

FAQs for Witnesses

The following information is provided to increase awareness and knowledge of the complaint resolution process for witnesses and to address some common questions and concerns regarding witness participation in the investigation.

First, let's talk terminology.

In the investigation process, affected persons or those bringing forward allegations are referred to as Complainants, and accused individuals or those responding to allegations are referred to as Respondents. Sometimes Complainants and Respondents are referred to individually as "a party" or jointly as "the parties." Individuals who have direct experience with or knowledge of events, issues, or circumstances related to the investigation, or who Complainants or Respondents want the investigator to speak with, are referred to as witnesses.

I received an email, call, or text from an investigator requesting an interview. Do I have to meet with them?

Your name was likely shared by someone involved in an ongoing investigation that feels you have relevant and important information about the alleged incident(s) to share with investigators. Although it is our hope that you'll agree to be interviewed, you are not obligated to meet with anyone or participate in the process. However, it's important to understand that answering questions in the investigation and a hearing (if applicable) is almost always a crucial component of our ability to gather necessary information to resolve a complaint.

We also recognize the difficulty of participating in an investigation and the concerns witnesses have regarding how their participation may influence or impact their academic and/or professional life, as well as personal and professional relationships. Individuals who have such concerns are strongly encouraged to contact the Title IX office to discuss possible ways we may help to prevent potential acts of retaliation, to respond to acts of retaliation that do occur, and/or work with a witness to provide solutions that may help a witness to participate in the investigation.

What will meeting with an investigator be like?

The investigator is in a neutral role, with their purpose being to gather as much relevant information as possible, without taking sides or trying to prove the position of either party.

In achieving this purpose, they will:

- record the interview and take notes as you talk with them
- ask you about what happened and allow you the opportunity to share however much or as little as you like
- ask follow-up questions to better understand what you've shared
- ask for any information or documentation that you might have such texts, screenshots, emails, photos, etc. that could help them better understand the situation
- end the meeting with you by asking you if there is anything you would like to share, such as information the investigator didn't ask about but that you feel is important for them to know

Do I need to bring anything with me for the interview?

You do not need to bring anything with you to meet with the investigator unless there is specific information that you would like to share with them, such as screenshots, text messages, photos, or other digital or physical documentation.

This process makes me nervous or anxious. Is there anyone I can talk with before my interview?

Highline College provides both parties and witnesses with [confidential on-campus support \(link\)](#); you can also find links to connect with [off-campus resources \(link\)](#) on our website.

What if I'm a student and I was engaged in behavior that may violate Highline's Code of Conduct? Will I (or my friends) get in trouble?

The health and safety of every student at the College is a top priority of Highline. With that in mind, and with the intent to reduce barriers to reporting and encourage students to come forward with any knowledge or experiences related to discrimination or harassment, including sexual misconduct, students, including Complainants, Respondents, and witnesses, may be granted amnesty from disciplinary action under

[Student Conduct Code](#) (link) for minor student conduct violations at the discretion of the Title IX Coordinator. For more information, contact Highline's [Title IX Coordinator](#) (link).

Can I ask the investigator questions about the complaint or what others have shared?

While the investigator may ask a witness questions about what a witness may know or have observed, the investigator will only share with a witness information about the investigation, including the specifics related to an allegation, if the investigator determines it is necessary to do so to, either as a matter of explanation as to the questions being asked or to seek clarification of information already gathered. In order to protect the privacy of all those involved, as well as the integrity of the investigation, the investigator will not otherwise share with a witness any information related to the investigation.

Will I be interviewed more than once?

In some cases, the investigator may ask to interview a witness more than once if additional information becomes available since the initial interview and/or to follow up with a witness to clarify information or previous statements.

If I provide information to the investigator, can I remain anonymous?

We protect the privacy of individuals who participate in the investigation process, including witnesses. This means that information about witnesses, including their identity and what information they share with the investigator, is shared only with those individuals involved in the investigation and resolution of a complaint who have a need to know.

As part of an initial inquiry into a report of discrimination or harassment, including sexual harassment and sexual misconduct, we may refrain from sharing the identity of anyone who provides information to us beyond our team, with the intent being to encourage those individuals to speak with us. This allows our team to gather information to assist in determining whether an investigation is appropriate or required. However, if a formal complaint is filed and an investigation is conducted, we will need to provide both parties with your name and the information you shared with us.

To ensure fairness, the investigation process provides rights to both Complainants and Respondents:

- Both parties must have notice of the complaint and allegations the investigation is seeking to resolve; and
- Both parties must be offered a meaningful opportunity to respond to the information gathered during the investigation.

