

What are acceptable norms for AI in the Hiring Process?

What counts as fair use inside the interview, and who decides? **with Alex Feig**

The offence was never the tool. It's non-disclosure against a stated policy, and work they can't own.

Every job is human-required. That was never in dispute. What's in dispute is which stages of your interview allow AI, and you can't call something a breach if you never wrote the rule down.

QUICKFIRE: FAIR USE, OR NOT FAIR USE?

Circle your call on each one now, before you hear what anyone else thinks. Bring them to your table.

01. A candidate drafts their answer with AI. They understand it completely and can defend every line of it. They didn't mention it, and you never said whether AI was allowed. <i>No rule existed. Is silence still a failure?</i>	CIRCLE ONE FAIR USE NOT FAIR USE
02. A candidate tells you upfront they're using AI. It was permitted. The output is excellent. You ask them to change one thing, and they can't explain why it works. <i>They followed every rule. Would you hire them?</i>	CIRCLE ONE FAIR USE NOT FAIR USE
03. You said AI wasn't allowed at this stage. They used it anyway. The answer was good, they understood every line of it, and when you probed they told you straight away. <i>They broke the rule. But did they misrepresent anything?</i>	CIRCLE ONE FAIR USE NOT FAIR USE

WHAT MOVES THE LINE

The same use of AI can be fair in one role and a red flag in another. Five things move it. Recruiting’s new role is defining this context.

- 1. **ROLE:** Who's being hired. Engineering is clear. If you're hiring doctors, you don't want them googling before they make an incision.
- 2. **TASK:** What they're actually doing. A salesperson taking a hard question live can't reach for AI. Building the deck, probably fine.
- 3. **STAGE:** Where in the loop we are. AI is more open early. The final panel is where you look for judgment.
- 4. **LEVEL:** Entry or senior. Judgment needs a baseline, so at entry you're checking the baseline exists at all.
- 5. **REGION:** Where you're hiring. Norms and rules differ by market.

Recruiting's new job isn't policing the tool. It's owning the context.

THE MODEL

DEFINE Label every stage of the loop AI-expected, AI-permitted or Ai-excluded/human-required. Then say what has to be disclosed, and to whom.	DETECT Can the interviewer tell, in the room, whether the candidate owns it? Ownership plus disclosure. Never the tooling.	DEFEND Would the hire or no-hire decision stand up to being questioned? A rule you can't justify, or define, is a rule you can't enforce.
---	--	---

THE THREE LABELS, AND WHAT THEY LOOKED LIKE IN OUR PILOTS

	AI-EXPECTED	AI-PERMITTED	HUMAN-REQUIRED
What it means	The stage assumes it. Using AI is the job.	They may use it, but it isn't the point. Expect to be pushed on it.	They can't, and that's deliberate. The answer has to come from them, live.
Engineering	The coding test. Use the agent, that's the job now.	The walkthrough. Refer back to it, but you're the one explaining it.	The trade-offs. Why this approach, what you'd change.
GTM / Sales	Case and deck prep. Research the account, build the brief with AI.	The case presentation. Lean on what you built.	The live demo. Budget drops, buyer changes.
Your role:			

Notice that exactly one stage per loop is human-required, and in both cases it's the stage where the answer has to come from the person, live. Most AI hiring policies fail because they exclude everything by default.

SMALL GROUP WORK: FAIR USE IN THE INTERVIEW

Roughly ten people, about forty minutes. The goal is to find where you already agree and where you don't. You are not trying to leave with a finished policy.

1. **DEFINE:** Where has your team drawn the line so far, and for which roles? What's working, and what's harder than it should be?

Examples: Which stage would you make human-required first, and why that one? Who currently decides, TA or the hiring manager?

NOTES:

2. **DETECT:** What part do your recruiters and hiring managers play today in telling real capability from a good-looking AI output?

Examples: Interviewer training, probing follow-ups, live defence stages, what you'd have to teach them to make this real.

NOTES:

3. **DEFEND:** What are you doing now to keep hiring fair and defensible, and what will you add next year?

Examples: Written fair-use policy, candidate-facing disclosure, documented evidence for a rejection, consistency across recruiters and markets.

