

Legal Do's and Don'ts

Topic	Do's...	Don'ts...
1. Name	<ul style="list-style-type: none"> Do ask candidate's name. 	<ul style="list-style-type: none"> Don't inquire into any title that indicates race, color, religion, sex, national origin, disability, age or ancestry.
2. Address	<ul style="list-style-type: none"> Do ask about place and length of time at current address. 	<ul style="list-style-type: none"> Don't inquire into any foreign addresses indicating national origin.
3. Age	<ul style="list-style-type: none"> Do ask inquiries limited to establishing that the applicant meets any minimum age requirement that may be established by law. 	<ul style="list-style-type: none"> Don't require birth certificate or baptismal record. Don't ask any inquiry that reveals whether applicant is at least 40 years of age.
4. Economic Status	<ul style="list-style-type: none"> Do be aware that casual conversations about things like the type of car the candidate drives, playing golf, the schools their children attend, stock market investments, etc. can be uncomfortable for some people. 	<ul style="list-style-type: none"> Don't acknowledge or inquire about where a candidate lives because it's not relevant to their ability to do a job. Don't ask about/comment on the length of the candidate's commute or how they got to the interview.
5. Race, Color, Religion, or National Origin	<ul style="list-style-type: none"> Do be aware that casual conversation about race, ethnicity, religion, etc., is inappropriate and offensive. Title VII permits religiously affiliated colleges and universities to consider faith in hiring practices.* Do be aware that "Asian" represents several national origins. Do keep abreast of current appropriate language and terminology (e.g., "African American" preferred over "Black", "Latino" preferred over "Hispanic"). 	<ul style="list-style-type: none"> Don't inquire about or comment on a candidate's place of birth, place of birth of parents, grandparents, or spouse, origin of name, ethnic dress or customs, race, color, religion, national origin, ancestry, or accent (e.g., "What an interesting name..." "What a beautiful sari..."). [*Title VII applies for Hope] Don't assume familiarity based on personal experience or other relationships. Avoid generalizations about categories of people (e.g., "All Asians are smart").
6. Disability	<ul style="list-style-type: none"> Do state/ask: "This job requires x, y, z. Can you perform these tasks with or without reasonable accommodation?" Do ask the previous question of all candidates (not just candidates who <i>appear</i> to have some sort of disability). Do use the term "disability". If candidate offers information voluntarily, see first bullet point. 	<ul style="list-style-type: none"> Don't inquire about candidate's physical disabilities. Don't inquire about past or current medical conditions or Workers' Compensation or similar claims. Don't use the term "handicapped". Don't assume you are familiar with a disability based on personal experience or other relationships. Don't ask how a disability occurred.
7. Citizenship	<ul style="list-style-type: none"> Ask "Are you authorized to accept employment in the US for an indefinite term?" Do require proof of citizenship after being hired. 	<ul style="list-style-type: none"> Don't inquire about citizenship. Don't ask whether parents or spouse are native-born or naturalized.

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8. Education	<ul style="list-style-type: none"> Do inquire into the nature and extent of academic, professional or vocational training. Inquiry into foreign language skills if job related. 	<ul style="list-style-type: none"> Don't inquire or acknowledge GPA unless pertinent to the job. Don't inquire about length of time to complete a degree. Don't inquire about the nationality or religious affiliation of a school.
9. English Language Skills	<ul style="list-style-type: none"> Do ask, "This job requires x, y, and z language: are you fluent in said language (written and spoken)?" 	<ul style="list-style-type: none"> Don't inquire about or acknowledge a candidate's accent. Don't assume familiarity based on personal experience or other relationships. Don't inquire about how candidate learned to speak. Don't inquire about primary language used or spoken.
10. Marital Status/Childcare	<ul style="list-style-type: none"> Do state the hours and days required to work. Inquire if candidate is able to work the required schedule. If candidate offers information voluntarily, see first bullet. 	<ul style="list-style-type: none"> Don't inquire about a candidate's marital status or childcare arrangements. It is not relevant to their ability to do a job.
11. Relatives	<ul style="list-style-type: none"> Do ask name, relationship, and address of person to be notified in case of emergency. 	<ul style="list-style-type: none"> Don't ask any inquiry about a relative that would be unlawful if made about the applicant.
12. Sex		<ul style="list-style-type: none"> Don't make any inquiry that would indicate sex or sexual preference.
13. Height/Weight	<ul style="list-style-type: none"> Do ask if the candidate is able to perform the job requirements and responsibilities. 	<ul style="list-style-type: none"> Being a certain height and weight will not be considered to be a job requirement unless the employer can show that no employee with the ineligible height or weight could do the work.
14. Arrest and Convictions	<ul style="list-style-type: none"> Do ask if the candidate has been convicted of a crime relevant to the job applied for. 	<ul style="list-style-type: none"> Don't ask about prior arrests without convictions.
15. Military Service	<ul style="list-style-type: none"> Do inquire into experience in the service when such service is a qualification of the job. Do require military discharge certificate after being hired. 	<ul style="list-style-type: none"> Don't ask about prior military service in countries other than the US. Don't request military service records. Don't inquire into type of discharge.
16. Organizations	<ul style="list-style-type: none"> Do inquire into memberships in professional organizations and offices held, excluding any organization, the name or character of which indicates the race, color, religion, sex, national origin, handicap, age or ancestry of its members. 	<ul style="list-style-type: none"> Don't inquire into every club and organization where membership is held.
17. Photographs	<ul style="list-style-type: none"> May be required after hiring for identification 	<ul style="list-style-type: none"> Don't ask for photographs prior to hiring.
18. Work Schedule	<ul style="list-style-type: none"> Do inquire into the candidate's willingness or ability to work required work schedule (e.g. specific shift time) 	<ul style="list-style-type: none"> Don't inquire into candidate's willingness or ability to work any particular religious holiday.
19. References	<ul style="list-style-type: none"> Do ask for general personal and work references which do not reveal the race, color, religions, sex, national origin, handicap, age or ancestry of the candidate 	<ul style="list-style-type: none"> Don't request references specifically from clergymen or any other persons who might indicate race, color, religion, sex, national origin, handicap, age or ancestry of applicant.