

# Residency Program Alert

Volume 11  
Issue No. 10

OCTOBER 2013

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## The wrong questions

Residency interviewers often ask about marriage, family plans

When **Julia B. Whitlock, MD**, was looking for a residency position in 2010 and early 2011, questions about her marital status came up frequently during interviews.

Whitlock, who is now a second-year neurology resident at the Mayo Clinic in Jacksonville, Fla., wasn't sure if the topic was off-limits in an interview. She had entered the match as a member of a couple, enrolling with a man she had been dating for five years, so she thought it seemed like fair game for interviewers to ask about their relationship. But she wasn't sure how to answer. Would interviewers view her differently if she was married or engaged?

Whitlock's experience isn't uncommon. (Her boyfriend, who is now her husband, was also asked about marital status in his residency interviews.) Almost 4,500 residency applicants surveyed were asked questions about marital status, family planning, gender, ethnicity, religion, and sexual orientation, according to a study recently published in *Academic Medicine*. Questions about marital status and family planning were the most frequently asked.

Questions about these topics don't just make candidates uncomfortable—they can expose residency programs to discrimination lawsuits and may even be considered illegal under some state employment laws, according to the study's authors. Applicants were also less likely to rank programs that asked inappropriate questions, researchers found.

## TRENDSPOTTING

73%

Of 2013 medical school graduates surveyed had opportunities to learn as part of an inter-professional team.

38%

Of 2013 medical school graduates planned to enter loan forgiveness programs.

\$135,084

Was the average medical school debt for 2013 graduates.

**SOURCE:** Association of American Medical Colleges 2013 Medical School Graduation Questionnaire

“I think so many people go into it not knowing what the ground rules are and that leads to misunderstandings, hurt feelings, and honestly, programs not getting the applicants they might want,” says **H. Gene Hern Jr., MD, MS**, lead author of the study.

Hern and other experts say residency programs can avoid interview questions that should be off-limits by:

- Understanding employment laws that govern residency interviews
- Creating guidelines or a code of conduct for interviews
- Training all interviewers about appropriate questions and interview techniques

**Interview lore and legend**

Hern became interested in the interview process when he was applying to medical school. During an interview at a top program, the interviewer asked him to sit on a tiny, three-legged stool.

The experience struck Hern as odd, and he started asking other medical students about their interviews. Everyone seemed to have a story—the interviewer left the room during an interview and the phone on the desk suddenly started ringing. Or the candidate was asked to open a window that was stuck shut.

“There’s all this sort of lore and urban legend about things like that,” Hern says.

He and his classmates also suspected the interview process differed for men and women. Hern, a classmate, and a bioethics professor surveyed 200 members of the American Medical Student Association and published a letter in *Academic Medicine* in 1994 titled, “Avoiding Discriminatory Medical School Admission and Residency Interviewing.” More than half of residency applicants and one-third of medical school applicants surveyed were asked interview questions they felt were “inappropriate, uncomfortable, and possibly discriminatory,” they wrote. The offending categories included sexual orientation, gender, ethnicity, age, family planning, and personal stand on controversial ethical issues.

**Survey says**

Hern is now the residency director in the Department of Emergency Medicine at Alameda County Medical Center in Oakland, Calif. Over the years, his curiosity about residency interviews stayed in the back of his

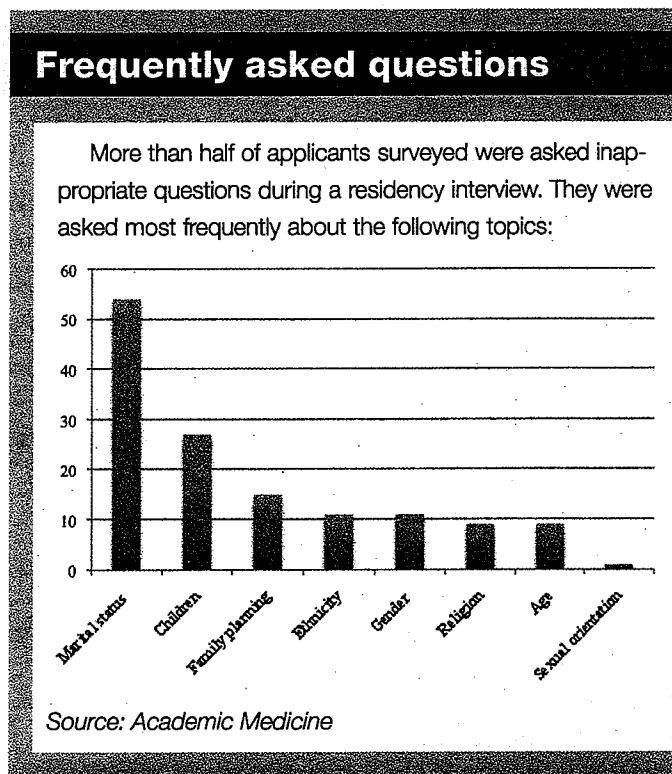
mind.

In 2006 and 2007, Hern surveyed residency candidates in five medical specialties through the Electronic Resident Application System (ERAS). About 7,000 applicants completed the survey.

In June 2013, *Academic Medicine* published the results of Hern’s study. Almost 65% of all respondents had been asked about at least one inappropriate topic, including:

- Marital status (54%)
- Children (27%)
- Family planning (15%)
- Ethnicity (11%)
- Gender (11%)
- Religion (9%)
- Age (9%)
- Sexual orientation (1%)

Researchers also analyzed results by gender and medical specialty. About the same number of male and female candidates said they were asked about marital status, children, ethnicity, religion, age, and sexual orientation. Women were more likely to report being



asked questions about family planning and gender.

