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HOSTILE WORK ENVIRONMENT

So your boss is a jerk? Get over it!

by Lauren E. Moak

A recent decision from the U.S. District Court for the District of Delaware (the state's federal trial court) is a reminder of the evidentiary burden an employee must meet to prove a hostile work environment. Sporadic or isolated incidents of discriminatory behavior by supervisors aren't enough. Instead, the employee must prove that discrimination is severe or pervasive.

Facts

Four former employees of Wesley College filed a lawsuit alleging race discrimination via a hostile work environment. Three of the employees, Christine Spady, James Frasier, and Alice St. George, were security guards working the third shift. The fourth, Ronald Tate, was the third-shift security supervisor. The former employees claimed they were discriminated against by senior members of Wesley's security department.

In their complaint, the employees alleged a laundry list of misdeeds, including accusations that:

- Walter Beaupre, the director of campus safety and security, didn't respond to Tate's request to draft standard operating procedures for the security guards, his request that security guards be trained in the use of handcuffs and pepper spray, and his request to fix a malfunction of the security cards used by third-shift guards to access Wesley buildings.

- Beaupre accepted advice and requests made by nonminority guards, but denied identical requests made by minority guards.
- Sam Crawford, Wesley's second-shift security supervisor, used unspecified racial epithets on three occasions.

None of the employees was present when Crawford used offensive language. When Tate learned about the racially offensive language, he filed a complaint with Wesley's director of HR. After verifying Tate's allegations, the college reprimanded Crawford and informed him that further use of such language would lead to his termination. Crawford later apologized to the entire security staff.

Court's decision

In reviewing the employees' allegations, the court emphasized the high evidentiary burden an employee must meet to establish a hostile work environment. Courts have often held that isolated incidents of racial slurs or biased conduct do not constitute a hostile environment. The court noted that evidence of tension between a supervisor and a subordinate isn't enough on its own to demonstrate a hostile work environment.

Applying this standard, the court found that all the employees failed to prove their claims. The court focused on the fact that the individuals engaging in the allegedly discriminatory behavior didn't directly supervise the three security guards, the guards weren't present when Crawford used racially offensive language, and he later apologized for the offensive language. The only additional evidence presented by the third-shift supervisor was that Beaupre didn't accept his requests and suggestions for training. The court found those allegations equally unpersuasive.

Considering the facts in context and knowing they had occurred over an extended period of time, the court dismissed the employees' claims of a hostile work environment. *Spady v. Wesley College.*

Bottom line

Claims of hostile work environment should be taken seriously, and any allegations of racial bias in the workplace should be investigated and addressed appropriately. However, as the U.S. Supreme Court has said, "Title VII [of the Civil Rights Act of 1964] is not a general civility code." Friction and disagreements between managers and subordinates are a workplace reality, and personality conflicts aren't enough to constitute discrimination. As long as you are aware of problematic relationships between employees and address any issues as they arise, a hostile work environment claim filed against your company will most likely fail.

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