As a result, both the Complainant and Respondent will have knowledge of the information a witness shares with the investigator, including the identity of the witness and what information they shared. Additionally, in order to conduct a thorough investigation, there may be occasions when the investigator may need to share information provided by one witness with other witnesses in order to facilitate the fact-gathering portion of the investigation.

Ultimately, we cannot and do not guarantee confidentiality or anonymity to anyone participating in the investigation process, including Complainants, Respondents, or witnesses.

What will investigators do with the information I share?

Investigators will use your information along with all other evidence collected to compile a report when their investigation is complete. This report will be reviewed by the parties for their comments and used in the resolution of the complaint by the decision-maker. In order to preserve the privacy of Complainants and Respondents as much as possible, we don't share the report, the outcome of the investigation, any sanction, or any other College action that may result from the investigative process with witnesses.

Can I talk about the complaint and investigation with others?

In order to protect the privacy of all who are involved, including Complainants, Respondents, and witnesses, and to protect the integrity of the investigation, witnesses are asked to keep information learned during the investigation as private as possible and should avoid sharing such information with others. However, you are not bound by confidentiality, and the college may not take action against you for discussing the complaint or investigation, unless your actions in doing so result in perceived or actual retaliation against others participating in the process.

I feel like I'm being treated differently now that I've participated in the complaint resolution process, and it seems like retaliation. What can I do?

Our policies prohibit retaliation against persons who are involved with the complaint resolution process in any way, including Complainants, Respondents, and witnesses. Retaliation can take many forms, including sharing information in a manner intended to pressure or shame parties and witnesses in connection with the investigation or resolution of a complaint or to discourage parties or witnesses from assisting with the process. Should you believe you or someone else is experiencing retaliation, we strongly encourage you to [contact us](#) (link) or [make a report](#) (link) immediately so the matter can be addressed appropriately.

I received an email, call, or text asking me to participate in a hearing. What does this mean and what should I expect?

Witnesses may be asked by one of the parties or by our team to attend and participate in a formal hearing. You are under no obligation to attend or participate, but you doing so is an important component of the Hearing Panelists' decision-making, as the presence and participation of witnesses at a hearing is important to the outcome of the complaint.

However, if the hearing is set to resolve a complaint under Title IX, and a party or witness chooses not to participate in the hearing or declines to answer questions posed during cross-examination, any information they provided during the investigation cannot be relied upon by the Hearing Panelists in reaching a determination regarding whether the Respondent violated College policy. This is not true in the Equity Resolution Process; all information gathered during the investigation will be reviewed, and if relevant, may be relied upon by the Hearing Panelists in reaching a decision, regardless of whether a party or witness participates in the hearing.

Each party will join the hearing through Zoom, as will all participating witnesses. A few days prior to the hearing, you'll receive an invitation providing Zoom connection information. It is helpful for you to use your webcam or smartphone camera, but you may choose not to do so if you wish.

The Complainant will testify first, followed by any witnesses they wish to call. Then the Respondent will testify, followed by the Respondent's witnesses. Witnesses will be held in the waiting room until it is time for their testimony. Once invited into the hearing, you will be given the opportunity to answer questions from the Hearing Panelists and each party, either through the Hearing Panel Chair (Equity) or the party's Advisor (Title IX), as well as questions from the investigator. Both parties will be able to see and hear you, and you will be able to see both parties, unless either party has opted to turn off their camera(s). Once you have provided your testimony, you will exit the Zoom room and leave the hearing.

How long is a hearing and what time do I need to log on?

Unfortunately, there really is no exact way of knowing how long a hearing will take. Witnesses are asked to be present soon after the start of the hearing (usually 9:30 AM) but will remain in the Zoom waiting room until it is time for them to testify. The witness phase of the hearing will begin after the Complainant and Respondent have each had a chance to share information regarding their experiences and ask questions of one another. Sometimes this portion of the hearing is very brief, allowing the witness phase to begin fairly quickly, but other times the parties may testify for an extended period, which means you could be waiting less than 30 minutes, or for an hour or more. You are welcome to work on other tasks while in the Zoom waiting room, as long as you are available as soon as the hearing panelists are ready for you to testify.

In the event that you are unable to be available soon after the start of the hearing or have a scheduling conflict for portions of it, be sure to inform the person who invited you as soon as possible so we can work with you to attempt to coordinate your participation around your availability. After you share your information during the witness phase, you won't have any additional involvement in the hearing, so you are welcome to log off Zoom.

Who should I contact if I need an accommodation during an investigation and/or hearing process?

If you have a disability or need assistance in communicating with investigators or hearing panelists, please contact us ([link](#)) as soon as possible to allow time to make arrangements for appropriate accommodations.

Adapted from UMKC Witnesses FAQ

Source: <https://info.umkc.edu/title9/faqs-for-witnesses/>