

DALLAN FLAKE

ASSOCIATE DEAN AND PROFESSOR OF LAW

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ACADEMIC APPOINTMENTS

GONZAGA UNIVERSITY SCHOOL OF LAW

Associate Dean of Faculty Scholarship, 2023 – present
Professor (with tenure), 2025 – present
Clute-Holleran Scholar in Corporate Law, 2025 – present
Director of Academic Success, 2022 – 2024
Associate Professor, 2022 – 2025

Courses: Civil Procedure, Civil Discovery Drafting Practicum, Employment Discrimination, Employment Discrimination Simulation, Employment Law, Federal Jurisdiction, Labor Law, Law and Justice in Latin America (travel course), Sports Law

OHIO NORTHERN UNIVERSITY CLAUDE W. PETTIT COLLEGE OF LAW

Director of Faculty Engagement, 2021 – 2022
Professor (with tenure), 2021 – 2022
Associate Professor, 2018 – 2021
Assistant Professor, 2016 – 2018

Courses: Advanced Legal Analysis, Civil Procedure, Conflict of Laws, Employment Discrimination, Employment Law, Employment Discrimination Simulation, Evidence, Law and Justice in Latin America, Sports Law

BRIGHAM YOUNG UNIVERSITY, DEPARTMENT OF SOCIOLOGY

Visiting Assistant Professor, 2013 – 2016

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

LAW REVIEW ARTICLES

[*Fired for Asking*](#), 52 BYU LAW REVIEW (forthcoming 2027).

[*No Jab, No Job: Assessing the Religious Sincerity of Vaccine-Exemption Seekers*](#), 67 BOSTON COLLEGE LAW REVIEW (forthcoming 2026).

[*Valuing Worker Authenticity*](#), 66 WILLIAM & MARY LAW REVIEW 1089 (2025).

[*When “Close Enough” is Not Enough: Accommodating the Religiously Devout*](#), 49 BYU LAW REVIEW 49 (2023).

[*Lifesaving Discrimination*](#), 72 AMERICAN UNIVERSITY LAW REVIEW 403 (2022).

[*Spectator Harassment*](#), 56 WAKE FOREST LAW REVIEW 441 (2021).

[*Restoring Reasonableness to Workplace Religious Accommodations*](#), 95 WASHINGTON LAW REVIEW 1673 (2020).

[*Using Religion to Protect Transgender Employees from Discrimination*](#), 2020 ILLINOIS LAW REVIEW 851 (2020).

[*Interactive Religious Accommodations*](#), 71 ALABAMA LAW REVIEW 67 (2019).

[*Do Ban-the-Box Laws Really Work?*](#), 104 IOWA LAW REVIEW 1079 (2019). (Reviewed by Alex B. Long on [JOTWELL](#).)

[*When Should Employers Be Liable for Factoring Biased Customer Feedback into Employment Decisions?*](#), 102 MINNESOTA LAW REVIEW 2169 (2018).

[*Employer Liability for Non-Employee Discrimination*](#), 58 BOSTON COLLEGE LAW REVIEW 1169 (2017). (Reviewed by Michael Z. Green on [JOTWELL](#).)

[*Religious Discrimination Based on Employer Misperception*](#), 2016 WISCONSIN LAW REVIEW 87 (2016).

[*When Any Sentence is a Life Sentence: Employment Discrimination Against Ex-Offenders*](#), 93 WASHINGTON UNIVERSITY LAW REVIEW 45 (2015).

[*Bearing Burdens: Religious Accommodations that Adversely Affect Coworker Morale*](#), 76 OHIO STATE LAW JOURNAL 169 (2015).

[*Image is Everything: Corporate Branding and Religious Accommodation in the Workplace*](#), 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 699 (2015).

INVITED SYMPOSIUM ARTICLES

[*Undue Hardship After Groff*](#), 28 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 1 (2025). (Reviewed by Henry L. Chambers, Jr. on [JOTWELL](#)).

[*The Curious Case of Religious Accommodation*](#), 69 ST. LOUIS UNIVERSITY LAW JOURNAL 331 (2025).

