

Theme 19 – Civility, Harassment and Inappropriate Conduct (2019)

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Introduction to Case #1 - Gender Harassment, Sexual Harassment, and Inappropriate Conduct (including Inappropriate Relationships)

This 2019 Research Ethics case is focused on the timely and important problem of sexual and other harassment as well as inappropriate conduct in our research workplace. This issue is addressed in detail by the recently released NIH Policy Manual Chapter 1311 (<https://policymanual.nih.gov/1311>) which opens with:

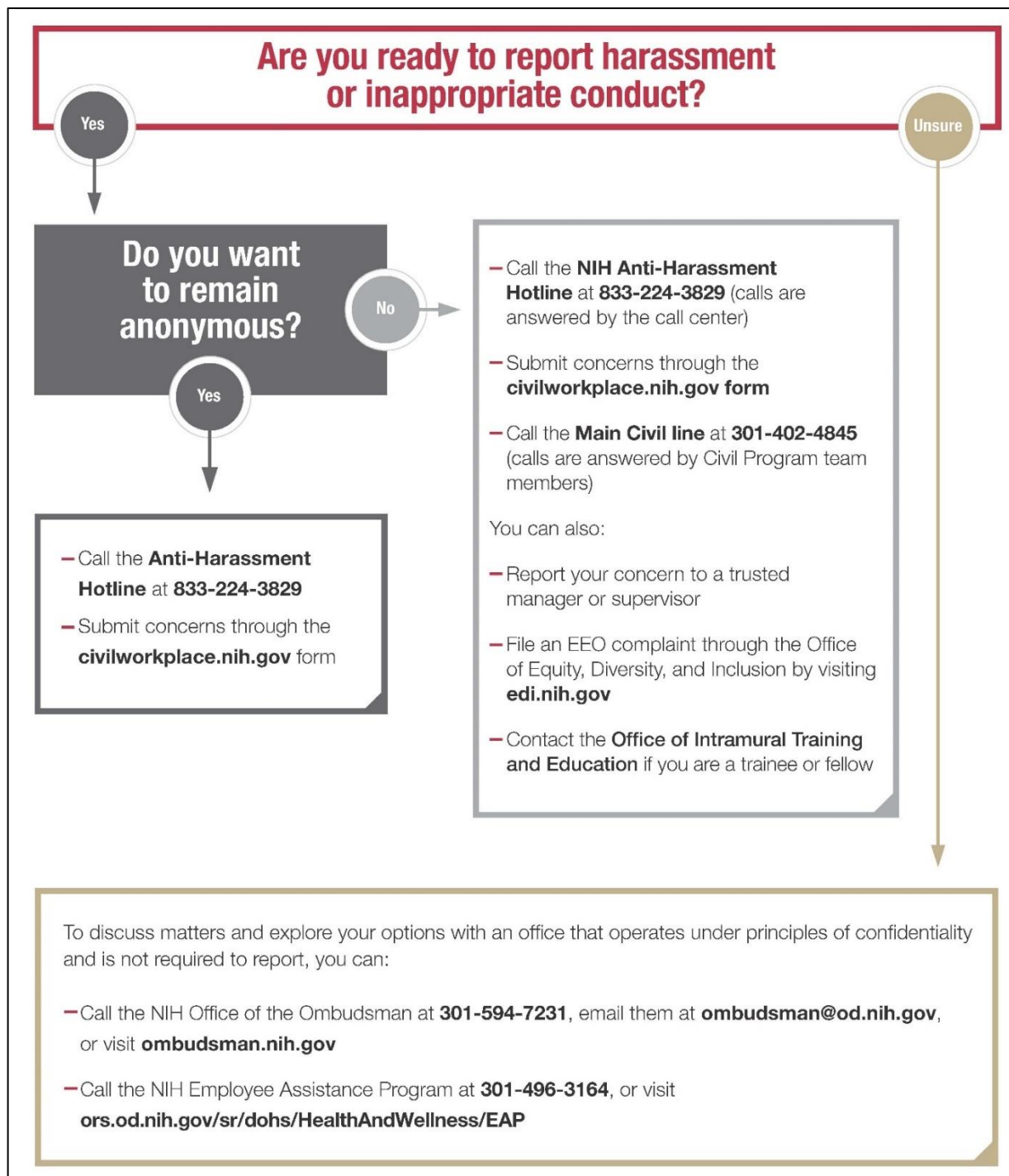
“The contributions of each and every member of the National Institutes of Health’s community are vital to successfully improving people’s health and reducing the burden of disease. An environment where people feel welcome, respected, and valued is necessary for all individuals to contribute to their fullest potential. In alignment with this, the NIH is committed to creating and maintaining a work environment that is free of harassment and other inappropriate conduct. Harassment, bullying, intimidation, threats, or other disruptive behaviors are unacceptable and will be handled with administrative and/or legal action, as appropriate. Actions that run counter to our mission and goals will be met with consequences, no matter who the offender.”

