



# **Awkward Interactions**

*“Illegal” questions and Negotiations*

Preparing for an Academic Career Workshop  
Earth Educators’ Rendezvous July 15-17, 2024

# Things to know about illegal questions

- **THEY ARE NOT ILLEGAL!** It is not criminal to ask these questions.
- However, making hiring decisions based on criteria other than the ability to do the job is **unlawful**, especially if those criteria involve protected traits like gender, age, race, sexual identity, etc.
- Please remember that most people on search committees **are not** trained in HR best practices.

# Interview Questions

Inquiry Area	Illegal Questions	Legal Questions
Age	<ul style="list-style-type: none"><li>• May not require an applicant's age, date of birth, or for records to prove his/her age.</li><li>• Year of graduation from high school.</li></ul>	<ul style="list-style-type: none"><li>• An employer may ask whether an individual meets the minimum age requirements set by law. "Are you over the age of 18?" is an appropriate question.</li></ul>
National Origin/Citizenship	<ul style="list-style-type: none"><li>• Are you a U.S. citizen?</li><li>• Where were you/your parents born?</li><li>• What is your "native tongue"?</li></ul>	<ul style="list-style-type: none"><li>• Are you authorized to work in the United States?</li></ul>
Race/Color	<ul style="list-style-type: none"><li>• All questions regarding a person's race/color will be deemed illegal under state and federal laws.</li></ul>	None!

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		Disabilities	<ul style="list-style-type: none"> <li>Do you have any disabilities?</li> <li>Please complete the following medical history.</li> <li>How's your family's health?</li> </ul>	<ul style="list-style-type: none"> <li>Are you able to perform the essential job functions?</li> <li>Can you demonstrate how you would perform the following job-related functions?</li> </ul>
		Arrest Record	<ul style="list-style-type: none"> <li>Have you ever been arrested?</li> </ul>	<ul style="list-style-type: none"> <li>Have you ever been convicted of _____?</li> </ul>
		Military	<ul style="list-style-type: none"> <li>If you've been in the military, were you honorably discharged?</li> </ul>	<ul style="list-style-type: none"> <li>In what branch of the Armed Forces did you serve?</li> <li>What type of training or education did you receive in the military?</li> </ul>

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## How to respond?

- Don't answer
- Answer
- Address the legitimate concern behind the question without answering

(National Association of Colleges and Employers, 2014)

# How would you deal with one of these questions?

1. You seem young. How old are you?
2. Where were you born?
3. Do you have children? Are you planning on having any?
4. I see you're not wearing a wedding ring. Do you have a boyfriend/girlfriend?
5. Do you have any disabilities?
6. (Write your own improper question)

**In groups of 2-3, practice with one person as interviewer, one person as interviewee, (+one person as a bystander).**

**How did it go?**  
**Questions or concerns?**

# Things to know about negotiations

1. **You should negotiate!!!**
  - You want to be successful and happy in your job and you need resources for this!
  - Your employer is investing in you and wants you to be successful too!
2. **Wait** until you have the job offer.
3. The search committee chair is often *not* the person you are truly negotiating with.
  - Instead they may be your advocate to the dean/provost etc.
  - Ask the chair for guidance on what is and is not negotiable!
- Determine what you absolutely **need** to be successful. If you have this luxury, don't accept a job that can't provide those things.
- You can ask for clarity on some items without "negotiating" them.
- Frame within the values of your institution/position



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**5.** You can ask for clarity on some items without “negotiating” them.

**6.** Frame within the values of your institution/position.

# What is generally negotiable (or at least you should ask about)

- Your salary (though not everywhere): do a little research through public databases, consider your post-PhD experience
- Start date.
- Space for office, lab, research team; include any renovations.
- Teaching load (lighter in the first year?)
- Startup funding (amount and duration): needed research equipment, lab and field consumables, travel for fieldwork and conferences, salary for research team, computer equipment, summer salary, memberships, publication costs, teaching materials, etc.

# What is generally negotiable (or at least you should ask about)

- Start date of benefits
- Relocation costs (this might be a standard HR benefit)
- Partner hire
- Housing
- Childcare spot(s)
- Others?

# Other questions (could be part of interview)

- Can you transfer grants you already have?
- Are there opportunities to recover Indirect Costs from grants?
- Are you able to get course releases, and under what conditions?
- Is there an opportunity for a pre-tenure sabbatical?
- Are there pre-existing programs to help integrate research and teaching (e.g., REUs) that you can tap into?
- What type of mentoring is available?
- **How will you be evaluated?**
- Others?



# If time...

- In small groups of 3, practice negotiating for one item, with one person as search committee chair, one person as job candidate, and one person critiquing the interaction.
- ...or brainstorm other questions you might ask in the interview or after getting a job offer.