CASE BOOK

EMPLOYMENT LAW (5th ed.) (with Richard Carlson, Richard A. Bales, & Michael Duff) (2023).

OTHER ACADEMIC PUBLICATIONS

[*Has the Promise of the Internet Been Realized? Internet Access and Collective Invention among Independent and Organizational Patent Inventors*](#), SOCIAL CURRENTS 553 (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 (2006) (with Renata Forste).

Individual, Family, and Community Risk Markers for Domestic Violence in Peru, 11 VIOLENCE AGAINST WOMEN 353 (2005).

The Effects of Status on Women's Autonomy in Bolivia, Peru, and Nicaragua, 24 POPULATION RESEARCH AND POLICY REVIEW 283 (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 (2005) (with Jeremy Joseph Keele & Renata Forste).

Cross-National Variation in Family Influences on Child Health, 60 SOCIAL SCIENCE AND MEDICINE 97 (2005) (with Tim B. Heaton, Renata Forste, & John P. Hoffman).

WORKS IN PROGRESS

Mixed-Motive Beliefs and the Limits of Religious Accommodation

Title VII requires employers to reasonably accommodate employees whose religious beliefs conflict with workplace duties unless doing so would cause undue hardship. Determining whether a belief is “religious”—rather than a secular philosophy or personal preference—is notoriously difficult. Beliefs grounded in both religious and secular motivations, what this Article terms “mixed-motive beliefs,” pose a particular challenge. During the COVID-19 pandemic, for example, some employees objected to vaccine mandates by asserting both a religious conviction that introducing harmful substances into the body is sinful and a secular belief that the vaccine was harmful because of its potential side effects. The federal circuits are divided over how to evaluate such claims. Courts wary of judicial overreach tend to treat these beliefs as religious because they are at least partly rooted in a religious principle. Courts concerned about employees cloaking secular objections in religious language tend to deem them nonreligious, reasoning that the objection would not exist but for the employee’s secular judgment about vaccine safety.

Because the protection of mixed-motive beliefs should not depend on jurisdictional happenstance, this Article proposes a framework that balances deference to religious claimants with safeguards against secular objections masquerading as religious. Under this approach, a mixed-motive belief should be considered religious if any component of it is traceable to a specific religious tenet. Conversely, a belief should be deemed nonreligious when its only religious dimension is that it was reached through prayer, inspiration, or discernment rather than through a religious doctrine itself. This framework ensures that employees with genuine mixed-motive beliefs receive the protection Title VII promises while preventing employees from converting secular objections into religious ones merely by invoking divine confirmation.

PRESENTATIONS

No Jab, No Job: Assessing the Religious Sincerity of COVID-19 Vaccine Exemption Seekers, Seton Hall University School of Law (2025).

Discerning the True Believers, Colloquium on Scholarship in Employment and Labor Law, University of San Diego School of Law (2024).

Establishing Undue Hardship through a Religious Accommodation's Impact on Corker Morale, Law and Society Association Annual Meeting, Denver, CO (2024).

Protecting College Athletes from Spectator Abuse, Kormendy Lecture, Ohio Northern University Pettit College of Law (2024) (invited speaker).

The Curious Case of Religious Accommodation, William C. Wefel Center for Employment Law and Law Journal Symposium, Saint Louis University School of Law (2024) (invited speaker).

After *Groff*: Establishing Undue Hardship Based on an Accommodation's Impact on Coworker Morale, All About Accommodations Symposium, Chicago-Kent College of Law (2024) (invited speaker).

Preparing Students for the NextGen Bar through a Unitary 1L Story Problem, Legal Writing Institute One-Day Workshop, University of Florida Levin School of Law (2023) (with Sandra Simpson).

When "Close Enough" is Not Enough: Accommodating the Religiously Devout, Colloquium on Scholarship in Employment and Labor Law, University of Minnesota Law School (2023).

Full Accommodation, Law and Society Association Annual Meeting, San Juan, Puerto Rico (2023).

Voluntary Accommodation, Colloquium on Scholarship in Employment and Labor Law, Vanderbilt University Law School (2022).

