

## PROVIDING PUBLIC, EXPERT OR FACT WITNESS TESTIMONY

The Office of Legal Counsel is publishing the following guidelines to ensure adequate protection of individual and university interests when faculty or staff are asked to provide witness testimony related to legal matters ranging from congressional hearings to private lawsuits:

1. **Applicable Policies.** All public or expert witness testimony is subject to Purdue University policies on political activity ([Policy No. III.B.4](#)), conflict of commitment & reportable outside activities ([Policy No. III.B.1](#)) and individual financial conflict of interest ([Policy No. III.B.2](#)). The University's [Statement of Commitment to Freedom of Expression](#), [Statement of Integrity & Code of Conduct](#), and [Principles & Policies for Academic Freedom](#) also provide helpful touchstones when one is speaking on matters of public concern.
2. **Public Testimony on Behalf of the University.** Faculty and staff members who are asked to provide public testimony on behalf of the University, their College or Department will be carefully prepared to do so and will have their testimony reviewed by the appropriate offices at the University. These offices may include the Office of their Dean, the [Office of Government Relations](#), and the Office of Legal Counsel. If you plan to testify in a public forum, please contact the Office of Legal Counsel at [legalcounsel@purdue.edu](mailto:legalcounsel@purdue.edu) prior to your scheduled testimony.
3. **Public Testimony in Individual Capacity.** Unless specifically approved by the University to provide public testimony on its behalf, faculty and staff should take care to avoid any appearance that the testimony is given in their official capacity as an employee of the University. Any faculty or staff member providing public testimony in an individual capacity must clearly state that: (a) they are testifying in an individual capacity, (b) they are expressing their own personal views; and (c) they are not representing the views of Purdue University, their College or their Department. If you plan to testify in a public forum, please contact the Office of Legal Counsel at [legalcounsel@purdue.edu](mailto:legalcounsel@purdue.edu) prior to your scheduled testimony.
4. **Service as Expert, Professional or Consulting Witness.** Faculty and staff members who are asked to serve as expert or professional witnesses may do so **only if** the engagement is approved as a reportable outside activity and does not constitute a conflict of commitment or an individual financial conflict of interest. (See Policy Nos. [III.B.1](#) & [III.B.2](#)). *Faculty and staff may not testify as an expert or consulting witness in any matter:*
  - a. adverse to the interests of Purdue University, any affiliated Purdue entity, or the State of Indiana.
  - b. for or on behalf of a law firm that is currently representing anyone with a claim or lawsuit against Purdue or any Purdue-affiliated entity. Faculty and staff should request written confirmation from the firm to satisfy this requirement and provide it to the Office of Legal Counsel prior to accepting any such engagement.

In addition to the above factors, it is prudent to discuss any potential expert or consulting witness engagement with your department, school and college leadership as well as with the [Office of the Executive Vice President for Research and Partnerships](#) to ensure the proposed work will not adversely impact university interests or key stakeholder relationships. The Office of Legal Counsel can facilitate these discussions.

5. **Subpoenaed Testimony and Service as Fact Witness.** Faculty and staff members who are subpoenaed or otherwise asked to provide factual testimony in a matter must immediately contact their supervisor and ensure that the subpoena or request is provided to the Office of Legal Counsel. The Office of Legal Counsel will assist with any response to the subpoena or request.