In 2018, NIH leadership initiated a comprehensive campaign aimed at increasing awareness and elimination of harassment, including sexual harassment, in the research community. This included, 1) formulation of the comprehensive Policy Manual Chapter cited above as well as a Policy Statement dealing with personal relationships in the workplace; 2) expansion of the Civil Program within the Office of Workforce Resource Development in the Office of the Director to deal with allegations of harassment (<https://civilworkplace.nih.gov>); and, 3) implementation of an NIH-wide survey related to staff experiences of harassment in the workplace intended to objectively identify the magnitude of the problems (an interim report on the findings from the survey may be found at <https://diversity.nih.gov/building-evidence/harassment-survey/interim-executive-report-on-the-nih-workplace-climate-and-harassment-survey>). Central themes of the new campaign are to substantially **increase education of the NIH community** with respect to both the wide range of inappropriate, problematic behaviors and, equally importantly, staff and manager/supervisor/leadership **responsibilities and avenues for reporting**, evaluating, remediating and eliminating such behaviors (including sexual harassment). Regarding the latter, reporting instances of harassment and inappropriate behavior can be made directly to the Civil Program either online at <https://civilworkplace.nih.gov>, or by calling either the Civil main line (301-402-4845) or the NIH Anti-Harassment Hotline (833-224-3829). Reports of concerns can also be made through other NIH offices including the NIH Office of the Ombudsman, the Employee Assistance Program, the Office of Equity, Diversity, and Inclusion, and (for trainees) the Office of Intramural Training & Education. These options are depicted in the diagram on the next page.

Important links to guidelines and resources dealing with how to report harassment, procedures and offices for remediation, and individual responsibilities can be found at the following sites.

- [The NIH Director: Changing the culture of science to end sexual harassment](#)
- [NIH Manual Chapter 1311: Preventing and Addressing Harassment and Inappropriate Conduct](#)
 - [Toolkit for Employees](#)
 - [Toolkit for Supervisors](#)
 - [Toolkit for Trainees and Fellows](#)
 - [Toolkit for Contractors](#)
 - Additional Q&As for all staff can be found by visiting: <https://hr.nih.gov/working-nih/civil/nih-anti-harassment-policy-and-guidance>.

- To learn more about ways to report a concern, please visit: <https://hr.nih.gov/working-nih/civil/how-can-i-report-harassment-or-inappropriate-conduct>.
- NIH Policy Statement: Personal Relationships in the Workplace
 - [Toolkit for NIH staff, including trainees/fellows and contractors](#)
 - [Toolkit for Managers and Supervisors](#)



Case #1: Gender Harassment, Sexual Harassment, and Inappropriate Conduct (including Inappropriate Relationships)

Dr. Kathleen Ilaazo-Firoria is a newly hired tenure-track (TT) investigator at NIH, and she is excited about starting her research program in an environment that has excellent first-class collaborators in her field, outstanding animal facilities, and a genomics bioinformatics core, which she will need for her projects. She had some concerns about joining the Institute since the senior leadership, including the SD and lab chiefs, as well as the search committee, have very few women and no members of underrepresented minorities (URM). However, the leadership of her Institute as well as NIH as a whole has recently instituted a new anti-harassment policy and program, indicating their commitment to a culture change, which she found encouraging.

