



## Interviewing: Legal “Dos and Don’ts”

Subject	What May Be Asked	What May NOT Be Asked
<b>Age</b>	Are you over 18 (or 21 for certain jobs)?	How old are you?  What is the date of your birth?
<b>Gender</b>	n/a	A pre-employment inquiry as to gender verbally or on an application form.
<b>Experience</b>	Inquiry into work experience. Inquiry into countries applicant has visited.	n/a
<b>National Origin</b>	n/a	Inquiry into applicant's lineage, ancestry, national origin, descent, parentage, or nationality; nationality of parents or spouse; applicant's native language
<b>Religion</b>	n/a	Inquiry into an applicant's religious denomination, affiliation, church, parish, pastor, or religious holidays observed. Avoid any questions regarding organizations and/or affiliations that would identify religion.
<b>Marital Status</b>	n/a	Are you married?  Where does your spouse work?  What are the ages of your children, if any?  What was your maiden name?
<b>Disability</b>	Specific questions related to job duties (e.g. Do you have a driver's license? Can you lift fifty pounds?)	Do you have a disability? Have you ever been treated for the following diseases (listing diseases)?  Has any member of your family ever had any of the following diseases?



<b>Subject</b>	<b>What May Be Asked</b>	<b>What May NOT Be Asked</b>
<b>Salary/Rate of Pay</b>	What are your salary expectations for this position?	What is your current salary? What does your salary history look like?
<b>Name</b>	Have you ever worked for MIT under a different name?  Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work record? If yes, explain.	Original name of an applicant whose name has been changed by court order or otherwise.  Maiden name of a married woman.  Has applicant ever worked under another name, state name, or address?
<b>Address or Duration of Address</b>	Applicant's place of residence	Do you rent or own your home?  How long at each particular address?
<b>Birthplace</b>	n/a	Birthplace of applicant. Birthplace of applicant's parents, spouse, or other close relatives.
<b>Photograph</b>	n/a	Requirement that an applicant affix a photograph to the employment application at any time before hiring.
<b>Education</b>	Inquiry into the academic, vocational, or professional education of an applicant and the public and private schools he or she has attended.	n/a
<b>Language</b>	What languages do you read fluently? Write fluently? Speak fluently?	How applicant acquired ability to read, write, or speak a foreign language. What is your native language?



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<b>Citizenship</b>	Are you legally authorized to work in the United States?	Inquiry into an applicant's country of citizenship.  Whether an applicant is a naturalized or native-born citizen; the date when the applicant acquired citizenship.  Requiring that an applicant produce naturalization papers or first papers.  Whether parents or spouse are naturalized or native-born citizens of the United States and date acquired citizenship
<b>Height, Weight, Strength</b>	Questions regarding height, weight, or strength may be asked only if the employer can prove these requirements are necessary to do the job.	n/a
<b>Relatives</b>	Names of applicant's relatives already employed by MIT.	Names, addresses, ages, number, or other information concerning applicant's children or other relatives not employed by MIT.
<b>Notice in Case of Emergency</b>		Name and address of person to be notified in case of an accident or emergency. (OK to ask after hire.)
<b>Military</b>	Have you ever been a member of the armed services of the United States or in a state militia? If so, did your military experience have any relationship to the position for which you have applied?	Inquiry into an applicant's general military experience or type of discharge.



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<b>Organizations</b>	Are you a member of any professional societies or organizations, etc.? (Exclude organizations, the name or character of which indicates the race, creed, color, or national origin of its members.)	Inquiry into an applicant's membership in nonprofessional organizations (e.g. clubs, lodges, etc.)
<b>References</b>	Names of appropriate employment references.	n/a

In some circumstances, a criminal record or other background check may be done for finalists. Contact your Human Resources Officer or HR Staffing Services for guidance on background checks and for any other questions relating to the interviewing process.