

## Residency Interviews Illegal Questions and Novel Methods



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## Illegal Questions



- "...should be limited to those essential for determining if a person is qualified for a job..."
- "information regarding race, sex, national origin, age, and religion are irrelevant in such determinations"

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### Pre-Employment Inquiries and:



- [Race](#)
- [Height & Weight](#)
- [Financial Information](#)
- [Unemployed Status](#)
- [Background Checks](#)
- [Religious Affiliation Or Beliefs](#)
- [Citizenship](#)
- [Marital Status, Number Of Children](#)
- [Gender](#)
- [Disability](#)
- [Medical Questions & Examinations](#)

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2016 ERAS MyERAS Residency User Guide

- Certain fields are NOT required.
- Instructions contain “may”, “must”, or “should”.

Biographical Information	
General	Applicants may enter biographical information that includes Gender, Birth Place and Birth Date.
Self-identification	Applicants may indicate to programs how they self-identify. If you prefer not to self-identify, please ignore this section. Applicants who reside in the European Union are not to answer this question.

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## Disabilities



U.S. Equal Employment Opportunity Commission

- “employers are explicitly prohibited from making pre-offer inquiries about disability”.



Personal	Education	Experience	Publications	Exams/Licenses	Limiting Factors
<b>Personal Information</b> Gender: Male Self-Identification: Asian Filipino			<b>Citizenship and Visa Information</b> Birthplace: San Francisco Citizenship: U.S. Citizen		

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- “employers are permitted pre-offer to ask limited questions about reasonable accommodation....because of an obvious disability...or if the applicant has disclosed need for accommodation”

Limiting Factors
Are you able to carry out the responsibilities of a resident or fellow in the specialties and at the specific training programs to which you are applying, including the functional requirements, cognitive requirements, interpersonal and communication requirements, and attendance requirements with or without reasonable accommodations? Yes
Have you ever been convicted of a misdemeanor? No
Have you ever been convicted of a felony? No

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U.S. Equal Employment Opportunity Commission

Home About EEOC Employees & Applicants Employers Federal Agencies Contact Us

Home > Laws, Regulations & Guidance > Prohibited Practices

Pre-Employment Inquiries and Disability

- “The employer may not ask any questions about the nature or severity of the disability pre-offer...”
- “...after a conditional offer..may ask...as long as all individuals selected for the same job are asked the same questions....”

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## But WE don't do this, right?

Research Report

### How Prevalent Are Potentially Illegal Questions During Residency Interviews?

H. Gene Hern, Jr., MD, MS, Harrison J. Alter, MD, MS, Charlotte P. Wills, MD, Eric R. Snoey, MD, and Barry C. Simon, MD

- Acad Med Aug 2013

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## 2007

- 11983 applicants to 5 specialties
  - (EM, IM, SURG, OBGYN, ORTHO)
- 7028 respondents
- 4557 (65%) reported facing at least one illegal question



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## 2013

- 21457 applicants to 19 specialties participating in Main NRMP Match
- 10,976 (51.1%) responded
- 65.9% reported facing at least one illegal question




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### Overall Prevalence 2007 vs. 2013

	marital status	children	family planning	ethnicity/race/gender/age	sexual orientation
<b>2007</b>	54%	27%	15%	10%	1%
<b>2013</b>	53%	24%	14%	9%	1%

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### Prevalence in Emergency Medicine

	marital status	children	family planning	ethnicity/race/gender/age	sexual orientation
<b>Emergency Medicine</b>	44%	20%	10%	6%	1%
<b>ALL Specialties</b>	53%	24%	14%	9%	1% (4% in psych)

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## Gender Bias

- Regardless of specialty, women had far more questions about marital status, gender, and family planning.



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## Marital and Family Status

- "evidence of intent to discriminate"

- Whether applicant is pregnant.
- Marital status of applicant or whether applicant plans to marry.
- Number and age of children or future child bearing plans.
- Child care arrangements.
- Employment status of spouse.
- Name of spouse.

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## On Marriage...

