

Guide to Unacceptable Interview Questions

Certain sensitive subjects should not be discussed during an interview or as part of the search process. Interviewers must avoid direct or indirect questions that touch on the subject matters listed below. It is essential for all members of a search committee to be aware of these guidelines and follow them in both spirit and letter.

Subject	What May NOT be Asked	What May Be Asked
<i>Name</i>	Birth or maiden name of a married person. Inquiries about the name that would seek to elicit information about the candidate's ancestry or descent.	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.
<i>Age</i>	Inquiry into the date of birth or age of an applicant.	Discussion should be kept to questions about the applicant's career stage.
<i>Gender and Gender Identity</i>	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.	No questions.
<i>Sexual Orientation</i>	Inquiry into an applicant's sexual orientation.	No questions.
<i>Religion</i>	Inquiry into an applicant's religious beliefs, denomination, affiliation, place of worship, or religious holidays observed, etc. Avoid any questions regarding organizations and/or affiliations that would identify religion.	No questions.
<i>Birthplace</i>	Birthplace of an applicant. Birthplace of applicant's parents, spouse or partner, or other close relatives.	No questions.
<i>Relatives</i>	Names, addresses, ages, number, or other information concerning applicant's children or other relatives not employed by Harvard. Whether or not applicant is pregnant, has a pregnancy-related condition, or plans to become pregnant.	Name of an applicant's relatives already employed by Harvard.
<i>Citizenship</i>	Any inquiries about citizenship or whether the applicant intends to become a U.S. citizen.	"Are you legally authorized to work in the United States?"
<i>Language</i>	Inquiries into how applicant acquired the	What languages do you

Subject	What May NOT be Asked	What May Be Asked
	ability to read, write, or speak a foreign language.	read fluently? Write fluently? Speak fluently?
<i>Disability</i>	<p>Inquiry into whether the applicant has a physical or mental disability/handicap or about the nature or severity of the disability/handicap.</p> <p>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 the applicant.</p> <p>Inquiry into whether an applicant has ever been addicted to illegal drugs or treated for drug abuse/alcoholism.</p> <p>Inquiry into whether an applicant has a disease.</p> <p>Inquiry into whether an applicant has ever received worker's compensation.</p> <p>Inquiry into whether an applicant has ever been absent from work due to illness.</p>	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.
<i>Marital or Relationship Status</i>	Are you married? Where does your spouse or partner work? What was your birth or maiden name?	No questions.
<i>Address</i>	Do you rent or own your home? How long at each particular address?	Applicant's place of residence.
<i>Height, Weight, or Other Aspects of Appearance</i>	When hiring for a faculty position, there should be no reason for questions on these subjects.	Questions regarding height, weight, or other aspects of appearance may be asked only if the employer can prove these requirements are necessary to do the job (never the case for a faculty position).
<i>Photograph</i>	An employer cannot ask for a photograph to accompany an application. Note: Please do not include photos of applicants in information that is shared with colleagues as part of a search process.	No questions.
<i>Military</i>	Inquiry into the applicant's general military experience or type of discharge.	Applicant's work experience, including names, addresses of

Subject	What May NOT be Asked	What May Be Asked
		previous employers, dates of employment, reasons for leaving.
<i>Criminal Record</i>	Inquiry related to arrests, juvenile record, sealed court records, misdemeanors more than five years old. 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. No questions about criminal history are permitted as part of an initial employment application.	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 the General Counsel on any questions about criminal history.
<i>Education</i>	Questions about education designed to determine how old the applicant is.	Inquiry into the academic, vocational, or professional education of an applicant for employment.
<i>Experience</i>	Inquiry into the 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.	Inquiry into work experience. Inquiry into countries the applicant has visited. Inquiry into references.
<i>Salary History</i>	Inquiry into 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.
<i>Organizations</i>	Inquiry into an applicant's membership in non-professional organizations (e.g., clubs, lodges, etc.)	Are you a member of any professional societies or organizations? (Exclude the organizations' name or character of which indicates race, creed, color, or national origin of its members.)

Sources: MIT Faculty Search Committee Handbook (2002), Harvard Office of Human Resources, Harvard Office of the General Counsel.