**PERMISSIBLE INTERVIEW QUESTIONS**

There are limits to what an interviewer can ask prospective or current employees when making hiring, retention, promotion, or other important employment decisions. The following guide is not all inclusive and is meant to provide illustrative examples of common questions that may be asked or that should not be asked.

Please note that the questions “You May Ask” are not necessarily questions the interviewer should ask. These “You May Ask” questions should only be asked if necessary and relevant to the job.

**Background Checks and Credit History:** Do not discuss issues related to background checks, especially criminal or credit history, during the interview. HR has a standard procedure for ensuring the appropriate background checks are conducted during the offer process.

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<th>You May Ask:</th>
<th>You Should Not Ask:</th>
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<td>ADDRESS/RESIDENCE</td>
<td>“What is the best way to contact or reach you?” “Do you own your home or rent?” “Do you live with your spouse?” “With whom do you live?”</td>
<td>“How old are you?” “What is your date of birth?” “What is your age?” “When were you born?” Dates of attendance or completion of high school or college. Any questions that imply a preference for persons under 40 years of age, <em>i.e.</em>, you should not state “we are a young, innovative company and look for young, energetic types.”</td>
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<td>AGE</td>
<td>Only questions that verify non-minor status; <em>e.g.</em>, “Are you over 18?” “If hired can you show proof of age?”</td>
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<td>ARRESTS &amp; CONVICTIONS</td>
<td>None. You should not ask any questions regarding arrests or convictions.</td>
<td>Criminal history inquiries are conducted by Human Resources and should not be made during an interview. No statements should be made that imply a preference for not hiring individuals with an arrest or criminal history. <em>I.e.</em>, you should not state “We only hire individuals with clean background checks.”</td>
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<td>CITIZENSHIP/BIRTHPLACE</td>
<td>None.</td>
<td>“Are you a United States citizen?” “Where were you born?” Or any</td>
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<td>The job application asks for the necessary information related to visa sponsorship needs.</td>
<td>questions regarding birthplace or citizenship status of applicant, applicant’s spouse, parents, or other relatives.</td>
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<td>COLOR OR RACE</td>
<td>None.</td>
<td>Any questions concerning the applicant’s race, color of skin or other physical features.</td>
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<td>Cannot require applicant to affix a photograph to application or resume, nor should applicant be given the option of attaching a photograph.</td>
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<td>DISCIPLINE OR TERMINATION</td>
<td>“Have you ever been terminated or disciplined for sexual harassment, violent behaviors or unethical behavior?”</td>
<td>“Have you ever sued or filed claims or complaints against your employer?”</td>
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<tr>
<td>CREDIT HISTORY</td>
<td>None.</td>
<td>Credit history inquiries will be conducted by Human Resources if applicable and should not be made during an interview (This is because applicable laws vary by state).</td>
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<td>No statements should be made that imply a preference for not hiring individuals with a negative credit history. E.g., don’t state “you have to have good credit to work here” or ask if the applicant has ever filed for bankruptcy.</td>
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<td>PHYSICAL OR MENTAL CONDITION, DISABILITY</td>
<td>“Can you, with or without reasonable accommodation, perform the essential duties of the job(s) for which you are applying (see attached job description)?”</td>
<td>Questions regarding applicant’s general medical condition, state of health, or illnesses:</td>
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<td>Statement by employer that offer may be contingent on applicant’s passing a job-related physical examination (if applicable).</td>
<td>“Are you disabled?”</td>
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<td>“Do you have any physical disabilities or handicaps?”</td>
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<td>“Have you ever filed for or received workers’ compensation?”</td>
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<td><strong>You May Ask:</strong></td>
<td>An employer MAY NOT make any medical inquiry or conduct any medical examination prior to making a conditional offer of employment. Questions that may reveal an applicant’s family medical history or other genetic information.</td>
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<td><strong>EDUCATION</strong></td>
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<td>“Are you presently enrolled or do you intend to enroll in school?” “What subjects did you excel at in school?” “Did you participate in extracurricular activities?” “What did you select as your major?” “Did you work an outside job while attending school? Doing what? What did you like/dislike about your part-time job during school?” “Are you interested in continuing your education? Why? When? Where?” “Did your education prepare you for the job you are seeking with us? In what ways?”</td>
