

10.5 Civil Rights—Title VII—Hostile Work Environment—Definition

A hostile work environment is one permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the condition of the plaintiff's employment and create an abusive working environment.

Comment

The definition for “hostile work environment” for this instruction is derived from *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993), *abrogated on other grounds* by *Burlington Indus. Inc. v. Ellerth*, 524 U.S. 742 (1998).

This instruction should be given in conjunction with other appropriate instructions, including Instructions 10.7 (Civil Rights—Title VII—Hostile Work Environment Caused by Supervisor—Claim Based on Vicarious Liability—Tangible Employment Action—Affirmative Defense); 10.8 (Civil Rights—Title VII—Hostile Work Environment Caused by Non-Immediate Supervisor or by Co-Worker—Claim Based On Negligence); and, if necessary, 10.14 (Civil Rights—Title VII—“Tangible Employment Action” Defined).

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