

**National Railroad Passenger Corp. v. Morgan**  
122 S. Ct. 2061 (June 10, 2002)

Title VII of the Civil Rights Act of 1964 requires that charges of discrimination must be filed with the Equal Employment Opportunity Commission within 300 days of the occurrence of the alleged discriminatory practice (or, in Texas, with the Texas Commission on Human Rights within 180 days of the occurrence). The issue in this case was whether or not employers can be held liable for unlawful employment practices occurring beyond the filing period.

The Supreme Court held that employers could not be held liable for discrete acts of discrimination or retaliation, but could be for harassment claims under the continuing-violation doctrine. The Court reasoned that hostile-environment claims are, by their nature, based on the cumulative effect of individual acts that may occur over a series of days or even years. Thus, as long as any act that contributed to the hostile environment occurred within the filing period, the entire course of the hostile-environment period can be used to determine liability.

As a result of this ruling, employers can conceivably be at risk for liability and damages attributable to a hostile work environment for years, as long as one harassing act occurred within the filing period. Thus, it remains crucial for employers to have, publicize, and enforce anti-discrimination and anti-harassment policies; to train their supervisors; to promptly correct discrimination and harassment when they occur, and to be able to show that a complainant unreasonably failed to avail himself or herself of the employer's remedial process.