





# DALLAN FLAKE

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ASSOCIATE PROFESSOR OF LAW

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## TEACHING

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### ASSOCIATE PROFESSOR OF LAW

Ohio Northern University Pettit College of Law | Ada, OH | 2018 - present

### ASSISTANT PROFESSOR OF LAW

Ohio Northern University Pettit College of Law | Ada, OH | 2016 - 2018

- Courses: Advanced Legal Analysis, Civil Procedure I, Civil Procedure II, Conflict of Laws, Employment Discrimination, Evidence, Labor and Employment Practicum, Sports Law Seminar

### VISITING ASSISTANT PROFESSOR

Brigham Young University Department of Sociology | Provo, UT | 2013 - 2016

- Courses: Introduction to Sociology, Law and Society, Sociology of Marriage and Family

### GRADUATE STUDENT INSTRUCTOR

University of Michigan Department of Sociology | Ann Arbor, MI | 2004 - 2006

- Courses: Criminology, Multicultural America, Sociology of Health and Medicine, Sociology of Marriage and Family

## SCHOLARSHIP

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### LEGAL PUBLICATIONS

- [\*Restoring Reasonableness to Workplace Religious Accommodations\*](#), 94 WASHINGTON LAW REVIEW \_\_ (forthcoming 2020).

- [\*Using Religion to Protect Transgender Employees from Discrimination\*](#), 2020 ILLINOIS LAW REVIEW \_\_ (forthcoming 2020).
- [\*Interactive Religious Accommodations\*](#), 71 ALABAMA LAW REVIEW 67-114 (2019).
- [\*Do Ban-the-Box Laws Really Work?\*](#), 104 IOWA LAW REVIEW 1079-1127 (2019).
- [\*When Should Employers Be Liable for Factoring Biased Customer Feedback into Employment Decisions?\*](#), 102 MINNESOTA LAW REVIEW 2169-2228 (2018).
- [\*Employer Liability for Non-Employee Discrimination\*](#), 58 BOSTON COLLEGE LAW REVIEW 1169-1224 (2017). (Reviewed by Michael Z. Green on [JOTWELL](#).)
- [\*Religious Discrimination Based on Employer Misperception\*](#), 2016 WISCONSIN LAW REVIEW 87-132 (2016).
- [\*Image is Everything: Corporate Branding and Religious Accommodation in the Workplace\*](#), 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 699-754 (2015).
- [\*When Any Sentence is a Life Sentence: Employment Discrimination Against Ex-Offenders\*](#), 93 WASHINGTON UNIVERSITY LAW REVIEW 45-102 (2015).
- [\*Bearing Burdens: Religious Accommodations that Adversely Affect Coworker Morale\*](#), 76 OHIO STATE LAW JOURNAL 169-216 (2015).

#### OTHER ACADEMIC SCHOLARSHIP

- [\*Has the Promise of the Internet Been Realized? Internet Access and Collective Invention among Independent and Organizational Patent Inventors\*](#), SOCIAL CURRENTS 1-22 (2019) (with Eric Dahlin & Mikaela Dufur).
- [\*Fighting Families: Family Characteristics Associated with Domestic Violence in Five Latin American Countries\*](#), 21 JOURNAL OF FAMILY VIOLENCE 19-29 (2006) (with Renata Forste).
- [\*Individual, Family, and Community Risk Markers for Domestic Violence in Peru\*](#), 11 VIOLENCE AGAINST WOMEN 353-73 (2005).
- [\*The Effects of Status on Women's Autonomy in Bolivia, Peru, and Nicaragua\*](#), 24 POPULATION RESEARCH AND POLICY REVIEW 283-300 (2005) (with Tim B. Heaton & Tina J. Huntsman).

- *Hearing Native Voices: Contraceptive Use in Matemwe Village, East Africa*, 9 AFRICAN JOURNAL OF REPRODUCTIVE HEALTH 32-41 (2005) (with Jeremy Joseph Keele & Renata Forste).
- *Cross-National Variation in Family Influences on Child Health*, 60 SOCIAL SCIENCE AND MEDICINE 97-108 (2005) (with Tim B. Heaton, Renata Forste, & John P. Hoffman).