Shortly after arriving, Dr. Ilaazo-Firoria is invited to join the Trans-NIH Mentoring Committee. At her first meeting, she was struck by the lack of diversity among the members, and that while the PI's and chiefs (all male) are introduced as Dr. Smith, etc., she is introduced as 'Kathleen, a new TT scientist in Institute X', a pattern she has noticed in her building. While this bothers her a bit, she wonders if it is just because her longer surname is difficult to remember and pronounce, but she worries that she might appear pretentious if she brings it up and decides to say nothing. At one point, the chair asks her to present a 'different perspective' on mentoring, and she is not sure if this related to her being a TT scientist or a woman (or both), or possibly to her recent experience in academia. The meeting is scheduled for 4-5:30pm, and at 5:15pm members are engaged in an animated discussion of a contentious point. There are still two agenda items that have not been addressed. She becomes increasingly anxious since she is a single mother and her children must be picked up from day care by 6:00pm, so at 5:40 she interrupts the discussion to excuse herself and she departs hastily. Unfortunately, there is heavy traffic and she gets to the center a few minutes late, which costs her \$50.

Questions:

- 1. Why do you think that Dr. Ilaazo-Firoria is called Kathleen frequently?**
- 2. A senior member of the IC who also serves on the Mentoring Committee noticed that she was not fully engaged in the discussion and that she left the meeting early. He later mentions to her that being asked to join this group can help her network with important people at NIH and that he thinks she should not have departed early. How should she respond?**
- 3. Dr. Ilaazo-Firoria is told by a colleague that another TT hire, Dr. Stan Brown, has said that even though she is on the 'mommy track', she doesn't need to worry about tenure since the institute is all about diversity and resolving gender inequity. Should she respond? Should the colleague respond? How?**
- 4. Do these comments constitute gender harassment? Why or why not? How do they affect Dr. Ilaazo-Firoria, and other women and URM's in the labs? How do they affect the workplace in general?**

Dr. Ilaazo-Firoria's research starts off slowly because of a problem in the mouse facility that killed most of her animals. In addition, her younger child developed a serious medical problem that required many absences from the lab for about 6 months. However, after a rough first 18 months, her lab has become productive with some potentially exciting results. At her first BSC site visit, the reviewers comment that

her research is promising and potentially quite impactful, and she also receives outstanding marks for her mentorship. But concerns are raised about her not having sufficient high impact publications when she comes up for tenure.

Questions:

- 5. Are there options available to help Dr. Ilaazo-Firoria with these issues? If so, what are they?**
- 6. Do you think that Dr. Ilaazo-Firoria might be reluctant to use these options? Why?**

The lab chief, Dr. Fernett, has always been eager to mentor the TT's in his lab, and he meets with Dr. Ilaazo-Firoria and Dr. Brown frequently, sometimes inviting one or the other to meet at the end of the day to discuss their research progress and careers over espressos that he makes in his office. In addition, Dr. Fernett and Dr. Ilaazo-Firoria have just established a new collaboration with new post-docs from each lab so they are now meeting regularly. Dr. Ilaazo-Firoria notices that at times the discussions are personal. Dr. Fernett sometimes mentions problems in his marriage and asks her for advice. Dr. Ilaazo-Firoria survived a stressful divorce herself and is more than happy to help her mentor/colleague. During the next year, Dr. Fernett's marriage dissolves and the friendship between Dr. Fernett and Dr. Ilaazo-Firoria evolves into a romantic relationship. They decide to remain discrete since both are cognizant of the need to maintain a professional relationship in the workplace.

Questions:

- 7. Are Dr. Fernett's frequent meetings with his TT investigator(s) appropriate? What are the circumstances that would influence your opinion?**
- 8. Is the decision to remain discrete appropriate? What are the obligations for revealing this relationship to the Institute? Why is that necessary or not? At what point in the relationship should this relationship be revealed?**
- 9. What are the consequences for the other members of the two labs? How could the relationship affect the post-docs working within the collaboration?**

After 5 more years, it is time for Dr. Ilaazo-Firoria to come up for tenure. Dr. Brown, who started 1½ years after her, is coming up at the same time, in part because Dr. Ilaazo-Firoria was granted extra TT time because of her child's health issues and the mouse colony disaster. Dr. Brown is somewhat resentful of this because his mother was quite ill during his tenure track and he feels that he had to work extra hard to help with his mom and keep the lab going. Dr. Brown, who is aware of the romantic relationship between Drs. Ilaazo-Firoria and Fernett, decides to file a formal complaint alleging that Dr. Ilaazo-Firoria received preferential treatment as a result of their relationship.

