



Baldwin Union Free School District

Sexual Harassment Prevention Training

S9-23-17 | October 2023

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Report Highlights

Baldwin Union Free School District

Audit Objective

Determine whether Baldwin Union Free School District (District) employees and Board of Education (Board) members completed annual sexual harassment prevention training (SHP Training).

Key Findings

SHP Training was not provided to all employees and any Board members. Of the 120 total individuals we tested (115 selected employees and all five Board members), 17 employees or 15 percent of employees tested and the five volunteer Board members did not complete the annual SHP Training.

Key Recommendations

Ensure all employees complete annual SHP Training and encourage Board members to complete the training.

District officials generally agreed with our recommendations and indicated they planned to initiate corrective action.

Background

The District serves the Town of Hempstead in Nassau County.

The District is governed by the elected five-member Board responsible for the general management of the District.

The Superintendent of Schools serves at the Board's direction and is responsible for the day-to-day management.

The Assistant Superintendent for Human Resources (HR Assistant Superintendent) is responsible for providing and ensuring completion of annual SHP Training.

Quick Facts

2021	
Total Employees & Elected Officials	1,164
Total Tested^a	120
SHP Training Method	Online Module (individual or group)

a) See Appendix B for information on our sampling methodology.

Audit Period

July 1, 2021 – June 30, 2022

Sexual Harassment Prevention Training

Sexual harassment is a form of workplace discrimination, and may include harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is unlawful when, among other things, it subjects an individual to inferior terms, conditions or privileges of employment.

Employees have a legal right to a workplace free from sexual harassment and are required to work in a manner that prevents sexual harassment. All employers and officials should be committed to maintaining such a workplace.

How Should Officials Help Prevent Sexual Harassment?

New York State (NYS) Labor Law Section 201-g requires employees to be provided with SHP Training on an annual basis. This obligation includes local government employees. While the law does not expressly require training for local elected officials, District officials should encourage Board members to complete SHP Training as well.¹

NYS Department of Labor (DOL), in consultation with the NYS Division of Human Rights (DHR), has established a model for employers to use for this training.

Alternatively, employers may elect to develop their own training. Employers that do not use the model SHP Training program must ensure the SHP Training they use meets or exceeds the following minimum requirements. The SHP Training must:

- Be interactive,
- Include an explanation of sexual harassment consistent with guidance issued by DOL, in consultation with DHR,
- Include examples of conduct that would constitute unlawful sexual harassment,
- Include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to targets of sexual harassment,
- Include information concerning employees' rights of redress and all available forums for adjudicating complaints, and
- Include information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each

¹ See, e.g., chapter 139 of the Laws of 2022 (what was deemed effective as of, the effective date of section 1 of Ch. 160 L. 2019) amending the Executive Law to clarify that a city, town, village or other political subdivision shall be considered an employer of any employee or official, including any elected official, for purposes of the Human Rights Law.

Employees have a legal right to a workplace free from sexual harassment and are required to work in a manner that prevents sexual harassment.

employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

SHP Training can be provided in different ways depending on the needs of the local government or school district, including in person, via webinar, an online interactive training module, or on another individual basis with a mechanism for feedback by the employee.

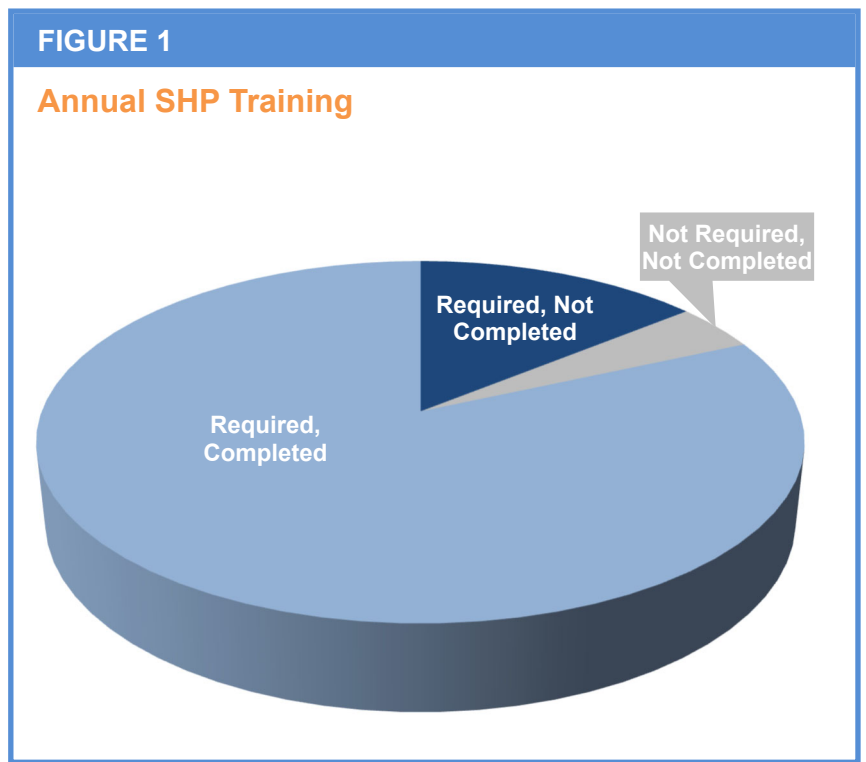
Not All Employees and No Board Members Completed SHP Training

