**ANNOTATIONS AND COMMENTS**

A constructive discharge occurs where working conditions are so intolerable that a reasonable person would have felt compelled to resign. *Akins v. Fulton County*, 420 F.3d 1293, 1302 (11th Cir. 2005). In evaluating constructive discharge claims, the Eleventh Circuit does not consider the plaintiff’s subjective feelings. Instead, it employs an objective standard. *Hipp v. Liberty Nat’l Life Ins. Co.*, 252 F.3d 1208, 1231 (11th Cir. 2001) (per curiam).

For a discussion of when the *Ellerth/Faragher* affirmative defense may apply in a constructive discharge case, *see Pennsylvania State Police v. Suders*, 542 U.S. 129, 139-41 (2004).

When this instruction is used, it may be necessary to adapt the verdict form accordingly.