Questions:

- 10. Do you think that Dr. Ilaazo-Firoria should have been granted additional TT time? Why or why not? Were there options available to Dr. Brown to grant him more time because of his personal family situation? If so, why did he not take them?**
- 11. Do you think that Dr. Brown has a legitimate complaint? If so, whom should he contact?**

At this point, both candidates have similar packages in terms of numbers of publications, although their fields are very different. Dr. Ilaazo-Firoria knows that Dr. Fernett thinks very highly of Dr. Brown's research. To make matters worse, within the past year, the relationship between Dr. Fernett and Dr. Ilaazo-Firoria has soured. Dr. Ilaazo-Firoria decided that the relationship was not working, and despite Dr. Fernett's repeated attempts to reconcile, they have not. Dr. Fernett is quite bitter about the break-up and privately tells Dr. Ilaazo-Firoria that she 'needs to think carefully' about how he can influence the tenure decision. He is a major player in the field, and reminds her that he is good friends with many of the scientists she will want to have write letters for her tenure package. Dr. Ilaazo-Firoria is rattled by his comments and tells Dr. Jones, a tenured PI within the lab, what Dr. Fernett said.

Questions:

- 12. Does Dr. Fernett's behavior constitute sexual harassment? Why or why not? Does Dr. Jones have a responsibility to report the incident?**
- 13. What options are available to Dr. Ilaazo-Firoria? Should she pursue these options?**
- 14. How does the break-up affect the other members of these labs? What should they do?**

Introduction to Case #2 – Freedom of Expression and Civility in the Laboratory

This introduction is not meant to constrain or even guide group discussion. It is meant to provide assistance in discussing the ethical issues raised by the case. Legal issues concerning work behavior and freedom expression are difficult. Discussion leaders are encouraged to explore these issues from an ethical perspective but are cautioned not to offer legal opinions or advice.

Appropriate Behavior in the NIH Work Environment

The purpose of employment at the NIH is to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce illness and disability. Individuals at the NIH have the right to express their opinions, but they should not interfere with the goals of employment at the NIH. Although individuals working at the NIH have considerable latitude in how they express themselves, civility and respect for others is required to ensure a productive work environment. The NIH defines inappropriate behavior as any conduct which could reasonably be perceived as disruptive or that could adversely affect operations, productivity and/or the work environment. These include conduct that disparages or demonstrates hostility or aversion towards and/or actions that can be construed as disruptive, disrespectful, discriminatory or hostile to or offensive to others. Physically acting out such as throwing objects, slamming doors, yelling and using expletives is also inappropriate. The same rules that apply during the week apply during the weekend and during evenings at the NIH¹.

Addressing Issues of Civility at the NIH

Supervisors often have perspectives and insights that are valuable, but employees are not limited by their supervisor's advice, nor must they report their concerns to their supervisor before reaching out for help to other office for advice and assistance.

To ensure a civil work place, multiple avenues are available for reporting concerns about inappropriate behavior. Which path individuals choose depends on the individual and the concerns they have. At any time, employees can contact the Office of the Ombudsman by phone, 301-594-7231, or by email at ombudsman@od.nih.gov. The ombudsmen's office coordinates and provides a full range of dispute resolution programs and services for all employee of the NIH². The office of the Ombudsman can assist managers and employees in facilitating resolution of disputes. These services are provided in confidence.

The NIH's Civil program³ exists to foster civility throughout the NIH community. Complaints of work place uncivil behavior, such as harassment, sexual harassment, inappropriate conduct, intimidation, bullying, or other unproductive, disruptive, and/or violent behaviors are appropriately made to the Civil Program. Although the discussion presented here focuses on the NIH Civil program, employees may find other paths more suitable. It should be noted that filing a complaint with the NIH Civil Programs is not equivalent to filing an EEO complaint. The office of Equity, Diversity and inclusion must be contacted within 45 days of a discriminatory incident in order to preserve the right to file an EEO complaint.

