

Resource 3-2: Do's and Don'ts of Interviewing

Even experienced interviewers can find themselves asking potentially inappropriate questions in an interview. The tables below provide examples of appropriate and inappropriate questions to discuss with candidates during the hiring and selection process. For consistency, it is a best practice for core interviewing questions to be the same in order to obtain comparative information from all candidates. However, conversational interviewing is going to have a variation of follow-up questions. Please be mindful of the following guidance to ensure all questions are appropriate.

Citizenship, nationality or ethnic origin

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • Where were you born? • Do you agree with the foreign policy of the U.S.? • What an interesting accent. Where are you from? • What languages do you speak? (no job-related requirement) 	<ul style="list-style-type: none"> • Are you legally eligible to work in the United States? • Do you speak/read/write (specify a language required for the job)?
Federal Legislation	
The Civil Rights Act of 1964/1991 and the Immigration Reform and Control Act of 1986 prohibit discrimination based on national origin, race, and/or citizenship status.	

Disabilities

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • Are you disabled? • I see that you use a cane, how will you get to classrooms across campus? 	<ul style="list-style-type: none"> • This position requires you to travel across campus as well as work with a diverse population. Can you perform these responsibilities with or without reasonable accommodations?
Federal Legislation	
The Americans with Disabilities Act prohibits discrimination against any qualified candidate with a disability who could perform the job with or without a reasonable accommodation.	

Marital or family status

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • Are you married? What is your spouse's name? • Do you have children? Who will take care of your children when you are working? 	<ul style="list-style-type: none"> • This position requires teaching evening classes and traveling upon occasion. Are you able to meet these requirements? • If a candidate brings family issues up on their own, it is appropriate to respond to reasonable questions (e.g. local schools, child care).
Federal Legislation	
Although we cannot say the above questions are illegal, the American with Disabilities Act and Civil Rights Act of 1964 and 1991 does prohibit employment discrimination based on the assumption that certain genders are heavily associated with martial and child care responsibilities.	

Pregnancy

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • Are you pregnant? • Do you plan to become pregnant in the next few years? 	<ul style="list-style-type: none"> • This position requires teaching evening classes and traveling upon occasion. Are you able to meet these requirements?
Federal Legislation	
The Pregnancy Discrimination Act of 1978 prohibits employment discrimination based on whether women were pregnant or could become pregnant during their employment.	

Race or color

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • This position is responsible for teaching Native American History; do you have a Native American lineage? 	<ul style="list-style-type: none"> • No questions are appropriate.
Federal Legislation	
The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on race or color.	

Religion or creed

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • This position requires teaching a course on evolution. What are your views on evolution vs. creationism? • Would it be a problem for you to work on Sundays? 	<ul style="list-style-type: none"> • This position requires teaching a course on evolution. What methods have you used to teach this subject matter? • This position requires some travel commitments on weekends. Are you able to meet this requirement?
Federal Legislation	
The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on religious affiliation.	

Physical characteristics

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • Do you have any distinguishing physical characteristics such as scars, birthmarks, tattoos, body piercings, etc.? 	<ul style="list-style-type: none"> • Please review our unit's dress code. If hired, can you meet these requirements? (Note: If unit does not have a dress code, no question is appropriate.)
Federal Legislation	
Although we cannot say the above questions are illegal, the American with Disabilities Act and Civil Rights Act of 1964 and 1991 does prohibit employment discrimination based on the assumption that certain scars are associated with past medical history, tattoos with certain lifestyles, risky behaviors, or such.	

Political belief

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> • Are you Republican? • Who did you vote for in the last election? • How do you think the president is doing? What do you think of the governor? 	<ul style="list-style-type: none"> • No questions are appropriate.
Federal Legislation	
None. However, the University of Kentucky is a public university, and we are therefore bound by the First Amendment, which prohibits political discrimination.	

Alcohol, drug, and tobacco Use

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> Have you been addicted to or used any illegal drugs in the past? This position requires a drug screening. Are you taking any legal or prescription drugs? 	<ul style="list-style-type: none"> The University of Kentucky is a Tobacco & Drug Free campus. Can you abide by these policies?
Federal Legislation	
The Americans with Disabilities Act prohibits discrimination against a qualified candidate who in the past was addicted to or used illegal drugs and/or alcohol. There is no ADA protection for people currently using illegal drugs.	

Sex, gender, or sexual orientation

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> This is a male dominated field. Why do you want to work in this field? UK has sponsored dependent health benefits. Would that be something of interest to you? 	<ul style="list-style-type: none"> No questions are appropriate. If a candidate brings issues up on their own, it is appropriate to respond to reasonable questions (e.g. LGBTQ* resources).
Federal Legislation	
The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on sex.	

Union beliefs

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> Are you a member of a union? What are your views on unions? 	<ul style="list-style-type: none"> Are you a member of a professional organization related to this position?
Federal Legislation	
None. However, some academic organizations, such as the National Council for Teachers of Mathematics, or the National Education Finance Academy, are distinct from unions because these organizations do not bargain collectively on behalf of their members as employees.	

Veteran status or military service

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> Are you a veteran? Did you serve in Iraq or Afghanistan? Are you currently in the National Guard? 	<ul style="list-style-type: none"> Describe how your experiences relate to this position.
Federal Legislation	
The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) makes it illegal to discriminate against veterans and disabled veterans, and the Uniformed Services Reemployment Rights Act of 1994 (USERRA) makes it illegal to discriminate against members of the active or reserve military.	

Age

<i>Inappropriate interview questions</i>	<i>Appropriate interview questions</i>
<ul style="list-style-type: none"> What is your date of birth? How old are you? 	<ul style="list-style-type: none"> This position requires a doctorate. Do you meet this requirement?
Federal Legislation	
The Age Discrimination in Employment Act prohibits employment discrimination against individuals age 40 and over. The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments. The federal youth employment provisions, authorized by the FLSA of 1938, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being, or educational opportunities.	