

Nondiscrimination: Sexual Harassment

No. 411.2
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It is the policy of the School District of Lodi to maintain a learning and working environment that is free from sexual harassment. It is a violation of this policy for any employee or volunteer of the school district to sexually harass another employee, volunteer or student through conduct or communications of a sexual nature. It is also a violation of this policy for students to harass other students, employees, or volunteers through conduct or communications of a sexual nature.

Sexual harassment means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes conduct directed by a person at another person of the same or opposite gender. Sexual harassment of a student by an employee or volunteer shall be presumed to be unwelcome.

Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for educational purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated.

Sexual Harassment of Employees and Volunteers

The following are examples of conduct that constitutes sexual harassment of employees and volunteers:

1. Requiring submission to sexual harassment that is made either explicitly or implicitly, as a term or condition of an individual's employment, or, with regard to volunteers, participation.
2. Requiring submission to or acting on the rejection of sexual harassment by an individual as the basis for employment or volunteer decisions affecting such individuals.
3. Engaging in conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment of Students

The following are examples of conduct that constitutes sexual harassment of students:

1. Requiring submission to sexual harassment that is made either explicitly or implicitly as a term or condition of a student's participation in an education program or activity.

2. Submission to or rejection of sexual harassment by an individual that is used as the basis for education decisions affecting such individuals.
3. Sexual harassment that is sufficiently severe, persistent or pervasive so as to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive learning environment.

The School District of Lodi considers sexual harassment to be a form of discrimination and, therefore, any employee, volunteer or student who feels he or she has a complaint should follow District Discrimination, Sexual Harassment, Harassment and Bullying Complaint Procedure for filing a complaint.

Employees found to be in violation of this policy shall be subject to disciplinary action consistent with the collective bargaining agreement or disciplinary action established by policy or practice, as determined by school officials.

Students found to be in violation of this policy shall be subject to school disciplinary measures consistent with District policies and procedures up to and including suspension, expulsion, and referral to law enforcement officials for possible legal action.

Cross reference: Policy 411 – Equal Educational Opportunities
Policy 411-Rule Discrimination, Complaint Procedure
Policy 411.1 Student and Staff Non-discrimination: Harassment and Bullying
Policy 447 Student Discipline

Legal reference: Wis. Stat. § 118.13
Wis. Stat. § 111.32(13)
Wis. Stat. § 111.36(1)(b) and (br)
Wis. Stat. § 111.321
Title VII, Civil Rights Act of 1964
Title IX, Education Amendments of 1972
Americans with Disabilities Act