- "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." But, it didn't stop them. Besides, they know I would be a fool to follow up with any legal recourse. I need them desperately. And, they only kind-of need me. So, I answered. Wouldn't you?"

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### On Kids...

- "I was asked about having children during residency and lied and said we had no plans of having children."
- "Someone asked me if I was pregnant."
- "With respect to being a mother, an interviewer asked whether I would be able to "give 100%" to the program."

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### On Age...

- "Lots of very offensive "How do you expect an old fart like you to handle a residency?"
- "Before I even had a chance to shake one of my interviewer's hands, he told me that I was too young to be starting residency and that I should probably take a year off."

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### Nobody Wins!



- Questions relating to family status, age, ethnicity, religion, sexual preference, and disability are **ILLEGAL**.
- Asking these questions reflects **NEGATIVELY** on us, our programs, and our specialty.

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THE MATCH NATIONAL RESIDENT MATCHING PROGRAM

ABOUT NEWS & ANNOUNCEMENTS THE MATCH, A TO Z CONTACT US NIMMP

KEYWORD Q

RESIDENCY FELLOWSHIP HOW A MATCH WORKS POLICIES MATCH DATA

MATCH COMMUNICATION CODE OF CONDUCT

REGISTER / LOGIN FOR A MATCH

REGISTER / LOGIN HELP

- We CANNOT inquire about which other programs they applied to.

Note: Programs do not know which programs you applied to, nor the number of applications submitted.

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### On Programs...

- "How many interviews are you doing? Where? What are your top programs? Who is your top pick? Where would you like to go? How are you making your rank list? "
- "If we rank you highly, will you come here?"
- "Several programs asked me to specifically name the other places I was interviewing and, among those, which were my top 3."

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REGISTER / LOGIN HELP

- Privacy and confidentiality
- Responsibility for the recruitment team
- No illegal or coercive questions
- No requirement for second visits
- Discouraging unnecessary post-interview communication

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- **Refraining from asking illegal or coercive questions**

- Program directors shall recognize the negative consequences that can result from questions about age, gender, religion, sexual orientation, and family status, and shall ensure that communication with applicants remains focused on the applicant's goodness of fit within their programs.

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- **Declining to require second visits or visiting rotations**

- Program directors shall respect the logistical and financial burden many applicants face in pursuing multiple interactions with programs and shall not require them or imply that second visits are used in determining applicant placement on a rank order list.

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**Create/Certify a  
Primary ROL  
Video Tutorial**

- **Respecting an applicant's right to privacy and confidentiality**

- Program directors and other interviewers may freely express their interest in a candidate, but they shall not require an applicant to disclose ranking preferences, ranking intentions, or the locations of other programs to which the applicant has or may apply.

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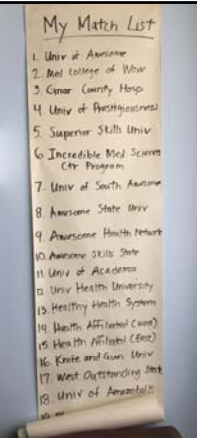
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**YES!!**

- 1380 of 7028 (~20%) asked for some sort of commitment in 2007
- 15.5% in 2013
  - EM 14.3%
  - Neurosurgery 34.1%
  - Radiation Oncology 32.4%
  - Dermatology 24.3%




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- Discouraging unnecessary post-interview communication
  - Program directors shall not solicit or require post-interview communication from applicants, nor shall program directors engage in post-interview communication that is disingenuous for the purpose of influencing applicants' ranking preferences

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**Most Applicants Are Contacted**

ORIGINAL RESEARCH

**Emergency Medicine Residency Applicants' Perceptions about Being Contacted after Interview Day**

Lalena M. Yarris, MD, MCR  
Nicole M. Delorio, MD  
Sarah S. Gaines, MD

Oregon Health and Science University, Department of Emergency Medicine, Portland, OR

Supervising Section Editor: Michael Epter, DO  
Submission history: Submitted October 2, 2009; Revision Received February 16, 2010; Accepted March 20, 2010  
Reprints available through open access at [http://escholarship.org/uc/uciem\\_westjem](http://escholarship.org/uc/uciem_westjem)

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## Impact on Applicants

- 39.8% of those asked about committing LOWERED the program on their rank list because of it



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- **Accepting responsibility for the actions of recruitment team members**
  - Program directors shall instruct all interviewers about compliance with Match policies and the need to ensure that all applicant interviews are conducted in an atmosphere that is safe, respectful, and nonjudgmental. Program directors shall assume responsibility for the actions of the entire interview team.

