

# **The Do's & Don'ts of Interview Questions at Valparaiso University:**

## **A Guide Developed by the Vice President and General Counsel's Office**

Valparaiso University does not discriminate against an applicant because of the applicant's sex, marital status, ancestry, race, color, national origin, age, veteran status, disability, or sexual orientation. Valparaiso University does not generally discriminate against an applicant because of their religion, but as a Lutheran institution, reserves its right to promote the teachings of the church and exercise preference in employment related practices in favor of Lutherans. Finally, Valparaiso University reserves the right to not hire an applicant that cannot support its Lutheran mission.

The purpose of this Guide is to educate the university community on how to properly ask interview questions in order to assure that Valparaiso University does not violate its prohibition on discrimination as set forth above.

### **I. Sex and Marital Status**

It is never appropriate to make presumptions about an applicant because of their sex. It is not appropriate to ask a candidate about their marital or familial status. However, an applicant may voluntarily provide information related to his/her marital or familial status. It is never appropriate to make presumptions based on that information provided, but it can be appropriate to talk to the applicant about his/her marital or familial status to the extent the applicant brings it up or in response to questions asked by the applicant. For example, the applicant may say, "I have a child in first grade, what are the schools like in Valparaiso?" or "Is Valparaiso a good place to raise a family?" or "My husband is a high school teacher. What is the teaching job market like in this area?" These questions should be addressed or even deferred to someone on or off campus who is suited to address them.

### **II. Ancestry, Color, Race, and National Origin**

It is never appropriate to ask an applicant's ancestry, color, race, or national origin in an interview. It is also never appropriate to make presumptions about an applicant because of their ancestry, color, race, or national origin. However, it is appropriate to ask an applicant questions that might result in answers that are indicative of national origin or ancestry to the extent the information is necessary for legal immigration/working purposes. Also, it is appropriate to ask questions that may result in answers that are indicative of an applicant's ancestry or national origin to the extent you are seeking information that may be relevant to the job. For example, you might ask an applicant for the International Programs office, "What languages do you speak?" or "Tell me about your experiences in other countries."

### **III. Age**

It is never appropriate to ask an applicant their age in an interview. It is also never appropriate to make presumptions about an applicant because of their age. However, it is appropriate to ask questions that may be indicative of the applicant's age so long as the purpose of the question is to gather legitimate and relevant information and not for the purposes of determining the applicant's age. For example, "How long did you work at XYZ University?" or "What year did you graduate from ABC University?"

#### IV. Disability

It is never appropriate to ask a candidate about a disability. For purposes of an interview, a disability should be broadly defined and can include any type of physical, mental, or medical condition that may interfere with the applicant's daily activities. If you think an applicant might have a disability, do not ask about it. It is never appropriate to make presumptions about an applicant because of a disability. It is appropriate to ask the applicant if he/she can perform the essential functions of the job. If the applicant requests the need for an accommodation in order to perform the essential functions of the job, it is appropriate to ask questions concerning details of the accommodation request. Inform the applicant that the request will be given serious consideration. Immediately notify the Director of Human Resources about the request after the interview concludes.

#### V. Sexual Orientation

It is never appropriate to ask an applicant about their sexual orientation. It is never appropriate to make presumptions about an applicant because of their sexual orientation.

#### VI. Religion

Generally, it is not appropriate to ask a candidate about their religion or religious beliefs. It is never appropriate to make presumptions about an applicant because of their religion or religious beliefs. However, the University reserves the right to favor Lutherans in the hiring process. It would be appropriate to ask a candidate their religion if it is determined that the position is one reserved for a member of the Lutheran faith and not to hire a candidate for that position if he/she is not Lutheran.

Also, as a Lutheran faith based institution with a Lutheran mission, it is appropriate to elaborate on what this means and ask the candidate if they are comfortable supporting the University's Lutheran mission. This support does not require the candidate to be Lutheran or even Christian at all. However, it is appropriate to not hire a candidate who indicates that they will have a difficult time supporting the mission for any reason, including religious ones, as supporting this is ultimately a necessary function of any job on campus.

Finally, the mission inquiry may result in an answer that is indicative of the applicant's religion or religious beliefs. For example, the applicant may respond, "I am fine with that but I am Jewish. I am concerned with how Valparaiso University will be with that or how I will be received." It would be appropriate to respond with how the University accepts and receives people of other faiths and even refer the applicant to a member of the University community who is Jewish for further questions. Or they might respond with, "I am fine with that but I am not Lutheran. I am worried how I will be received." You might respond with, "The University has many non-Lutherans who are well accepted and received. I would be happy to try to connect you with someone of a particular faith if you have questions about a how a particular non-Lutheran faith is received at the University." Any line of questioning as described hereunder may result in the applicant disclosing their religion or religious beliefs. It may even result in a discussion about religion and religious beliefs on campus; all of this appropriate and consistent with the University's vision statement, "Valparaiso University will be a distinguished Lutheran community of learning constituted by people of many and various beliefs and backgrounds in dialogue with one another in common pursuit of truth."

