Out-of-Bounds Questions Can Cost Employers

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Recently, Miami Dolphins executive Jeff Ireland weathered a storm of public criticism following the revelation that, during an interview before the NFL draft, he asked wide receiver Dez Bryant whether his mother was a prostitute. While the former Oklahoma State star had been suspended last season for NCAA rules violations and reportedly had "character" issues, Ireland's out-of-left-field question left many observers wondering if he had been playing football without a helmet.

Of course, as in most employment situations, context is critical when deciding whether an interview question is out of bounds. In the Dolphins situation, subsequent reports have suggested that the "Is your mom a prostitute?" question was a follow-up in an exchange about Bryant's family. According to these reports, Bryant was asked to describe his relationship with his parents and siblings, and Bryant responded that his father had been a pimp. Ireland then asked what Bryant's mother did for a living, and Bryant replied that his mother worked for his father. Ireland, making an assumption many people would make, reportedly then asked whether the mother was a hooker.

While the context might explain how a general manager might ask what appears to be an out-of-the-blue question, Ireland's question was still lacking in sensitivity and professionalism. "What did your mother do while working for your father?" would have been a marked improvement. It would have covered the same ground without making an inflammatory assumption.

The law starts with the assumption that interviewers ask questions only to obtain information they will use in making a decision. There are no "throw-away" questions; if a manager asks about something, it's because they think the answer will make a difference about who should be hired. Questions an interviewer asks a candidate might improperly suggest that one or more of these factors are in play.

Jeff Ireland has apologized for asking Bryant an insensitive and inappropriate question, and Miami Dolphins management has promised to investigate the situation. For employers asking improper questions, however, apologies are not likely to stop an applicant from pursuing legal action.

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