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## Avoiding Illegal Communication

- Educating the interviewers/recruiters.
- Structuring the questions.



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## Purpose of the Interview

- Intangibles not in ERAS.
- Fit with your program.
- Recruiting for your program.




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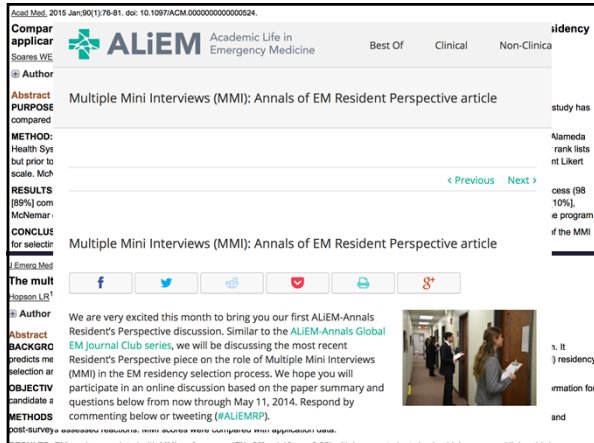
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Acad Med. 2015 Jan;90(1):76-81. doi: 10.1097/ACM.0000000000000524.

**ALIEM** Academic Life in Emergency Medicine Best Of Clinical Non-Clinical

**Multiple Mini Interviews (MMI): Annals of EM Resident Perspective article**

**METHOD:** Health Sys but prior to scale, Mich

**RESULTS** [89%] com McNemar:

**CONCLUDE** for selecti

We are very excited this month to bring you our first ALIEM-Annals Resident's Perspective discussion. Similar to the ALIEM-Annals Global EM Journal Club series, we will be discussing the most recent Resident's Perspective piece on the role of Multiple Mini Interviews (MMI) in the EM residency selection process. We hope you will participate in an online discussion based on the paper summary and questions below from now through May 11, 2014. Respond by commenting below or tweeting @ALIEMRRP.

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## Fast Interview Track

Medical Education Online

RESEARCH ARTICLE

### How well will you FIT? Use of a modified MMI to assess applicants' compatibility with an emergency medicine residency program

Alice A. Min<sup>1\*</sup>, Aaron Leetch<sup>2</sup>, Tomas Nuño<sup>1</sup> and Albert B. Fiorello<sup>1</sup>

<sup>1</sup>Department of Emergency Medicine, College of Medicine, The University of Arizona, Tucson, AZ, USA;  
<sup>2</sup>Department of Emergency Medicine and Pediatrics, College of Medicine, The University of Arizona, Tucson, AZ, USA

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## Modified MMI Questions

- How would your friends describe you?
- What are you the most proud of?
- What do people most criticize about you?
- If a team member isn't pulling their weight, how would you handle it?

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## Pros and Cons

- Structure and script will steer conversation away from illegal questions.
- The more rigid the structure, the less the opportunity for the applicant to distinguish themselves, and for the unique character of programs to similarly shine.

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## Know the Rules!

- **Know the law!** No questions relating to family status or plans, age, sexual preference, ethnicity, or disability.
- **Know the NRMP!** No questions about programs applied to, rank list intentions, or commitments to programs.

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## Follow the Code of Conduct

- Be mindful of all post-interview communication - it cannot be COERCIVE.
- Beware the second look visits!
- YOU are responsible for your team.



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If you love something, set it free.

If it comes back to you, it's yours.

If it doesn't, it never really was.

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