

## GUIDELINES FOR NONDISCRIMINATORY INTERVIEWING

Now that you have reached the interview stage, it's important to remember the purpose of these procedures. At the interview, we attempt to gather enough information to determine which applicant has the greatest promise of performing well in the position. We are also conveying information about ourselves and life at ECU so that the applicant also can make an informed decision.

Interviewers must be cautious, however, that no inappropriate inquiries are made. While questions about some areas, such as marital status and children, are not illegal per se, they are almost never job-related. The burden of proving that an applicant was not rejected on the basis of information from these inquiries rests with the university. So, no matter how congenial the interview or how laudable our intentions, these inquiries in the interviewing process are highly inadvisable and make us vulnerable to costly legal actions.

We suggest that you decide ahead of time what questions will be asked of each applicant who is to be interviewed. This will give you some common information about each one and ensure consistency in the interviewing process. Be sure that these inquiries are related to the job standards and qualifications – information essential for determining if a person is qualified for the job. In general, you should avoid any inquiry designed to elicit information regarding race/ethnicity, color, genetic information, national origin or ancestry, religion, sex, sexual orientation, gender identity, age, disability, political affiliation, or veteran status.

The following is more specific information about questions which you should or should not ask. The list is not exhaustive but includes those inappropriate inquiries most commonly made.

- Inquiries about **race/ethnicity** or **color**

No inquiries about race/ethnicity or color are appropriate in an interview.

- Inquiries about **genetic information**

Do not ask about an applicant's family medical history or genetic information.

- Inquiries about **national origin, ancestry**

Do not ask an applicant's maiden name or where he or she was born.

Do not ask if an applicant is a United States citizen.

- Inquiries about **religion**

Do not ask what religion an applicant professes, about place or days of worship and religious holidays, or what accommodation(s) would be required on the job to facilitate his or her religious practices.

- Inquiries about **sex or marital status**

Do not ask whether an applicant is married, their maiden name, plans to marry, or has other “arrangements.”

Do not ask about pregnancies (past, present, or future), pregnancy-related matters, children or dependents, or child care arrangements.

Do not inquire about spouse’s name, occupation, or whether he or she is likely to be transferred.

- Inquiries about **sexual orientation and gender identity**

Do not ask any questions about sexual orientation or gender identity.

- Inquiries about **age**

Discrimination based on age, and also specifically against applicants above age 40, is specifically barred by federal law. Do not ask the applicant’s age.

- Inquiries about **disability, health and physical status**

Do not ask if the applicant is disabled or about the nature or severity of any disability or other medical questions. The Americans with Disabilities Act is quite specific about questions that may be appropriately addressed to job applicants and those that are prohibited. Employers may ask applicants to describe how they would perform any or all job functions, as long as all applicants in the job category are asked to do this.

However, the rule of thumb is, first, do not ask anything about an applicant's physical or mental status that is likely to elicit information about a disability. Second, if it is known with certainty that the applicant is disabled, do not ask how he or she could perform anything other than the essential functions of the job (unless you have asked all applicants how they would perform functions other than the essential functions). The essential functions of the job are its major responsibilities, not minor or occasional responsibilities. If it is known that the applicant is disabled, you may ask if the applicant will need an accommodation now or in the near future to perform a specific job duty and, if the answer is yes, you may ask what the accommodation would be. (Units with positions that will require medical examinations or the responses to certain medical questions as a contingency of employment must consult with the Office for Equity and Diversity at the initiation of the search process to ensure compliance with applicable provisions regarding medical examination and confidentiality of such information.)

It does not matter if prohibited inquiries are well-intentioned or casual; they are still prohibited. So please avoid “friendly” comments such as “My brother was wounded in Vietnam. Is that what happened to you?”

Additionally, any requests for reasonable accommodation by applicants to participate in the application or interview process or questions regarding reasonable accommodations for prospective employees should be directed to the Department for Disability Support Services at (252) 737-1016 (Voice/TTY).

- Inquiries about **membership in organizations**

It is acceptable to ask about the applicant's membership in professional organizations, but questions related to membership in any other type of organization should be avoided as this information has been used in the past to discriminate illegally.

**Well then, what can you talk about?**

- The duties and responsibilities of the job
- ECU's mission, programs, and achievements
- Career possibilities and opportunities for advancement
- Facilities available, available equipment, and amount of travel involved in the job
- The applicant's qualifications, abilities, interest, education, and experience

If you are unsure about these or any other particular inquiries, do not hesitate to call the Office for Equity and Diversity at 328-6804.