Once the Civil Program is contacted⁴, staff will discuss all available options with the reporting party with the goal of addressing the issue at the lowest level possible. This may include providing guidance on how best to move forward and/or recommending additional resources and training. If the behavior is egregious or the situation is complex, the Civil Team may determine that an administrative inquiry is necessary. The purpose of an administrative inquiry is to ensure allegations are examined objectively and expeditiously and any inappropriate behavior is curtailed quickly through appropriate corrective action.

Special Concerns for PI's and Supervisors

PI's and supervisors play an important role in fostering a work environment that is free from harassment. They are required to report any allegations of harassment. While one incident of discriminatory behavior may not be enough to constitute an actionable hostile work environment claim, a supervisor's failure to act may lead to further incidents and liability on the part of the agency. Therefore, harassing conduct, even if not severe or pervasive should be deal with immediately to prevent further incidents. In these cases, PI's and supervisors are encouraged to contact the Civil Program for a consultation by calling the **Anti-Harassment Hotline**, the **Main Civil Line** or visiting the **civilworkplace.nih.gov**.

Political Speech and the Hatch Act

Political speech in the federal government falls under a separate category and is constrained by the Hatch Act⁵. Although employees may express their opinions in a respectful manner while at work, wearing a shirt or campaign button supporting a political candidate who is running for office is deemed as activity directed at the success of that candidate and is considered a violation of the Hatch Act and therefore prohibited at all times on NIH property^{5,6}. Although federal employees can support whatever candidate they choose when on their own time, there is a 24/7 prohibition on federal employees raising campaign funds for political candidates. This ban extends to posting fund raising information on personal social media pages⁷. Before re-posting information from a political site, employees should make certain that any message they post in support of a candidate or party does not contain an embedded fund-raising appeal for that candidate or party. (Employees should be aware that posting threats or defamatory remarks on social media, even if apolitical, could subject them to legal or even disciplinary work actions.)

Today's social environment is affected by the 24h news cycle, acrimonious commentary, divisive politics and a winner take all mentality. Although these are good for ratings, they are not helpful when trying to achieve a productive workplace. In the case presented here Jessica's shirt was the catalyst for the ensuing argument, but both John and Jessica behaved inappropriately. The employees of the NIH are in large part responsible for the work environment at the NIH. At work, civility, thoughtful discussion tempered by respect for other's opinion, is the desired goal.

¹ <https://policymanual.nih.gov/1311>: This site defines inappropriate conduct in the NIH workplace

² [Ombudsman.nih.gov](https://ombudsman.nih.gov): This site describes the conflict resolution services offered by the ombudsman.

³ [Civilworkplace.nih.gov](https://civilworkplace.nih.gov): This site describes Civil Program's Mission.

⁴ hr.nih.gov/working-nih/civil/civil-program-process: This webpage describes the Civil Program Process.

⁵ osc.gov/pages/hatchact-affectsme.aspx: This web page describes the restrictions place on political speech and action for further restricted and less restricted employees. Specifically, states wearing political T-shirts or buttons while employees are on duty is forbidden.

⁶ <https://ethics.od.nih.gov/topics/political-act.htm>: This website further describes limits on employee speech and actions by NIH employees.

⁷ <https://osc.gov/Resources/Social%20Media%20Quick%20Guide%20FINAL%20updated%207.3.pdf> A brief summary of Hatch Act permitted and forbidden social media actions. Specifically states that reposting information soliciting funds for political campaigns on individual social media sites by federal employees is banned by the Hatch Act.

NIH Resources for conflict resolution

<https://ombudsman.nih.gov/>: The NIH ombudsman provides policy clarifications, assistance with exploring options for solving problems, help with interpersonal problems and expertise in group processes such as scientific collaboration. The Office of the Ombudsman can also facilitate discussions between different parties.

<https://hr.nih.gov/working-nih/civil>: The Civil Program exists to help foster civil behavior at the NIH. Referrals to the civil program are appropriate for uncivil behavior, harassment, sexual harassment, inappropriate conduct, intimidation, bullying or other unproductive disruptive and/or violent behavior. Referral to the Civil Program is not equivalent to filing an EEO complaint, nor does it meet the EDI requirement of notification within 45 days of a perceived act of discrimination.

