

PATH *to* DISTINCTION

LEGAL AND ILLEGAL INTERVIEW INQUIRIES

INQUIRY AREA	LEGAL INQUIRIES	ILLEGAL INQUIRIES
RELIGION	Whether applicant can meet specific work schedule(s).	Applicant's religious denominations or affiliation, parish, religious leader, or religious holidays observed. Any inquiry made to identify religious denominations or customs.
NAME	Whether the applicant has worked for the University under another name. Whether any other information such as a nickname is needed to check the candidate's work and educational record	Inquiries about the name that would seek to elicit information about the candidate's ancestry or descent. Inquiries about the name change due to a court order, marriage, or otherwise.
BIRTHPLACE	See Citizenship, Acceptable Inquiries, below.	Birthplace of applicant, spouse, parents, or other relatives.
CITIZENSHIP	Statement that employee must be eligible to work in the U.S. when he or she begins work.	Any inquiries about citizenship or whether applicant is or intends to become a U.S. citizen.
RESIDENCE, NATIONALITY	Place of residence.	Specific inquiry into foreign addresses that would indicate national origin, nationality of applicant, applicant's parents, or spouse. Whether applicant owns or rents home.
AGE	Can inquire if applicant meets minimum age requirements, or state that proof may be required upon hiring, or that hire is subject to verification of minimum age.	Cannot require that applicant state age or date of birth. Cannot require that applicant submit proof of age before hiring. Any questions that may tend to identify applicants over 40 years of age. (18 years of age in Iowa.)
SEX, PREGNANCY	Inquiry or restriction of employment is permissible only when a Bona Fide Occupational Qualification (BFOQ) exists. BFOQ! is very narrowly interpreted by the courts, and is rarely allowed, with the burden of proof for BFOQ resting on the employer.	Sex: Any inquiry that would indicate sex of applicant. (Sex is not a BFOQ because a job involves physical labor, such as heavy lifting beyond capacity of some women.) Applicant's sex cannot be used as a factor for determining whether an applicant will be "satisfied" in a particular job. Pregnancy: Improper use of known or perceived pregnancy status of applicant(s) to disqualify candidacy.

INQUIRY AREA	LEGAL INQUIRIES	ILLEGAL INQUIRIES
MARITAL AND FAMILY STATUS, GENDER IDENTITY	Whether applicant can meet specific work schedules(s).	Marital Status or number of dependents. Names, ages, or addresses of spouse, children, or relatives. Questions about gender identity or sexual orientation.
RACE, COLOR, PHYSICAL CHARACTERISTICS	None	Inquiry as to applicant's race; color of skin, eyes, or hair; or other questions directly or indirectly indicating race or color. Applicant's height or weight when it is not relevant to the job.
DISABILITIES	Can ask an applicant questions about his or her ability to perform job-related functions as long as the questions are not phrased in terms which would seek to elicit whether the applicant has a disability.	General inquiries ("Are you disabled?") that would tend to reveal disabilities or health conditions that do not relate to fitness to perform the job. Applicant's height or weight when it is not relevant to the job. It is unlawful to ask an applicant whether he or she is disabled or about the nature or severity of his or her disability.
EDUCATION	Applicant's academic, vocational, or professional education; schools attended.	Date last attended high school (reflects age of applicant). Inquiry as to religious or racial affiliation of high school.
WORK EXPERIENCE, MILITARY EXPERIENCE	Applicant's work experience, including names, addresses of previous employers, dates of employment, reasons for leaving.	Type of military discharge.
VETERAN STATUS	None	Improper use of veteran status information to disqualify candidacy.
CONVICTION, ARREST, AND COURT RECORD	Inquiry into actual convictions (not arrests) that relate reasonably to fitness to perform a particular job.	Any inquiry relating to arrests, Any inquiry or check into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the prospective employment.
PHOTOGRAPH	Statement that it may be required after hiring.	Request for photograph before hiring.
ASSOCIATIONAL PREFERENCE	None	Improper use of information about political affiliation, clubs or organizational groups to disqualify candidacy.
GENETIC INFORMATION	None	Inquiries regarding family medical history, genetic testing. Improper use of genetic information to make decisions regarding an employees health insurance and/or employment.

For more information, please contact the Office of Equal Opportunity and Diversity (EOD) at diversity@uiowa.edu.

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