

03-95 PENNSYLVANIA STATE POLICE v. SUDERS

Ruling below: CA 3, 325 F.3d 432

QUESTION PRESENTED:

When a hostile work environment created by a supervisor culminates in a constructive discharge, may the employer assert the affirmative defense recognized in *Burlington Industries, Inc. v. Ellerth* 524 U.S. 742 (1998) and *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)?

CERT. GRANTED: 12/1/03