<https://www.edi.nih.gov/>: The Office of Equity, Diversity and Inclusion exists to ensure a workplace free of discrimination and to foster diversity and inclusion in the workplace. EEO complaints are filed through this office.

<https://ethics.od.nih.gov/> : This site provides information on the standards of ethical conduct for federal employees.

Contact information for issues raised in this case:

<https://osc.gov/Pages/HatchAct-AffectsMe.aspx> : Office of Special Council's Hatch Act web page. Explicitly states who is covered by the Hatch Act and what politically related activities are prohibited and permitted for government employees.

<https://ethics.od.nih.gov/topics/political-act.htm>: This website further describes limits on employee speech and actions by NIH employees, and it includes information about social media policy.

<https://ombudsman.nih.gov/> : The NIH ombudsman provides policy clarifications, assistance with exploring options for solving problems, help with workplace interpersonal problems and expertise in group processes such as scientific collaboration.

<https://hr.nih.gov/working-nih/civil> : The Civil Program helps with resolution of workplace problems involving uncivil behavior, such as harassment, sexual harassment, inappropriate conduct, intimidation, bullying or other unproductive, disruptive and/or violent behavior.

<https://www.edi.nih.gov/> : **The Office of Equity, Diversity and Inclusion web site.** This website provides help with issues of workplace discrimination, inclusion and diversity. It is also the site for filing EEO complaints.

Case #2: Freedom of Expression and Civility in the Laboratory

John and Jessica share the same workspace at the NIH, but that is about all they share. They have diametrically opposing social, religious and political views. They co-exist in the lab with a thin veneer of civility, but there is always some underlying tension between the two. Both are competent and valuable researchers in the lab. Both work exceptionally hard, and both are high strung. One summer weekend day, Jessica comes into the lab wearing a T-shirt advocating for a particular social view while John and 3 other lab members are present. John approaches Jessica and bluntly tells her that he finds the T-shirt offensive. Jessica responds bluntly to John and things soon escalate into a yelling match. Although the interaction does not become physical, the entire episode makes everyone in the lab uncomfortable. The following Monday, one of the fellows in the lab who was present during the weekend exchange goes to the lab PI to tell her about the incident and how uncomfortable the exchange made the lab feel.

Question:

1. How does the NIH define inappropriate work place behavior?

At the end of the day, the PI asks John and Jessica into her office, tells them their behavior is unacceptable. As a result, the PI reminds both John and Jessica of expectations regarding professional work attire.

Question:

2. In the workplace there is always a balance between employee actions and accomplishing workplace goals. How might this balance be affected by employment in the NIH compared to a laboratory in the private sector? In this case do you think that the lab PI's actions were reasonable? What factors do you think are important in resolving this issue? If Jessica's comments were related to partisan politics, how might the Hatch Act affect this discussion? What resources are available to employees and PI's for conflict resolution?

Going home after this meeting, Jessica feels she has been treated unfairly. She posts a picture of her shirt and a video on a social media site stating that her shirt neither contained graphic images or espoused violence or hate, but merely her honest beliefs on the subject. People with the same point of view as Jessica see her post and re-post it on their social media pages. Jessica's post goes viral overnight. The next afternoon, a reporter from a cable news network contacts the lab PI and the institute director, and requests interviews with them.

Question:

3. What, if any issues, do you think Jessica should have considered before posting her grievances on social media? In the workplace, how do you think NIH staff should deal with their beliefs regarding political and social issues? Who is responsible for assuring that civility moderates our discussion of such issues in our research environment?

