



Guide to Lawful Inquiries

Topic	Acceptable	Unacceptable
Age		<p>Asking that the applicant state age or date of birth.</p> <p>Asking the applicant to produce proof of age (birth certificate, baptismal record).</p> <p>Adverting/job posting specifications such as: "young", "college student", "recent college graduate", and "retired person."</p>
Arrests/ Convictions	<p>At FSU, this is handled by Human Resources through the background check process. Committees should not inquire during the interview process.</p>	<p>Inquiries about a candidate's general arrest and conviction record.</p>
Citizenship, Birthplace	<p>After employment, verification of legal right to work (all new hires). This verification is completed by Human Resources.</p>	<p>Whether applicant, parents or spouse are naturalized or native-born U.S citizens.</p> <p>Birthplace of applicant, parents or spouse.</p> <p>Requiring an applicant to produce naturalization papers.</p>
Children	<p>Responding to an applicant's questions about child care options or local school systems.</p>	<p>Asking about: the number and ages of children, what child care arrangements have been made, or family planning.</p>
Disability	<p>Whether applicant is able to perform the essential functions of the job with or without reasonable accommodation.</p> <p>Asking an applicant to demonstrate how she/he would perform the job and with what accommodation(s).</p> <p>After a job offer, but before hire, requiring a medical examination for <u>all</u> similarly situated entering employees.</p>	<p>General inquiries into the applicant's state of health or the nature and severity of a disability.</p> <p>Making an applicant take a medical examination or provide information about workers' compensation claim(s) before a job offer.</p>
Driver's License	<p>Only if driving is necessary to the job.</p>	<p>Asking if all applicants have a valid driver's license regardless of job duties.</p>
Gender Identity	<p>Responding to a candidate's questions about support for transgender individuals in policy, on campus, or in the community.</p>	<p>Any inquiry about whether an employee identifies as male, female, transgender, or any other gender identity.</p> <p>Asking which bathroom a candidate plans to use.</p>

Marital Status	<p>Providing information about support for trailing spouses to <u>all</u> candidates.</p> <p>Responding to a candidate's questions about moving their spouse/significant other to Florida.</p>	Asking whether a candidate is married.
Military Service	Job related questions about military experience in the U.S. Armed Forces or state militia (e.g. branch, occupational specialty).	Inquiries about foreign military experience or whether honorably discharged.
Name	Whether the applicant has used another name (for the purpose of verifying past work record).	Questions or comments about the name that would reveal applicant's lineage, national origin, marital status, etc. (e.g. maiden name?) Mr., Mrs., Miss, Ms.?
National Origin	What languages applicant reads, speaks, or writes fluently (if relevant to the job or if required as a Bona Fide Occupational Qualification.)	Questions about: applicant's nationality, ancestry, lineage or parentage; nationality of applicant's parents or spouse; maiden name of applicant, wife or mother.
Photograph	May be requested after hire (for identification).	Request before hire.
Professional Associations	<p>Questions about memberships in job-related organizations.</p> <p>Applicants may choose to omit those that reveal the race, religion, age, sex, disability, etc. of applicant.</p>	Requesting the names of all organizations, clubs, and associations to which the applicant belongs.
Race, Color	Responding to a candidate's questions about affinity groups on campus.	Questions about: applicant's race; color of applicant's skin, eyes, hair or other questions directly or indirectly indicating race or color; applicant's height (unless a Bona Fide Occupational Qualification).
Religion	<p>Questions about availability during normal hours of work.</p> <p>Questions necessary to provide a candidate requested religious accommodation.</p>	Questions about an applicant's religious denomination or affiliation or religious holidays observed.
Sex		Questions about: applicant's sex; Mr., Mrs., Miss, Ms.; whether the applicant is pregnant or plans to have children in the future.
Sexual Orientation	<p>Providing <u>all</u> candidates information about LGBTQ community on campus.</p> <p>Responding to a candidate's questions about LGBTQ polices/support on campus or in the community.</p>	Any inquiry concerning an applicant's sexual orientation.

