

I'm a Witness in a Title IX Case, Now What?

Who can be a witness? A witness can be anyone who witnessed a situation of sex or gender-based harassment, supported one of the Parties, reported the situation, and/or experienced similar harm.

What are my witness rights? Witnesses have the right to: participate in a process that is fair and impartial, be treated with dignity and respect, receive courteous, fair and respectful resources and support, describe the incident to as few institutional representatives as practicable, be free from retaliation by the institution, the Complainant/Respondent, and/or their friends, family and acquaintances, and participate in as much or as little of the process as they desire.

What if I am concerned about retaliation against me? There is a strict non-retaliation policy for anyone involved in a Title IX process, including witnesses. All reported incidents of retaliation are investigated by Campus Safety and go through a student conduct process. These charges would be in addition to the Title IX charges.

Is my statement confidential? No, both Parties have a legal right to review all evidence collected as part of a Title IX investigation.

What is the investigation process like? The Title IX Investigator will reach out to any witnesses provided by the Complainant and Respondent and schedule an interview. A written synopsis of the interview will be shared with the witness, they can review and edit it for accuracy. It will also be incorporated into an investigation report used in the Title IX hearing.

Who will decide if I must be present at the hearing? The Title IX Decision-Maker will review the investigation report and decide which witnesses should attend the hearing. It is not mandatory that witnesses be present during the hearing, but their participation is encouraged, as they often have critical details pertaining to a situation.

How often will a witness be updated during the process? Witnesses receive limited updates during an investigation outside of their interview and potential hearing attendance. To ensure privacy, witnesses are also not notified about the outcome of a hearing, but a Complainant or Respondent has the right to share updates and may choose to notify witnesses of the outcome.

What is the hearing process like? Unfortunately, for witnesses, a lot of waiting. All Title IX hearings are virtual. During the opening, all Parties and witnesses are present for the hearing rules of decorum and an honesty statement, then witnesses are placed in a waiting room. Depending on the pace of the hearing this could be moments or hours. The Title IX Coordinator will provide updates to witnesses in the waiting room. When it is time for them to answer questions, they will be entered into the hearing. The Decision-Maker will ask questions and the advisor of choice for either party may ask questions, then the witness will be allowed to leave. If a witness is not present, the Decision-Maker will only rely on the witness interview statement. Within one week of the hearing a hearing outcome notice is sent to the Complainant and Respondent.

How long will a hearing take? It depends. Most hearings take 1-2 hours, but in some cases, it could be an entire day or longer.

Additional questions? Reach out to our Title IX Coordinator at titleix@susqu.edu or 570-372-4302.