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An Open Letter to Political Science Faculty about What Not to Ask When Interviewing Job Candidates

Are you married? Are you dating? What does your spouse do? One would think we learned years ago not to ask such questions of prospective job candidates. Nonetheless, several of our candidates on the job market in this interviewing season, both male and female, were asked precisely these questions—even the one about dating.

I like to think that the faculty who asked these questions had only good intentions (and I write anonymously to discourage speculation as to their identity). One might want to know whether a job candidate is married—and what work the spouse does—in order to talk about opportunities for that kind of employment in the local community. One might want to know whether a candidate has children—and what ages—in order to talk about day care, schools, certain kinds of housing, or whatever else the candidate might be most interested in. No sense, after all, in talking about jobs for spouses if the candidate is single or about the variety of opportunities for young children if the candidate already has teenagers.

But even if well-intentioned, such questions should NOT be asked because they could be the basis for discrimination. No one (I surely hope) any longer says we shouldn't hire a woman because she might get pregnant in a year or two. Yet without really thinking about the discrimination involved, a department could decide that it should offer a job to Candidate A on the grounds that Candidate B is unlikely to accept because B's spouse needs a job and may not find one in the local area. Or a department might not offer Candidate C a job because C's spouse works in another city so C will often be away. And so on.

All of these matters are for the *candidate* to deal with. Candidates who want to ask about opportunities for a spouse are free to do so. They can choose to raise the question during an interview, or they can wait until after a job has been offered. Candidates who are concerned about child care, whether the job requires being at the office on Friday, and so on, are free to raise those issues—whether and when they choose. But those interviewing the candidate should not initiate questions about these matters.

Does the prohibition against raising these matters create problems? Sure it does. A department may end up making an offer that is turned down precisely because there is no place for a spouse, no acceptable child care, etc. A department may hire someone only to find, say, that the spouse is also getting a degree in the same field, raising the possibility of a departure only a semester or year later. And, to make matters even more frustrating, it is possible that the "problem" could have been determined up-front—possibly even before any formal interview took place. Yet the possibility of these kinds of problems doesn't make it right to try to ferret out facts related to the job applicant's family situation.

It is appropriate to evaluate a candidate on the basis of his or her own job qualifications. Features such as age, sex, physical ability, family status, pregnancy issues, and so on, are rarely bona fide occupational qualifications, and it is only in those rare instances that they should enter into decisions about hiring and promoting.

Whether you agree or not with these principles, current law prohibits asking many questions related to family attributes. Precisely because they may be the basis for discrimination, such questions are in fact illegal. As noted on the web site of the Equal Employment Opportunity Commission, Title VII of the Civil Rights Act of 1964 bars employment discrimination on the basis of sex (as well as race, color, religion, or national origin). This includes discrimination in job advertisements, recruitment, and hiring, and these prohibitions have been interpreted as extending to the kinds of questions asked of job candidates.

According to a person I spoke with at the EEOC, as well as from what I can glean from numerous web sites, there does not exist an authoritative list of prohibited questions. Nevertheless, the kinds of questions that are prohibited seem to be well understood. After exploring the topic on the Internet, I discovered that simply typing "illegal questions" into any of the commonly available search engines took me to a large number of web sites that provided lists of specific questions that should not be asked. A few that popped up and are college- or university-based are the following:

<http://career.olemiss.edu/careernav/cnpg10.asp>

<http://www.cs.oberlin.edu/~csmc/jobs/interviewing-difficult.html>

<http://www.uwstout.edu/place/legal.html>

<http://cornell.placementmanual.com/interviewing/interviewing-08.html>

<http://career.boisestate.edu/IllegalInterviewQuestions.html>

If you are at a large school, it is likely that your human resources unit has its own guidelines.

Please, let's all learn what is and isn't appropriate to ask and thereby avoid both the appearance and reality of discrimination. If you aren't convinced there's anything wrong with questions about dating, marriage, and families, if you think the whole concern is excessive political correctness, or if you think these sorts of questions really are asked only to speak to the applicant's own interests, then perhaps reflect on the fact that on the fact that they are illegal and could leave your department and university open to a suit should you not hire the person you asked them of.

Sincerely,

A Concerned Professor