

Detail successful candidate's superior qualifications

When hiring or promoting from within, make sure you document why the chosen candidate is better qualified than others.

Recent case: Cheryl, a white Orthodox Jew, applied for a promotion at her school. She has a master's degree in educational technology. However, the school hired a black candidate instead. Cheryl sued, alleging race and religious discrimination. She claimed she overheard black employees saying the school wanted more people of color.

But the school said it hired the black applicant because she had two master's degrees, more years of experience and special certifications related to the job. That was enough for the court to dismiss Cheryl's case. It said employers must be free to choose the applicant with superior qualifications. (*Simani v. Beechnut Academy*, SD TX, 2018)