



UNIVERSITY
of VIRGINIA

OFFICE FOR EQUAL OPPORTUNITY AND CIVIL RIGHTS

Guide to Permissible Interview Questions and Discussions

The University of Virginia is an equal opportunity employer and all employment decisions are made on the basis of merit without consideration of age, color, disability, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family medical or genetic information.

All interview questions, or lines of general inquiry in conversational style interactions, should be job-related and seek to assess if the knowledge, experience, and professional behaviors of the candidate demonstrate that they can successfully perform the function(s) of the position. During the interview phase, candidates are evaluating the culture and climate of the institution such that the integrity of every interaction matters.

All interactions with job candidates - including informal gatherings with stakeholders or other members of the University community – are considered part of the interview experience. Conversations during meals, stakeholder meetings, presentation Q&A sessions, transition periods between meetings, and candidate travel to and from interview locations are a few examples of interactions that are subject to this guidance. Hiring Officials must ensure that everyone who will have contact with candidates understands which areas are appropriate for questioning and discussion.

In most instances where the line of questioning may appear to be other than job-related, it is likely that hiring officials, search committee members, stakeholders, or other community members are simply trying to build rapport or gather information to provide candidates with University or local resources that may be of interest. This positive intent does not lessen the potential negative impact or make an inappropriate line of inquiry acceptable. The following information, while not exhaustive, serves as a general guide for permissible questions and discussions.

MARITAL OR FAMILY STATUS

Hiring officials may make a statement of University policy regarding work assignment of faculty or staff who are related. Hiring officials may also ask an applicant whether they have a spouse or adult child who is presently employed by the University. This information, however, may only be used consistent with relevant University policy. Otherwise, employers may not ask questions or make statements regarding family or marital status including those related to the age/number of children or dependents.

SEX

It is not acceptable to ask questions about a candidate's sex, unless sex is a bona fide occupational qualification. It is extremely unlikely that a position at the University would have such a qualification and a human resources representative must be contacted to confirm if sex is believed to be a bona fide qualification.

RACE OR COLOR

It is not acceptable to ask questions or make comments about race or skin color. Race or color are never a bona fide occupational qualification.

PHYSICAL APPEARANCE

While it may be appropriate to convey professional attire expectations- consistent with an individual's gender identity/expression, religious practice, and workplace safety - questions and discussions about physical appearance are not appropriate. This includes discussions of height and weight as well as hair style or appearance. If considered, employers must demonstrate how height and weight are actual job requirements before such information is engaged during the job interview or overall selection process.

AGE

The University does not employ individuals under the age of 16 and this age qualification is evaluated during the application process. Beyond stating the minimum age requirement, it is inappropriate to ask questions or engage in discussions about a candidate's age. For instance, asking when someone graduated high school or about their familiarity with obsolete technology could reveal a person's age and therefore, should be avoided.

RELIGION

It is acceptable to make a statement as to regular days, shifts and hours to be worked, or to inquire into availability to work on weekends or evenings where these are related to business requirements. Questions and discussions about a candidate's religion or practices are unacceptable. Additionally, questions or discussions about religious dress/attire – unless as noted there is a legitimate job safety issue - are equally inappropriate.

DISABILITY

Employers are permitted to describe the physical and cognitive requirements of a position and to ask candidate's if they can perform all the essential functions. For "Safety Sensitive" positions, you're permitted to ask candidates if they're willing to submit to a drug test. But it is not permissible to ask about visible or invisible disabilities. It is however a good practice prior to interviewing candidates to send all candidates information on the interview process including technologies that may be used, simulated job tasks that may be used in the evaluation process, and the type of physical mobility and accessibility of buildings. This description should be followed by an invitation to candidates to identify if any reasonable disability accommodations will be necessary to participate in the interview process. Information provided should not be a factor in the selection decision but should be used to meet the University's equal opportunity mission to remove artificial barriers to the full participation of individuals with disabilities.

CITIZENSHIP/NATIONAL ORIGIN

Eligibility to legally work in the United States is not determined by citizenship; therefore, questions about citizenship, nationality, and birthplace should be avoided. Questions about language skills and cultural expertise are permitted if they are required for a position but employers may not ask questions about nationality, ancestry, descent or parentage, or ask questions about how foreign language ability was acquired.

MILITARY RECORD

Employers are encouraged to ask candidates about training and education received while in the military to ensure it is understood and that the knowledge, skills, abilities, and experiences are appropriately credited in determining merit. Virginia has a Veterans preference in hiring such that the application materials inquire about veteran status and if a candidate is a veteran this fact should be factored positively in candidate evaluation. Direct questions about military discharge status are prohibited during an interview process.

ARREST/CONVICTION/CRIMINAL RECORD

For "Safety Sensitive" positions, it is permitted to ask about arrests and convictions. If you're hiring for a safety sensitive position contact your HR representative to ensure this eligibility criteria is listed in the application materials. It is inappropriate to ask questions during an interview about a criminal record. Background checks are conducted for all faculty and staff positions and an individualized assessment is conducted by human resources in relation to the specific job to determine eligibility for the position, only after an offer has been made as criminal records have been shown to disproportionately affect certain groups, particularly minoritized racial groups.

GENDER IDENTITY/GENDER EXPRESSION

An employer may ask about biological sex only if it is a bona fide occupational qualification, which as discussed, is an extremely unlikely occurrence at the University. It is acceptable to share your preferred pronoun (she, her, he, him, they, them); however, it is not appropriate to expect that information in return from a candidate.

SEXUAL ORIENTATION

It is never acceptable to ask questions about a candidate's sexual orientation. If a candidate asks questions about the local climate for LGBTQIA faculty and staff, it is appropriate to direct them to community resources that may assist in answering their specific questions.

PREGNANCY/BREASTFEEDING/FERTILITY

An employer may not ask questions about pregnancy, breastfeeding, or fertility/childbirth, unless non-pregnant, non-fertile, or non-breastfeeding status is a bona fide occupational qualification. The bona fide occupational qualification defense in this context is very narrow and cannot be based on fears of danger to the employee or fetus, fears of potential liability, assumptions and stereotypes about the employment characteristics of pregnant individuals such as their turnover rate, or customer preference.

Resources

- [UVA Notice on Non-Discrimination and Equal Opportunity](#)
- [UVA Policies Preventing and Addressing Discrimination, Harassment, and Retaliation](#)
- [Federal and State Laws and Executive Orders](#)
- [EEOC Prohibited Employment Policies/Practices](#)