

CONDUCTING THE INTERVIEWS

Distribute and refer below to **“Questions To Ask and Not To Ask During the Interview”** (equal opportunity website) to all individuals involved in asking questions as a helpful guide. Also refer to material on interviewing persons with disabilities for additional guidance.

Encourage candidates to ask questions; answer them as candidly as possible.

Do not attempt to ignore a candidate’s gender or ethnicity out of politeness; acknowledge these characteristics. However, this does not entitle the committee members to ask discriminatory, illegal, or inappropriate questions.

The candidate should meet other members of the campus community with *similar backgrounds*, and the committee should be prepared to respond to concerns or questions that relate to the number of women or persons of color on campus and in the community, opportunities for advancement, the quality of life on campus and in the community, and professional, educational, and personal opportunities for her/his spouse and children where applicable.

The committee should think about these issues in advance and be prepared to answer them or to refer the candidate to others who are prepared to meet with the candidate to provide such information.

For faculty searches, discuss the standards for promotion and tenure with all candidates. Be specific about expectations concerning research, teaching and outreach/service.

Inform candidates of the process and timeline for making a decision. Ask if there are any mitigating circumstances, other offers, extended travel plans, etc., of which the committee should be apprised. Offer the candidates the name and telephone number of the search committee chair, in the event they have further questions about the position.

QUESTIONS TO ASK AND NOT TO ASK DURING THE INTERVIEW

Please review the following information and questions to help you to develop the appropriate interview questions.

ADDRESS

Lawful

- Applicant's address and length of residence in this city/state.

Unlawful

- Questions regarding foreign addresses which would intentionally or unintentionally indicate national origin.
- Whether applicant owns or rents home or lives in an apartment.
- Names and relationships of persons with whom applicant resides.

AGE/DATE OF BIRTH

The Age Discrimination in Employment Act prohibits discrimination on the basis of age against individuals who are over the age of 40. A majority of states also have laws prohibiting age discrimination.

Lawful

- Questions as to whether or not applicant meets minimum/maximum age requirements.

Unlawful

- "How old are you?"
- Birth date

ARRESTS

Consideration of arrest records is almost certainly unlawful. An arrest is no indication whatsoever of guilt, and historically minorities have suffered proportionately more arrests than others. The U.S. Department of Labor has also recognized the potential for discrimination in the consideration of arrest records.

Unlawful

- "Have you ever been arrested?" (An arrest is merely the detaining of a person to answer a crime and has no affect on fitness to perform a particular job.)

CITIZENSHIP

The Equal Employment Opportunity Commission has adopted Guidelines on Discrimination Because of National Origin which contain the following statement: "Because discrimination on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his citizenship; except pursuant to national security requirements by a federal statute or executive order." State and federal courts have recently declared invalid laws in several states which exclude non-citizens from public employment.

Lawful

- "Are you a citizen of this country?"
- "If not a citizen, are you legally eligible to accept work and remain in this country?"
- Statement that, if hired, applicant must furnish proof of citizenship or appropriate visa.

Unlawful

- Whether other members of applicant's family are U.S. citizens.
- "Of what country are you a citizen?"
- Require proof of citizenship prior to employment.

CONVICTIONS (OTHER THAN FOR TRAFFIC VIOLATIONS)

To the extent that this question implies an absolute bar to the employment of an applicant who has a conviction record, it is probably unlawful. See *Carter v. Gallagher*, 451 F. 2nd 315 (8th Cir. 1971). On the other hand, an employer has the right to exclude persons who have been convicted of job related offenses from consideration.

Lawful

- "Have you ever been convicted of a crime?" (Information obtained must be used only if it relates to applicant's fitness to perform a particular job. Example: Person convicted for embezzlement would be a high risk for a position as cashier in a store.)

EDUCATION

Lawful

- Schools attended.
- Degrees acquired.
- Transcripts, if required of all applicants for similar work.

Unlawful

- Questions regarding national, racial, or religious affiliation of schools attended.

EXPERIENCE

Lawful

- Inquiries regarding previous work experience.
- Foreign countries visited.

FRIENDS OR RELATIVES

This question may reflect preference for friends or relatives of present employees. Such a preference would be unlawful if it has the effect of reducing employment opportunities for women or minorities.

It would have this unlawful effect if the present work force differs significantly in its proportion of women or minorities from the population of the area from which workers are recruited. This question may also reflect a rule that only one partner in a marriage can work for the employer. There is a growing recognition that such a rule hurts women far more often than men and that the rule serves no necessary business purpose.

Lawful

- Names and addresses of persons willing to provide character or professional references for applicant.
- Explain conflict of interest rules and ask if these affect applicant.

Unlawful

- Names and addresses of applicant's relatives.

HANDICAP/DISABILITY

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination in employment on the basis of handicap except that a handicapped person must be “qualified” – viz., a qualified handicapped person in the employment context is “a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.”

