

A Guideline for Nondiscriminatory Interviewing

Once you reach the interview stage of a search, there are certain precautions you must take to assure no inappropriate inquiries are made. As a general rule, the information obtained and requested through the pre-employment process should be limited to those essential for determining if a person is qualified for the job. First, we suggest that you decide ahead of time what questions will be asked. This should be a list of open-ended, job-related questions which should be asked of each interviewee. After each question is asked, additional "follow-up" questions from the interviewer and any search committee member may be asked as necessary. Second, you should avoid any inquiries that elicit information regarding, *race, age, sex, national origin, sexual orientation, gender identity or expression, political or religious affiliation, disability, or any other characteristic protected by state and federal anti-discrimination laws*. These types of inquiries may be considered discriminatory. The burden of proving that an applicant was not rejected on the basis of information from these inquiries rests with you, the employer.

The following is a list of example questions that you should or should not ask.

Category	Appropriate	Inappropriate
Age	None	How old are you? What year were you born? When did you graduate from High School/college? Any questions attempting to determine the age of the candidate is unacceptable.
Gender	None	It is not permissible to ask a candidate how he or she would feel about working for or with men or women.
Religion	State the requirements of the job in terms of work schedule, such as the days of the week, workday and overtime, and ask the candidate whether he or she is able to meet such requirements.	Any question about religion generally or about what days they may need off for religious observance unless discussing a reasonable accommodation requested by applicant.
Race	None	What race are you? Are you a member of a minority group? Any question related to complexion, color of the skin, or any other reference to race or color.
Citizenship	None	Are you a citizen of the U.S.? Are your parents or spouse citizens of the U.S.? On what dates did you, your parents, or spouse acquire U.S. citizenship? Are you, your parents or your spouse naturalized or native-born U.S. citizens?
National Origin	Whether a candidate speaks or writes a language fluently when it is required to successfully perform the duties of the position sought.	What language is spoken in your home? How did you acquire familiarity with a foreign country? Any questions asking or seeking to elicit what nationality the candidate is or where he/she was born. Any questions about heritage, parents' country of birth, or native tongue. Any questions about date of entry into the U.S. Any questions concerning the national origin of the candidate's spouse or relatives.

Category	Appropriate	Inappropriate
Birthplace	None	Where were you born? Where were your parents born? Requiring a birth certificate as part of the job application.
Language	Whether a candidate speaks or writes a language fluently when it is required to successfully perform the duties of the position sought.	Any questions about a candidate's native tongue or how a candidate acquired the ability to read, write or speak a foreign language.
Name	None	Are you married, divorce, separated, engaged, widowed, etc.? Do you go by Miss, Ms., or Mrs.? Is this your maiden or married name? Do you live with your parents? What is the origin of your name?
Physical Condition/Disability	Can you perform the essential functions of the job with or without reasonable accommodations? Describe the physical requirements for the position, then ask, if they are able to perform them as described.	Are you disabled?What is your medical history? How does your condition affect your abilities? Any pre-job offer questions concerning workers' compensation. Any questions about medical conditions. Any inquiry that is not job-related or necessary for determining an applicant's eligibility for employment.
Education	Inquire about candidate's educational background and the schools attended.	Any questions about years of attendance or dates of graduation or location of schools attended.
Sexual Orientation, Gender Identity or Expression	None	Any question regarding sexual orientation or an individual's gender identity or expression.
Residence	None	Do you own or rent your home? Do you live in town? With whom do you live? Questions regarding a foreign address that may indicate national origin. Questions regarding names and the relationship to the person(s) with whom he or she resides.
Military	Describe the relevant work experience as it relates to this position that you acquired from military experience.	What type or condition is your military discharge? Can you supply your discharge papers? What is your experience in other than U.S. armed forces?
Family/Parental Status	Whether a candidate can meet specified work schedules or has activities or commitments that may prevent him or her from meeting attendance requirements. Can you work overtime?	Are you married? What relatives live with you? With whom do you reside? Questions concerning spouse, or spouse's employment, salary, arrangements, or spouse's feelings about job responsibilities. Any questions regarding marital status, pregnancy, future child-bearing plans, children and child care arrangements.

Category	Appropriate	Inappropriate
Criminal Record	None. HR will address this issue if it arises in a background check.	Have you been arrested? Have you ever been indicted for a crime?
Organizations or Affiliations	Whether a candidate is a member of any organization that the candidate believes is relevant to his/her ability to perform the job.	Request a candidate to list all clubs, organizations, societies and lodges to which he or she belongs since this could be used for discriminatory purposes.
Salary	What are your salary expectations?	Inquiries into an applicant's current or previous salary history are not permissible, including: What is your current salary? What is your previous salary?
Travel, Mobility, Ability to Get to Work	If the job requires travel or the ability to work at different locations, you may state the job requirements and ask the candidate if he or she is able to meet such requirements.	Inquiries as to a candidate's mobility or ability to travel if they are not related to successful job performance. Such inquiries may tend to discriminate against older workers, people with disabilities and women.
Miscellaneous	Notice to the candidate that any misstatement or omissions of material facts in his/her application may result in not proceeding with a job offer or may be cause for dismissal.	Any questions that are not related to the position or necessary to evaluate the candidate's capability to perform the job.

Other areas of potential risk in an Interview

Child Care

Genetic Information

Willingness to Work Weekends (unless BFOQ)

Any information from minority or female applicants not routinely requested of white or male applicants.

WHAT CAN YOU ASK ABOUT?

For example, an applicant interviewing for a faculty position involving teaching and research may be asked about:

Teaching abilities

Teaching experience

Student teacher ratings

Knowledge of his or her subject

Previous educational experience

Grants experience

Research agenda

Sensitive Questions

Applicants sometimes file civil rights complaints because they don't realize that seemingly inappropriate questions really are job related. Therefore, as an interviewer, you have two tasks: to ask only legal, job-related questions and to help the applicant understand the reasoning behind any questions that might appear to be sensitive.

It doesn't matter if you are well-intentioned or casual about prohibited inquiries; they are still prohibited.

Please feel free to contact the Department of Human Resources at ext. 3140, if you have questions about the above information.