The District provided annual SHP Training that met the minimum requirements to employees during the 2021 training cycle and maintained records of who completed the training. Newly hired employees were required to complete the training within the first 30 days of employment. However, the District did not provide SHP Training to volunteer Board members or all employees.

We tested 120 individuals (115 selected employees and all five volunteer Board members) to determine whether they completed the annual SHP Training. Seventeen employees (15 percent of the employees sampled) and all five Board members were not provided SHP Training and therefore, did not complete the training (Figure 1).

The other 98 selected employees (82 percent of individuals tested) completed the 2021 SHP Training.

All 22 of the individuals from our sample who did not complete the District SHP Training were not provided the training by the District. The HR Assistant Superintendent told us that the five elected Board members were not assigned to take the training because they volunteer and are not employees of the District. She also told us the 17 employees who did not complete the SHP Training were not assigned to take the SHP Training because they only worked part-time or less, such as employees with athletic designations that may only work for a few hours to supervise games during the school year and substitutes that may only work for a short period of time.



However, Labor Law Section 201-g does not include an exemption for any employees and, therefore, the District was required to provide those 17 part-time or less employees with SHP Training.

For the staff that were provided the SHP Training, the HR Assistant Superintendent disseminated the training as an interactive, online training module for all staff to complete and was responsible for monitoring completion in the online system. The HR Assistant Superintendent provided us a copy of an initial email notification sent to employees on August 26, 2021, requiring them to complete the training by October 1, 2021. She told us that even though employees are registered in the online system, not all have access to computers (e.g., maintenance employees).

For the employees that did not have access to computers, they were scheduled to take training as a group with a facilitator, who logged in to the online training module with his or her credentials for the group to watch and answer questions. The facilitator also ensured every participant signed an attendance sheet which was then provided to the HR secretary to update the group attendees' training completion record in the online system.

The HR secretary periodically ran reports to determine who did not complete the training and provided the information to the HR Assistant Superintendent. The HR secretary also sent reminder emails to the employees who had not completed the SHP Training.

A lack of SHP Training is a risk to the District's ability to provide employees and other individuals in the workplace with an environment free from sexual harassment. Furthermore, the implications of sexual harassment in the workplace can have a far-reaching impact, from the District's finances to employee productivity, and to a safe work environment. Therefore, it is important that all employees and other individuals in the workplace complete the District's annual SHP Training.

What Do We Recommend?

District officials:

1. Must provide annual SHP Training to all employees.
2. Should encourage Board members to complete annual SHP Training.
3. Should continue to monitor the completion of annual SHP Training by all employees and Board members and develop additional administrative procedures to help ensure all Board members and employees complete the annual SHP Training.

Appendix A: Response From District Officials



**Baldwin Union Free
School District**
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Shari L. Camhi, Ed.D.
Superintendent of Schools
(516) 434-6010 ♦ FAX (516) 434-6803

Dear [REDACTED]:

Baldwin Response to NYS Comptroller's Report

Due April 5, 2023

Background

Baldwin School District participated in the NYS Comptroller's Audit to determine if all employees received Sexual Harassment Prevention (SHP) training during the 2021-2022 school year.

