NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KIMBERLY DUNN, Plaintiff - Appellant, v. BATES TECHNICAL COLLEGE; LIN ZHOU, Defendants - Appellees.	No. 23-3467 D.C. No. 3:21-cv-05582-RAJ MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Submitted July 14, 2025**

Before: HAWKINS, S.R. THOMAS, and McKEOWN, Circuit Judges.

Kimberly Dunn appeals pro se from the district court's judgment granting summary judgment for Bates Technical College and Lin Zhou. We have jurisdiction under 28 U.S.C. § 1291. We review a district court's grant of

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

summary judgment de novo. *Grenning v. Miller-Stout*, 739 F.3d 1235, 1238 (9th Cir. 2014). We affirm.[1]

Dunn only challenges the district court's dismissal of 1) her Title VII claims against Dean Zhou, and 2) her hostile work environment claim based upon the continuing violation theory.

I

Title VII precludes personal liability for individual supervisors and managers. *See Miller v. Maxwell's Int'l, Inc.*, 991 F.2d 583, 587-88 (9th Cir. 1993). Therefore, the district court did not err in dismissing the claims against Dean Zhou.

II

Dunn's hostile work environment claim also fails because even under the continuing violation doctrine, harassment due to race is actionable only if there is evidence of harassment that is "sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment." *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993) (quoting *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1986)). To pursue a hostile work environment claim pursuant to Title VII, an "objectionable environment must be both objectively and subjectively offensive, one that a reasonable person would

[1] The State Appellees' motion to strike, Docket Entry No. 30, is denied as moot.

find hostile or abusive, and one that the victim in fact did perceive to be so." *Faragher v. City of Boca Raton*, 524 U.S. 775, 787 (1998) (citing *Harris*, 510 U.S. at 21–22).

Here, even crediting Dunn's description of the nature of her treatment, it is not, without more, sufficiently pervasive or serious to objectively constitute race-based harassment. Dunn has failed to establish a question of fact regarding whether she was subject to a hostile work environment because of her race. The record shows that Dunn did not get along with her co-workers and that there were disagreements regarding her attendance and other matters, but the record does not provide evidence of a hostile and abusive environment due to race.

The only example in the record that may be inferred to be about race was the singular comment about Dunn's hair. Even assuming the comment was race-based, a onetime statement does not constitute harassment that is "sufficiently continuous and concerted in order to be deemed pervasive." *Faragher*, 524 U.S. at 787 n.1. Therefore, Dunn has failed to provide evidence to establish a question of material fact as to whether she was subjected to a hostile work environment due to her race, and the district court did not err in granting summary judgment for Bates Technical College on this claim.

AFFIRMED.