Practical Tips for Committee Interviews of Witnesses in Research Misconduct Cases
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I. Pre-Interview – tips for RIO’s Office

A. Contact the witness to schedule the interview. Explain the format so there are no surprises (e.g., conversational, held by committee, recorded, respondent not present, respondent receives copy of transcript, etc.; review regulations against retaliation if appropriate)

B. Encourage the committee to draft questions or outline topic areas to ask the witness, and assist in process as needed. Determine key documents that the committee wants to discuss so the necessary copies are available

C. Determine whether Respondent will have counsel or other advocate present (if permitted by policy.) If Respondent will have counsel or an advocate present, review the permitted extent of that individual’s role in the interview with Respondent

D. Consider administrative tasks and other circumstances (e.g., contacting a stenographer, creating scientific terms sheet for stenographer, considering an interpreter, contacting security and/or a threat assessment committee, travel logistics or logistics of multi-location interviews)

II. Introduction to Interview – tips for RIO’s Office or Committee Chair/designated Committee member

At the beginning of the interview, the RIO or the committee chair should tell the witness what to expect during the interview. That way the witness will better understand what is coming, and can’t later say s/he didn’t understand. It is suggested that the introduction include the following:

A. Introduction of everyone in the room, along with his/her role in the proceedings

B. Explanation of the interview process including:
   1. Purpose of the interview
   2. How it will be conducted—question and answer, all of the testimony is recorded (on tape or by court reporter), the witness will receive a transcript of the testimony to review for accuracy, the respondent will receive a copy of the transcript, etc.
   3. If appropriate for that witness, review prohibition against retaliation and give the witness a contact person in the event retaliation occurs

C. Rules of the road for the interview including:
   1. Answer questions truthfully
   2. All answers need to be audible so they appear in the record—nodding head isn’t sufficient
   3. If the witness doesn’t understand a question, ask for it to be rephrased
   4. If the witness doesn’t know the answer, say so
   5. If the witness needs a break, ask for one
   6. Only one person can speak at a time
   7. Review of permitted extent of the role of Respondent’s counsel or advocate in the interview, if applicable

D. Confidentiality of the interview—even the fact that the interview occurred or that there is a research
misconduct case is confidential

E. At the conclusion of the introductory section of the interview, ask the witness whether s/he understands the process and whether s/he has any questions

III. Initial Questions – tips for Committee
   A. Ask the witness to provide his/her name, with spelling; office address; email address; phone numbers (so s/he can be contacted later, if needed)
   B. Initial questions generally should be easy ones that can be readily answered; these are designed to make the witness comfortable and establish rapport

IV. General Interviewing Tips – tips for Committee
   A. Be polite, respectful, friendly and patient
   B. Designate a lead. Designate one member of the committee to take the lead on asking questions—either for the entire interview, or with respect to a particular topic within the interview (e.g. for different allegations or different areas of scientific expertise)
   C. Be conversational. Generally use a conversational style, not a confrontational or judgmental style
   D. Maintain eye contact with the witness as much as possible
   E. Generally use chronological order. It is usually easiest for the witness if the questioning is organized to discuss events in chronological order
   F. Generally ask opened-ended questions (ones that require a narrative answer and cannot be answered “yes” or “no”), especially at the beginning when gathering an overview of the witness’s knowledge
   G. Do not interrupt a witness’s response unless the witness gets completely off track on something irrelevant to the case. Also, try to limit the use of “listening words,” such as “uh huh,” “ok,” etc.
   H. Do not ask leading questions—that is, do not ask questions that assume an answer that has not already been provided by the witness. Thus, in questioning the respondent, do not provide the respondent with an explanation for his/her behavior which the respondent can then adopt. An example of such an unacceptable question would be “You didn’t mean to change the data, but only did so because of pressure from your PI to get ‘good’ results or otherwise you’d lose your visa, right?”
   I. What happened next? A good way to get a witness to continue his/her narrative when s/he comes to a stop is to ask “What happened next?”
   J. Establish a foundation for a line of questioning. The classic example of failure to lay a foundation is when an interviewer starts by asking a witness when s/he stopped beating his/her spouse. The interviewer should first ask whether the witness is married (establishing s/he has a spouse) and then whether the witness has beat his/her spouse in the past (establishing the pattern of behavior)
   K. Ask follow up questions. Once the interviewer gets a full narrative response to a line of questioning, then go back and ask follow up questions to get more specific information on the important points. For example, if the timeline when the respondent came in on Friday morning is important and the witness has testified that, on the Friday in question, “x came in late,” the interviewer might follow up with: “I believe you indicated that x came in late on that Friday—what time did x usually come in?” [Wait for response] “What time did x come in on that Friday?” [Wait for response] “Did x offer any explanation why s/he was late?” [Wait for response]
   L. Ask only one question at a time; do not ask multi-part (also known as compound) questions. If one asks a
compound question and then gets the answer “yes” or “no,” it is unclear which question was answered this way. Also, the witness may not answer all of the different questions that have been posed. An example of a compound question is found in “H” above