## Legal/Illegal Interview Questions

AREA OF INQUIRY	LEGAL	ILLEGAL	LEGISLATION
Name	For access purposes inquiry into whether the applicant's work records are under another name.	<ul style="list-style-type: none"> <li>To ask if a woman is Miss, Mrs. or Ms.</li> <li>To request applicant to give maiden name or any previous name s/he has used.</li> </ul>	<ul style="list-style-type: none"> <li>Title VII of Civil Rights Act of 1964 as amended by the Equal Opportunity Act of 1972.</li> <li>Title VII and IX of the Education Amendments of 1972.</li> </ul>
Address/Housing	<ul style="list-style-type: none"> <li>To request place and length of current and previous address</li> <li>To ask for applicant's phone number or how s/he can be reached.</li> </ul>		<ul style="list-style-type: none"> <li>Title VII.</li> </ul>
Age	<p>Require proof of age by birth certificate, AFTER HIRING.</p> <p>To ask questions that may be indicative of the applicant's age so long as the purpose of the question is to gather legitimate and relevant information and not for the purposes of determining the applicant's age.</p> <p>Ex: "How long did you work at XYZ University?" or "What year did you graduate from ABC University?"</p>	<ul style="list-style-type: none"> <li>To ask age or age group of applicant.</li> <li>To request birth certificate or baptismal record before hiring.</li> </ul>	<ul style="list-style-type: none"> <li>Age Discrimination in Employment Act of 1967 (ADEA).</li> </ul>
Birthplace/ National Origin	<p>To ask applicant questions that might result in answers that are indicative of national origin or ancestry to the extent the information is necessary for legal immigration/working purposes.</p> <p>To ask questions that may result in answers that are indicative of an applicant's national origin or ancestry to the extent you are seeking information that may be relevant to the job.</p> <p>Ex: asking an applicant for the International Programs office, "What languages do you speak?" or "Tell me about your experiences in other countries."</p>	<ul style="list-style-type: none"> <li>To ask birthplace of applicant or that of his/her parents, grandparents and/or spouse.</li> <li>Any other inquiry into national origin.</li> </ul>	<ul style="list-style-type: none"> <li>Title VII.</li> </ul>

Race/Color	<ul style="list-style-type: none"> <li>To indicate that the institution is an equal opportunity employer.</li> <li>To ask race for affirmative action plan statistics AFTER HIRING.</li> </ul>	Any inquiry that would indicate race and/or color.	<ul style="list-style-type: none"> <li>Title VII.</li> </ul>
Gender	<ul style="list-style-type: none"> <li>To indicate that the institution is an equal opportunity employer.</li> <li>To ask gender for affirmative action plan statistics AFTER HIRING.</li> </ul>	To ask applicant any inquiry which would indicate gender unless job related.	<ul style="list-style-type: none"> <li>Title VII.</li> <li>Title IX.</li> </ul>
Religion/Creed	<ul style="list-style-type: none"> <li>Appropriate to ask a candidate about their religion if it is determined that the position is one reserved for a member of the Lutheran faith and not to hire a candidate for that position if he/she is not Lutheran.</li> <li>Because the University, as a Lutheran based institution with a Lutheran mission, it is appropriate to ask the candidate if they are comfortable supporting the Lutheran mission.</li> </ul>	<ul style="list-style-type: none"> <li>To ask applicant's religion or religious customs and/or holidays.</li> <li>To request recommendations from clergy an/or church officials.</li> </ul>	<ul style="list-style-type: none"> <li>Title VII.</li> </ul>
Citizenship	<ul style="list-style-type: none"> <li>Whether a U.S. citizen.</li> <li>If no, whether intends to become one.</li> <li>If U.S. residence is legal.</li> <li>If spouse is a citizen.</li> <li>Require proof of citizenship AFTER HIRING.</li> </ul>	<ul style="list-style-type: none"> <li>If native born or naturalized.</li> <li>Proof of citizenship before hiring.</li> <li>Whether parents and/or spouse is native born or naturalized.</li> <li>Date of citizenship.</li> </ul>	<ul style="list-style-type: none"> <li>Title VII.</li> </ul>
Marital/Parental Status <i>(continued on next page)</i>	<ul style="list-style-type: none"> <li>Married or single status only AFTER HIRING for insurance and tax purposes.</li> <li>Number and ages of dependents and age of spouse AFTER HIRING for insurance and tax purposes.</li> <li>Appropriate to the extent that applicant offers information or in response to questions asked by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>To ask marital status before hiring.</li> <li>To ask the number and age of children, who cares for them and if applicant plans to have more children.</li> </ul>	<ul style="list-style-type: none"> <li>Title VII.</li> <li>Title IX.</li> </ul>

