

**Interview Guidelines**  
**Appalachian State University**  
**Office of Equity, Diversity and Compliance**

<b>ITEM</b>	<b>IMPERMISSIBLE INQUIRIES</b>	<b>PERMISSIBLE INQUIRIES</b>
AGE	Age, birth certificate. Federal law prohibits discrimination on the basis of age over 40. Inquiries as to date of high school or college graduation.	Whether candidate meets minimum or maximum age requirement that is a bona fide occupational qualification, such as for police officer or firefighter.
ALCOHOL OR DRUG USE	Alcoholism is a covered disability under the ADA. Current users/abusers of illegal drugs and alcohol are not protected under the ADA.	None.
ARREST RECORD	Any inquiry relating to arrest.	None.
CITIZENSHIP	It is an unfair employment practice to discriminate on the basis of citizenship. The law does not protect unauthorized aliens. It protects citizens and intending citizens, which includes aliens who are lawful permanent residents, as well as temporary residents under the amnesty program who complete a declaration of intention to become citizens. It is not an unfair employment practice for an employer to prefer to hire a citizen or national of the U.S. over another individual who is an alien if the two individuals are equally qualified for the job (8 USC 1324b).	Whether candidate is legally eligible to work in the U.S.
CONVICTION RECORD	Inquiries relating to convictions that do not relate to the job in question.	Inquiries about convictions that reasonably relate to performing the job in question. Consider both nature and number of convictions, facts surrounding each offense, the job-relatedness of each conviction and the length of time since conviction, plus applicant's employment history since conviction.
CREDIT RATING	Inquiries relating to credit history or credit rating that do not relate to the job in question.	Inquiries about credit history that relate to the job in question.
DISABILITIES	In general, the employer may not ask disability-related questions at the pre-offer stage.	Questions about the applicant's ability to perform specific job functions.
EDUCATION	Degree status or level of education unless employer has proven that the specific degree is the only way to measure a candidate's ability to perform the job in question.	Inquiries regarding degrees or equivalent experience. Information regarding courses relevant to a particular job.
HEIGHT OR WEIGHT REQUIREMENTS	Height or weight requirements not related to job.	Height or weight requirements necessary for the job.

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MARITAL AND FAMILY STATUS	Childcare issues or problems, marital status, number of children, pregnancy, support orders, schooling, etc.	Questions about whether candidate can meet work schedule. Ask of both sexes.
MILITARY SERVICE	Under federal law, federal contractors may only invite veterans to self-identify if it is in connection with an affirmative action effort. Preferring applicants with honorable discharge rather than dishonorable discharge may be race discrimination under the adverse impact theory. Federal law protects against discrimination on the basis of military service. However, a less than honorable discharge can be the basis for denial of reemployment. Cannot ask about military convictions, unless job related.	Type of experience or education in military as it relates to job.
NAME	Inquiries to determine national origin, ancestry, or prior marital status.	Whether candidate has ever worked under a different name.
NATIONAL ORIGIN	Lineage, ancestry, descent, mother tongue, birthplace, citizenship. National origin of spouse or parents. Refusal to hire because of a foreign accent or lack of facility with English could be construed as national origin discrimination. Individuals must be able to communicate well enough to perform the job.	Whether candidate is legally eligible to work in the U.S.
PERSONAL APPEARANCE	Questions about the person's appearance or making unnecessary comments on personal appearance.	Okay to state guidelines for on- the-job dress code that serves a reasonable business purpose, and to advise of ASU rules regarding standards of appearance or dress to prevent a danger to the health, welfare, or safety of employees or others.
POLITICAL AFFILIATION	Questions regarding the applicant's past or present political affiliation or lack of political affiliation.	None.
RACE OR COLOR	Complexion or color of skin; ethnic background or ancestry.	None.
RELIGION	Religious preference, affiliation, or practice; church membership or place of worship.	Whether applicant can meet work schedule with reasonable accommodation if necessary.
SEX	Sex of applicant, where sex is not a bona fide occupational qualification (BFOQ).	Sex of applicant where BFOQ exists, such as actor or actress.
SEXUAL ORIENTATION	Questions about the person's sexual orientation, partner or living arrangements.	None (in accordance with ASU nondiscrimination policy).
UNION AFFILIATION	The Labor Management Relations Act makes it illegal for employers to discriminate on the basis of union membership.	None.