

**Areas of Inquiry****Legal****Illegal****Legislation**

Name	For access purposes, inquiry into whether the applicant's work records are under another name.	To ask if a woman is a Miss, Mrs., or Ms. To request applicant to give maiden name or any other previous name he or she has used.	Title VII as amended by Equal Employment Opportunity Title IX (Higher Education)
Address/Duration of Residence	To request place and length of current and previous addresses. To ask for applicant's phone number or how he or she can be reached if a number is not available.	To ask applicants if they own their own home, rent, or live in an apartment or a house.	Title VII
Age	To require proof of age by birth certificate. (After hiring.)	To ask age or age group of applicant. To request birth certificate or baptismal record before hiring.	Age Discrimination Act of 1967
Birthplace/ National Origin		To ask the birthplace of applicant or that of his or her parents, grandparents, or spouse. Any other inquiry into national origins.	Title VII
Race/Color	To indicate that the institution is an equal opportunity employer. To ask race for affirmative action plan statistics, after hiring.	Any inquiry that would indicate race or color.	Title VII
Sex	To indicate that the institution is an equal opportunity employer.	To ask applicant any inquiry that would indicate sex, unless job related.	Titles VII and IX
Religion		To ask an applicant's religion or religious customs and holidays.	Title VII

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Citizenship	Employment eligibility and identity.	<p>If native-born or naturalized.</p> <p>Proof of citizenship before hiring.</p> <p>Whether parent or spouse is native-born or naturalized.</p> <p>Date of citizenship.</p> <p>Whether applicant is a U.S. citizen.</p>	ITA Immigration Reform Act (Control Act)
Marital/Family Status	<p>Status (only married or single) after hiring for insurance purposes.</p> <p>Number and ages of dependents and/or spouse after hiring for insurance purposes.</p>	<p>To ask marital status before hiring.</p> <p>To ask the number and ages of children and who cares for them.</p> <p>To ask if the applicant plans on having more children.</p>	Titles VII and IX
Relatives	To ask name, relationship, and address of the person to be notified in case of an emergency after hiring.	Names or relatives working for the institution or in a district (nepotism policies which impact disparately on one sex are illegal under Title IX).	Title IX
Military Record	<p>Inquiry into service in the U.S. armed forces.</p> <p>Rank attained.</p> <p>Branch of service.</p> <p>Any job-related experience.</p> <p>Require military discharge certificate (after hiring).</p>	<p>To ask the type of discharge.</p> <p>To request military service records.</p> <p>To ask about military service in armed service of any country.</p>	Title IX
Education	<p>To ask what academic, professional, or vocational schools attended.</p> <p>To ask about language skills, such as reading and writing foreign languages.</p>	<p>To specifically ask nationality, racial, or religious affiliation of schools attended.</p> <p>To ask how foreign language ability was acquired.</p>	Title VII

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Conviction, Arrest, and Court Record

To request listing of convictions and other misdemeanors.

To inquire about arrests.

Title VII

References

To request general and work references not relating to race, color, religion, sex, national origin, or ancestry.

To request references specifically from clergy or any other persons who might reflect race, color, religion, sex, national origin, or ancestry.

Title VII

Organizations

To ask organizational membership—professional, social, etc.—so long as affiliation is not used to discriminate on the basis of race, sex, national origin, or ancestry.

Offices held, if any.

To request a listing of all clubs to which the applicant currently belongs or has belonged.

Title VII

Photographs

May be required after hiring for identification purposes.

To request photographs before hiring.

To take photographs of applicants during interview.

Title VII

Work Schedule

Required work schedule.  
To ask if applicant has military service obligations.

To ask willingness to work on any particular religious holiday.

Title VII

Physical Data

To require applicant to prove ability to do manual labor, lifting, and other physical requirements of the job, if essential functions of the job.

Require a physical examination.

To ask height, weight, impairment, or other nonspecific job-related physical data.

Title VII

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Handicaps	To insure whether or not the applicant is capable of performing the essential functions of the job.	To exclude handicapped applicants as a class on the basis of their type of handicap. (Each case must be determined on an individual basis by law.)	The Americans with Disabilities Act
Other Qualifications	To inquire about any area that has direct reflection on the job applied for.	Any non-job-related inquiry that may permit information permitting unlawful discrimination.	
Miscellaneous	Notice to applicants that any misstatements or omissions of material facts in the application may be cause for dismissal.		