Using a judgmental sample, the audit reviewed 115, 2021-2022 employees. Out of the sample, 98 were found to have completed the SHP Training. The 17 employees who did not complete the training were employees who worked less than part-time hours and, in some cases, worked remotely to participate in meetings with other trained employees. The 17, less than part-time employees in the judgmental sample, that did not complete the training ranged from working one-day to twelve-days during the 2021-2022 school year. Furthermore, the report states that 15% of the employees **selected** did not complete the SHP training. It is important to note that this does not reflect the percentage of all employees that did not complete the training.

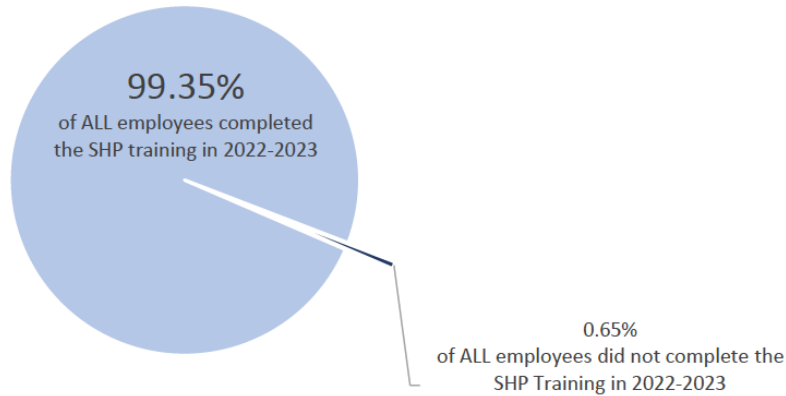
In addition, the audit indicated that the five volunteers who make up the Board of Education should have received the SHP Training. The labor law indicates that **employees** of the district are required to receive training. It does not indicate that volunteer members of the Board of Education would be subject to participate in this employee training.

District Findings

Prior to being notified of this audit, the Office of Human Resources had already reviewed the process to ensure that ALL staff completed the SHP Training. For the 2022-2023 school year, as of March 29, 2023, the department audited the 1,230 employees and found that only 8 employees did not complete the training- which is 0.65% of the entire district.

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% OF TOTAL STAFF IN 2022-2023 REQUIRED TO COMPLETE THE SHP TRAINING



It is important to note, as part of the onboarding process, the Baldwin School District provides all new employees the District's Board of Education approved policy on Sexual Harassment. In addition, all district employees annually receive an electronic copy of the District's Sexual Harassment policy through our employee management system. The system requires all employees to acknowledge they have received and reviewed the policy. The SHP Training is provided in an electronic format, allowing all employees to log onto the system to review the training as needed.

Sincerely,

Shari L. Camhi, Ed.D.
Superintendent of Schools

cc: Mrs. Susan Cools, Board President
Dr. Michelle Gallo, Assistant Superintendent of Human Resources
Dr. James Robinson, Assistant Superintendent of Business

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Appendix B: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To accomplish our audit objective and obtain relevant audit evidence, our procedures included the following steps:

- We used our professional judgment to select the District for audit based on geographic location across NYS applied to a list of counties, cities, towns, villages and school districts (excluding NYC), not currently in the OSC audit process at the time of selection.
- We interviewed District officials to gain an understanding of the process for creating, disseminating and monitoring sexual harassment prevention training for employees and Board members.
- We reviewed relevant State laws and guidance from NYS, as well as District policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the District's Board meeting minutes for the 2021-22 fiscal year to determine action taken related to sexual harassment prevention.
- We reviewed and assessed the sexual harassment prevention training materials provided by the District to determine whether the training met minimum required State law.
- We determined the total number of employees and Board members at the District during our audit period by obtaining and reviewing an employee listing and verifying Board members with the HR Assistant Superintendent.
- Of the 1159 total District employees and five Board members, a total sample of 10 percent (or 120) was selected. All five Board members were selected as part of the sample total, and using the District's employee listing, 115 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select 57 supervisory employees and 58 nonsupervisory employees. Two of the 58 employees selected were new hires.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning

the value and/or size of the relevant population and the sample selected for examination.

The Board has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law, Section 2116-a (3)(c) of New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted on the District's website for public review.

Appendix C: Resources and Services

Regional Office Directory

www.osc.state.ny.us/files/local-government/pdf/regional-directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/local-government/publications

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/local-government/fiscal-monitoring

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/local-government/publications

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/local-government/resources/planning-resources

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/files/local-government/publications/pdf/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/local-government/required-reporting

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/local-government/publications

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/local-government/academy

Contact

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