<td>“Who paid for your educational expenses while you were in school?” “Did you go to school on a scholarship?” “Do you still owe on student loans taken out during school?” “When did you graduate from high school?”</td>
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<td><strong>EXPERIENCE, SKILLS &amp; ACTIVITIES</strong></td>
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<td>“Do you have any special skills or knowledge?” “When did you last use a computer (or any other specific program, machine or skill)” “Are there any activities which have provided you with experience, training, or skills which you feel would be helpful to a position with us?” “How will your involvement in [activity] be helpful to your work here?”</td>
<td>“Does your physical condition make you less skilled?” For activities, do not ask about involvement in politics. See also “Political Ideologies”</td>
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<td><strong>FAMILY</strong></td>
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<td>“Do you have any commitments that would prevent you from working a standard work schedule of [describe work schedule e.g., 9 to 5 pm]?” “Are you available to work overtime, if needed?” “Are you now or do you expect to be engaged in any other business or employment that would impact your availability for work?”</td>
<td>“How many children do you have?” “Who takes care of your children while you are working/traveling for work?” “Do your children go to day care?” “What does your husband/wife think about your working outside the home?” “What is your husband/wife’s salary?” “Is your husband/wife willing to support your decision to work?”</td>
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<td>the amount of hours you can work for us?</td>
<td>your spouse the same gender as you?” “Do you use daycare or a nanny?” Name of spouse or children of applicant.</td>
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<td>GENDER IDENTITY</td>
<td>“Do you have a preferred name or pronoun?” BUT ask these sorts of questions of all applicants, not only persons appearing to be gender non-conforming.</td>
<td>“Did you obtain a court ordered name change?” “Are you biologically male or female?” “Does your biological sex and gender identity align?”</td>
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<td>MARITAL STATUS</td>
<td>“Please state the name(s) of any friends or relatives already employed by the University.”</td>
<td>“Is it Mrs. or Miss?” “Are you single? Married? Divorced? Separated? Engaged? Widowed?” “Do you have a domestic partner?”</td>
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<td>MILITARY SERVICE</td>
<td>If military experience is shown, only ask how the experience in the military would translate to the work environment. “What skills would they bring to this position?”</td>
<td>“Have you served in the army of a foreign country?” “What type of discharge did you receive from the U.S. military service?” “Can you provide discharge papers?”</td>
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<td>NAME</td>
<td>“Have you ever used another name that we would need to know in order to verify the application information provided?” or, “Is any additional information relative to change of name, use of an assumed name, or nickname necessary to enable a check on your work and educational record? If yes, please explain.”</td>
<td>“What is your maiden name?” If the employee discloses another name “Why did you change your name?”</td>
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| NATIONAL ORIGIN        | None. The job application asks for the necessary information related to visa sponsorship needs. | Do not ask questions related to nationality, lineage, ancestry, national origin, descent or parentage of applicant, applicant’s parents or spouse. Examples include: “What is your national origin?” “Where were you born?” “What is the origin of your name?” “What is your native language?” “What country do your ancestors come from?” “Do you read, write, or speak a foreign language?” (unless based on job requirements). “How did you
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<td>Name and address of <strong>person</strong> to be notified in case of accident or emergency.</td>
<td>acquire the ability to read/write/speak a foreign language?”</td>
<td>Name and address of <strong>relative</strong> to be notified in case of accident or emergency.</td>
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<td><strong>ORGANIZATIONS</strong></td>
<td>About any organization memberships which the applicant believes relevant to the position at issue, allowing the applicant to exclude organizational information that reveals race, color, creed, sex, sexual orientation, physical or mental disability, age, marital status, religion, pregnancy status, national origin, ancestry, political affiliation or any other protected category of its members: “Do you enjoy being active in community affairs?”</td>
<td>For a list of all organizations, clubs, societies, and lodges to which the applicant belongs.</td>
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<td>Examples of roles in community organizations that relate to skill sets of the job (as long you as follow the above parameters).</td>