Introduction to Case #3 - Mentoring

Surveys of the mentoring experiences of NIH postdoctoral fellows have pointed to three key factors that define the quality of the fellowship experience. These include the achievement of training goals, the achievement of career goals, and the overall quality of the mentoring. Predictors of these three elements include factors such as scientific direction given by the mentor, level of independence in research projects, feedback from the mentor regarding whether the research is going well or is stalled, appropriate recognition for work in publications and presentations, introductions to scientists outside their laboratory/branch by their mentor (including notification of job announcements), and discussion of training and career goals with the mentor. These same predictors can be applied to all trainees in the NIH IRP. Mentorship agreements, available from the NIH Office of the Ombudsman, the Office of Intramural Training & Education, and several Institute/Center training offices, can be used to establish the goals and research plan for a given mentor-trainee relationship. Key among the knowledge and skills that all trainees should develop is the ethical framework within which research and collaborations should be carried out. Trainees and their mentors are encouraged to build strong relationships based on mutual trust and respect, including, especially, awareness of the inherent supervisor-supervisee “power” inequity. Trainees must also recognize the need for team effort and collaborative interactions. This includes certain responsibilities such as attendance at lab/branch meetings, working regular hours, and maintaining a professional attitude at all times. Mentors are responsible for overall trainee research and career guidance, including timely review of research data and manuscripts.

This 2019 case address issues related to the ethical framework for research and how trainees and their mentors should interact. In discussing the cases, consider whether the rules for handling a specific issue would be different if the person were in a different position; i.e., should graduate students be treated differently than postdoctoral fellows? Do tenure-track investigators need mentoring? If so, from whom should they receive it?

Case #3: Biases in Mentoring of Fellows and Sexual Harassment

Dr. North, a PI in the NIH intramural program, regularly receives letters advertising early career academic positions inside and outside NIH. He usually posts these on the laboratory bulletin board or distributes them to faculty or postdoctoral fellows via the lab email list, but occasionally gives a letter selectively to one postdoctoral trainee without posting it more widely.

Drs. Brian Smith and Kathy Jones are currently senior postdoctoral trainees in Dr. North's lab. During lunch, Dr. Smith learns that Dr. Jones has applied for a position at a prestigious medical center and is considered a good candidate. Dr. Smith had not seen this position posted. Furthermore, Dr. Jones reveals that North had provided the job announcement only to her.

Upset, Dr. Smith confronts Dr. North who asserts a policy of dealing with such letters selectively, and states that “based on Kathy’s skill set and work history, the position suits her better”. Dr. North also points out that the position in question was widely advertised in scientific journals and thus available to everyone who reads those journals on a regular basis.

Questions:

- 1. If you were a postdoctoral fellow in this laboratory, what would be your expectations about being given information regarding job opportunities? Why?**
- 2. As a mentor, what would be your policy about position announcements? Why?**

Dr. Jones is aware that the lab members feel she is singled out and favored by Dr. North. In the past, she was invited by Dr. North to attend a number of important meetings with him, and he included her on some publications where her contributions were viewed as “minimal” by Dr. Smith and some other staff in the lab. This apparent favoritism has fostered gossip and resentment among her peers and diminished the perception of her own contributions to the lab’s research.

Question:

- 3. In what ways does favoritism (or the perception of it) negatively impact the lab environment? Does it matter that Dr. Jones is a woman?**

Dr. Jones sings in a community choral group where Dr. North is also a member. Both Dr. Smith and Dr. North belong to the same wine-tasting club where Dr. Smith exhibits boorish and condescending behavior towards other members.

Question:

- 4. How can interactions between the mentor and fellows outside of the lab influence relationships? Could they lead to differences in treatment within the lab? How should Dr. Jones deal with what appears to be favoritism?**

Over beers one night, Dr. Smith comments to other fellows, both male and female, that perhaps he too could get special treatment if he wore a short skirt to lab meetings and volunteered to stay late and help with Dr. North’s cell cultures. This is not the first time Dr. Smith had made disparaging remarks about Dr. Jones as well as other women formerly in the lab. These insinuations about her have fostered a growing unease among female lab members.

Questions:

5. Could this kind of gossip be considered sexual harassment? Could the lab now be viewed as a toxic work environment for women? How should this situation be defused?
6. In the end, both post-docs in the lab apply for the position. Dr. North provides a glowing letter of recommendation for Dr. Jones but feels unable to write an equally strong letter for Dr. Smith.
7. Could Dr. Smith's behavior have biased Dr. North's recommendation for him? What are Dr. North's responsibilities? What if Dr. Smith is a talented scientist?

*It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or **unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature**. ... Harassment does not have to be of a sexual nature, however, and can include **offensive remarks about a person's sex**. For example, it is illegal to harass a woman by making offensive comments about women in general.... Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).*

–Equal Employment Opportunity Commission