

# PUBLICATION

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## Court Finds That "N-Word" Is Not Racially Derogatory

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**In a curious decision, the U.S. District Court for the Western District of Arkansas found that the use of the "n-word" was not racially derogatory. In *Tyrrell v. Oaklawn Jockey Club*, the Court granted summary judgment to the employer and dismissed the employee's claims of a racially hostile work environment. The employee and her co-workers were all African-American. The employee claimed that her co-workers repeatedly said, "I told you nig--as we could get this done. I told you we could do this. Y'all my ni--as." In rejecting the racially hostile work environment claim, the Court held that:**

The offensive language in this case is the n-word. Plaintiff is African American. Her co-workers are African American. That does not by itself preclude a hostile-work-environment claim. But combined with the fact that Plaintiff was only once the target of the language, and in a non-derogatory context, the Court has trouble seeing how an objective person in Plaintiff's position would have found her co-workers' jesting "extreme in nature." By all appearances, the term was not used derogatorily at all. It might have offended Plaintiff, but viewed objectively, the language was at most coarse jesting.

It is unclear at this point whether the Court's decisions will be appealed. However, the case provides a lesson for employers. Many will undoubtedly disagree with the Court's conclusion that the "n-word" can ever be used in a non-derogatory manner. However, this case underscores the broader point that context matters in evaluating hostile work environment claims.