Voluntary Accommodation, Law and Society Association Annual Meeting, Lisbon, Portugal (2022).

Promoting Democratic Workplaces Through the Interactive Process, American Association of Law Schools Annual Meeting, Virtual Meeting (2022) (invited speaker).

Lifesaving Discrimination, Central States Law Schools Association Annual Meeting, Washburn University School of Law (2021).

Lifesaving Discrimination, Colloquium on Scholarship in Employment and Labor Law, Vanderbilt University Law School (2021).

The Vanishing Right to Workplace Religious Accommodation, J. Reuben Clark Law Society Religious Liberty Fellowship, Washington, D.C. (2021).

Protecting Professional Athletes from Spectator Harassment, Colloquium on Scholarship in Employment and Labor Law, University of Louisville School of Law (2020).

Protecting Professional Athletes from Spectator Harassment, Chicagoland Junior Scholars Work in Progress Conference, Loyola University Chicago School of Law (2020).

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

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

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

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

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

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

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

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

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).

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

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

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).

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

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).

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

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

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

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

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

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

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

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

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

MEDIA MENTIONS

[*Former Spokane Zephyr Players Say Club 'Cut Corners,' Undercounted Hours*](#), RANGE MEDIA (Aug. 3, 2026).

[*Healthcare Workers Face Skeptical Courts in COVID-19 Fights*](#), LAW360 (Oct. 27, 2025).

[*DOJ Religious Telework Memo Reflects Post-Pandemic Norms*](#), LAW360 (Sept. 24, 2025).

[*Vax Battle Offers Justices Vehicle to Widen Religious Rights*](#), LAW360 (Sept. 11, 2025).

[*Unchecked Proselytizing Can Trigger Workplace Harassment Claims*](#), BLOOMBERG LAW (Aug. 11, 2025).

[*Trump Religion Memo Moves Toward Office Proselytizing Everywhere*](#), BLOOMBERG LAW (Jul. 30, 2025).

[*Snohomish Firefighters' Religious Discrimination Lawsuit over Covid Vaccine Mandate Awaits 9th Circuit Decision*](#), KUOW (Seattle NPR affiliate) (May 15, 2025).

[*Does the U.S. Supreme Court Ruling Open a Door to Discrimination?*](#), CROSSCUT (Aug. 23, 2023).

[*Amazon Delivery Firms Say Racial Bias Taints Customer Reviews of Black, Latino Drivers*](#), BLOOMBERG LÍNEA (Mar. 20, 2023).

[*How Starbucks Uses Dubious 'Connection Scores' to Evaluate Its Workforce*](#), NBC NEWS (May 28, 2022).

[*For Vaccine Holdouts, an Uncertain Future Awaits*](#), LIMA NEWS (Oct. 1, 2021).

[*Gorsuch Dissent Leaves Religious Bias Precedent on Thin Ice*](#), LAW360 (Apr. 5, 2021).

[*Workers Susceptible to COVID-19 Face Tough Choice Between Health, Income*](#), LIMA NEWS (May 28, 2020).

[*What Employers Need to Know About Religious Discrimination*](#), DESERET NEWS (Mar. 16, 2015).

PROFESSIONAL SERVICE

NATIONAL

Communications Committee, J. Reuben Clark Law Society, 2020 – 2025
Secretary, Employment Discrimination Section, American Association of Law Schools, 2021 – 2022
Executive Committee, Employment Discrimination Section, American Association of Law Schools, 2019 – 2022

COMMUNITY

Chair, Attorney Chapter of the J. Reuben Clark Law Society (Spokane), 2025 – present
Member, Spokane County Bar Association Judicial Candidate Evaluation Panel, 2025 – 2026

GONZAGA UNIVERSITY

Member, Gonzaga Research Initiatives Team, 2024 – 2025
Member, Faculty Compensation Models Working Group, 2023 – 2024

