

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Robert Collier v. Dallas County Hospital District

No. No. 19-10761, United States Court of Appeals for the Fifth Circuit (September 30, 2020)

SUMMARY

****Title VII Retaliation – Pretext; Hostile Work Environment – Severity/Pervasiveness.**** The Fifth Circuit affirmed summary judgment for the employer, holding that the African American plaintiff failed to show that his termination for insubordination was pretextual or that but-for retaliation caused his firing. The court also held that racial graffiti (including the N-word and swastikas) and being called "boy" were not sufficiently severe or pervasive to establish a hostile work environment under Title VII.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	King; Jones; Costa
JURISDICTION	Federal
DECIDED	September 30, 2020
DOCKET	No. 19-10761
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgment granted by the district court
STANDARD OF REVIEW	De novo review of summary judgment; all reasonable inferences drawn in favor of the nonmoving party.
PRECEDENTIAL VALUE	Unpublished
PARTIES	Robert Collier v. Dallas County Hospital District, doing business as Parkland Health & Hospital System

TOPICS

title vii retaliation hostile work environment summary judgment appellate procedure

PRACTICE AREAS

Employment Law Civil Rights

QUESTIONS PRESENTED

1. Whether the district court erred in granting summary judgment on Collier's retaliation claim (pretext and but-for causation).
2. Whether the district court erred in granting summary judgment on Collier's hostile work environment claim (severity/pervasiveness).

HOLDINGS

1. Parkland offered legitimate, nondiscriminatory reasons for Collier's termination (insubordination), and Collier failed to demonstrate that those reasons were pretextual or that his complaints of racial discrimination were a but-for cause of his termination.
2. The conduct complained of (two instances of racial graffiti, being called 'boy') was not sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment.

KEY QUOTATIONS

"We review a district court's grant or denial of summary judgment de novo, applying the same standard as the district court." (at 4-5)

"To establish a prima facie case of retaliation under Title VII, a plaintiff must indicate that: (1) he participated in an activity protected by Title VII; (2) his employer took an adverse employment action against him; and (3) a causal connection exists between the protected activity and the adverse employment action." (at 5)

"that the adverse action would not have occurred 'but for' the employer's retaliatory motive" (at 5)

"To establish a hostile-work-environment claim under Title VII, a plaintiff must prove that: (1) [he] belongs to a protected group; (2) [he] was subjected to unwelcome harassment; (3) the harassment complained of was based on race; (4) the harassment complained of affected a term, condition, or privilege of employment; [and] (5) the employer knew or should have known of the harassment in question and failed to take prompt remedial action." (at 7)

"the work environment must be 'both objectively and subjectively offensive, one that a reasonable person would find hostile or abusive, and one that the victim in fact did perceive to be so.'" (at 8)

FACTUAL BACKGROUND

Collier, an African American operating-room aide at Parkland Hospital, received warnings for radio misuse and punching a wall. He complained of racial discrimination via hotline, reported graffiti (N-word and swastikas), and was called 'boy' by a nurse. In June 2016, he refused to work in Pod D, argued with his supervisor, cursed, threatened, hit the wall, and was cited for assault. Parkland terminated him for insubordination.

PROCEDURAL HISTORY

Collier filed suit in December 2017 in the Northern District of Texas, alleging racial discrimination, retaliation, and hostile work environment under Title VII. The district court granted summary judgment for Parkland, finding no pretext and insufficient hostile environment. Collier appealed.

DISPOSITION

affirmed

CASES CITED

- McCoy v. City of Shreveport, 492 F.3d 551 (5th Cir. 2007)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Feist v. La. Dep't of Justice, 730 F.3d 450 (5th Cir. 2013)
- Moore v. Eli Lilly & Co., 990 F.2d 812 (5th Cir. 1993)
- Rochon v. Exxon Corp., No. 99-30486, 1999 WL 1234261 (5th Cir. Nov. 22, 1999)
- Thomas v. Johnson, 788 F.3d 177 (5th Cir. 2015)
- Robinson v. Orient Marine Co., 505 F.3d 364 (5th Cir. 2007)
- Tolan v. Cotton, 572 U.S. 650 (2014)
- Hernandez v. Yellow Transp., Inc., 670 F.3d 644 (5th Cir. 2012)
- Ramsey v. Henderson, 286 F.3d 264 (5th Cir. 2002)
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
- Hockman v. Westward Commc'ns, LLC, 407 F.3d 317 (5th Cir. 2004)
- Dailey v. Shintech, Inc., 629 F. App'x 638 (5th Cir. 2015)
- Frazier v. Sabine River Auth., 509 F. App'x 370 (5th Cir. 2013)
- Vaughn v. Pool Offshore Co., 683 F.2d 922 (5th Cir. 1982)
- Watson v. CEVA Logistics U.S., Inc., 619 F.3d 936 (8th Cir. 2010)
- EEOC v. Rock-Tenn Servs. Co., 901 F. Supp. 2d 810 (N.D. Tex. 2012)
- Tademey v. Union Pac. Corp., 614 F.3d 1132 (10th Cir. 2008)
- Ayissi-Etoh v. Fannie Mae, 712 F.3d 572 (D.C. Cir. 2013)
- Rodgers v. W.-S. Life Ins. Co., 12 F.3d 668 (7th Cir. 1993)
- Nat'l R.R. Passenger Corp. v. Morgan, 536 U.S. 101 (2002)