## WORKS IN PROGRESS

- *Religious Accommodation in the Age of Whole-Self Employment* (This article argues employers should voluntarily provide religious accommodations beyond what the law requires because we now live in the age of whole-self employment, wherein employees are no longer content to check their personal lives at the workplace door, but instead expect to be able to bring their entire selves—including their religious beliefs and practices—with them to work. Accommodation facilitates whole-self employment by allowing religious employees to express a fundamental dimension of themselves in the workplace.)
- *Protecting Athletes from Spectator Harassment* (This article argues that it should be easier for athletes to hold their teams and educational institutions liable for the harassment they endure from fans. It explores what an athlete would have to prove to hold his team or school liable under the Civil Rights Act of 1964, under which employers and educational institutions receiving federal funds can be liable for harassment perpetuated against their employees and students, respectively. Concluding it would be difficult to prevail against an employer, and almost impossible against a school, it suggests modifications to the applicable evidentiary frameworks that would enable athletes to succeed in more cases.)
- *The Evolution of Workplace Religious Discrimination Law* (This project examines the origins of legal protections against religious discrimination in the workplace, traces how these laws have evolved over time, and explores potential future issues in light of the United States' rapidly changing religious landscape.)

## PRESENTATIONS

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Presenter, "Reclaiming Reasonable Workplace Religious Accommodations," J. Reuben Clark Law Society Faculty Workshop, Washington, D.C. (2020).

Presenter, "Reasonable Religious Accommodations," Colloquium on Scholarship in Employment and Labor Law, University of Nevada Las Vegas School of Law (2019).

Presenter, "Reasonable Religious Accommodations," Chicagoland Junior Scholars Work in Progress Conference, Loyola University Chicago School of Law (2019).

Presenter, "Reasonable Religious Accommodations," Central States Law Schools Association Annual Meeting, University of Toledo College of Law (2019).

Presenter, "Interactive Religious Accommodations," Law and Society Association Annual Meeting, Washington, D.C. (2019).

Presenter (invited from a call for papers), "Interactive Religious Accommodations," American Association of Law Schools Annual Meeting, New Orleans, LA (2019).

Presenter, "Religious Conversion and Transgenderism," J. Reuben Clark Law Society Faculty Workshop, New Orleans, LA (2019).

Presenter, "Religion as Key to Protecting Transgender Employees from Discrimination," Chicagoland Junior Scholars Work in Progress Conference, Loyola University Chicago School of Law (2018).

Presenter, "Religion as Key to Protecting Transgender Employees from Discrimination," Colloquium on Scholarship in Employment and Labor Law, University of South Carolina School of Law (2018).

Presenter, "An Empirical Analysis of Banning the Box: Evidence from Chicago and Dallas," Law and Society Association Annual Meeting, Toronto, Ontario, Canada (2018).

Presenter, "Do Ban-the-Box Laws Really Work? An Empirical Analysis," Ohio Legal Scholars Workshop, West Virginia University College of Law (2018).

Presenter, "Do Ban-the-Box Laws Really Work? Preliminary Findings from Dallas and Chicago," Colloquium on Scholarship in Employment and Labor Law, Texas A&M University School of Law (2017).

Presenter, "Do Ban-the-Box Laws Really Work?," Developing Ideas Conference, University of Kentucky College of Law (2017).

Presenter, "A Revised Approach to Employer Liability for Nonemployee Discrimination," Colloquium on Scholarship in Employment and Labor Law, University of Washington School of Law/Seattle University School of Law (2016).

Presenter, "Employer Liability for Nonemployee Discrimination," Law and Society Association Annual Meeting, New Orleans, LA (2016).

Presenter, "After *Abercrombie*: Religious Discrimination Based on Employer Misperception," Colloquium on Scholarship in Employment and Labor Law, Indiana University Maurer School of Law (2015).

Presenter, "When Any Sentence is a Life Sentence: Employment Discrimination Against Ex-Offenders," Law and Society Association Annual Meeting, Seattle, WA (2015).

Presenter, "Marginalizing Moms: Discrimination Against Mothers in the Workplace," Brigham Young University Women's Studies Conference, Provo, UT (2014).

