

QUESTIONS TO AVOID

Throughout the interviewing process, person(s) conducting the interview need to be aware of the anti-discrimination laws with regard to pre-employment inquiries. These laws apply not only to recruitment and hiring, but also to transfers and promotion of employees. LSU's Equal Opportunity Policy (PS-1) states that it is prohibited to discuss or make notes regarding race, color, marital status, sexual orientation, gender identity, gender expression, creed, religion, sex, national origin, age, mental or physical disability, veteran's status or other protected characteristics as required by federal, state and local laws.

Avoid questions that could be interpreted by any applicant to be an attempt to discover any of the following protected personal information. Focusing on the job-related questions will help interviewer to avoid asking inappropriate questions. If a person volunteers information that is not job related, direct the conversation back to job-related topics. Information volunteered by an applicant that is not job-related should not affect your decision about the applicant's ability to do the job.

AGE

If the position has a minimum age requirement, you are permitted to ask if the candidate meets the requirement. You cannot require that applicant state age/date of birth unless under 18.

Only if the position **REQUIRES** the candidate be 18 years of age you may ask the following: Are you 18 years of age or older? If the answer is no, you may ask the applicant to state their age.

Incorrect:

- What year did you graduate from high school/college?
- How old are you?
- What's your date of birth?
- Questions that would tend to identify persons who are 40 and older ("Do you remember being at work before e-mail was introduced?")

ARREST RECORD OR CONVICTIONS

Under no circumstance should you ask an applicant about any arrest records or convictions. The Office of Human Resource Management will delegate any unsatisfactory background checks.

Incorrect:

- Have you ever been arrested?
- Have you ever spent a night in jail?
- Have you ever been arrested, but not convicted?

DISABILITY

interviewers are permitted to ask an applicant questions about his or her ability to perform job-related functions, and are permitted to ask the following: "Is there any reason why you would not be able to perform the duties of this position?"

Incorrect:

- Do you have any (job) disabilities?
- Why do you use that cane?
- Have you ever been addicted to illegal drugs or treated for drug or alcohol abuse?
- Have you ever been hospitalized/treated for physical or mental health conditions?
- That's a nasty scar. Is there an interesting story behind that?
- Do you need a reasonable accommodation?
- What is your medical history? How does your condition affect your abilities?
- Have you ever filed a workers' compensation claim?

FAMILY STATUS, MARITAL STATUS OR PREGNANCY

Under no circumstance should you ask an applicant about their family status, marital status or pregnancy

Incorrect:

- Are you married?
- What kind of work does your husband/wife do?
- Do you have children? How old are they?
- Do you have pre-school age children at home?
- Who is going to baby-sit your children while you're at work?
- Are you planning to become pregnant or to have children?
- What is your maiden name?

NATIONAL ORIGIN

Questions about foreign language skills such as reading, speaking, and/or writing are permitted if relevant to the job. For example, in the case of a candidate who is interviewing to fill a Spanish Instructor position, it would be appropriate to ask, "Is Spanish your first language?" or "How did you learn to read/write/speak Spanish?"

Incorrect:

- Your résumé/CV indicates you have a degree from a university in Germany. Are you German?
- You have a slight accent in your voice. Where are you from?
- What is your national origin?
- Where were you or your spouse/parents/other relatives born?
- Are you a U.S. citizen?
- Is your name French?

RACE, COLOR OR PHYSICAL FEATURES

Under no circumstance should you ask an applicant about their race, color or physical features.

Incorrect:

- Any questions related to complexion or color of skin and hair.
- Any questions related to race such as "Do you identify as Hispanic or as Asian?"
- How much do you weigh?
- Do you have anorexia?
- Have you ever tried to put on/take off some weight?
- How tall are you?

RELIGION OR CREED

Under no circumstance should you ask an applicant about their religion or creed.

Incorrect:

- What's your religion?
- Are you Catholic/Christian/Mormon/Jewish/Muslim/Buddhist/etc.?
- What church do you attend?
- Are you willing to work on Good Friday/Rosh Hashanah?
- Will you require any days off for religious holidays that the University does not observe?

SEX OR GENDER

Under no circumstance should you ask an applicant about their sex or gender. Applicant's gender cannot be used as a factor for determining whether an applicant will be "satisfied" in a particular job (e.g., because the job involves physical labor or is traditionally labeled "men's work" or "women's work").

Incorrect:

- Do you wish to be addressed as Mr.?, Mrs.?, Miss?, or Ms.?
- What is your maiden/birth name?

SEXUAL ORIENTATION

Under no circumstance should you ask an applicant about their sexual orientation.

Incorrect:

- Do you have a same sex partner or married spouse?
- Have you ever been a man? (to a person who appears to be a woman)
- Have you ever been a woman? (to a person who appears to be a man)
- Have you ever been a different gender?
- Do you have a boyfriend or girlfriend?

VETERAN STATUS

Under no circumstance should you ask an applicant about their veteran status.

Incorrect:

- Are you a veteran of the US Armed Forces?
- What type of discharge did you receive when you left the military?
- Do you receive veteran's disability payments?
- Do you receive a military pension?
- Any question into type of discharge.