

Statement of Appropriate Conduct for Employer-Interviewers

The Tulane Law School Career Development Office (CDO) is dedicated to providing students with a safe, educational, and non-threatening environment in which to conduct a successful interview that will provide valuable information to both employers and students. The following statement is intended to give employers a set of guidelines reflecting Tulane Law School's expectations for the interviewing process. Anyone who is accused of failing to conform to these guidelines may be asked to cooperate in a review process established by Law School rules for these types of matters and, if found to have violated these guidelines, may be precluded from interviewing on campus or at Tulane sponsored events, or utilizing the facilities of the Law School's Career Development Office, in the future.

Initially, Tulane Law School wants to assure employers that it does not presume to tell any employer what factors it may use in deciding whether to extend an offer. The below list of guidelines for employer conduct during interviews is meant merely to outline questions, comments, or conduct that are generally considered inappropriate for the interview setting; it does not purport to tell the employers what factors they may consider in making a hiring decision, as long as that decision is not based on any illegal factors. For example, an employer may well take into account a candidate's appearance in deciding whether to hire him/her, but for other reasons it is not necessary or appropriate to comment on a candidate's appearance during an interview.

We ask each employer to evaluate each student based only on job-related criteria. This means asking only job-related or other general questions that elicit information about a candidate's ability and motivation to do the job. Questions that are not related to the position or do not elicit relevant nondiscriminatory information may be considered improper and contrary to the policy of the Law School.

Some types of questions or conduct are almost never appropriate and should be avoided. Examples of such *per se* inappropriate conduct include, but are not limited to:

1. Questions about a candidate's religion or that would require the candidate to reveal his/her religious preferences or affiliations. (It is appropriate to ask whether there are any reasons why a candidate might be unable to work on any particular day(s) of the week or year.)
2. Questions about a candidate's sexual preference or that would require the candidate to disclose his/her sexual preference. (E.g., Do you have a girlfriend (or boyfriend)? Do you have a roommate?)
3. Questions about whether a candidate has a disability or has received any accommodations during his/her educational career. (It is appropriate to ask a candidate whether there are any circumstances that might prevent him/her from fully performing all of the essential tasks associated with the job.)
4. Questions or comments about a person's ethnic or racial heritage.
5. Intentionally touching a candidate other than by shaking his/her hand.
6. Leering or making other sexually suggestive gestures toward a candidate.
7. Asking candidates to pose for a picture or making a picture or videotape of a candidate.

8. Statements or comments indicating that a candidate is “pretty,” “beautiful,” “handsome,” has “lovely eyes” or a “charming smile,” or the use any other adjective describing the candidate’s physical attractiveness.
9. Statements or comments that indicate that the duties or opportunities in the job for which the candidate is interviewing might be different or limited based on the candidates race, gender, religion, ethnic background, or sexual preference (unless the gender, religion, or national origin of an employee in the position would constitute a *bona fide* occupational qualification under Title VII of the Civil Rights Act).
10. Any question or conduct prohibited by law.

Other types of questions or conduct may or may not be appropriate depending on the situation or the context in which it is asked or done – how a question is worded, the tone in which it is asked, the nature of questions immediately preceding or following the question or conduct, the reasonable implications that a candidate might draw from the question or conduct, etc. Examples of such potentially inappropriate questions or conduct include, but are not limited to:

1. Questions about a candidate’s marital status or history, or a candidate’s children. (E.g., Are you married? What is your spouse’s name or occupation? Do you have or want any children? What are your childcare arrangements?) Generally, the interviewer should avoid initiating a discussion of the candidate’s family situation, particularly of women candidates, because it is often perceived as a basis for discriminating against people (usually women) because of their family circumstances. Often, however, candidates volunteer information about their family situation with references to their spouse or children, or with questions about the firm’s childcare or parental-leave policies, and it is then usually appropriate to follow up in some manner. The interviewer should use good judgment and not ask questions that suggest that he/she favors candidates with a particular set of family circumstances.
2. Questions or statements about a candidate’s appearance or clothing, particularly if the interviewer is of the opposite gender as the candidate. While some might consider it polite to compliment someone on a handsome outfit or hair style, such comments are virtually never necessary or job-related, and this is a sensitive area since many candidates might consider a statement some would regard as a compliment to be flirtatious or a come-on. While not necessarily inappropriate, these types of comments are better avoided.
3. Making jokes or humorous comments that rely on stereotypes based on or make reference to race, gender, sexual preference, national origin, religion, persons with certain physical characteristics, or any other category that might be offensive to a significant number of people. Occasionally, such humor is clever and would be almost universally appreciated, but far more often than not such humor is inappropriately insensitive and offensive to many people. It is generally better avoided.
4. Questions about the candidate’s age or that appear designed to require the candidate to disclose his/her age. While a discussion of a candidate’s life experiences and knowledge, which are relevant to the job, will inevitably give some indication of how old he/she is, the conversation should not be directed in such a way as to suggest that the candidate’s age is a relevant factor in either hiring or subsequent assignment of job duties for the candidate.

As suggested by these examples, the appropriateness of a question or conduct is often situational and may depend on its context. Interviewers should be conscious of and take steps to avoid asking questions of, or doing things with or for, one group of applicants and not another. Interviewers should also consider whether the value of the information obtained outweighs the perceptions of bias to which such questions may give rise.

Many students are interested in policies, such as the hiring and promotion of women, people of color, disabled, or openly gay or lesbian candidates, parental leave and child care benefits; flex-time, part-time and job-sharing arrangements; and access to offices by disabled employees and clients. Interviewers should be prepared to discuss these subjects. In these discussions, however, it is important to avoid stereotypes or unwarranted assumptions about a candidate's personal characteristics.

In short, it is incumbent on employer/interviewers to treat candidates respectfully, professionally, and with sensitivity to the reasonable reactions a candidate may have to questions, comments, or conduct. Questions, comments, or conduct that are not appropriate for the interview setting must be avoided.