NOTES:

IF YOU HAVE TIME

Go back to the three quickfire calls on page one and compare them around the table.

Where does your group agree, and where does it split? The scenarios you all call the same way are the ones you could write a rule for tomorrow. The ones that split you are the ones where your policy doesn't exist yet, and that is worth knowing before you go home.

STARTING MONDAY

Five questions to keep asking, role by role.

1. What task is easy with AI but still separates strong candidates from weak ones?
2. Where should AI be allowed in this interview, and where shouldn't it?
3. What are we actually trying to measure, and can AI fake it?
4. If we removed AI tomorrow, could they still do the work?
5. Could they defend their answer under one honest follow-up?

TAKE-HOME: THE FOURTH D

Discernment. *You can't do this one at the table. It needs a week and a real hiring manager.*

1. Using the context and the DDD model, work through their role together to decide where AI is permitted, excluded and human is required.
2. What can AI do at this stage that a person can't?.
3. What can't AI do - and what breaks if we allow it?
4. If a candidate used it here and told you, would your answer change?

*What you find is your real baseline. Not what your policy says, and not what your ATS records.
What the humans in the room can actually see.*

NOTES:

1. STAGE-LABEL WORKSHEET • FOR DEFINE

Pick one role. Write out every stage of the loop, tick a label for each, and say what a candidate has to tell you. If you can't tick a box, you haven't defined it yet.

ROLE:	AI-EXPECTED	AI-PERMITTED	HUMAN-REQUIRED	WHAT MUST BE DISCLOSED
e.g. take-home build	✓			Tell us which tool and what you used it for.

The test: exactly one stage should usually be human-required, and it should be the one where the answer has to come from the person, live. If you've excluded everything, you've written a rule nobody can enforce.

2. SCENARIO CARDS • FOR DETECT

Cut these out and run them with your hiring managers, the way we ran them here. Ask for a call before anyone explains themselves. The disagreement is the point, and what they disagree about tells you which D you're missing.

01

A candidate drafts their answer with AI. They understand it completely and can defend every line of it. They didn't mention it, and you never said whether AI was allowed.

No rule existed. Is silence still a failure?

FAIR USE / NOT FAIR USE

tests: DEFINE

02

A candidate tells you upfront they're using AI. It was permitted. The output is excellent. You ask them to change one thing, and they can't explain why it works.

They followed every rule. Would you hire them?

FAIR USE / NOT FAIR USE

tests: DETECT

03

You said AI wasn't allowed at this stage. They used it anyway. The answer was good, they understood every line of it, and when you probed they told you straight away.

They broke the rule. But did they misrepresent anything?

FAIR USE / NOT FAIR USE

tests: DEFEND

YOUR OWN

Write the scenario your hiring managers actually argue about.

FAIR USE / NOT FAIR USE

tests:

3. POLICY TEMPLATE • FOR DEFEND

One role, one page. If you can't fill this in, you can't reject anyone for how they used AI.

FOR THIS ROLE, AI IS EXPECTED AT:
Name the stage. Say why using AI there is the job.

AI IS PERMITTED AT:
Name the stage. Say what you'll push on.

HUMAN-REQUIRED AT:
Name the one stage, and what it protects.

CANDIDATES MUST DISCLOSE:
What, to whom, and when. Written in words a candidate will read.

IF THIS IS CHALLENGED, OUR EVIDENCE IS:
What you'd send if a rejected candidate asked which rule and how you knew.

4. TOOL MENU

What you can actually reach for, once a stage has a label.

AI-EXPECTED	Agentic coding sandbox • take-home with AI permitted • prep time with AI • account research brief • candidate states which tool and how they used it
AI-PERMITTED	Walkthrough of their own output • the change-one-thing probe • explain the trade-offs • one honest follow-up • ask what they rejected and why
HUMAN-REQUIRED	Live demo with a mid-flight change • verbal trade-off discussion • unscripted objection handling • in-person or proctored stage • identity verification

None of these detect AI. They make judgment visible, which is the only thing you were ever assessing.



Download the slides, the fair-use policy template, the stage-label worksheet and the scenario cards.
talentwithalex.com/tc26