

# JEANNETTE COX

University of Dayton School of Law  
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## ACADEMIC APPOINTMENTS

University of Dayton School of Law  
Professor of Law, 2012-present  
Director of Faculty Research and Development, 2015-present  
Associate Professor of Law, 2009-2012  
Assistant Professor of Law, 2006-2009  
  
Notre Dame Law School  
Visiting Assistant Professor of Law, 2008

## COURSES TAUGHT

Disability Rights Law  
Legislation  
Civil Procedure Doctrine & Skills I  
Civil Procedure Doctrine & Skills II  
Advanced Civil Procedure  
Employment Discrimination

## FEDERAL APPELLATE CLERKSHIP

United States Court of Appeals for the Ninth Circuit  
Clerk to The Honorable Diarmuid F. O'Scannlain, United States Circuit Court Judge

## EDUCATION

Notre Dame Law School, J.D., *summa cum laude*  
Dean Joseph O'Meara Award for Outstanding Academic Achievement  
Notre Dame Fellow  
Article Editor, *Notre Dame Law Review*  
  
Hanover College, B.A., English, *summa cum laude*  
Henry C. Long Citation for Scholarship and General Excellence  
John Livingston Lowes Award  
John E. Horner Scholar  
Co-Editor in Chief, *The Triangle* Student Newspaper

## PUBLICATIONS

Law Review Articles  
*Work Hours and Disability Justice* (in progress).

*Removing the Unqualified Presumption in Disability Law* (in progress).

*Disability Law and Gender Identity Discrimination*, 81 PITTSBURGH L. REV. 315 (2019).

*Reasonable Accommodations and the ADA Amendments' Overlooked Potential*, 24 GEORGE MASON L. REV. 147 (2016).

*A Chill Around the Water Cooler: Economic Power and Employee Speech*, INSIGHTS ON LAW AND SOCIETY (2015).

*Pregnancy as "Disability" and the Amended Americans with Disabilities Act*, 53 BOSTON COLLEGE LAW REVIEW 443 (2012).

*Disability Stigma and Intraclass Discrimination*, 62 FLORIDA LAW REVIEW 429 (2010).

*Crossroads and Signposts: The ADA Amendments Act of 2008*, 85 INDIANA LAW JOURNAL 187 (2010).

*"Corrective Surgery" and the Americans with Disabilities Act*, 46 SAN DIEGO LAW REVIEW 113 (2009).

*Removed Cases and Uninvoked Jurisdictional Grounds*, 86 NORTH CAROLINA LAW REVIEW 937 (2008).

*Note, Information Famine, Due Process, and the Revised Class Action Rule: When Should Courts Provide a Second Opportunity to Opt Out?*, 80 NOTRE DAME LAW REVIEW 377 (2004).

#### Book Chapters

*Legal Issues for Treatment Providers and Evaluators*, in PSYCHIATRY OF INTELLECTUAL DISABILITY: A PRACTICAL MANUAL (Julie P. Gentile and Paulette M. Gillig, eds., John Wiley & Sons, 2012).

*Pregnancy as "Disability" and the Amended Americans with Disabilities Act*, WOMEN AND THE LAW (Tracy A. Thomas, ed. 2012), *reprinted from* 53 BOSTON COLLEGE LAW REVIEW 443 (2012).

#### Popular Works

*Pregnant Women Shouldn't Have to Choose Between a Job and a Healthy Baby*, The Conversation (March 11, 2019).

*Reprinted in* San Francisco Chronicle, The Houston Chronicle, San Antonio Express-News, Connecticut Post, Seattle Post-Intelligencer, Idaho Press Tribune, Good Men Project, Truthout.org, Ponderall.com and other outlets.

*Must small state agencies and political subdivisions comply with the Age Discrimination in Employment Act of 1967?*, 45 PREVIEW OF UNITED STATES SUPREME COURT CASES 1 (2018).

*Are Car Dealership Service Advisors Entitled to Overtime Pay?*, 43 PREVIEW OF UNITED STATES SUPREME COURT CASES (ABA) 7 (2016) (2016).

*May a Court Order the EEOC to Pay Attorney Fees for Failure to Fulfill its Pre-suit Obligations?*, 43 PREVIEW OF UNITED STATES SUPREME COURT CASES (ABA) 5 (2016).

*To What Extent Does Title VII Subject the EEOC's Conciliation Efforts to Judicial Review?*, 42 PREVIEW OF UNITED STATES SUPREME COURT CASES (ABA) 4 (2015).

*Book Review: Cracking the Case Method: Legal Analysis for Law School Success*, MAPLA BRIEFS (2013).

