



Virtual Proceedings at the MCAD

Guidance & Best Practices

Introduction

The Massachusetts Commission Against Discrimination (MCAD) has prepared this Guidance for parties and participants of virtual proceedings conducted by MCAD Commissioners and their designees.

Types of Virtual Proceedings

The MCAD may hold Investigative Conferences, Preliminary Hearings (appeals), pre-hearing and certification conferences, and ADR sessions (mediations and conciliations) via Zoom videoconference software (www.zoom.us). Parties may request to participate by telephone if they do not have videoconference capabilities.

Participating in a Virtual Proceeding

You will need:

- **An internet-capable device** (e.g., laptop or desktop computer equipped with a webcam, microphone, and speakers, or a tablet / smartphone)
- **A reliable internet connection** (strong Wi-Fi signal or Ethernet connection)
- **The Zoom App** (the Zoom app is free and available to download via their [website](#))

Note: If you do not have a webcam, you can still participate by videoconference on your computer. You will be able to see the parties, but the parties will not be able to see you. **You may request to participate by phone if you do not have an internet-capable device.**

Best Practices Tips: Please try to have a backup device available, in case of technical difficulties. Please use a trusted internet connection. Using public or unsecured Wi-Fi may have risks.

Joining the Proceeding through Zoom

You will be sent an invitation via email that includes:

- A link to the Zoom Session
- A unique meeting code
- A secure password, which is needed to join the session, and
- A list of phone numbers for participating via phone, if the videoconference fails.

Best Practices Tip: Please join the Zoom session at least 5 minutes early. The Zoom session will be open approximately 10 minutes prior to the start time for the parties to join early, so that the proceeding may start promptly when scheduled. If this is your first time using Zoom, please join the session at least 10 minutes prior to the start time as downloading the Zoom application take some time.

Best Practices Tip: Print the invitation or write down the Meeting ID, password, and phone numbers in case you experience technical issues during the meeting.

Note: Do not share this email that includes the private meeting link and password with anyone not invited to attend the proceeding.

Your Session will Begin in the Waiting Room

Upon joining the virtual proceeding, you will arrive in a virtual “waiting room” until the MCAD employee admits everyone to the session. Communicating with other participants is disabled until the meeting commences.

Privacy and Confidentiality Statement

No recording of the session, or any portion thereof, is permitted by the parties. The security precautions in place are intended to protect your privacy and prevent third parties from listening to, or gain access to the audio or video content of the proceeding. **Please note, some proceedings (e.g., public hearings, depositions, etc.) may be recorded by the MCAD. Parties will be notified if their proceeding will be recorded by the MCAD in advance of the commencement of that proceeding.**

Virtual Proceeding Details Conciliations & Mediations

As is consistent with in-person mediations or conciliations, the virtual proceeding may begin with a joint session with all parties together, or it may begin with the parties sent to private breakout rooms.

At the conclusion of the joint session, the parties and their counsel will then be sent into separate breakout rooms for private caucuses with the mediator/conciliator. Breakout rooms ensure a confidential virtual space for discussions.

Etiquette during the Proceeding

- Please allow the speaker to finish their comments before responding.
- Remember that the camera may not show hand gestures or non-verbal signals, so it's important for participants to express their points verbally.

Signaling for the Mediator to Join Your Breakout Room

- When you are ready for the mediator to re-enter your breakout room, or if you need the mediator's attention, please click the "ask for help" icon on the screen and follow the prompts to invite the mediator back into your breakout room.

Note: It may take the mediator up to 10 minutes to join your breakout room, if they are still meeting with the other parties. If for some reason after 10 minutes, the mediator has not joined your breakout room, please contact the mediator via their cell phone or email address.

Sending Chat Messages during the Proceeding

- You may send private text messages to the mediator using Zoom's built in "chat" feature.
Best Practice Tip: Please refrain from using the chat function to ask lengthy questions, to comment, or to respond to what a party is saying. Please only use the chat feature to get the mediator's attention or to send a private message meant solely for to the mediator.

Sharing Documents during the Proceeding

- The MCAD will allow counsel to present documents (spreadsheets, photographs, videos, etc.) during the proceeding via Zoom's "share screen" function.
- Counsel must use a computer, not a mobile device, to share documents during the proceeding.
Best Practice Tip: If you plan to share documents during the proceeding, please familiarize yourself with the Zoom "share content" features before the virtual proceeding.

Service Interruptions, Difficulty Connecting, and Trouble-shooting

If you are disconnected from Zoom meeting during the proceeding, or if you have trouble connecting to the meeting, please DO NOT PANIC! Simply follow these steps:

- Click the original invitation link to try to join the meeting.
- If that doesn't work, close all open windows and restart your computer. Open your email and try to join the meeting using the original session link.
- If you are still unable to join via Zoom, please call one of the telephone numbers provided in the original session invitation (just beneath the link) and enter the Meeting ID and Password when prompted.
- If all else fails, your attorney or an MCAD representative will contact you with additional instructions regarding the situation, or to arrange to continue the session at another time if necessary, due to unavoidable technical issues.

Confirmation of the Security of the Parties

All parties attending the Conciliation or Mediation must ensure and confirm that they are participating from a closed-room environment, with no additional persons off-camera or with the ability to listen in on the discussions.