<td>If the applicant discloses involvement in an organization that suggests they are in a protected category, do not ask questions related to that protected category, e.g., “Do you support gay marriage?” “Do you support [name of political candidate]?”</td>
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<td><strong>POLITICAL IDEOLOGIES</strong></td>
<td>None. The institution may consider, in good faith, a faculty member’s scholarship, teaching or subject-matter expertise in such faculty member’s academic field. There is no limit or restriction on the academic freedom of faculty or prohibition of faculty members teaching, researching, or writing publications about diversity, equity, inclusion or other topics.</td>
<td>Do not ask any interview questions or request any statements during the job advertisement or application process that directly or indirectly elicit disclosure of allegiance to or personal support for or opposition to any political ideology or movement, including a pledge or statement regarding diversity, equity, or inclusion. Kansas HB 2105 prohibits public universities and colleges in Kansas from asking or requiring individuals to make statements in support of or against political ideologies or movements as a condition of</td>
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<td>employment, admission or student aid.</td>
<td>The Kansas Board of Regents also enacted a new policy prohibiting institutions from requiring statements for or against DEI from individuals seeking employment, promotion or admission to an academic program.</td>
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<td>Any information voluntarily disclosed by a candidate during the selection process must be disregarded and not considered.*</td>
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<td><strong>PREGNANCY</strong></td>
<td>“Are you currently able to perform the essential duties of the job(s) for which you are applying, with or without accommodation?”</td>
<td>“Are you pregnant?” “When was your most recent pregnancy terminated?” “Do you plan to become pregnant?” Any questions about medical history concerning pregnancy, childbirth, lactation and related medical conditions, desire to get pregnant and related matters.</td>
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<td><strong>PRIOR EMPLOYMENT</strong></td>
<td>“How did you overcome problems you faced there?” “Which problems frustrated you the most?” “Of the jobs indicated on your application, which did you enjoy the most, and why?” “What were your reasons for leaving your last job?” “Have you ever been discharged from any position? If so, for what reason?” “What were your greatest accomplishments?”</td>
<td>“How many sick days did you take at your old job?” “Did you file any claims against your former employer?” “Have you sustained any work-related injuries?”</td>
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<td><strong>REFERENCES</strong></td>
<td>“By whom were you referred for a position here?” Names of persons willing to provide professional and/or character references for applicant.</td>
<td>Questions put to applicant’s former employers or acquaintances that the employer would be prohibited from asking the applicant.</td>
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| **RELIGION OR CREED**         | “Do you have any commitments that would prevent you from working a standard work schedule of [describe work schedule e.g.,” | “What is your religion?” “What church do you go to?” “What are your religious holidays?” “Does
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<td>9 to 5 pm, Monday through Friday’?</td>
<td>your religion prevent you from working weekends or holidays?</td>
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<td>“Are you available to work on weekends?” (if there is a legitimate business reason for this question)</td>
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**SALARY HISTORY**

- May not ask about salary history, however may ask about salary expectations or minimum salary requirements, e.g. “What are your minimum salary requirements?”
- “The starting salary for this position is between X and Y, would you be able to consider that if you were offered the position?”

- Certain jurisdictions have enacted laws prohibiting employers from asking an applicant about their prior salary history. Multiple other states and localities have proposed similar legislation.

- Any questions concerning the applicant’s salary history.

**SEXUAL ORIENTATION**

- None.

- “Are you a gay/lesbian/bisexual?”
- “Do you have a domestic partner?”
- “What is your view regarding same-sex partner benefits?”
- “What is your view on same sex marriage?”

*Below are some permissible statements regarding KUMC’s culture and institutional values that could be shared with candidates:*

- "We are committed to providing equal opportunities for all students, staff, and faculty regardless of identity."
- "Our institution upholds the principles of fairness and nondiscrimination in all our practices and policies."
- "We strive to create an inclusive community where every individual is respected and valued."
- “The University is committed to Access, Respect, Belonging and Success for each of its members.”
- For Staff: "We promote a workplace where every staff member is treated with respect and provided with equal opportunities for professional growth."
• For Faculty: "Our faculty members are encouraged to foster an inclusive learning environment that respects each student."