

# Do I Really Have to Answer That?

## How to Address Inappropriate Interview Questions

### What is an Inappropriate Interview Question?

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While inappropriate interview questions come in a variety of different forms, the key reason questions are typically inappropriate relates to the fact that there are laws and regulations that govern employer relations and the interview process. Federal and state laws prohibit interviewers from asking questions that directly or indirectly elicit information about an applicant's protected status. Employers should not ask candidates about personal topics such as their race, ethnicity, gender identity, sex, sexual orientation, age, marital or family status, religion, national origin, veteran status, ability, medical conditions or health history, arrest record and appearance.

### Strategies to Consider During and After the Interview

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- **Remain Calm**
  - It is important to remember that there are nondiscriminatory reasons why an interviewer might ask an inappropriate question. As much as possible, try to stay calm, act professional and consider giving the interviewer the benefit of the doubt that there was not an illegal motive driving their question
- **Have the Interviewer Repeat or Rephrase their Question**
  - Asking the interviewer to repeat or rephrase the question gives them the ability to pause to examine and restate their question or simply go in a different direction. Further clarification can also help you get a better sense of what the employer is hoping to learn from your response. Here are a few ways in which you might consider asking the interviewer for clarification:
    - "I am not sure I understand the question fully. Would you mind clarifying what you are asking?"
    - "I want to be certain to address your question appropriately. Would you please elaborate on the question to help me understand how it relates to the position?"
    - "I am not certain I understand how the question relates to this position. Would you mind helping me understand why you asked?"
  - When asking an interviewer to repeat, rephrase or clarify a question it is important to pay attention to your tone! Attempt to approach the situation with genuine curiosity rather than frustration or anger
- **Respond to the Issue(s) Underlying the Question**
  - As a candidate you can choose to redirect the conversation back to relevant job-related skills when you respond to an inappropriate interview question. There are many ways to do this, but the objective is to try to respond to what you perceive to be the underlying need or concern of the employer.
    - For example, if an employer asks, "Do you have children?" you might get a sense that they are really asking if you are able to meet a demanding work schedule. You could consider saying something like, "If you are wondering if I will be able to commit to the demanding work schedule outlined in the position description, I will because..."
- **Politely Decline to Respond to the Question**
  - In the end, if you do not feel comfortable with the question and asking the interviewer for clarification does not help, remember that you have the right to politely decline to respond to the question
- **Let Someone Know**
  - If the employer is someone you connected with through Handshake, the Career & Internship Fair or an on-campus advertisement, consider reaching out to the staff in Career Services to let them know. The staff in Career Services will protect your anonymity while working to address the concern with the

employer. Depending on the nature and the number of concerns presented to Career Services, ultimately an employer could lose their privilege to post on Handshake and recruit on campus. As an applicant, you also have the right to reach out to the organization's human resources department, recruiter, or hiring committee after the interview to report the inappropriate question(s) you were asked during the interview. You also have the right to seek legal remedies if you so desire.

## Examples of Legal and Illegal Questions

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- **National Origin or Citizenship**
  - Legal Questions:
    - Are you authorized to work in the United States?
    - What languages do you read/speak/write fluently? (Only appropriate if it is relevant to you being able to perform your job)
  - Illegal Questions:
    - Are you a U.S. citizen?
    - Where were you or your parents born?
    - What is your native tongue?
- **Age**
  - Legal Questions:
    - Are you over the age of 18?
    - Are you over the age of 21? (Only appropriate if it is relevant to you being able to legally perform your job)
  - Illegal Questions:
    - How old are you?
    - What is your date of birth?
    - Can you please show me your birth certificate?
- **Marital or Family Status**
  - Legal Questions:
    - Are you able to work the shifts necessary for the position?
    - Would you be willing and able to work overtime if necessary? (Only appropriate if all candidates are asked this question)
  - Illegal Questions:
    - What is your marital status?
    - Whom do you live with?
    - Do you plan to have a family? When?
    - How many kids do you have?
    - What are your child-care arrangements?
- **Ability and Health**
  - Legal Questions:
    - As a part of the hiring process, after a job offer has been made, employers can ask that you undergo a medical exam if results are kept confidential and the employer is only informed of necessary job accommodations based on the exam results. The employer should not ask about accommodations before a job offer has been made!
  - Illegal Questions:
    - Do you have any disabilities?
    - Please complete the following medical history form.
    - Have you had any recent or past illnesses or operations?
    - How is your health? / How is your family's health?
    - If hired, would you need an accommodation to be able to perform this job?
    - How many sick days did you take last year in your previous job?

- **Religion**
  - Legal Questions:
    - If the employer's goal is to get a better sense of your availability they can ask if you are able to work specific days of the week and/or holidays. (Only appropriate if all candidates are asked the same question)
  - Illegal Questions:
    - What religion do you practice?
    - What religious holidays do you observe?
    - Do you believe in God?
- **Military**
  - Legal Questions:
    - In what branch of the Armed Forces did you serve? (Only appropriate if the candidate has disclosed that they served in the military)
    - What type of training or education did you receive in the military? (Only appropriate to ask about training and education as it relates to the job and only appropriate to ask if the candidate has disclosed that they served in the military)
  - Illegal Questions:
    - If you have served in the Military, were you honorably discharged?
    - What is your current registration status?
- **Race**
  - Legal Questions: None
  - Illegal Questions:
    - What is your racial background?
    - How do you identify racially / ethnically?
    - Comments about complexion and color are also inappropriate!
- **Sexual Orientation**
  - Legal Questions: None
  - Illegal Questions:
    - What is your sexual orientation? OR any sort of inquiry into your sexual orientation.
- **Appearance**
  - Legal Questions:
    - Are you able to lift up to 50lbs and carry it 10 yards, as this type of physical activity is part of the job? (Only appropriate when there are minimum standards for employees to be able to safely perform their work)
  - Illegal Questions:
    - How tall are you?
    - How much do you weigh?
- **Arrest Record**
  - Legal Questions:
    - It is permissible to ask if an applicant has ever been convicted of a specific type of crime that relates to the job.
    - Companies can require applicants to pass a criminal background check prior to being hired. As a part of this, some companies will ask if there is anything the applicant thinks they should be aware of as they prepare to request a background check.
  - Illegal Questions:
    - Have you ever been arrested? If so, for what?
    - Questions about pending charges and tickets, other than those that are substantially related to the particular job.