

# Conducting Interviews

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## **First and foremost keep in mind the goals of the interview process:**

Gather job related information

Create a positive image of the institution

Present a realistic description of the position

Ensure that all applicants feel they have been treated fairly

Establish adequate records in the event the hiring decision must be justified at some future date

## **Steps in the interview process:**

Establish a rapport with the applicant

Explain purpose and set agenda (let the applicant know what is to occur)

Gather predictive information

## **Be knowledgeable of legal considerations:**

Questions related to gender, age, color, race, religion, national origin, disability are inappropriate during interviews. Treat all applicants in the same manner. The following are areas where questions can and have been used in a discriminatory way. Remember that discriminatory behavior is improper, even when it is not intended.

### Accent

A hiring decision cannot be based on foreign appearance or manner of speaking. The only permissible consideration of accent is where there is a clear correlation between job performance and the ability to speak English clearly.

### Age

Persons age 40 and over are protected from discrimination on the basis of age. Questions that would reveal age, such as year of graduation, should be avoided unless there is a need to construct a chronology of work or educational experience. Additionally, comments such as the need to hire

"new blood" or concern about "dead wood" should not be made as they can be used to imply a bias against older workers. The protection against discrimination also applies within the protected age group, meaning that it is unlawful to prefer a 42-year old applicant to a 50-year-old applicant because of age.

#### Citizenship

Prior to making an offer, the only discussion about citizenship status that may lawfully occur is whether the applicant is currently eligible to work in the United States. If such a question is asked of one applicant, it should be asked of all. Following the offer stage, the successful applicant will be required to produce documentation of eligibility.

#### Disability

The Americans with Disabilities (ADA) prohibits employment discrimination against qualified individuals with disabilities, as well as persons who have a record of disability or are perceived as disabled. The protection extends to all aspects of the hiring process and all other employment related activities. Further guidance on this issue is available on the attached.

#### Marital and Family Status

Questions that could elicit personal information about applicants' marital status or childcare arrangements should be avoided. Employers can ask if applicants are able to work the hours required by the job, or undertake job-related travel, as well as about the duration of any anticipated absences. All applicants should be treated equally. Applicants themselves may ask about the University's leave policies and benefits. If these questions arise, the applicant should be referred to Human Resources.

#### Military Record

Applicants can be asked questions about their military experience, qualifications, or training if they relate to the actual requirements of the position. Questions concerning military service should focus on relevant job skills. Questions that elicit information about applicant's discharge status should be avoided unless a business necessity for requesting this information can be established, and if asked, should be asked of all applicants.

#### National Origin

Applicants are protected from discrimination based on their national origin. Questions related to an applicants' national origin, such as their birthplace, ancestry, or origin of name, should be avoided.

#### Personal Appearance

Except in cases of safety or other work-related matters, employees may wear clothing that is symbolic of their race, national origin, or religion, and questions should not be asked about such matters.

#### Pregnancy

A female applicant who is pregnant is protected from discrimination because of her pregnancy, childbirth, and related medical conditions, and should be evaluated solely on her ability to perform the requirements of the position. If an applicant wants to know about EKU's policies, she should be referred to Human Resources.

#### Race and Ethnicity

Applicants should not be asked questions regarding their race or ethnic background during the interview.

#### References

Many search committees limit reference checks to the top applicants in the final interview pool. Regardless of when a reference check is made, consistent questions should be asked of the references. In the course of a reference check, unsolicited information that is inappropriate or discriminatory may be provided by the reference. Such information should be ignored. A good rule is not to discuss anything with references that could not be discussed with the applicants themselves.

#### Religion

Applicants are protected from discrimination because of their religious denomination, beliefs, customs, or religious holidays observed. Questions that could elicit religious information should be avoided unless they have a clear correlation to need, such as working on Saturdays or Sundays, or peak periods. If asked, the question should be limited to stating the requirements of the position, and should be asked of all applicants.

#### Sex (Gender)

Applicants may be asked to identify whether they are male or female. In addition, it is permissible to ask what title of address is preferred, provided the inquiry is made for a nondiscriminatory purpose.

#### Sexual Orientation

Eastern Kentucky University's Non-Discrimination Policy prohibits discrimination based on a person's sexual orientation. Questions and discussions pertaining to sexual orientation should be avoided.

#### Sick Leave

Questions that elicit information about how many days an applicant was sick or other questions pertaining to sick leave should be avoided. If there are job-related concerns about coverage during peak times of need or dependability, stating the expectations and asking applicants if they can meet them are permissible. If asked of one, such questions should be asked of all.

#### Workers' Compensation

Questions that elicit information about an applicant's workers' compensation history should be avoided. The same concerns as mentioned for sick leave apply to this area of inquiry.

*Adapted from Interview Guide for Supervisors, College and University Personnel Association, 5th*

*Edition, 1998.*

*Adapted from ADA Enforcement Guidance: Reemployment Disability-Related Questions and Medical Examinations, U.S. Equal Employment Opportunity Commission, Washington, D.C. 20507, October 1995.*

*Adapted from Conducting the Lawful Employment Interview: How to Avoid Charges of Discrimination When Interviewing Job applicants, Alan M. Koral, Executive Enterprises Publications Co., Inc., 1993.*

*Adapted from UVA EOP Guide.*