Everyone within a particular breakout room is able to communicate freely with each other. The host can join each of the breakout rooms.

Additional breakout rooms can be created for the arbitrator to meet separately with counsel, or with any other configuration of persons. At any time, the host can bring everyone back together.

During a Zoom a meeting, one can communicate by Chat with anyone in their room. Chat messages can be sent to individuals or to the whole group.

The arbitrator is able to send a broadcast message to everyone when they are in separate rooms.

An additional advantage of using Zoom is the option of screen-sharing. This means a participant can share their personal monitor, any document or image, or create a whiteboard. Control of the shared screen can be passed to other participants.

Joining a Zoom meeting

Participants can join a meeting using any device, i.e. home computer, laptop, cell phone, tablet. If none of these is available, a participant can also call into the meeting by phone.

The arbitrator will e-mail participants a Zoom link and a Meeting ID. The email invitation should be forwarded to everyone whose attendance is required.

The invitation has a link. Click on the link. That invites you to download the zoom.us app. Do that. The app opens into the meeting. You may have to enter the Meeting ID, which is in the invitation.

If a participant wishes just to phone into the meeting, that can be done by dialing one of the numbers listed in the invitation.

If for any reason there are difficulties using Zoom, e.g. glitchy after downloading the zoom.us app, network security restrictions, etc., contact me to decide next steps.

Trial run

I am happy to offer complimentary pre-hearing e-meetings as needed, using Zoom, to familiarize the parties with its features in preparation for the hearing.

Yours very truly,

_____

BEGINNING THE HEARING

Noise

First of all, I want everyone to be careful not to talk over each other, and also not to make extraneous noises that make it hard to hear. I will try to mute my microphone, except when I am talking. I suggest you try to do the same. If anyone's activities are making it hard to hear, I will mute their microphone and let them know I have done that. They will be able to un-mute their microphone when they are finished with their activity.

Waiting room

If necessary, I can move participants in and out of the waiting room, or put them on hold, or into a breakout room, for example, if we need to discuss objections.

Breakout rooms

I have set up breakout rooms for each counsel and their respective clients. Please let me know if you need to caucus with your client, and I will put you in a breakout room. Discussions in a breakout room are private within that room.

You can communicate with me from the breakout room by pressing the "Ask for Help" button.

You can re-join the hearing when you are ready to return, subject to any direction I give.
I may also check in on you to see how your caucus is progressing.

Video / audio freezing

The Internet is being stretched with the sudden increase in videoconferences, such as this hearing. We may experience slowdowns or loss of connectivity during the hearing. Please be patient while we work through these glitches. Indicate if you can't hear someone.

If we lose connectivity, try re-connecting using the same link that you used to get here.

Breaks

In my face-to-face hearings, I call a break every hour or so to let people stand up, stretch, and take care of personal needs. I also usually call a lunch break. If you have

come to a good time for a break, please let me know. Otherwise, I may interrupt your examination at what seems like a good place to break.

If anyone needs a break, please let me know.

During a break, stay in the meeting, though you can turn off your video and audio.

<u>Privacy and confidentiality</u>

I take the confidentiality of arbitration hearings seriously. Steps to keep the hearing private include issuing individual invitations, requiring a password (which was imbedded in the invitation you received), and placing people in waiting rooms. If someone manages to crash our meeting, I will evict them from the hearing.

WITNESS INSTRUCTIONS

[oath]

Is anyone in the room with you?
If so, who are they?
You may not have anyone else in the room with you during your testimony. If someone comes into the room, please let us know of that.

Do you have any documents related to this case with you, e.g. any notes?
If so, what are they?
Please put those aside and do not consult them unless someone instructs you to do so.

Do you have any recording devices running?
If so, please turn it off. You may take your own notes, but you may not record the hearing.

Because we are holding this hearing by videoconference, I have a few extra instructions for you.

Do you have any communication program open on your device? Messages, Messenger, WeChat, Signal, WhatsApp, or any email app or program? Close any communication devices for all of the time you are testifying, on your phone, on your computer and on your tablet.

It is optimal to have one person at a time talking.

Pause a second before answering to be sure the question to you is complete. If there is an objection to a question, please do not answer it until I rule on the objection. I may move you to the waiting room, or hold you out of the meeting temporarily, if counsel need to argue the objection without you hearing what they are saying.

Please keep your voice up. If we can't hear you, I will ask you to repeat what you just said. Try to talk at a pace that enables everyone to take notes of what you are saying. If you start talking too fast for us to take notes of what you're saying, I will ask you to slow down.

If, for some reason, you leave the meeting before your testimony is complete, please sign back in to rejoin the meeting.

Any questions?