

Guide to Acceptable Interview Questions

It is essential for all members of a search committee to be aware of these guidelines and follow them in both spirit *and* letter. Avoid any direct or indirect questions that touch on material that may not be asked. This information about an applicant should never be discussed with regard to his or her candidacy for a position.

Subject	What May Be Asked	What May NOT Be Asked
Name	Whether the applicant has worked for the University under another name. Whether any other information, such as a nickname or initials, is needed to check the candidate's work and educational record.	Birth name of a married person. Inquiries about the name that would seek to elicit information about the candidate's ancestry or descent.
Age	Discussion should be kept to questions about the applicant's career stage.	Inquiry into the date of birth or age of an applicant.
Gender and Gender Identity	No questions.	Inquiry into an applicant's birth name or any question that pertains to only one sex; questions about gender identity, birth gender, or changes to gender or gender identity.
Sexual Orientation	No questions.	Inquiry into applicant's sexuality.
Religion	No questions, except in extremely rare and narrow circumstances where religious beliefs and practices could be a <i>bona fide</i> occupational qualification for a position, with the employer bearing a heavy burden to show that this is so.	Inquiry into an applicant's religious beliefs, denomination, affiliation, place of worship, or religious holidays observed. Avoid any questions regarding organizations and/or affiliations that would identify religion.
Birthplace	No questions.	Birthplace of applicant or of applicant's parents, partner/significant other, or other close relatives.
Relatives	Names of applicant's relatives already employed by Harvard.	Names, addresses, ages, number, or other information concerning applicant's children or other relatives not employed by Harvard. Whether or not applicant is pregnant or plans to become pregnant.
National Origin	An employer may require an employee to produce documentation that evidences his or her identity and employment eligibility under federal immigration laws.	Inquiry into the applicant's lineage, ancestry, national origin, descent, parentage, or nationality; nationality of parents or partner/significant other; applicant's native language.
Citizenship	Are you legally authorized to work in the United States?	Inquiries about citizenship or whether the applicant intends to become a U.S. citizen.
Language	What languages do you read fluently? Write fluently? Speak fluently?	Inquiries into how applicant acquired the ability to read, write, or speak a foreign language.
Education	Inquiry into the academic, vocational, or professional education of an applicant for employment.	Questions about education designed to determine how old the applicant is.
Experience	Inquiry into work experience. Inquiry into countries the applicant has visited. Inquiry into references.	Inquiry into organizations of which the applicant for employment is a member, the nature, name or character of which would likely disclose the applicant's protected class status.

Subject	What May Be Asked	What May NOT Be Asked
Disability	You can ask an applicant about his or her ability to perform job-related functions, as long as the questions are not phrased in terms which would elicit whether the applicant has a disability, and as long as such questions are asked of all applicants similarly situated (such as in all interviews).	Inquiry into whether the applicant has a physical or mental disability/handicap or about the nature or severity of the disability/handicap. Inquiry into whether an applicant has ever been addicted to illegal drugs or treated for drug abuse/alcoholism. Inquiry into whether an applicant has a disease. Inquiry into whether an applicant has ever received workers' compensation. Inquiry into whether an applicant has ever been hospitalized/treated for medical or mental health conditions. Inquiry into whether an applicant has ever been absent from work due to illness. An employer may not inquire as to the nature, severity, treatment, or prognosis of an obvious handicap or disability or of a hidden disability or handicap voluntarily disclosed by an applicant.
Pregnancy Status	No questions.	Whether or not applicant is pregnant, has a pregnancy-related condition, or plans to become pregnant. Further information is given in endnote 1.
Marital or Relationship Status	No questions.	Are you married? Where does your partner/significant other work? Is there a partner/significant other who would also need to find a job in the area? What are the ages of your children, if any? What was your birth or maiden name?
Address	Applicant's place of residence.	Do you rent or own your home? How long at each particular address?
Height, Weight, Strength	When hiring for a faculty position, there should be no reason for questions on these subjects.	When hiring for a faculty position, there should be no reason for questions on these subjects.
Photograph	No questions.	An employer cannot ask for a photograph to accompany an application.
Military	Applicant's work experience, including names, addresses of previous employers, dates of employment, reasons for leaving.	Inquiry into an applicant's type of discharge.
Criminal Record	While it is permissible to investigate criminal history as part of a background check conducted on finalists for a position, it is advisable to consult with Harvard's Office of General Counsel on any questions about criminal history.	Inquiry relating to arrests or misdemeanors. Any inquiry or check into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the prospective employment.
Salary History	There are no permissible interview questions relating to salary history, under the Massachusetts Equal Pay Act, as amended effective 7/1/18. If a candidate volunteers information about their salary history, follow-up questions should not be asked.	Any inquiry into salary history. Further information is given in endnote 2.
Memberships	Are you a member of any professional societies or organizations? (Exclude inquiries into specific organizations the name or character of which indicates the race, creed, color, or national origin of its members.)	Inquiry into applicant's membership in nonprofessional organizations (e.g., clubs, lodges, etc.)

Acknowledgements: Harvard Office of Human Resources, MIT Faculty Search Committee Handbook (2002).

Endnotes:

- 1. Pregnancy in the Workplace:** In accordance with the Harvard University Pregnancy in the Workplace Policy (www.hr.harvard.edu/university-policies), which accords with the Massachusetts Pregnant Workers Fairness Act, the "Guide to Unacceptable Interview Questions" now states that employers should not ask prospective employees "Whether or not applicant is pregnant, has a pregnancy-related condition, or plans to become pregnant." As Harvard's policy states, "University employees have the right to be free from discrimination because of pregnancy and pregnancy-related conditions, including but not limited to lactation or the need to express breast milk for a nursing child. The University will reasonably accommodate employees for pregnancy and pregnancy-related conditions, absent undue hardship for the University. It is unlawful and contrary to University policy to deny an employment opportunity or take adverse action against an individual because of pregnancy or a condition related to pregnancy, provided that the individual is capable of performing the essential functions of their position, with or without reasonable accommodation. Adverse action against employees who request or use reasonable accommodations is likewise prohibited." Guidance and FAQ's on the Massachusetts Pregnant Workers Fairness Act are available at www.hr.harvard.edu/university-policies or by contacting the Faculty Affairs Dean for your School.
- 2. Salary History:** In accordance with the Massachusetts "Act to Establish Pay Equity," which amends the Massachusetts Equal Pay Act, the "Guide to Unacceptable Interview Questions" now states that, when interviewing prospective employees, "There are no permissible interview questions relating to salary history...If a candidate volunteers information about their salary history, follow-up questions should not be asked." Detailed guidance and case law on the "Act to Establish Pay Equity" are limited, as the Act did not go into effect until July 1, 2018. However, the essence of the Act is that employers must offer equal pay for comparable work, with no discrimination on the basis of gender. In this spirit, the Attorney General's guidance indicates that salaries should not be influenced by such things as market forces, or the prospective employee's salary history. A competing offer, in and of itself, should not be a basis for setting salary. However, a competing offer might be an indication of the employee's education, training and experience, all of which might serve as a legitimate basis for salary setting. If a prospective employee volunteers salary-related information, the information should not be used by the employer in determining salary. Rather, salaries should be based on the nature and content of the job and the particular qualifications of the individual employee, and consistent with equal pay for comparable work, with no differences on the basis of gender. An overview and FAQ's related to the "Act to Establish Pay Equity" are available on the FD&D website (www.faculty.harvard.edu/recruitment-best-practices). If you have questions related to faculty recruitment, please contact the Faculty Affairs Dean for your School.