

Interviews and Permissible Inquiries

Thoughtful interviews are important to reaching a sound hiring decision. They provide a crucial opportunity for the search committee and others to learn more about top candidates and their qualifications. They also provide firsthand opportunities for candidates to learn more about the position, the university, and community.

The interview process must be carefully designed to serve its intended purpose, while also protecting candidates from prohibited discrimination. Inappropriate interview questions can create potential liability for the University. Poorly designed interview questions may be ineffective in gathering useful information and may introduce bias into the selection process.

To optimize the usefulness of candidate interviews, hiring authorities and search committees should consider the following interview principles:

- An interview is a mutual exchange of information. The interview should be structured in a way that allows a candidate to share relevant information and to ask questions.
- Those involved in the interview process need to be mindful that candidates will have different communication styles, some of which may be influenced by culture or gender. Unless communication style is directly relevant to the needs of the position, it is important to focus on the **substance, not style**, of a candidate's response. It's also important to be mindful of the potential for implicit bias in evaluating candidate interviews.
- Those involved in the interview process should have a common understanding of the interview questions and, in general, the kinds of information the questions are intended to elicit. If technical or focus area-specific questions are being asked, the faculty whose expertise aligns most closely with the subject matter can be used to identify appropriate responses. However, if the specialization sought is in a new or emerging subject area, or if women and people of color are historically underrepresented in the discipline, it might be useful to seek external ideas about appropriate responses to ensure we are evaluating responses without bias.
- All involved in the interview process must be mindful that while they are evaluating candidates, the candidates are evaluating the position, the hiring department and the University of Oregon. Interviewers should be mindful about balancing a realistic preview of the job and environment with positive information about aspirations and developments.

To ensure they serve their intended purpose and protect individual rights, interviews should focus on job-related topics – the essential functions of the position for which you are interviewing, and the job-related experience, study, research, service, and skills or other attributes the candidate brings to the position that will enable them to effectively perform the essential functions of the position.

Please remember: all interactions occurring during the candidate visit are part of the interview process, including those that seem more

informal, such as meals or transitions between interview events. While a candidate may share personal information during an interview, to avoid inappropriate and possibly illegal questions, the interview should remain focused on job-related information. To the extent candidates offer information we are prohibited from considering when making a hiring decision, it's also recommended we assure the candidate that such information will not factor into our hiring decision.

The questions below serve as permissible models if there is a legitimate business need or a job-related reason for the inquiry; they are not intended to be prescriptive or required. If questions are asked, they should be asked of all candidates who are participating in that stage of the interview process.

TOPIC	BUSINESS NEED/JOB RELATED REASON AND METHOD OF INQUIRY	PERMISSIBLE INQUIRIES BY SEARCH COMMITTEES	NON-PERMISSIBLE INQUIRIES
Age	<p>To ensure minors are not employed in occupations with age restrictions.</p> <p><i>The university's application for employment asks candidates to confirm that they are at least 18 years of age.</i></p>	None	<p>How old are you?</p> <p>What is your birth date?</p> <p>What are your retirement plans?</p>
Arrests or Convictions of a Crime	<p>To identify potential safety and security issues.</p> <p><i>Oregon law prohibits inquiry of criminal history in the selection process. Search committees should not search for such information independently or introduce this topic as part of the interview process. Formal background checks are permissible only after a contingent offer of employment, and criminal history findings on a background check are evaluated on a job-related basis.</i></p>	None	<p>Have you ever been convicted of a crime?</p> <p>Have you ever been arrested?</p>

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Citizenship or Nationality	<p>All U.S. workers are required to show proof of identity and work eligibility.</p> <p><i>Within three days of hire, all workers are required to complete federal Form I-9 to establish proof of identity and work eligibility.</i></p>	<p>Can you show proof of your eligibility to work in the U.S.?</p> <p>Are you fluent in any languages other than English?</p> <p><i>You may ask the second question only as it relates to the job being sought.</i></p>	<p>Are you a U.S. citizen?</p> <p>Where were you born?</p> <p>You have a distinctive accent or name. What is your background?</p>
Disability	<p>Employers are permitted to inquire whether candidates can perform job functions with or without accommodation. Employers are required to provide reasonable accommodation for a qualified worker that enables them to perform the job functions. If candidates express need for accommodation, please contact Talent Acquisition in HR for consultation.</p> <p><i>The University's application materials ask if candidates can perform the essential functions of the job with or without accommodation, and new hires are provided with information about requesting accommodation if needed.</i></p>	<p>Are you able to perform the essential functions of this job with or without reasonable accommodation?</p>	<p>Are you disabled?</p> <p>What is the nature or severity of your disability?</p> <p>Have you ever had an on-the-job injury?</p> <p>How much work time have you missed due to illness or other medical condition?</p>

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Family Status		None	<p>Are you married?</p> <p>Do you have a spouse who is looking for work?</p> <p>Do you have any children?</p> <p>Are you pregnant? Are you planning to become pregnant?</p> <p>What are your childcare arrangements?</p>
Name	To facilitate employment verifications or reference inquiries from employment that occurred under a different name.	Do you have any professional information under a different name?	<p>What is your maiden name?</p> <p>Do you go by Miss, Mrs., or Ms.?</p> <p>That's an interesting name, what is its origin?</p>
Organizations	To demonstrate job-related certifications, competencies, or experience that have been obtained outside of formal employment.	What professional organizations are you involved with that relate to the position?	What organizations are you involved with outside of your professional work?
Race	<p>To demonstrate status of Affirmative Action Plan goals and report on goals.</p> <p><i>Candidates are invited to self identify during the job application process.</i></p> <p><i>Demographic data is provided to search committees in aggregated, non-identifying form to assess success of outreach efforts to improve diversity of candidate pools and job goals.</i></p>	None	What is your race?

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Residence	To facilitate communication with candidates/meet requirements for tax reporting. <i>The University requests address information on job application materials.</i>	None	Do you own or rent your home? Who resides with you? What part of town do you live in?
Religion	If candidates express need for accommodation, please contact Talent Acquisition in HR for consultation. <i>Title VII requires that an employer reasonably accommodate an employee's religious beliefs, unless accommodation would create undue hardship. If a candidate discloses that they are unable to work weekends due to their religious beliefs, let the applicant know that a reasonable effort will be made to accommodate any religious needs should they be hired.</i>	None <i>You may inquire about availability for work on specific days of the week or dates. However, when an applicant's sincerely held religious beliefs make him or her unavailable for work on a particular day of the week or date, you cannot base a hiring decision on this information.</i>	Which [place of worship] do you attend? What are your religious holidays?
Sex		None	What is your gender? What is your gender identity?
Sexual Orientation		None	Is your partner male or female? We're always looking to diversify our faculty—do you personally identify with any underrepresented groups?