

Guide to Legally Permissible Interview Questions and Discussions

It is important when designing interview questions to keep in mind that your aim is to find a qualified person to fill a position. As a best practice in ensuring consistency and equal opportunity in the hiring process, interviews or candidate discussion should be planned in advance. All interview questions, or lines of general inquiry in conversational style interactions, should be job-related and seek to assess if the knowledge, experience, and professional behaviors of the candidate demonstrate that they could successfully perform the function of the position.

Please Note: All interactions with job candidates - including informal gatherings with stakeholders or other members of the University community – are considered part of the interview experience. Everyone who will have contact with the candidates should understand which areas are appropriate for questioning and discussion.

The following chart offers some guidelines by topic area, but is not all inclusive:

Topic	Cannot Ask	Can Ask
Address/length of Residence	<ul style="list-style-type: none"> • About foreign addresses that would indicate national origin (such as birthplace) • Names or relationships of people with whom candidate lives • Whether applicant owns or rents 	<ul style="list-style-type: none"> • How long have you lived in (city, town)? • Phone number and other contact information for the purposes of communication about the job
Age	<ul style="list-style-type: none"> • Age or date of birth • Questions that would tend to identify persons who are 40 or older (“Do you remember being at work before e-mail?”) 	<ul style="list-style-type: none"> • Are you over the age of 16?
Arrest and Conviction	<ul style="list-style-type: none"> • Have you ever been arrested? 	<ul style="list-style-type: none"> • If you wish to ask about someone’s criminal conviction record contact your HR representative
Attendance	<ul style="list-style-type: none"> • Do you have a car? • Number and/or ages of children? • What is your religion? 	<ul style="list-style-type: none"> • What hours and days can you work? • Are there specific times that you cannot work? • Do you have any responsibilities or constraints that will interfere with specific job requirements such as traveling?
Citizenship/Visa Status/National Origin	<ul style="list-style-type: none"> • What is your national origin? • Where are you from originally? • Are you a native-born citizen? • What is your native language? 	<ul style="list-style-type: none"> • Are you authorized to work in the United States? • Have you ever worked under a different name? • Will you now or in the future require sponsorship for employment visa status?

Disability	<ul style="list-style-type: none"> Do you have any disabilities? Do you have any physical or mental health conditions that have made you absent from work? 	<ul style="list-style-type: none"> Can you perform the duties of the job you are applying for (describe duties to candidate)? Can you meet the attendance requirements?
Worker's Compensation	<ul style="list-style-type: none"> Have you had any prior work injuries? Have you ever filed for worker's compensation? 	<ul style="list-style-type: none"> None
Parental Status	<ul style="list-style-type: none"> Do you have children? Are you pregnant? Do you plan to have children in the near future? 	<ul style="list-style-type: none"> May ask if candidate can meet specified work schedules. If such questions are asked, they must be asked of both sexes.
Religion	<ul style="list-style-type: none"> What church do you attend? Are you willing to work on a religious holiday? 	<ul style="list-style-type: none"> You may advise the candidate about normal hours and days of work
Sexual Orientation	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
Military Record	<ul style="list-style-type: none"> What type of discharge did you receive? 	<ul style="list-style-type: none"> What type of education, training, work experience did you receive while in the military?
Race or Color	<ul style="list-style-type: none"> You have an interesting complexion, what (race) are you? 	<ul style="list-style-type: none"> None

Any inquiry should be avoided that, although not specifically listed among those identified here as "cannot ask", is designed to elicit information as to age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family and genetic information. Access the Notice of Non-Discrimination and Equal Opportunity to learn more.

Additional Information

- [Listing of applicable Federal and State Laws and Executive Orders](#)
- [UHR Behavioral Interviewing Guide](#)
- [AskEARN Guide to Interviewing Candidates with Disabilities](#)
- [University Policies on Preventing and Addressing Discrimination, Harassment, and Retaliation](#)