**Acceptable and Unlawful Questions to Ask of Candidates During the Search Process**

|  |  |  |
| --- | --- | --- |
| **Subject Area** | **Acceptable Inquires** | **Unlawful Questions** |
| **Age** | None prior to hire. If applicant may be a minor, you may ask "Do you have proof of age in the form of a work permit orcertification of age?" | "How old are you? What is your birth date?" Any inquiry that impliesa preference for a certain age group, except for legal eligibility to work. |
| **Citizenship** | Whether the applicant can be lawfully employed in the U.S.: whether the applicant can provide proof of legal right to work if hired. No further inquiries should be made. | Whether an applicant is a naturalized or a native-born citizen. Whether the applicant is a citizen at all. Any request that an applicant produce birth certificate, naturalization papers, or any othermaterial that would identify national origin. |
| **Criminal Record** | If job-related: "Have you ever been convicted of a crime (give details)?" | Inquiries regarding arrest records. Convictions if not reasonablyrelated to job duties. |
| **Disability** | After a statement has been made regarding the essential job functions and the workingconditions, may ask, "Are you able to perform the essential functions of this job?" | "Do you have any disabilities? Have you ever been treated for any disease or illnesses?" |
| **Family** | Whether applicant can meet specified work schedules or has activities, commitments, orresponsibilities that may prevent meeting work attendance requirements. | Inquiry concerning spouse, spouse's employment or salary, children, childcare arrangements, ordependents. |
| **Gender** | None prior to hire. | "Do you wish to be addressed as Mrs., Miss, or Ms.?" (This would be a not-so-subtle way to ask aboutmarital status.) Any inquiry regarding sexual orientation. |
| **Height/Weight** | None. | Any inquiry relating to height orweight. |
| **Language/ English Requirement** | Assess ability to teach in English by observation. | "What is your native language?" Any inquiry into how applicant acquiredability to read, write, or speak a foreign language. |

|  |  |  |
| --- | --- | --- |
| **Marital/Parental Status** | None, except those required under Federal or AICPA regulations regarding independence, if applicable. "Can you meet the specified work schedule or do you have activities, commitments, or responsibilities that may hinder you from meeting work attendance requirements? Are you able to work overtime? Do you see any reasons why you would not be able to travel for business reason?" For faculty positions, these are usually irrelevant. | "Are you married? Single? Divorced? Separated? Do you plan to marry and *have* children?" Name or other information about spouse. "What are the ages of your children? What will you do if your children get sick?" Is that a wedding ring?" Or, "I see you are not wearing a wedding ring." *No question about marital or parental status can be asked.* |
| **Military** | Inquiry into applicant's military experience in the Armed Forces of the U.S. or in a State Militia. Inquiry into an applicant's job-related activities in a particular branch of the service. | Inquiry into applicant's general military experience and discharge. This is almost always irrelevant to a faculty member's qualifications. |
| **Name** | Whether applicant has worked under different name, and if so, what name; name applicant is known to references if different from present name. | Any other inquiry concerning name, which would divulge marital status, lineage, ancestry, national origin, or descent. Inquiry into original namewhere it has been changed by court order or marriage. |
| **National Origin** | None prior to hire. | Any inquiry into applicant's ancestry, national origin, descent, parentage, or nationality. "Is that aSpanish surname?" |
| **Organization Memberships** | Inquiry into applicant's membership in organizations that the applicant considers relevant to ability to perform the job.Inquiry into organization memberships, excluding any organization the name or character of which indicates race, color, creed, sex, sexual orientation, marital status, religion, age, status as a disabled veteran,status as a Vietnam era veteran, disability, national origin , or ancestry of | "List all social clubs, societies, and organizations to which you belong." |
| **Photograph** | None. May request after employment for purpose of identification. | Any request for submission of photograph at any time prior to employment. |
| **Pregnancy** | Inquiry as to duration of stay on the job oranticipated absences made to males and females alike. | Any inquiry related to pregnancy,medical history concerning pregnancy, and related matters. |
| **Race or Color** | None prior to hire. Do not ask for a photograph, either. | "Are you Puerto Rican? What is yourAA/EEO status?" |
| **References** | Persons willing to provide professional and/or character references. | Any inquiry concerning an applicant's race, sex, age, national origin, religion, marital status, orgeneral medical condition. |

|  |  |  |
| --- | --- | --- |
| **Relatives** | Names of relatives currently employed by University. | Any other inquiry about marital status, spouse, or spouse's occupation. |
| **Religion or Creed** | After a statement of regular workdays, normal hours, or schedule to be worked in fulfilling the requirements of the job, ask, "Does this present a problem?" If yes, what are they, for purposes of assessing anyaccommodation based on business needs. | Any inquiry into an applicant's religious denomination, religious affiliation, or religious holidays observed. "This is a (Catholic,Protestant, Christian, Jewish) organization." |
| **Sexual****Orientation** | None. | Any inquiry regarding sexual orientation. |