The study also offered insight into applicants' reaction to these questions. Many respondents described the details of their interview experience in a space provided for comments.

"I was asked repeatedly about my religion, mainly due to me being from a state with a particularly predominant religion. This bothered me to no end and was incredibly unprofessional in all instances," one respondent wrote.

Another wrote, "I found it unusual that every program asked me whether or not I was married. The question was often followed by a remark like: 'Oh, I'm not supposed to ask that—it's illegal.'"

### Interview law

There are certain questions that all prospective employers, not just residency programs, should avoid asking prospective employees, says **Bruce D. Armon, Esq.**, a managing partner of the Philadelphia office of Saul Ewing, LLP.

Employers should refrain from asking prospective employees about:

- Race
- Gender
- Age
- Religion
- Sexual orientation
- Marital/family status
- National origin
- Disabilities

These categories are protected generally under federal and state law, Armon says. State and local laws may establish additional protected classifications of employees that are off-limits for employers to ask about, so it's important for residency programs to check the laws that apply to their location, he says.

Because employment laws vary from state to state, Hern and his coauthors defined questions about these categories as "potentially illegal," in their report.

Interviewers at residency programs, especially faculty members or residents who don't have formal training about employment interviews, often think of interviews as an informal opportunity to get to know candidates, Hern says. But in reality, residency interviews are

employment interviews, he says.

Sometimes interviewers ask about information that is off-limits in a job interview—such as whether the candidate is planning to have children—in an effort to determine how easy it will be to accept the candidate into the program, Hern says.

Other times, an interviewer may ask about family plans for more innocuous reasons—to establish rapport with a candidate, or because they want to share information about the quality of schools or child care in the area. However, it's still inappropriate to ask candidates questions about protected categories, he says. Hern was surprised to see that even a small percentage of candidates had been asked questions about ethnicity, religion, or sexual orientation.

### Wrong questions, wrong answers

Applicants often feel compelled to answer all questions in an interview, even when they know a question is off-limits.

"The power differential between the interviewer and the interviewee is so dramatic that the interviewee feels compelled to answer or make something up and that's perhaps the bigger tragedy, that they feel compelled to lie, or they feel compelled to say something that they think the interviewer wants to hear," Hern says.

Whitlock didn't feel like she could avoid questions about her marital status during interviews and decided to answer the questions honestly.

"There's really no way to get away from it when someone across the desk from you is waiting to hear an answer," she says. "I thought if I said that I didn't want to answer a question, that would raise flags."

### Dropping rank

Even if a candidate answers honestly, asking inappropriate questions can backfire against residency programs.

"It almost always turns off the applicant and they rank you low anyway," says **Eric D. Katz, MD, FAAEM FACEP**, program director and vice chairman of the Department of Emergency Medicine at Maricopa Medical Center in Phoenix.

Hern's research supports this idea. The percentage varied by gender, but both male and female survey

respondents said they were unlikely to rank a program if they were asked an inappropriate question during an interview. Some notable findings included:

- About 46% of female general surgery residents said they were unlikely to rank a program that asked questions about family planning, compared to about 10% of male general surgery residents.
- About 39% of female emergency medicine residents said being asked questions about gender made them unlikely to rank a program. No male residents in the same specialty said that gender questions made them unlikely to rank a program.
- About 16% of female internal medicine residents said family planning questions made them unlikely to rank a program, compared to 7% of male internal residents.

### Asking the right questions

To avoid questions that could be grounds for discrimination lawsuits or diminish the program's reputation, residency programs need to be familiar with applicable employment laws. Armon suggests that programs consult with their in-house legal counsel or

seek legal guidance outside of their institution. The institution's human resources department can also be a helpful resource, he says.

Hern recommends that residency programs train anyone who interviews candidates, including faculty members and residents.

He conducts an interview training session at his program, which requires all faculty members to participate in a certain number of interviews every year. Interviewers receive basic guidelines that explain what information is off-limits in a residency interview and why. He also reminds interviewers that residency interviews are a formal process protected under federal law.

In the *Academic Medicine* report, Hern and his coauthors suggest creating a code of conduct for interviews. Creating a simple list of "dos and don'ts" for interviewers can also be effective. (For a sample, see the sidebar.)

"It's mostly an issue that awareness and education can improve, awareness by both interviewees and interviewers," Hern says. "They can improve that experience merely by knowing what the ground rules are." ■

## Don't even ask: Six tips for better interviews

Residency interviews are employment interviews and asking applicants about age, gender, marital status, family planning, ethnicity, or religion can lead to discrimination lawsuits. However, almost 65% of applicants surveyed were asked about these topics during residency interviews, according to research recently published in *Academic Medicine*.

*Residency Program Alert* asked the experts how residency programs can avoid interview questions that are off-limits. Here are their ground rules for interviews:

### Do

- Familiarize yourself with employment laws that govern your program, says **Bruce D. Armon, Esq.**, a managing partner at the Philadelphia office of Saul Ewing, LLP. For more information, talk to your in-house legal counsel, the human resources department, or outside legal counsel.

- Train everyone who interviews applicants, including faculty members and residents, says **H. Gene Hern Jr., MD, MS**, residency director in the Department of Emergency Medicine at Alameda County Medical Center in Oakland, Calif.
- Provide interviewers with guidelines about what topics are off-limits and why, Hern says.

### Don't

- Ask questions about age, race, religion, sexual orientation, gender, marital status, family planning, national origin, or disabilities, Armon says.
- Ask leading questions, such as, "What holidays do you celebrate?" or "How many children do you want to have?" he says.
- Ask questions that are embarrassing, or that you wouldn't want to be asked yourself, Armon says.