

University Professor's Reverse Discrimination Claim Fails

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A university visiting professor who was denied a tenure-track position could not proceed to trial on his reverse discrimination claim because he failed to address the university's argument that the individual selected for the job was more qualified, the 7th U.S. Circuit Court of Appeals ruled.

Gregory Rahn was a visiting professor at Northern Illinois University, where he applied to be considered for a tenure-track position. At the time of his application, Rahn's wife was a tenure-track faculty member and a member of the faculty search committee. She voted to include Rahn among the pool of qualified applicants for the position. Following this vote, Rahn's wife was removed from the committee, consistent with a university policy prohibiting faculty employees from participating in personnel decisions for members of their own family. Thereafter, the committee developed a metric system to rank remaining candidates according to their qualifications. Based on his ranking, Rahn was eliminated from consideration, at which time his wife was reinstated as a member of the committee. Although the selected candidate had ranked higher than Rahn, Rahn insisted that reverse race discrimination was the reason he was overlooked for the position.

In his lawsuit, Rahn claimed that he was discriminated against because he is white and that the metric system was designed specifically to eliminate him from consideration. Rahn's wife and teaching assistant (also a committee member) testified that the dean of the college vowed not to hire a white man if a qualified minority candidate was available. Additional witnesses contested this

testimony, and the university presented facts in defense showing that the metric was designed only to eliminate lesser qualified candidates from consideration. In addition, the dean, who was the final hiring authority, had no role in creating the metric. The university showed that the committee used the metric system only to narrow the pool of candidates and then submitted final considerations to the dean who ultimately selected a candidate more qualified than Rahn.

The district court determined that Rahn failed to provide sufficient evidence to contest the university's argument that it had a legitimate reason to hire the selected candidate over Rahn. The 7th Circuit affirmed this decision, finding that Rahn again failed to address the university's argument that the final candidate was simply more qualified than him.

Rahn v. Board of Trustees Of Northern Illinois University, 7th Cir., No. 14-2402 (Sept, 23, 2015)

Professional Pointer: Best practices suggest that an employer should abide by the following: 1) when using a search committee, bifurcate the responsibilities to ensure an unbiased process; 2) perform "conflict checks" before the hiring process begins to ensure an impartial committee; and 3) use objective, qualification-based criteria to develop a pool of candidates.

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