

Madison and United States v. Sullivan County Board of Education Race

The two plaintiffs alleged, among other things, that the Sullivan County Board of Education (SCBE) violated Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the Fourteenth Amendment by failing to appropriately address known student-on-student harassment on the basis of race. Specifically, plaintiffs' amended complaint alleges that both Michael and Marquita Madison, who are black, were subjected to ongoing racial harassment while attending Sullivan East High School (East). This harassment included a constant barrage of racial slurs, some made within earshot of teachers, racially derogatory graffiti on walls and desks, and racially offensive paraphernalia. Though school officials knew or should have known of the harassment, they failed to take appropriate steps to address it. Marquita eventually transferred to another school after her sophomore year. Michael fell victim to a racially-motivated assault outside the school cafeteria his junior year. He did not return to East after the assault and finished high school on homebound studies.

The Section filed its complaint-in-intervention, motion to intervene, and supporting memorandum in November 2000. In our complaint-in-intervention, we sought monetary relief for the plaintiffs and injunctive relief, such as policies and procedures to prevent or address such harassment in the future. The court granted the Section's intervention on November 28, 2000. The parties conducted discovery in 2001 and early 2002. Following discovery, the parties negotiated a consent order and monetary settlement of the Title VI and equal protection claims. Under the consent order, which was approved by the Court on October 16, 2002, the school system agreed to retain an expert to develop a comprehensive plan to prevent, identify, and remedy harassment and discrimination; provide an education and training program for teachers, staff, and students about the school district's policies prohibiting harassment and discrimination; and maintain written records of each harassment allegation received, investigation conducted and corrective action taken by the district to ensure a consistent and effective review of allegations. For more details about the settlement, please see the press release linked here.