

Helpful Hints About Interviewing Witnesses

Title IX investigators are responsible for interviewing witnesses with information potentially relevant to the allegations at issue in a Title IX complaint. Below are key tips to review and remember as you interview witness.

Starting the Interview

- A. Begin each interview in the same manner —explain who you are and why the interview is being conducted.
- B. Be honest with witnesses about the allegations/nature of the complaint, but remember, your job is to *gather* not disseminate information (or to otherwise try to color a witness' memories or testimony).
- C. Explain relative confidentiality of the investigation.
- D. Review the anti-retaliation provisions of the College's Title IX policy (have the policy with you in the interview) and confirm from the witness that he/she understands the College's anti-retaliation expectations.
- E. Emphasize that the witness must provide accurate, truthful information, and that there are potential ramifications for failing to do so.

Questioning

- A. Start each interview with broad questions, then specific questions, and then move to “catch-all” questions to wrap up.
 1. *Example:* **Broad:** Tell me about your relationship with the complainant?
Specific: Were you in a chemistry course with the complainant and respondent on August 10, 2020? What, if anything, did you observe with respect to the complainant and the respondent during that class?
Catch-All: Anything else you haven't shared regarding the complainant and respondent that you think I should know as I complete my investigation?
- B. Avoid leading questions.
 1. *Example:* Do not ask a witness: “Isn't it true that you and the complainant previously dated and that you often got into heated arguments?” Instead, ask about their relationship. Then ask if they ever had disagreements and ask the witness to describe them.
- C. Don't let the witness know what you do (or do not) believe to be true — your beliefs may color a witness' testimony in an inappropriate fashion. Ask for the witness' version of events.
 1. *Example:* Don't say: Based on my interview with Johnny, I know that you were with the complainant the night the incident in question occurred. Instead, ask the witness about the night in question and whether the witness was with the complainant that evening.
- D. Don't agree or disagree with a witness' version of events.
- E. Allow each witness the opportunity to suggest witnesses and questions he or she wants you to ask of the other party/witnesses, and document in the report which questions were asked,

with a rationale for any changes or decisions not to ask suggested questions to other witnesses.

Interview Notes

1. Start a new page of notes for each interview and write down the time and date of the interview. Also list all individuals present for the interview in your notes.
2. Prepare interview notes professionally — they may be used as evidence in a future legal proceeding and may be relied upon during the appeal process. They should not contain extraneous or irrelevant information.
3. Document facts, observations, and information relevant to credibility. However, do not include *conclusions* regarding credibility in your interview notes.
4. Do not document your opinions regarding a witness in your notes.