

## Recordings of Hearings

### R97-1-02

#### Video Taping, Photographing, Filming or Recording of Public Hearings

March 6, 1997

WHEREAS, Section 4121.36(E) of the Ohio Revised Code provides that all meetings of the Commission, District Hearing Officers, and Staff Hearing Officers shall be public; and

WHEREAS, Section 4121.36(A)(2) of the Ohio Revised Code provides that the Industrial Commission shall adopt rules as to the conduct of all hearings before the Commission and its District Hearing Officers and Staff Hearing Officers and the rules shall provide for a public hearing; and

WHEREAS, the Commission has promulgated 4121-3-09(C)(11) of the Ohio Administrative Code that provides that all hearings before District Hearing Officers, Staff Hearing Officers, and the Industrial Commission shall be public; and

WHEREAS, questions have recently arisen regarding whether persons may videotape, photograph, film, or record public hearings of the Commission; and

WHEREAS, pursuant to Section 4121.03 of the Ohio Revised Code, the Commission is responsible for the establishment of the overall adjudicatory policy and management of the Commission under Chapters 4121., 4123., 4127., and 4131. of the Ohio Revised Code; and

WHEREAS, the Commission desires to establish procedures to provide for the public's right of access to public hearings of the Commission and to ensure a fair, equitable, and uniform hearing process without interfering with the rights of the participants in the hearing process.

THEREFORE BE IT RESOLVED that the following standards shall be adopted:

1. Requests for permission to videotape, film, photograph, or record hearings before the Commission and its Hearing Officers shall be in writing to the Hearing Administrator as far in advance of the scheduled hearing as reasonably possible.
2. Stationary cameras and other auxiliary equipment to be used in the hearing room must be set up and broken down prior to or upon completion of the hearing.
3. Arrangements shall be made outside the hearing room between or among media for pooling equipment and personnel without imposing on the adjudicator to mediate any dispute as to the appropriate media pool representative or equipment authorized to cover a particular hearing.
4. Not more than one portable video camera, television, videotape, or audio system shall be permitted in the hearing room. No more than two still camera operators shall be permitted in the hearing room.
5. The television and still-camera operator shall be positioned in a location in the hearing room as directed by the adjudicator. Having established an operating position, the operator shall act so as not to call attention to the operator through further movement. Television cameras, microphones, and taping equipment shall not be placed in, moved during, or removed from the hearing room except prior to commencement or after adjournment of the hearing. Proper hearing room decorum shall be maintained by all media pool participants.
6. Unless approval is obtained from the adjudicator, tape recorders and other audio equipment, including microphones, shall be located at the operator's seat during the hearing.
7. If a hearing is televised, reporters or commentators covering the events shall not broadcast within the hearing room when the hearing is being conducted.
8. The use of cellular phones or other voice-related devices in a room where a hearing is being conducted is prohibited.
9. Supplemental or augmented lighting apparatus to assist in videotaping, filming, or photographing will not be permitted in the hearing room, unless normal lighting in the hearing room can be improved without becoming obtrusive and the adjudicator permits modification.

10. The adjudicator shall retain discretion to prohibit photographing, televising or recording any witness or counsel upon objection.
11. The adjudicator has the authority to modify any of the above procedures when deemed necessary to preserve the decorum or fairness of a Commission proceeding and to exclude from the hearing any person who violates any of the procedures set forth in this resolution.

BE IT FURTHER RESOLVED that existing Memo No. T.5 in the Hearing Officer Manual concerning tape recording of hearings is hereby rescinded.

***Other Recordings of Hearings Resolutions***

R97-1-03  
Modification of R97-1-02  
March 11, 1997