	<ul style="list-style-type: none"> <li>• Questions asked by the applicant should be addressed or even deferred to someone on or off campus who is suited to address them.</li> </ul>		
Relatives	To ask name, relationship and address of person to be notified in case of emergency AFTER HIRING.	Names of relatives working for the institution or district.	<ul style="list-style-type: none"> <li>• Title VII.</li> <li>• Title IX.</li> </ul>
Military Service	<ul style="list-style-type: none"> <li>• Inquiry into service in U.S. armed forces.</li> <li>• Branch of service and rank attained.</li> <li>• Any job related experience.</li> <li>• Require military discharge certificate after hiring.</li> </ul>	<ul style="list-style-type: none"> <li>• To request military records.</li> <li>• To ask about military service of any country other than the U.S.</li> <li>• Type of discharge.</li> </ul>	<ul style="list-style-type: none"> <li>• Title VII.</li> <li>• Title IX.</li> </ul>
Education	<ul style="list-style-type: none"> <li>• To ask what academic, professional or vocational schools attended.</li> <li>• To ask about language skills such as reading and writing foreign languages.</li> </ul>	<ul style="list-style-type: none"> <li>• Specifically ask the nationality, racial or religious affiliation of schools attended.</li> <li>• To ask how foreign language ability was acquired.</li> </ul>	<ul style="list-style-type: none"> <li>• Title VII.</li> </ul>
Criminal Record	To request listing of convictions other than misdemeanors.	All matters related to criminal backgrounds should be left to the General Counsel's office and the University's Background Check Policy.	<ul style="list-style-type: none"> <li>• Title VII.</li> </ul>
References	To request general and work references not relating to race, color, religion, sex, national origin or ancestry.	To request references specifically from clergy or any other persons who might reflect race, color, religion, sex, national origin or ancestry.	<ul style="list-style-type: none"> <li>• Title VII.</li> <li>• Title IX.</li> </ul>
Organizations	<ul style="list-style-type: none"> <li>• To ask organizational membership (professional, social, etc.) so long as affiliation is not used to discriminate on the basis of race, sex, national origin or ancestry.</li> <li>• Offices held, if any.</li> </ul>	To request listing of all clubs applicant belongs to or has belonged to.	<ul style="list-style-type: none"> <li>• Title VII.</li> <li>• TITLE IX.</li> </ul>
Photographs	May be required AFTER HIRING for identification purposes.	<ul style="list-style-type: none"> <li>• Request photographs before hiring.</li> <li>• To take pictures of applicants during interviews.</li> </ul>	<ul style="list-style-type: none"> <li>• Title VII.</li> <li>• Title IX.</li> </ul>
Work Schedules	<ul style="list-style-type: none"> <li>• To ask willingness to work required work schedule.</li> <li>• To ask if applicant has military reservist obligations.</li> </ul>	To ask willingness to work any particular religious holiday.	<ul style="list-style-type: none"> <li>• Title VII.</li> </ul>
Physical Data	<ul style="list-style-type: none"> <li>• To require applicant to prove ability to do manual labor, lifting and other physical requirements.</li> <li>• Require a physical examination.</li> </ul>	To ask height and weight, impairment or other non specified job-related physical data.	<ul style="list-style-type: none"> <li>• Americans with Disabilities Act (ADA).</li> </ul>

Handicap/Disability	<p>To inquire for the purpose of determining applicant's capability to perform the job. (Burden of proof for non-discrimination lies with the employer.)</p> <p>If applicant request the need for an accommodation in order to perform essential job functions, it is appropriate to ask questions concerning details of the accommodation request.</p> <p>Inform applicant that the request will be given serious consideration and immediately inform the Director of HR about the request after the interview concludes.</p>	<p>To exclude handicapped applicants as a class on the basis of their type of handicap. (Each case must be determined on an individual basis by law.)</p>	<ul style="list-style-type: none"> <li>• Title IX.</li> <li>• Handicap Discrimination Guidelines.</li> <li>• Title I of the Americans with Disabilities Act of 1990 (ADA).</li> </ul>
Pregnancy	<p>Such inquiries may be asked after an employment offer has been made and accepted if needed for insurance or other legitimate business purposes.</p>	<p>To treat a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.</p> <p>Ask whether the applicant is pregnant.</p>	<p>Title VII</p> <p>The Pregnancy Discrimination Act</p>
Other Qualifications	<p>To inquire about any area that has a direct reflection on the job applied for.</p>	<p>Any non job related inquiry that may present information permitting unlawful discrimination.</p>	