

Questions You May and May Not Ask of a Candidate - Affirmative Action Searches

(Information adapted from Pre-Employment Inquiry Guide distributed by Michigan Department of Civil Rights.)

Interview questions must be job-related and should flow from the elements of the position description. Questions should focus on a candidate's abilities and professional experiences related to the responsibilities of the open position. Care should be taken to avoid asking inappropriate and unlawful personal questions at the interview.

1. You may not ask questions about race, color, national origin, religion, gender, sexual orientation, political persuasion, genetic information, disability, age or ancestry.
2. You may not ask questions about marital status, (e.g., spouse's name, spouse's employment status, whether the candidate is single, married, divorced, separated, engaged or widowed), pregnancy, ability to reproduce, advocacy of any form of birth control, plans for a family or child care issues. You may inquire if the applicant has any commitments that would preclude her or him from satisfying job schedules. If such questions are asked, they must be asked of both genders.
3. You may not ask questions about weight or height.
4. You may not ask questions about one's state of health unless they are job-related. You may inquire about contagious or communicable diseases which may endanger others.
5. You may not ask questions about physical condition. You may ask a candidate if they can perform the essential functions of the job with or without accommodations.
6. You may not ask questions designed to discover one's age.
7. You may not ask questions about a foreign address which would indicate national origin. You may, however, ask about the location and length of time of one's current residence.
8. You may not ask questions concerning the candidate's place of birth or similar questions about the parents, grandparents and spouse of the candidate.
9. You may not ask in a series of interviews for a given position questions of one gender and not of the other.
10. You may not ask if one is a U.S. citizen. Proof of citizenship is part of the federal I-9 process which begins only after a conditional offer has been made to a candidate. You may not inquire if a candidate is native-born or naturalized.
11. You may not ask what is one's native tongue or how one's foreign language ability has been acquired. You may inquire into languages which the candidate speaks and writes fluently.

12. You may not ask about one's willingness to work on any particular religious holiday. You may ask about one's willingness to work a required work schedule.
13. You may not ask if a candidate has filed or has threatened to file discrimination charges.
14. You may not ask questions about any relative of a candidate which would be unlawful if asked of the candidate.
15. You may not ask questions about organizations that would reveal the race, color, religion, gender, sexual orientation, marital status, national origin or ancestry of the applicant. You may inquire about membership in job-related professional organizations (e.g., does an applicant for the position in an English department belong to the Modern Language Association?).
16. You may not ask about military service in the armed forces of any country except the U.S., nor may you inquire into one's type of discharge. You may ask if a candidate has served in the Armed Forces of the United States or in a State Militia.
17. You may not ask questions about one's credit rating or request financial data.