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Student Sues School District after Enduring Years of Harassment

ACLU Suit Says Aberdeen Failed to Take Steps Needed to End Severe Harassment

A student who endured severe and persistent harassment throughout junior high and high school is suing the Aberdeen School District, the ACLU of Washington announced today. The suit says that school district officials were aware of the harassment but failed to take steps reasonably calculated to end it. The ACLU of Washington is representing the student in the suit, which was filed today in U.S. District Court in Tacoma.

The school district's failure to act created a hostile educational environment for the student. His academic progress was hindered, he was isolated at school, he felt discouraged from using his locker, and he avoided extra-curricular activities that put him in contact with his peers. Further, the student suffered extreme emotional distress and psychological damage, including an inability to concentrate on studies, serious depression, despair, and anxiety. He was diagnosed with post-traumatic stress disorder (PTSD).

“Public school officials must be held accountable when they fail to meet their responsibility to act decisively when a student is subjected to harassment by his peers. We hope that in the future other students will not have to endure what this young man faced,” said Sarah Dunne, legal director for the ACLU of Washington.

Russell Dickerson III, now 19, is an African-American resident of Aberdeen. For six years, from 2003 when he entered junior high until 2009 when he graduated high school, Dickerson was harassed by other students on the basis of his race, sex, and perceived sexual orientation.

As a student at Miller Junior High, Dickerson was called names by other students and found notes in his backpack and taped to his back calling him “stupid nigger” and “dog.” He found notes in his locker and in his school binder with viciously derogatory insults. Students tripped him in the hallways and threw food at him in the cafeteria. In one incident, three students pushed him to the floor in the hallway and smashed a raw egg on his head; only one of the students was disciplined.

The student and his parents reported the harassment to school administrators. The district Superintendent was aware of the harassment yet took no steps reasonably aimed at ending it. But an assistant principal recommended that the student consider changing his style of dress to avoid further harassment. Only after his father went to the school board did the district initiate a formal investigation of the ongoing harassment. A school insurance professional hired by the district to investigate concluded that Dickerson had been harassed but recommended no adjustments to the district’s anti-harassment policies or its implementation of them.

At Aberdeen High School, the harassment escalated, with Dickerson subjected to derogatory names including “nigger,” “nappy ho,” and “faggot.” Because he did not fit gender stereotypes for a young man and was perceived by other students to be gay, he endured derisive comments about his physical appearance and suspected sexual orientation. Dickerson suffered physical harassment, with other students pinching and fondling his chest, spitting on his head, and throwing objects at him.

In 2007 students in the district created a website mocking Dickerson and his perceived sexual orientation, and posted threatening racist comments on it. Students discussed the website at school. The district did nothing to prevent or mitigate the continuing harassment on school grounds, even after being put on notice that Grays Harbor Superior Court had issued a no contact order between Dickerson and one of his harassers who had threatened on the website to lynch him. Rather, Dickerson became the target of retaliatory harassment after reporting the website to school authorities.

In his first year in high school, an assistant principal discouraged Dickerson from reporting misconduct by the student’s peers. Nevertheless, the student and his parents repeatedly reported incidents of harassment to district administrators, both verbally and in writing. The district failed to take other steps reasonably designed to end the persistent harassment.

The lawsuit says that the deliberate indifference to ongoing harassment by Aberdeen School District, which receives federal funds, violated federal law –

Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The district's inaction also violated the Washington Law Against Discrimination's protections against discrimination on the basis of race, sex, and perceived sexual orientation.

The lawsuit is seeking monetary damages to cover costs of counseling for Russell and post-secondary or vocational schooling.

Representing Dickerson are ACLU-WA cooperating attorneys Michael Scott, Joseph Sakay, and Alexander Wu of Hillis Clark Martin & Peterson P.S. and ACLU of Washington staff attorneys Sarah Dunne and Rose Spidell.

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