The employer need not hire any individual who, after reasonable accommodation, is not able to perform the essential functions of a job effectively and safely. On July 26, 1990, President Bush signed the Americans with Disabilities Act (ADA) into law. The ADA prohibits discrimination against individuals with disabilities.

All employers with 25 or more employees were covered as of July 26, 1992.

Lawful

- If an applicant has an obvious disability, you may ask the applicant to explain how he or she would perform the tasks with or without reasonable accommodations.

Unlawful

- “Do you have any disabilities, physical defects, or on-the-job injuries?”

HEIGHT AND WEIGHT

Some employers have imposed minimum height and weight requirements for employees which are not related to the job to be performed and which have the effect of excluding above-average percentages of women and members of certain nationality groups. Unless height or weight is directly related to the job requirement, these questions should not be asked.

Unlawful

- Questions regarding height and weight are considered unlawful unless based on a bona fide occupational qualification (B.F.O.Q.), and such instances are rare.

IN CASE OF EMERGENCY

Lawful

- Names of persons to be notified in case of emergency.

Unlawful

- Names of relatives to be notified in case of emergency.

MAIDEN NAME

This is not relevant to a person's ability to perform a job and could be used for discriminatory purposes. For example, a woman's maiden name may be used as an indication of her religion or national origin. This item also constitutes an inquiry into marital status which is discussed separately.

Lawful

- First, middle, last name.
- Use of any other names or nicknames necessary for checking previous work experience or education.

Unlawful

- Requirements of prefix Mr., Miss, Ms., Mrs.
- Inquiries about names which would indicate national origin.
- Inquiries regarding names changed by marriage, divorce, court order, etc.

MARITAL STATUS

Some employers have refused to hire a married woman for certain jobs. Most airlines, for example, refused for many years to permit a married woman to be a flight attendant, though other employees could be married. This practice was held to violate Title VII of the Civil Rights Act of 1964. Finally, an employer could not refuse to hire a married woman for any job or for particular jobs because of the employer's beliefs concerning morality or family responsibility.

Lawful

- Whether applicant can meet specified work schedules.
- Whether applicant has any additional responsibilities which would interfere with proper attendance.

Unlawful

- Whether applicant is married, single, divorced, separated, engaged, etc.
- Number and ages of dependent children.
- All questions related to pregnancy or methods of family planning.
- Questions regarding child care arrangements.

MILITARY HISTORY

Lawful

- Experience/education in military services which would relate to the job applicant is seeking.

Unlawful

- Type of discharge.
- Military disciplinary record.

ORGANIZATIONS

Lawful

- Names of professional organizations to which applicant belongs.
- Offices held in professional organizations.

Unlawful

- "List all clubs or organizations to which you belong."
- Requesting other information about membership in organizations if this information would indicate race, religion, or national origin of applicant.

RACE

Unlawful

- Questions regarding race.
- Inquiry into color of eyes, hair.
- Other questions which would indicate race.

REFERENCES

Lawful

- Names and addresses of persons willing to provide character or professional references for applicant.

Require references from pastor, priest, rabbi, or other religious associates.

Unlawful

RELIGION/AVAILABLE FOR SATURDAY AND SUNDAY WORK

This question may serve to discourage applications from persons of certain religions which prohibit their adherents from working on Saturday or Sunday. On the other hand, it may be necessary to know whether an applicant can work on these days. Section 701 (j) of Title VII, as amended in 1972, prohibits discrimination on the basis of religion and defines religion to include "all aspects of religious observance and practice, as well as belief, unless an employer demonstrated that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." If this kind of question is asked, it would be desirable to indicate that a reasonable effort will be made to accommodate the religious needs of employees.

Lawful

- Questions regarding religious denomination or beliefs if based on a bona fide occupational qualification (B.F.O.Q.) as in the case of ministers, teachers, or other employees of specific religious organizations.
- Questions regarding availability for work during specific time periods. (Reasonable accommodations must be made for employees whose religious practices interfere with work schedules.)

Unlawful

- Questions regarding religious beliefs if not based on B.F.O.Q.
- Questions such as "What religious holidays do you observe?," if asked prior to employment.

GENDER

Title VII prohibits discrimination in employment on the basis of gender except in the few instances in which sex may be a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business. There are virtually no jobs that can be performed by only one gender or the other.

Unlawful

- All questions regarding gender of the applicant unless based on B.F.O.Q., which could occur in cases such as men's locker room attendant, etc.

Most of this information was reprinted from U.S. Equal Employment Opportunity Commission Guidelines for Title VII of the Civil Rights Act of 1964.

INTERVIEWING AND SELECTION GUIDELINES UNDER THE AMERICANS WITH DISABILITIES ACT

The following guidelines are provided to departments to assist them in the interviewing and selection process for positions.

When contacting the applicants to arrange the interview you may ask ALL selected applicants whether they will need any accommodations during the interviewing process; however this is not required.

If you do decide to ask applicants this question, you must ask ALL participants this same question. If accommodations are requested either before or at the time of the interview, contact the ADA Coordinator in Human Resources (936) 261-1730.

