

Compliance with Equal Employment Opportunity Regulations

And Anti-Discriminatory Practices in Interviewing

Many organizations, including state equal employment opportunity agencies, offer guidelines for hiring managers, search committees, and human resources practitioners. The following are general rules and suggestions for collecting information from applicants while ensuring compliance with anti-discrimination laws and regulations. These guidelines are not complete definitions of what can and cannot be asked of applicants. When in doubt about particulars, refer to your institution's general counsel or human resources office.

The one simple rule for interview questions: Ask only questions that pertain to the position and its defined work – not questions about the applicant.

Asking Appropriate Questions

If you want to know about family constraints:

DO ASK: What is your ability to work evenings, weekends, or additional time; do you understand that the position requires _____% travel?

DON'T ASK: Do you have children or family commitments that will prevent you from working long hours, traveling, or attending compulsory events?

If you are concerned about an obvious or assumed disability:

DO ASK: Are you able to perform all the required duties of this position, with or without accommodation?

DON'T ASK: Are you disabled? How does it affect your life? What is your prognosis?

If you want to know the candidate's age:

DO ASK: Are you at least 18 years of age?

DON'T ASK: How old are you? What is your date of birth? (And do not require or request birth certificates, naturalization papers, or baptismal records!)

If you want to question criminal records:

DO ASK: Are there any arrests or convictions I should know about that are directly relevant to your job? (For example, DUI convictions if the candidate will be driving as part of her or his job duties)

DON'T ASK: Have you ever been arrested or convicted of a felony or misdemeanor? How many times and for what offenses?

If you want information about organizational memberships or affiliations:

DO ASK: To which professional organizations, trade unions, or service groups do you belong that you feel are related to this position?

DON'T ASK: Are you a member of NOW, NAACP (or any organization that might indicate racial, ethnic, gender, or ancestry affiliation)?

Remember: There are no appropriate questions you may ask pertaining to the applicant's birthplace, residence, national origin, ancestry, gender, financial status, or height and weight (unless there is a bona fide physical requirement of the job duties).