

Federal laws under Title VII of the Civil Rights Act of 1964 and later amendments prohibit discrimination against a job applicant or employee based on a variety of characteristics, including race, color, national origin, sex, gender identity, sexual orientation, age, disability, religion, political views and family status. Employers with at least 15 employees are subject to these laws, which are enforced by the U.S. Equal Employment Opportunity Commission (EEOC). Please use this guide to assist you with the interview process.

Subject	Should NOT Ask	May Ask
Name	<p>Whether a person has worked under a different name. Questions which divulge marital status, ancestry or national origin.</p> <p><b>Example: Is that your maiden name? What kind of name is that?</b></p>	<p>Current legal name. Whether any other information is necessary about applicant's name to check on previous work or educational record.</p>
Marital Status	<p>Whether a person is married, single, separated, divorced, widowed or engaged.</p>	<p>Nothing.</p>
Family Status	<p>About family planning, number and ages of children, child care arrangements, spouse's employment, salary, travel schedule, whether applicant is "head of household."</p> <p><b>Example: What are your child care arrangements? What does your spouse do?</b></p>	<p>Willingness to travel if job requires. Ability to meet work schedule requirements.</p> <p><b>Example: Can you relocate? Can you travel to Madison or other UW System schools?</b></p>
Age	<p>Applicant to state age or date of birth or to provide proof of age. (This</p>	<p>Whether applicant meets the minimum age requirement as set out by law. The Age Discrimination in</p>

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	<p>information can be obtained <b>after</b> hire.)</p> <p><b>Example: What year were you born? What year did you graduate high school? How long do you plan to work until you retire?</b></p>	<p>Employment Act amendment of 1986 eliminates the mandatory retirement age of 70 except for tenured faculty. Therefore, questions about upper age limits are inappropriate.</p>
Race or Color	<p>Applicant's race.</p> <p><b>Example: What is your race, color or ethnicity?</b></p>	<p>Nothing.</p>
Pregnancy	<p>About medical history concerning pregnancy and related health matters. Do not reject applicants because of pregnancy alone.</p> <p><b>Example: Are you pregnant (even if the applicant is obviously pregnant) or plan to become pregnant in the future</b></p>	<p>Anticipated duration in the job. Anticipated absences from the job. (Same questions must be asked of males and females)</p> <p><b>Example: What are your long-term career goals? Are you available to work overtime on occasion? Can you travel?</b></p>
Physical/Mental Disabilities	<p>General questions about whether person is disabled or the severity or nature of the disability: questions soliciting information that is not job related.</p>	<p>Whether person is able to carry out all necessary job requirements in a safe manner. Employer is required to make "reasonable accommodations" for physical and mental limitations of employees including alteration of duties and physical setting and provision of aids.</p>

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	<p><b>Example: Do you have a hearing impairment? Have you ever filed a worker's compensation claim? How is your health?</b></p>	<p><b>Example: Can you perform the expected job duties with or without reasonable accommodation?</b></p>
Address	<p>Inquiry into foreign address that would indicate national origin. Names or relationships of persons with whom applicant resides. Whether applicant rents or owns a home.</p> <p><b>Example: Where do you live? How long have you lived there? Who lives with you at home? How far is your commute?</b></p>	Applicant's address.
Birthplace/National Origin	<p>Ancestry/birth place of applicant or spouse, parents or other relatives.</p> <p><b>Example: What kind of accent is that? Where were your parents born?</b></p>	Applicant's address.
Religion	<p>About religious denomination, affiliation, religious holidays observed.</p> <p><b>Example: What religious holidays do you observe? Where do you go to church?</b></p>	<p>Anticipated absences from job. But reasonable accommodation must be made to the religious observances and practices of a prospective employee.</p> <p><b>Example: Can you work weekends? (If required by the position)</b></p>

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Language Skills	<p>About language skill unless it is a necessary job requirement.</p> <p><b>Example: What Language do you speak at home? Is English your first language?</b></p>	<p>About ability to speak, read or write English or a foreign language <b>if the job requires.</b></p>
Military Record	<p>Type of discharge from military.</p> <p><b>Example: Was your military discharge honorable or dishonorable?</b></p>	<p>Type of education and experience in service if it relates to the job.</p> <p><b>Example: Can you tell me how your time in the military helped to prepare for this position?</b></p>
Photograph	<p>For photo before hiring.</p>	<p>May require photo <b>after</b> hiring for identification purposes.</p>
Citizenship	<p>Whether the individual is a U.S. citizen, as a basis for exclusion from employment.</p> <p><b>Example: Are you a US citizen?</b></p>	<p>If you are not a citizen or resident alien of the U.S. does your visa or immigration status prevent you from lawful employment.</p> <p><b>Example: If hired, will you be able to prove that you have the right to remain and work in the United States?</b></p>
Education and Experience	<p>About education or experience that is <b>not related to job performance.</b> Inquiries specifically asking the</p>	<p>Training and experience <b>related to job requirements,</b> including names and addresses of previous employers, dates</p>

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	<p>nationality, racial affiliation or religious affiliation of the school attended.            (Requirements should not be higher than needed for job; that discriminates against poor and/or minorities with less opportunity for education.)</p>	<p>of employment, reasons for leaving and schools attended.</p>
Arrests	<p>About arrests because the person is not judged guilty by an arrest.</p> <p><b>Example: Do you have a criminal record of any kind? Will we find anything when a criminal background check is conducted?</b></p>	<p>Nothing.</p>
Convictions	<p>About convictions <b>unless the information bears on job performance</b>. Note: Do not make indefensible assumptions about future behavior based on conviction.</p> <p><b>Example: Have you ever been convicted of a crime?</b></p>	<p>About convictions, if all candidates are asked, and if the information has bearing on job performance of the specific positions. Look at severity and frequency of violation, age of applicant at time of illegal act, time elapsed since conviction, and all aspects of the applicant to determine the seriousness of the conviction in relation to potential job performance.</p>
Credit Ratings or Garnishments	<p>About credit ratings, financial status, car or home ownership, since they usually have little or no relation to job performance.</p>	<p>Nothing, unless job related.</p>

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	<p>NOTE: It is a civil rights violation to refuse to hire a minority on the basis of a person's poor credit rating, unless business necessity for doing so can be shown.</p> <p><b>Example: Are you in debt? Are you a home owner? Have you ever had a check garnished?</b></p>	
Relatives	<p>Name or address of any relative of adult applicant. Information about friends or relatives working for an employer is not relevant to an applicant's job performance.</p> <p><b>Example: Who is your closest relative to notify in case of an emergency? Do you know (insert employee's name) who works here?</b></p>	Nothing.
Whom to contact in case of emergency	Do not ask for this information before hiring.	After hire, determine name and address of person to contact in case of emergency.
Sexual Orientation	<p>About sexual orientation.</p> <p><b>Example: What is your sexual preference? How do you feel about supervising men/women?</b></p>	Nothing.

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References	Do not ask for a mere listing of unchecked references.	This inquiry is fine if employers actually check with references for employment suitability.
Organizations	<p>About all organizations the person belongs to; organizations which indicate race, color, creed, sex, marital status, religion, or national origin.</p> <p><b>Example: Do you belong to a club or social organization?</b></p>	<p>About professional and job-related organizations, provided the applicant may exclude the name or character of an organization that would reveal the race, religion, color, or ancestry of that organization.</p> <p><b>Example: Do you belong to any professional organizations that relate to this position?</b></p>