

Ninth Circuit Rules Age Act Does Not Apply to Medical Residency Admissions

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The Ninth Circuit Court of Appeals has ruled that the federal Age Discrimination Act of 1975 (Age Act) does not apply to decisions about whether to admit applicants to medical residency programs. In *Spatz v. Regents of the University of California* (9th Cir. 2025) 151 F.4th 1068, the court held that selection of medical residents by university and other residency programs constitutes an “employment practice” rather than an educational one and therefore falls outside the scope of the Age Act.

The ruling provides important clarification for universities and teaching hospitals that receive federal funding, confirming that the Age Act’s prohibitions on age-based discrimination do not extend to the employment-like aspects of residency programs.

Dr. Jordan Spatz, age 36, graduated from the University of California, San Francisco (UCSF) School of Medicine in 2021. After UCSF did not accept Spatz into its neurological surgery residency program two years in a row, he sued the Regents of the University of California, claiming age discrimination and retaliation under the Age Act.

The Age Act generally prohibits recipients of federal financial assistance from discriminating on the basis of age in “any program or activity.” However, the Age Act explicitly excludes “any employment practice of any employer” from its reach. Thus, the Ninth Circuit analyzed whether the residency program was an “employment practice of any employer.”

The Ninth Circuit examined the specifics of the residency program in analyzing how to characterize the program. Relying on prior Supreme Court and California precedent recognizing treating medical residents as employees for purposes such as taxation, labor rights, and collective bargaining, the Ninth Circuit determined that the residency program constituted an “employment practice of an employer,” which is exempt from the Age Act.

Takeaways

For educational institutions, the case highlights the importance of understanding whether a program is primarily educational or employment-based in determining which anti-discrimination laws apply. *Spatz v. Regents of the University of California* clarifies that the Age Act does not govern employment-related decisions, even when made by institutions of higher

learning that otherwise fall under its umbrella. Other anti-discrimination laws may still apply to these types of programs.

Closing

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