GONZAGA LAW SCHOOL

Associate Dean of Faculty Scholarship, 2023 – present
Chair, Faculty Recruitment, 2023 – present
Faculty Advisor, Student Chapter of the J. Reuben Clark Law Society, 2022 – present
Coach, Sports Law Moot Court Team, 2025
Member, Curriculum Innovation Coordinating Committee, 2023 – 2024
Member, Gonzaga Law School Organizational Development Project Team, 2022 – 2023
Co-lead, Ways of Working Task Team, 2022 – 2023
Member, Diversity, Equity, and Inclusion Committee, 2022 – 2023

OHIO NORTHERN UNIVERSITY

Advisory Board Member, ONU Center for Academic and Faculty Excellence, 2019 – 2022
Title IX Investigator, 2019 – 2022
Member, Institutional Repository Committee, 2017 – 2022

OHIO NORTHERN UNIVERSITY COLLEGE OF LAW

Chair, Remote Exam Success Task Force, 2020
Chair, Personnel Committee, 2020 – 2021
Member, Library Committee, 2020 – 2022
Member, Personnel Committee, 2022
Member, ABA Self-Study Committee, 2019 – 2021
Member, Admissions, Readmissions, and Recruitment Committee, 2018 – 2022
Member, Student Success Working Group, 2019 – 2020
Member, Outcomes and Assessments Committee, 2018 – 2019
Member, Online Curriculum Working Group, 2018 – 2019
Member, Dean Search Committee, 2017 – 2019
Member, Curriculum Committee, 2017 – 2018
Faculty Advisor, ONU Law Review, 2018 – 2022

Faculty Advisor, Student Chapter of the J. Reuben Clark Law Society, 2017 – 2022
Faculty Advisor, Student Chapter of the Sports and Entertainment Law Association, 2019 – 2022

HONORS AND GRANTS

1L Professor of the Year, 2025

Awarded by the Gonzaga Law Student Bar Association, as voted on by students

ONU Study Abroad Development Grant, 2021

\$2,000 grant to develop a study abroad program for ONU Law students in Belize, Guatemala, and Mexico

ONU Law Excellence in Teaching Award, 2020

Awarded by the dean to the faculty member judged to have demonstrated the strongest teaching skills during the academic year

Fowler V. Harper Scholarship Award, 2019

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

Most Effective Teacher of the Year, 2018

Awarded by the ONU Student Bar Association

EDUCATION

University of Michigan Law School | J.D., 2006

MICHIGAN JOURNAL OF INTERNATIONAL LAW, Associate Editor
Graduate Student Instructor, Department of Sociology

Brigham Young University | M.S., Sociology, 2003

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./B.A., Sociology and Latin American Studies, 2002

Graduated *magna cum laude*
Two-time grant recipient for field research in Bolivia

PRACTICE EXPERIENCE

ASSOCIATE ATTORNEY

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

Labor and Employment Practice Group
Certified in Labor and Employment Law, Texas Board of Legal Specialization
Twice recognized as a “Rising Star” by TEXAS MONTHLY

ASSOCIATE ATTORNEY

Winstead PC | Dallas, TX, 2006 – 2009

Labor and Employment Practice Group

At both firms, I defended employers in lawsuits and arbitrations involving claims of discrimination based on race, color, religion, national origin, sex, disability, and age; retaliation; workers’ compensation retaliation; and common-law claims for wrongful discharge, defamation, intentional infliction of emotional distress, assault, and negligent hiring, retention, and supervision. Additionally, I represented both employers and employees in disputes arising from covenants not to compete, nonsolicitation agreements, and covenants prohibiting the disclosure of trade secrets and confidential information.

TEACHING INTERESTS

Primary: Civil Procedure, Civil Discovery Drafting Practicum, Employment Discrimination Law, Employment Discrimination Simulation, Employment Law, Labor Law, Law and Justice in Latin America, Sports Law

Additional: Law and Society, Law and Social Science

RESEARCH INTERESTS

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, employment discrimination in professional athletics

AFFILIATIONS

Washington State Bar Association (active)
State Bar of Texas (inactive)
Utah State Bar (inactive)
Spokane County Bar Association
Society of American Law Teachers
American Bar Association
American Sociological Association
Law and Society Association
J. Reuben Clark Law Society

(updated 8/19/26)