*What Does it Mean to “Change Clothes”?*, 41 PREVIEW OF UNITED STATES SUPREME COURT CASES 2 (2013).

*Did Congress Intend the Age Discrimination in Employment Act to Foreclose §1983 Claims Alleging Unconstitutional Age Discrimination?*, 41 PREVIEW OF UNITED STATES SUPREME COURT CASES (ABA) 1 (2013).

*Disability Law Should Cover Pregnant Workers*, CNN.com, January 10, 2012.

*May Federal District Courts Hear Terminated Federal Employees’ Equitable Constitutional Claims?*, 41 PREVIEW OF UNITED STATES SUPREME COURT CASES 5 (2012).

*When Are Employers Liable for Termination Decisions Made by Unbiased Managers But Prompted by Biased Managers?*, 38 PREVIEW OF UNITED STATES SUPREME COURT CASES 2 (2010).

*When an Employment Examination Has an Unlawful Disparate Impact, May Plaintiffs Wait Until Hiring Occurs to File Charges?*, 37 PREVIEW OF UNITED STATES SUPREME COURT CASES 5 (2010).

*When Must an Employer Prove that Age Was Not the Deciding Factor in an Employment Decision?*, 36 PREVIEW OF UNITED STATES SUPREME COURT CASES 6 (2009).

*Ordinances Targeting Pit Bull Dogs Must Be Drafted Carefully*, No. 106, LOCAL GOVERNMENT LAW, UNIVERSITY OF NORTH CAROLINA SCHOOL OF GOVERNMENT (2004).

## **PRESENTATIONS**

*Work Hours and Disability Justice*, Panel on Future of Accommodations, Section on Disability Law, AALS Annual Meeting, January 2022 (forthcoming).

*Work Hours and Disability Justice*, 16th Annual Colloquium on Scholarship in Employment and Labor Law, Vanderbilt Law School, October 15, 2021.

Guest Speaker on the Professoriate, Doctorate of Education Course, March 4, 2021.

Moderator, *An Appeal to Meaning: The Sixth Circuit and Statutory Interpretation*, February 15, 2021.

*Disability Law and Gender Identity Discrimination*, Law and Society Annual Meeting, scheduled for Denver, Colorado – held online due to Covid 19, May 30, 2020.

*Disability Law and Gender Identity Discrimination*, University of Dayton School of Law Faculty Colloquium Series, January 23, 2020.

*Disability Discrimination*, Dayton Bar Association Diversity Day, Sinclair Community College, April 5, 2019.

Guest Speaker on the Professoriate, Doctorate of Education Course, February 28, 2019.

*Disability Rights Law Dilemmas in the United States and Canada: Reasonable Accommodations after the ADA Amendments Act*, Law and Society Annual Meeting, New Orleans, Louisiana, forthcoming June 3, 2016.

*Reasonable Accommodations after the ADA Amendments Act*, University of Dayton Faculty Colloquium Series, Dayton Ohio, January 13, 2016.

*Reasonable Accommodations after the ADA Amendments Act*, University of Cincinnati College of Law Faculty Colloquium Series, Cincinnati, Ohio, December 2, 2015.

*Reasonable Accommodations after the ADA Amendments Act*, Tenth Annual Colloquium on Scholarship in Labor and Employment Law, Indiana University Maurer School of Law, Bloomington, Indiana, September 11, 2015.

*Reasonable Accommodations after the ADA Amendments Act*, 28th Annual Meeting of the Society for Disability Studies, Atlanta, Georgia, June 11, 2015.

*Reasonable Accommodations after the ADA Amendments Act*, Ohio Legal Scholars' Workshop, The Ohio State University Moritz College of Law, Columbus, Ohio, February 2, 2013.

*Pregnancy, Disability, and the ADA*, Webcast, Southeast ADA Center (formerly the Southeast Disability and Business Technical Assistance Center), Atlanta, Georgia, July 18, 2012.

*Obesity Stigma and Disability Law*, Tenth Annual Conference on Health, Disability and the Law, Indiana University Robert H. McKinney School of Law, Indianapolis, Indiana, May 21, 2012.

*History, Pregnancy, and Disability*, University of Dayton Women and Gender Studies Program, Dayton, Ohio, March 15, 2012.

*Pregnancy as "Disability" and the Amended ADA*, Florida State College of Law Faculty Workshop, Tallahassee, Florida, February 20, 2012.

*Pregnancy as "Disability" and the Amended ADA*, University of Dayton School of Law Diversity Week, Dayton, Ohio, February 17, 2012.

*Pregnancy as "Disability" and the Amended ADA*, New Voices in Gender Studies, American Association of Law Schools Annual Meeting, Washington, D.C., January 5, 2012.

