**Who is a Witness**

Teachers, principals and superintendents may be called as witnesses in court proceedings involving child abuse, custody / access matters and criminal charges under the Youth Criminal Justice Act. Frequently, teachers, principals, superintendents and union executive are called as witnesses in tribunal proceedings such as grievance arbitrations and human rights hearings. With collective bargaining being recognized as a Charter right, there have been and will continue to be situations where educational administrators and their union counterparts will be called as witnesses. The following instructions are a useful checklist for such witnesses.

**Witness Instructions**

1. ALWAYS TELL THE TRUTH. Honesty is the best policy. Telling the truth requires that a witness testifies accurately about what he or she knows.

2. DON'T GUESS AT AN ANSWER. If you don't know the answer to a question say I don't know. If you cannot remember the answer to a question, say I don't remember. If you are not sure about the answer to a question, indicate this. These are all acceptable answers. However, be firm about matters where you are certain.

3. TAKE YOUR TIME. Give the question some thought and then give your answer.

4. ANSWER THE QUESTION which is asked. Avoid long answers and do not volunteer information which has not been asked for in the question.

5. Be sure you understand the question before you attempt to answer. It is critical to listen to the question, particularly if it contains assumptions of fact which counsel wishes you to agree to. If you do not understand the question, ask the lawyer to repeat it.

6. Be careful with agreeing with broad propositions put forth by the examining counsel, especially those propositions that include an assumption of fact. (e.g. Is it possible?)

7. If you are asked if you have discussed the case with anyone remember that you may have reviewed the case with the Board / Union lawyer and answer accordingly.

8. Beware of questions involving time and distance. If you make an estimate, make sure that everyone knows that your answer is an approximation.

9. Be fair and balanced in your testimony.

10. Give a positive answer when you can.

11. The testimony of a witness is normally restricted to what is within his or her own knowledge or observation. The rules of evidence will not permit the introduction of hearsay evidence. Hearsay is when your only knowledge of an event is from some third party's statement to you of what happened. (e.g. I know that this student broke the window because Jane Smith told me this student broke the window.)

12. Don't fence with or argue with the other lawyer.

13. Talk loud enough so that everyone can hear you.

14. Speak slowly. The judge, arbitrator or tribunal, will usually be making notes of your testimony and you should give them time to record your testimony.

15. DO NOT DISCUSS THE CASE WITH ANY OTHER WITNESS.

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