Presenter, "Union Formation in Developing Countries: Trends, Determinants, and Cross-National Variance," American Sociological Association Annual Meeting, Atlanta, GA (2003).

Presenter, "Determinants and Manifestations of Women's Autonomy in Bolivia and Nicaragua," Population Association of America Annual Meeting, Minneapolis, MN (2003).

Presenter, "Explaining Wife Abuse in Peru: An Ecological Approach," Pacific Sociological Association Annual Meeting, Pasadena, CA (2003).

Presenter, "Fighting Families: Personal and Relationship Factors Associated with Domestic Violence in Latin America," Population Association of America Annual Meeting, Atlanta, GA (2002).

Presenter, "Fighting Families: Personal and Relationship Factors Associated with Domestic Violence in Bolivia and Colombia," Pacific Sociological Association Annual Meeting, Vancouver, BC (2002).

## ACADEMIC SERVICE

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### NATIONAL

- Treasurer, Employment Discrimination Section, American Association of Law Schools | 2020
- Executive Committee, Employment Discrimination Section, American Association of Law Schools | 2019 - present
- Communications Committee, J. Reuben Clark Law Society | 2020

### UNIVERSITY

- Advisory Board for the ONU Center for Academic and Faculty Excellence | 2019 - present

- Title IX Investigator | 2019 - present
- Institutional Repository Committee | 2017 - 2019

## LAW COLLEGE

- ABA Self-Study Committee | 2019 - present
- Student Success Working Group | 2019 - present
- Admissions, Readmissions, and Recruitment Committee | 2018 – present
- Faculty Advisor to ONU Law Review | 2018 - present
- Faculty Advisor to Student Chapter of the J. Reuben Clark Law Society | 2017 - present
- Faculty Advisor to the Student Chapter of the Sports and Entertainment Law Association | 2019 - present
- Outcomes and Assessments Committee | 2018 - 2019
- Online Curriculum Working Group | 2018 - 2019
- Dean Search Committee | 2017 - 2019
- Curriculum Committee | 2017 - 2018

## HONORS

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### Fowler V. Harper Scholarship Award | 2019

- Awarded by committee of ONU Law faculty to the faculty member judged to have made the greatest contribution to legal scholarship during the academic year

### President's Award | 2019

- Awarded by ONU Student Bar Association to faculty judged to have gone above and beyond in supporting students

### Most Effective Teacher of the Year | 2018

- Awarded by ONU Student Bar Association

## EDUCATION

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University of Michigan Law School

- J.D. | 2006
- Articles Editor, MICHIGAN JOURNAL OF INTERNATIONAL LAW

Brigham Young University

- M.S., Sociology | 2003
- Master's Thesis: *Individual, Family, and Community Risk Markers for Domestic Violence in Peru* (excerpts published in 11 VIOLENCE AGAINST WOMEN 353-73 (2005)).

Brigham Young University

- B.S., *magna cum laude*, Sociology and Latin American Studies | 2002
- Two-time grant recipient for field research in Bolivia

## PRACTICE EXPERIENCE

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ASSOCIATE ATTORNEY

Labor and Employment Practice Group

Ogletree, Deakins, Nash, Smoak & Stewart, P.C. | Dallas, TX | 2009 – 2013

- Certified in Labor and Employment Law, Texas Board of Legal Specialization
- Twice recognized as a "Rising Star" by TEXAS MONTHLY

ASSOCIATE ATTORNEY

Labor and Employment Practice Group

Winstead PC | Dallas, TX | 2006 - 2009

## TEACHING INTERESTS

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Civil Procedure

Conflict of Laws

Employment Law

Employment Discrimination

Evidence

Labor Law

Sports Law

## RESEARCH INTERESTS

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Title VII of the Civil Rights Act of 1964

Religious Discrimination in the Workplace

Religious Accommodations

Employment of Ex-Offenders

Dynamics of Discrimination in the Modern Workplace

Employment Discrimination by Customers and Other Nonemployees

## AFFILIATIONS

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State Bar of Texas | admitted 2006 (inactive)

Utah State Bar | admitted 2016 (inactive)

Ohio Bar Association

American Bar Association

American Sociological Association

Law and Society Association

J. Reuben Clark Law Society