*Pregnancy as "Disability" and the Amended ADA*, University of Dayton School of Law Alumni Continuing Legal Education Program, Dayton, Ohio, November 11, 2011.

*Pregnancy as "Disability" and the Amended Americans with Disabilities Act*, Sixth Annual Employment and Labor Law Scholars' Forum, Seton Hall Law School, Newark, New Jersey, October 28-29, 2011.

*Pregnancy as "Disability" and the Newly Amended ADA*, Sixth Annual Colloquium on Current Scholarship in Labor and Employment Law, UCLA, Southwestern, and Loyola Law Schools, Los Angeles, California, September 16-17, 2011.

*Pregnancy as "Disability" and the Amended ADA*, Faculty Colloquium Series, University of Dayton School of Law, Dayton, Ohio, September 7, 2011.

*Pregnancy Accommodations and the Amended Americans with Disabilities Act*, Ohio Legal Scholars' Workshop, Cleveland-Marshall College of Law, Cleveland, Ohio, June 23, 2011.

*The Next Step for the ADA: Realigning "Impairment" with the Social Model*, "Beyond Access: From Disability Rights to Disability Justice," Society for Disability Studies Conference, San Jose, California, June 17, 2011.

*Pregnancy and the Social Model of Disability*, Ohio Legal Scholars' Workshop, Capital University Law School, Columbus, Ohio, February 5, 2011.

*Disentangling Age and Disability Discrimination*, Ohio Legal Scholars' Workshop, University of Toledo College of Law, Toledo, Ohio, June 25, 2010.

*Disability Stigma and Intraclass Discrimination*, "Reimagining Disability Rights Law for a Global World: Disability in the Geo-Political Imagination," Society for Disability Studies Annual Conference, Institute on Disabilities, Temple University, Philadelphia, Pennsylvania, June 5, 2010.

*The Americans with Disabilities Act: New Amendments and New Challenges*, Human Rights Speakers Series, University of Ottawa Faculty of Law and Human Rights Research Center, Ottawa, Ontario, March 25, 2010.

*Intraclass Discrimination and the Americans with Disabilities Act*, Fourth Annual Colloquium on Current Scholarship in Labor and Employment Law, Seton Hall Law School, Newark, New Jersey, September 26, 2009.

*Intraclass Discrimination*, Ohio Legal Scholars' Workshop, Ohio Northern University Claude W. Pettit College of Law, Ada, Ohio, June 26, 2009.

*Crossroads and Signposts: The ADA Amendments Act of 2008*, Law and Society Annual Meeting, Denver, Colorado, May 31, 2009.

*Crossroads and Signposts: The ADA Amendments Act of 2008*, Conference on Disability Studies and Law, Syracuse University, Syracuse, New York, May 2, 2009.

*Looking Forward: The ADA Amendments Act of 2008*, Faculty Colloquium Series, University of Toledo College of Law, Toledo, Ohio, January 27, 2009.

*The ADA and Title VII: Bridging the Conceptual Divide*, Ohio Legal Scholars' Workshop, The Ohio State University Moritz College of Law, Columbus, Ohio, January 24, 2009.

*Law, Disability, and the Human Person*, Fifth Annual Conference on Christian Legal Thought, San Diego, California, January 10, 2009.

*The ADA Amendments Act: Moving the ADA Away from Title VII?*, Central States Law School Association Conference, Southern Illinois University School of Law, Carbondale, Illinois, October 25, 2008.

*Compulsory Mitigation and the Social Model of Disability*, Ohio Legal Scholars' Workshop, University of Dayton School of Law, Dayton, Ohio, June 20, 2008.

*Retain the Case or Retain the Rule that Parties must Invoke Jurisdiction?* Ohio Legal Scholars' Workshop, Capital University Law School, Columbus, Ohio, June 23, 2007.

*Anxiety Disorders and the Americans With Disabilities Act*, University of North Carolina School of Government Public Employment Law Conference, Chapel Hill, North Carolina, May 23, 2005.

## POPULAR MEDIA FEATURES AND INTERVIEWS

Selected Print and Online Features:

*Want to stage a protest like Google workers? Read this first.* marketplace.com, Nov. 3, 2018.

*How the racism unleashed in the aftermath of Trump's campaign could get you fired*, The Washington Post, Dec 16, 2016.

*When free speech comes at a cost*, The Philadelphia Inquirer, Dec 6, 2016.

*The Bill of Rights: Speech and Guns in the Private Workplace*, TriplePundit, July 21, 2016.

*Montgomery County pays \$750,000 to settle lawsuit*, DAYTON DAILY NEWS, June 16, 2015.

