

STRATEGIES OF QUESTIONING

Care must be taken to avoid asking inappropriate questions in the course of an interview. Consistency is important - if you chose to use some of the "non-discriminatory inquiries," they must be supported by job requirements and, you must use them for everybody involved (i.e., finalists, semi-finalists, etc.).

The test is whether these questions or phrases can be interpreted as: (a) soliciting information not pertaining to the person's ability to perform the job; (b) seeking information that could be used to discriminate against the applicant on the basis of his or her race, color, religion, age, sex, national origin, veterans status, sexual preference, or physical or mental disability status; and (c) inconsistent in their applications (i.e., asking one gender and not the other, etc.).

Issue	Possible Discriminatory Inquiries	Non-Discriminatory Inquiries (If you use for one, use for all!)
<p>Sex, marital status, family or family plans (pregnancy)</p>	<ul style="list-style-type: none"> • Questions meant to identify the sex of the applicant. • Whether applicant is married, single, divorced, widowed or separated. • Dependents and/or number of children, ages of children, and arrangements for care of children. 	<ul style="list-style-type: none"> • You may provide information on the unique aspects of the job (i.e., work evening/weekends, travel, etc.) and then inquire if the applicant has any issues that would preclude him or her from accepting the job, satisfying job schedules, or of which the applicant wishes the search committee be aware. • If such questions are asked, they must be asked of <u>all</u> currently involved candidates.
<p>Disabilities</p>	<ul style="list-style-type: none"> • Any questions about whether the individual has a current or past disability. • Questions meant to determine whether the person has any serious illness (such as AIDS), back problems, a history of mental illness or any other physical or mental illness or any other physical or mental condition. • If the individual has a disability that is obvious, inquiries meant to determine how the individual became disabled, the nature or severity of the disability, prognosis, or any discussion or comment on the disability, except as outline in non-discriminatory inquires. 	<ul style="list-style-type: none"> • Explicitly state the essential elements of the job and ask whether the individual is able to perform all essential functions with or without accommodation (ask this question of all candidates). • May request the candidate to demonstrate how they would perform job tasks. • Does the applicant need any accommodation or assistance during the hiring or interview process or to accomplish the essential functions of the job? If so, what? <p>NOTE: If an accommodation is requested and you cannot easily grant it, please contact the Disability Resource Center (72444) immediately for advice/assistance.</p>
<p>Education</p>	<ul style="list-style-type: none"> • Requirement of specific levels of education when no direct job-related requirement or business necessity can be proven. 	<ul style="list-style-type: none"> • Levels of education an/or experience where attainment provides job-related skills (and business necessity can be proven).
<p>Creed or religion</p>	<ul style="list-style-type: none"> • Applicant's religion, church, parish, or any other question designed to determine religious affiliation. • Applicant's willingness to work on any particular religious holiday. 	<ul style="list-style-type: none"> • You may ask about one's willingness to work a required work schedule.
<p>Height and weight</p>	<ul style="list-style-type: none"> • Any inquiry into height and weight of applicant, except where it is a bona fide occupational requirement 	<ul style="list-style-type: none"> • Only if bona fide occupational requirement.

Issue	Possible Discriminatory Inquiries	Non-Discriminatory Inquiries (If you use for one, use for all!)
Birthplace, residence and family information	<ul style="list-style-type: none"> • Applicant's lineage, ancestry, national origin, descent, parentage, nationality, nationality of applicant's parents or spouse. • Birthplace of applicant, birthplace of applicant's parents, birth certificate, naturalization or baptismal certificate. • In general, names and addresses of any relative of applicant. 	<ul style="list-style-type: none"> • Applicant's place of residence. • Names of close relatives already employed by USU (to determine requirements of state nepotism law).
Race or color	<ul style="list-style-type: none"> • Applicant's race, or color of applicant's skin, eyes, hair, etc. 	<ul style="list-style-type: none"> • None
Age	<ul style="list-style-type: none"> • You may not ask questions designed to discover applicant's age (except minimum age). 	<ul style="list-style-type: none"> • May ask (and may require proof) if candidate is of the legal working age.
Military service	<ul style="list-style-type: none"> • You may not ask about military service in the armed forces of any country but the U.S. • You may not inquire into applicant's type or condition of discharge. 	<ul style="list-style-type: none"> • You may ask questions concerning service in the U.S. armed forces only if such service provides information about the qualifications for the position being sought.
Language/ Communication Skills	<ul style="list-style-type: none"> • May not ask about applicant's mother tongue or how one's foreign language ability was acquired. • May not ask what language(s) applicant uses in home. 	<ul style="list-style-type: none"> • You may ask about language skills only when they are a requirement or qualification for the position. • You may evaluate applicant's ability to communicate verbally and in writing when it is a job qualification and the level of expertise is commensurate with the job requirements.
Citizenship	<ul style="list-style-type: none"> • Any inquiry to determine the country in which the applicant holds citizenship, if other than U.S. 	<ul style="list-style-type: none"> • You may ask if the applicant will be able to prove their legal right to work in the United States within three days of being hired (I-9 requirement).
Photographs	<ul style="list-style-type: none"> • In general, you may not request photographs of individual applicants. 	<ul style="list-style-type: none"> • You may ask for photos, tapes, etc., only if bona fide occupation requirement (i.e., theater/music performances, programs, etc.).
Organizations	<ul style="list-style-type: none"> • You may not ask questions about organizations that would reveal the race, color, religion, sex, sexual orientation, marital status, veteran's status, or national origin of the applicant. 	<ul style="list-style-type: none"> • Applicant's membership in professional or trade organization relating to position.
Criminal record	<ul style="list-style-type: none"> • The number and kinds of <u>arrests</u> (an employer's use of an individual's arrest record to deny employment would, in the absence of business necessity, constitute a violation of the human rights laws). 	<ul style="list-style-type: none"> • If essential for the job, you may ask if the candidate has ever been convicted of a crime and, if so, what, when, where, and what the disposition of the crime is.
Credit information	<ul style="list-style-type: none"> • You may not ask questions about applicant's credit rating or request financial data. 	<ul style="list-style-type: none"> • None
References	<ul style="list-style-type: none"> • The name of applicant's pastor, religious leader, or any other specific person which would allow you to discover his/her race, color, religion, age, sex, national origin, veteran's status, sexual orientation, or disability status. 	<ul style="list-style-type: none"> • Names of professional and/or other persons, willing to be a character and/or specific job reference for the applicant.

NOTE: If applicant poses questions or volunteers information in any of the above categories, every effort should be made to answer the question, provide requested information, or put the applicant in contact with somebody who can respond and/or provide assistance.