



Social Media: Disparate Treatment

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Disparate treatment involves intentionally different, and often adverse, treatment of individuals based upon their membership in a protected class. An example of disparate treatment may be the evaluation of applicants in a particular protected class through social media and others through another process. This may happen when a city lacks a recruitment plan and neglects other forms of job advertising. Employers should not use the information found on social media sites in an inconsistent way, or in a different way, for applicants applying for the same job. In other words, if you are going to use social media to make judgments about one candidate class, you should look at the same information for all applicants and document this process.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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