

AACPM & COTH STATEMENT ON BIAS AND HARASSMENT

AACPM and COTH are committed to preventing bias and harassment of any kind throughout the residency selection and education processes. AACPM and COTH do not tolerate any type of inappropriate or illegal questions or conduct by program faculty, applicants, or staff. We strongly encourage participants to report anything that they believe to be inappropriate or illegal questions or conduct in any or all of the following ways:

- (1) If at CRIP, to AACPM staff in the Registration Office, or**
- (2) By sending an email to casprweb@aacpm.org, or**
- (3) By reporting it to your college residency coordinator, or**
- (4) By filing a report with COTH.**

AACPM's and COTH's ability to take concrete action, beyond policy and education, hinges on receiving a complaint with sufficient information to allow us to investigate and take appropriate action. The identity of the complainant is kept confidential when possible, however complete confidentiality cannot be guaranteed depending on the requirements of an appropriate investigation.

Applicant's may refuse to answer any inappropriate or illegal questions and should physically leave any situation in which they feel unsafe or uncomfortable. Reporting inappropriate questions and behavior is also essential to eliminating harassment and discrimination. The following suggestions are provided only to the extent helpful to manage difficult situations. Applicants are never expected to accept or "put up with" inappropriate remarks or situations.

INAPPROPRIATE/ILLEGAL QUESTIONS AND SEXUAL HARASSMENT DURING AN INTERVIEW

Below is an outline of the types of questions, discussions, and actions that are illegal or inappropriate during a CRIP Interview. This is a guide only and is not a comprehensive list of all inappropriate activity. Refer to the sources provided below for more information. **Please report any questions or actions that you believe are inappropriate.**

I. **Inappropriate and Illegal Interview Questions**

All interview questions and discussions should be related to position and the applicant's skills and education to meet the position requirements. Regardless of intent, applicants should never feel pressured to reveal information about topics not directly pertaining to their capabilities as a resident.

Federal laws prohibit interviewers to discriminate against individuals based on their race, gender, nationality, religion, military status, marital status, disabilities, and age (the "protected classes"). **A residency program that asks questions about these topics can face charges of discrimination, an investigation by the US EEOC, and a potential lawsuit.** Even if an applicant volunteers information that is related to these topics, programs should not ask follow-up questions, pursue the topic, or consider it when making their choice of residents. In addition to the list or "protected classes" above, many states have laws restricting employers from basing employment decisions on other information, such as a prior criminal record.

Below is a list of topics and how they should be handled in an interview.

- Age
 - Unless age is a legal requirement for a residency position, it is inappropriate to ask for a candidate's age, even in an indirect way.
- Arrests/Convictions
 - AACPM and COTH ask that interviewers refrain from asking questions about arrests and convictions during CRIP interviews because the legality of asking these questions varies tremendously from state to state.
- Citizenship or National Origin
 - Programs are allowed to ask if an applicant is legally eligible to work in the U.S.
 - Programs may NOT ask about citizenship status or request a birth certificate. In addition, asking questions that could reveal a candidate's ethnicity, including asking about an applicant's background or parents' background, proficiency in English, or where or how an applicant knows other languages, is not appropriate.
- Disabilities
 - The Americans with Disabilities Act (ADA) makes it illegal for employers to discriminate against qualified applicants based on their physical or mental health disabilities. A program only is allowed to ask an applicant if s/he is able to perform all the functions required by the residency.
- Family Status
 - Programs may ask if applicants have commitments that prevent them from working the assigned shifts, provided this question is posed to all candidates being interviewed.
 - Specific questions regarding an applicant's marital status, if an applicant has children, or if an applicant is pregnant or trying to start a family are discriminatory.
- Personal Information
 - All questions regarding height or weight are inappropriate.
 - Asking about menstrual cycles, PMS, if an applicant wears makeup, etc. are also highly inappropriate.
- Military Service
 - Direct questions about discharge or non-U.S. military service are inappropriate.
 - An example of an inappropriate question is: How often are you away for Army Reserve training? Programs may legally only ask if you are available to fulfill job requirements.
- Race, Color, Ethnicity
 - All questions regarding this subject are unacceptable.
- Religion, Creed
 - All questions regarding this subject are unacceptable. This includes any indirect questions, such as your church attendance, etc.
- Sex, Orientation, Gender Identity
 - All questions regarding this subject are unacceptable.

Handling an inappropriate/illegal question

- Know the protected classes (race, gender, nationality, religion, military status, marital status, disabilities, and age) and use this information as the reason for not answering a question.
- Ask for clarification about a question, such as, "Help me understand why this is important, because I want to better understand what this residency will require."
- Pivot or redirect conversations toward your ability to perform well in a residency position, such as,

- I am available to work all shifts required for this position
- I am fully capable of performing all functions required by this position

II. Sexual Harassment During an Interview and Anytime at CRIP

Sexual harassment is a form of sex discrimination and is never appropriate during an interview or anytime at CRIP. Sexual harassment includes inappropriate comments about you or your body, unwelcome physical contact (someone touching you, or touching themselves in a suggestive way), and requests for intimacy. **It is NEVER appropriate for an interviewer to violate your personal space or to imply that your residency prospects will be impacted by your response to a request for intimacy.**

Reporting and handling sexual harassment

Reporting any behavior that you believe is sexual harassment is essential to allow AACPM and COTH to take action. In addition to reporting the behavior, the following suggestions may help you manage inappropriate questions or conduct:

- Ask about the relevance of questions to your suitability for the residency
- Ask the interviewer to stick to relevant topics
- State that the question is off base and refuse to answer
- Clearly state your discomfort; move away from any physical contact, or attempts at physical contact, including leaving the room
- Decline invitations to connect outside the interview

III. Additional Information

- [COTH Standards and Practices for Resident Selection](#)
- [COTH Complaint Policy](#)

IV. Sources

The sources below were used to create this document. Please refer to them for more information, examples, and advice on handling illegal/inappropriate interview questions or harassment.

- <https://www.eeoc.gov/laws/practices/>
- <https://www.betterteam.com/illegal-interview-questions>
- <https://www.topresume.com/career-advice/a-guide-for-handling-inappropriate-interview-questions>
- <https://www.glassdoor.com/blog/inappropriate-interview-questions/>
- <https://www.thebalancecareers.com/how-to-answer-inappropriate-interview-questions-2061334>
- <https://financialservices.house.gov/issues/reforming-our-nation-s-credit-scoring-reporting-practices.htm>
- <https://www.thebalancecareers.com/what-to-do-if-an-interviewer-hits-on-you-2060881>
- <https://www.newyorkcitydiscriminationlawyer.com/sexual-propositions-during-the-interview-or-hiring-process.html>
- <https://www.forbes.com/sites/laurashin/2016/08/22/most-inappropriate-job-interview-ever-what-to-do-when-youre-asked-unlawful-questions/#1bf582b2b5f7>