Guidelines for Effective and Non-discriminatory Interviewing

After completing all pre-screening steps and reaching the actual interview stage of the search process, there are certain precautions you should take to assure you do not make any inappropriate inquiries. First, you should plan ahead and develop a rich list of job-related questions to ask candidates. The questions should be open-ended and asked of every interviewee. Follow-up questions are always advisable; they enable you and/or the search committee to explore a candidate’s comments more thoroughly.

Second, you and/or the search committee must avoid any inquiries that elicit information about race, religion, national origin, public assistance, sex, color, marital status, sexual orientation, age, creed, or disability. The burden of proving that an applicant was not rejected on the basis of information from these types of unlawful inquiries rests with you, the employer.

Following is a list of information about questions which you should or should not ask.

**Inquiries about Race or Color**
No inquiries about race or color are appropriate in an interview. Employment decisions made on the basis of race, nationality, color, or religion violate the Minnesota Human Rights Act, Title VII of the Civil Rights Act of 1964 (Title VII), and the Civil Rights Act of 1991.

**Gender**
Discrimination on the basis of sex violates Minnesota Human Rights Act, Title VII, and may also violate the Equal Pay Act, Executive Order 11246. To justify requiring a particular gender for a position, the employer must show that gender is a bona fide occupational qualification (BFOQ). A strict burden of proof is on you, the employer, to demonstrate the validity of specifying a particular sex for a position.

**Inquiries about National Origin**
Do not ask a person’s maiden name. This is not relevant to a person’s ability to perform a job and could be used for discriminatory purposes. A woman’s maiden name may be used as an indication of her religion or national origin.

**Inquiries about Marital Status**
Do not ask whether a person is married or has other “arrangements.” Do not ask about pregnancies (past, present, future) or children. Do not inquire about spouse’s occupation or whether s/he is likely to be transferred.
Inquiries about Age
The Age Discrimination in Employment Act of 1967 (ADEA) prohibit discrimination on the basis of age against individuals who are age 40 and above. The Minnesota Human Rights Acts also prohibits age discrimination in employment of individuals under and above age 40. Do not ask the applicant’s age or questions that may allude to his/her age.

Inquiries about Religion
Do not ask what religion a person professes or what accommodation would be required on the job to facilitate his or her religious practices. These type questions may be asked post employment offer, but not before an offer is made and accepted.

Inquiries about Health and Physical Status
The Americans with Disabilities Act (ADA) prohibits employers from discriminating against qualified individuals with disabilities and requires employers to provide reasonable accommodation for an applicant’s or employee’s disabilities.

It is inappropriate to ask about an impairment of any kind (physical or mental) that is likely to elicit information about a disability. You may ask if the person can perform the essential functions of the job. Essential functions of a job are the major responsibilities, not minor or occasional responsibilities. You may inquire about accommodation and disability issues post employment offer.

Inquiries about Memberships
Because memberships in organizations may reflect religion, national origin, or gender, discrimination based on memberships may violate Title VII.

Other areas of potential risk in an Interview
- Child Care
- Arrest Record
- Type of Military Discharge
- Willingness to Work Weekends (unless a BFOQ)
- Any information from minority or female applicants not routinely requested of White or male applicants.

WHAT CAN YOU ASK ABOUT?
Interviewers can ask any question that is job-related—provided they do not focus on the prohibited areas discussed above. In the case of faculty recruitment, search committees and deans may make inquiries in the following areas:

- 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 or search committee member, you have two tasks:

• To ask only legal, job-related questions, and
• To help the candidate understand the rationale for any questions that might appear to be sensitive.

Remember, it doesn’t matter if you, as a hiring manager or search committee member, are well-intentioned or casual about prohibited inquiries; **they are still prohibited.**