*What if Men Could Get Pregnant?*, YAHOO! NEWS AND ABC NEWS, August 28, 2014.

*Under Pressure, Wal-Mart upgrades its policy for helping pregnant workers*, WASHINGTON POST.COM, April 5, 2014.

*“Is Pregnancy a Disability?”*, FIT PREGNANCY MAGAZINE, 2014.

*How Employers Get Away With Firing Pregnant Women – Legally*, AOL JOBS.COM, April 5, 2012.

*Protecting pregnant women in the workplace: UD law professor documenting incidents of discrimination*, DAYTON DAILY NEWS, SPRINGFIELD NEWS SUN, HAMILTON JOURNAL NEWS, March 17, 2012.

*Pregnant Woman Asked To Resign Instead Of Take Maternity Leave*, THE HUFFINGTON POST, Feb. 7, 2012.

*Should pregnancy be considered a disability?*, CBSNEWS.COM, Feb. 1, 2012.

*Should Pregnancy Be Treated as a Disability?*, THE WALL STREET JOURNAL ONLINE, Jan. 25, 2012.

*Should pregnancy be labeled a disability?*, YAHOO! NEWS, Jan. 12, 2012.

Owen Rust, *Pregnancy Should Not Be Considered a Disability*, YAHOO! NEWS, Jan. 12, 2012.

*Disability Law Should Cover Pregnant Workers*, CNN.COM, January 10, 2012 (invited op ed).

*Should pregnancy be labeled a disability?: An Ohio professor argues that expectant moms need legal protection so the strains of pregnancy don’t cost them their jobs*, THEWEEK.COM, Jan. 9, 2012.

Dave McGinn, *Should pregnancy be considered a disability?*, THE GLOBE AND MAIL ONLINE, Jan. 6, 2012.

*Pregnancy as Disability: Professor Wants Coverage Under American With Disabilities Act*, THE HUFFINGTON POST, Jan. 6, 2012.

#### Radio Interviews:

Friendly Fire on Newstalk 1010 (Canada’s largest news talk station)

“The Takeaway” National Public Radio Morning News Program, (co-produced by *The New York Times*, the British Broadcasting Corporation, Public Radio International, and WNYC)

WVXU-FM, Cincinnati Public Radio

WGN Chicago with Mike McConnell

#### Television Interviews and Features:

“The Doctors” national television program

WCHN-TV Channel 4 News (NBC Affiliate) - Columbus, Ohio

WHIO TV Channel 7 News (CBS Affiliate) - Dayton, Ohio

WDTN-TV Channel 2 (NBC Affiliate) - Dayton, Ohio

## HONORS & RECOGNITION

Faculty Excellence Award, Southwestern Ohio Council for Higher Education, October 30, 2015.

Selected from a national call for papers for participation in New Voices in Gender Studies, American Association of Law Schools Annual Meeting, Washington, D.C., January 5, 2012.

Recognized as one of “two relatively new scholars in disability law” who “will continue to influence our thinking” by Nicole Buonocore Porter in *Martinizing Title I of the Americans with Disabilities Act*, GEORGIA LAW REVIEW (2012).

Recognized as “a prominent disability scholar” in Sheerine Alemzade, *Claiming Disability, Reclaiming Pregnancy: A Critical Analysis of the ADA's Pregnancy Exclusion*, 27 WIS. J. L. GENDER & SOC'Y 1 (2012).

E-Learning Fellow, University of Dayton, 2011-2012

Selected from a national call for papers for participation in Sixth Annual Employment and Labor Law Scholars' Forum, Seton Hall Law School, Newark, New Jersey, October 28-29, 2011.

## SERVICE

### Regional and National Service

Member, Executive Committee, Association of American Law Schools Section on Disability Law, 2007-2008, 2008-2009, 2014-2015, 2017-2018, 2018-present

Vice President of the Board of Directors, Dayton Christian Center, 2020-present

President of the Board of Directors, Hearth Community Place, 2017-2020

Member, Ford Foundation Blue Ribbon Advisory Committee Member, Equal Rights Advocates, 2012-2013.

### Recent School of Law Service

Director of Faculty Research and Development, 2015-present

Chair, Faculty Recruitment and Development Committee, 2020-present

Chair, Promotion, Retention, and Tenure Committee, 2017-2020

Co-Advisor, University of Dayton Law Review, 2007-present

Covid-19 Working Group on Asynchronous Learning, 2020

Chair, Hybrid JD Task Force, 2017-2018

Co-Chair, Graduate Student Showcase Nomination Committee, 2018-2020

Chair, Bar Committee, 2015-2016