During the interview, you can describe the job tasks and conditions (orally and in writing) to EACH candidate and ask if they can perform tasks with or without accommodations. In other words, the interviewer can ask, "Can you perform these functions?", or can ask, "Can you perform these functions with or without reasonable accommodations?"

Focus on tasks and outcomes, not particular methods. It is critical to determine whether something really is a function, or whether it is simply a way of performing a function. For example, if typing is listed as a required function, a person with limited hand use may use Assistive Technology and voice input rather than keyboarding skills. Departments can ask for assistance from Human Resources in deciding if something really is a function – as opposed to a way of doing a function.

Interviewers may ask the applicant to describe or demonstrate how they would perform job tasks as long as all applicants are asked the same question. However, there are special situations when an applicant with a disability may be asked to demonstrate (or describe) how they would perform a task without requiring this of all applicants.

When the interviewer could reasonably believe the applicant will not be able to perform a function because of a known disability (i.e. obvious use of a wheelchair, or the applicant voluntarily disclosed an invisible disability), the interviewer may ask that particular applicant to describe how they would perform the function.

If an applicant voluntarily indicates that she or he has a disability and may require a reasonable accommodation to perform job tasks:

Thank the person for mentioning the information and indicate that PVAMU is committed to working with individuals with disabilities.

- You may inquire about the types of accommodations the individual believes may be necessary. You may also ask what equipment the individual has or has used in the past to assist them in performing other jobs.
- You should not, however, discuss whether you feel these are reasonable or unreasonable accommodations during the job interview.
- You MAY ask about each candidate's attendance at prior jobs.
- Do not ask specifically about days missed due to illness.
- You MAY inquire whether an applicant will be able to meet the established attendance, hours, and leave policies.
- You MUST NOT ask whether the applicant has an illness or condition that requires regular medical treatment or might affect attendance.
- You may not ask how many days an applicant was sick since that might relate directly to the severity of a disability.
- You CANNOT ask questions about the candidate's prior on-the-job injuries. HOWEVER, for jobs where safety issues are significant, you MAY ask about the candidate's safety record and whether she or he has ever been involved in an accident on-the-job that resulted in property damage or injury to coworkers or customers. You must indicate that you do not want details on whether and to what extent the candidate himself/herself might have been injured.

For example:

AT NO TIME IN THE INTERVIEW OR SELECTION PROCESS MAY YOU ASK AN APPLICANT IF HE OR SHE HAS A DISABILITY, HAS EVER BEEN INJURED ON THE JOB, OR HAS EVER FILED FOR OR RECEIVED WORKER'S COMPENSATION.

- If the applicant has an obvious disability, such as vision impairment or a mobility impairment that you feel may affect performance on certain job tasks, you may ask the applicant to explain how he or she would perform those job tasks with or without reasonable accommodation.
- You may not, however, ask about the nature and extent of the disability itself, i.e., the diagnosis, how the individual became disabled, current or past medical treatment, prognosis, problems the individual has because of the disability, etc...

When conducting reference checks, the interview question guidelines provided above also apply to any questions you might ask of current or past employers or references.

Welcome Package for Campus Interviews

Here is a *Sample* brief list of information that you should send to all candidates invited to campus for an interview:

- Travel arrangements
- Campus Interview Schedule
- Employee/faculty handbook
- Benefits synopsis
- College or University catalog
- Department brochure
- Organizational chart (department and institution)

- History of institution
- Annual reports
- Statement of mission, goals, objectives, and initiatives
- Information

SAMPLE
SCHEDULE OF ACTIVITIES FOR FINALIST

Sunday, March 15

- 3:50 p.m. Candidate arrives at Bush Int'l Airport on flight xxxx. Escorted to campus by (committee member).
- 4:45 p.m. Check in at Holiday Inn Hotel and Conference Center, reservation number xxxxx. (Phone 281-232-6000).
- 6:00 p.m. Dinner with the Department Head and Chair of the Search Committee in lobby of Holiday Inn Hotel

Monday, March 16

- 8:30 - 9:30 Meeting with search committee, W.R. Banks Building, Room 204, to be escorted by (committee member), meet in lobby of W.R. Banks at 8:15am
- 9:45 - 10:15 Tour of departmental facilities
- 10:30-11:30 Guest teach class in (Program name) (course number), xxx Delco; to be hosted by Professor xyz.
- 12:00 - 1:15 Lunch with student representatives, Pardus, Private Dining Room, to be escorted to Pardus by (student name)
- 1:30 - 2:30 Meet with selected departmental faculty, Departmental Conference Room, Delco, hosted by (committee member)
- 3:00 – 4:30 Open presentation of research to faculty, students, staff; xxx Delco, hosted by (Committee member)
- 4:30-5:00 Reception for faculty, staff, students
- 6:00 Dinner with selected faculty colleagues

Tuesday, March 19

- 7:30-8:30 Breakfast with members of campus community outside of department
- 9:00-10:00 Meetings with additional faculty members, Department Conf Room, Delco