M. **Be sure to listen** to the answer to the question, following up on the answer as warranted. If the interviewer assumes s/he knows the answer to the question and doesn’t listen closely to the answer, s/he may not pick up on or follow up on unexpected information obtained from that witness. This is something to be particularly aware of if one is asking questions from a prepared list

N. **Understand the answer.** If the interviewer or any other member of the committee is not completely clear on what the witness is saying, ask for clarification. All committee members need to understand the witness’s testimony and should get this understanding directly from the witness, not from another committee member. That way the committee knows the witness’s testimony was clear and unambiguous

O. **Clarify the source of the information.** When the source of the information the witness is testifying to is unclear, ask whether the witness observed what s/he is testifying to, or whether it came from another source

P. **Mark any documents or other material** referenced during the interview with an exhibit number, and make sure this exhibit number and the page or paragraph (or other specific identifying information) within the document is referenced during the interview. Then it will be clear later what was being discussed. For instance, if the witness testifies “I don’t understand why the researcher got this number, instead of a number like that earlier one” (gesturing to two documents that have contrasting results), the interviewer should identify each document for the record—“So you’re saying that you don’t know why the researcher got the number of the top of page 3 of Exhibit 21, 3.778, instead of 1.239 like is found in the middle of page 1 of Exhibit 6, is that correct?”

Q. **Summarize and clarify.** When the interviewer thinks s/he has developed a good understanding of key information, the interviewer should summarize that information to the witness to confirm that this understanding is correct and the record is clear. For instance, using a prior example, “I understand you to say that x came in at 9 a.m. on Friday instead of 8 a.m., which was his/her normal time to start work, and that s/he said he was held up by traffic. Is that correct?”

R. **Use physical evidence to assist in the interview.** If it would be helpful, ask the witness to draw a diagram, or provide the witness with a document or photograph that might help his/her testimony

S. **Be sure to follow a line of questioning all the way to the end; don’t stop short, thinking the conclusion to be drawn from the line of questions is obvious**

T. **Follow up when the witness claims no knowledge.** If a witness says s/he doesn’t know the answer to a question, try to help him/her narrow down the answer (i.e., if the question is “how many people were at the meeting,” and the witness responds “I don’t know,” the interviewer could ask “Was it more than 10?” and, if the answer was yes, then further refine the number by asking “Was it more than 50?” etc.) and/or ask the question in a different way. Also, ask if there is anything the witness could consult that would help him/her answer the question. If none of this works and the interviewer believes the witness should be able to answer that question, the interviewer may want to return to that question later in the interview

U. **Don’t be afraid to use silence.** If a witness doesn’t immediately answer a question, the interviewer shouldn’t necessarily fill the silence. If s/he doesn’t fill in the space, the witness ultimately may provide some responsive information

V. **Generally do not tell witness what others have said or who else was interviewed unless there is a good reason to do so**
W. **Do not indicate the interviewer’s opinion** of the case or of the witness’ testimony, or provide the witness with interviewer’s theory of the case

V. **Concluding the Interview** – **tips for Committee Chair/designated Committee member**

Before the interview ends, make sure to:

A. Ask the witness for the identity of (and contact information for) any other person who might have knowledge of relevant events

B. Ask the witness if there are any documents or other evidence that relate to his/her testimony or the case and, if so, what they are and where they can be found. If the witness has them, ask the witness to provide them

C. At the conclusion of the interview, ask whether there is anything else the witness thinks the committee should know. Keep asking a form of this question until the answer is “no”

D. Ask the witness to take a break and leave the room for a brief period (e.g., 10-15 minutes). Use this time to quickly review the information gained during the interview and determine whether the information obtained was clear and whether any additional questions should be asked before witness is dismissed from the interview. Then call the witness back into the room to either answer more questions or conclude the interview

E. Provide contact information for someone (e.g., the RIO) whom the witness can contact if the witness thinks of anything additional that might be helpful

F. If needed, the witness can be called back for another interview or, if only limited follow up is needed, written questions can be drafted for the RIO to send to the witness, who will answer them in writing

VI. **After the Interview** -- **tips for RIO/RIO Staff**

A. Review provided draft transcript for textual errors, such as misspelled or misused words, or incorrect speaker attributions. Do not make changes or clarifications to the substantive content of the transcript (“What I meant to say here was x.”)

B. Provide transcript to Committee members and interviewee for review and correction of textual errors

C. Save finalized transcript (whether this is a copy that has been returned to the transcriptionist with the corrections, or just the draft copy and the completed errata form/other written corrections) and the exhibits identified and used during the interview together