

Appendix F: Legal Aspects of Interviewing

	APPROPRIATE QUESTION	INAPPROPRIATE QUESTIONS
NAME	<p>"Have you worked for this University under a different name?"</p> <p>"Is any additional information about a change of name, use of an assumed name or nickname necessary to enable us to check your work and educational record? If yes, please explain."</p>	<p>Inquiries about the name which would indicate the applicant's lineage ancestry, national origin, or descent.</p> <p>Inquiries into previous name of applicant when it has been changed by court order, marriage, or otherwise.</p>
MARITAL AND FAMILY STATUS	<p>Whether applicant can meet specified work schedules or has activities, commitments, or responsibilities that may hinder fulfillment of work responsibilities.</p> <p>Inquiries that are directed to all applicants about anticipated length of appointment or absences.</p>	<p>Any inquiries indicating applicant's marital status, number and age of children, or pregnancy. Any such question which limits job opportunity.</p>
DISABILITIES	<p>"Are you able to perform the essential functions of the position with or without reasonable accommodation?"</p>	<p>General inquiries that do not relate reasonably to fitness to perform the job (e.g. "Do you have any handicaps?")</p>
ANCESTRY OR NATIONAL ORIGIN	<p>Languages applicant reads, speaks, or writes.</p>	
AGE		<p>Requirement that applicant produce proof of age in the form of a birth certificate or baptismal records.</p>

	APPROPRIATE QUESTION	INAPPROPRIATE QUESTIONS
EDUCATION	Applicant's academic, vocational, or Professional education-school attended. Inquiry into language skills.	Asking about the nationality, racial, or religious composition of a school the applicant has attended.
ARREST, CONVICTION AND COURT RECORD	Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. A conviction is a court ruling where the party has been found guilty.	Any inquiry relating to arrest which is the apprehension or detention of a person for an alleged crime. Asking or checking into a person's arrest, court or conviction record if it does not relate to the functions and responsibilities of the prospective employment.
RELATIVES	Name and addresses of parents or guardian of applicant who is a minor	Name or address of any relative of adult applicant.
SEX	Inquiry about a bona fide occupational qualification.	Any inquiry that would require disclosure of sex. A job involving physical labor (such as heavy lifting) does not automatically disqualify women from consideration. Traditional labels of "men's work" "women's work" cannot be a basis for restricting employment to one sex.
SEXUAL ORIENTATION	None	
RACE OR COLOR	None	

	APPROPRIATE QUESTION	INAPPROPRIATE QUESTIONS
ADDRESS OR DURATION OF RESIDENCE	<p>"Where have you lived?"</p> <p>"How long have you lived there?"</p>	Inquiry about any address that would indicate national origin, about names relationship of persons with whom applicant resides, or about whether applicant owns or rents home.
BIRTHPLACE	"Can you, if employed, submit proof of work eligibility where required?"	Birthplace of applicant. Birthplace of applicant's parents, spouse, or other relatives. Requirement that applicant submit a birth certificate or naturalization or baptismal record before employment. Any other inquiry that might indicate religious affiliation or national origin.
MILITARY	Type of education and experience in service as it relates to a particular job	Type of discharge or registration status
CITIZENSHIP	Statement that if hired, applicant may be required to submit proof of U.S. employment eligibility.	<p>"Of what country are you a citizen?"</p> <p>Whether applicant, parents or spouse are naturalized or native-born U.S. citizens. Date when applicant, parents or spouse acquired U.S. citizenship. Requirement that applicant produce his/her naturalization papers.</p>