



# Eldred Central School District

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## Sexual Harassment Prevention Training

S9-23-20 | September 2023

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# Report Highlights

## Eldred Central School District

### Audit Objective

Determine whether Eldred Central 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 or Board members and because the District's training completion records are unreliable, officials have no assurance all individuals required to complete the 2021 SHP Training did so.

Additionally, the District excluded new hires, and per diem employees from SHP Training.

### Key Recommendation

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

District officials generally agreed with our recommendations and have initiated corrective action.

### Background

The District serves the Towns of Deerpark in Orange County and Highland, Lumberland, and Tusten in Sullivan County.

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

The Superintendent of Schools (Superintendent) is responsible for the District's day-to-day management under the Board's direction.

The Superintendent is responsible for providing and ensuring completion of annual SHP Training. The District Clerk (Clerk) assisted the former Superintendent, who left the District on June 30, 2022, by distributing the training to employees.

### Quick Facts

	2021
<b>Total Employees &amp; Board Members</b>	193
<b>Total Tested<sup>a</sup></b>	30
<b>SHP Training Methods</b>	Online model (individual) Separate quiz (individual)

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

### Audit Period

July 1, 2021 – June 30, 2022

# Sexual Harassment Prevention Training

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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.<sup>1</sup>

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.

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<sup>1</sup> 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.

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

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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 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.

### **SHP Training Records Are Not Reliable and Not Everyone Was Provided Training**

While the District provided annual SHP Training that met the minimum requirements to employees during the 2021 period and maintained records of who completed the training, new employees were not provided the training until the next yearly training period. Furthermore, Board members and per diem employees did not receive notice to complete the SHP Training. Additionally, the training completion records were not reliable, as employees did not have to watch the assigned NYS model training video to complete the training questions that were used as acknowledgment of training. Therefore, there is no evidence the training was completed by any employees or Board members.

The Clerk disseminated the training to employees using an email group created, in part, from the Information Technology (IT) Director's user list of accounts with access to the District's internal computing network. This email directed them to a link to watch the NYS model training video and then answer questions in a separate third-party training program.

We determined there was a general lack of monitoring to ensure the SHP Training was provided to all employees. For example, when we compared the employee list to the training list, there were 70 employees with titles such as substitute teacher, bus driver, custodian and coach that were not on the training list. The IT Director told us these employees were likely excluded from the SHP Training notification email group because they either did not have access to the District's internal website or were not included in the general email group. As a result, these employees were not notified to take the SHP Training. Had the former Superintendent compared the training list to the employee list, the employees who did not receive notification to take the training would have been discovered. Labor Law Section 201-g does not include an exemption for any employees and, therefore, District officials were required to provide those employees with SHP Training.

The Clerk told us she was unaware the emails directing employees to take the training did not contain all staff. Also, she told us that the District does not have

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any procedures to ensure that employees hired after the September training period took the SHP Training. The District added the SHP Training to their intranet pages and could have sent the SHP Training email with a link to watch the video to any staff when newly hired. Additionally, while she provided information to the former Superintendent for employees who did not complete the training, she does not know what, if anything, was done with the list.

The current Superintendent told us that while she worked for the District during the audit period as a building Principal, she was unaware of how the former Superintendent monitored the SHP Training. She also told us, after her appointment began in July 2022, she directed the District to use a new training system because the original system, used in the 2021 school year, was not sufficient for the District.

The notification and model training video were not sent to the Board members because they are not employees, and as a result they did not complete the training.

We also reviewed the videos and verified they were not connected to the questions. One employee told us they did not watch the videos but was still able to answer the questions and get credit for completing the training. This created a lack of assurance that all the training was taken by those marked complete.

A lack of SHP Training is a risk to the District's ability to provide employees, other individuals and students from 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.

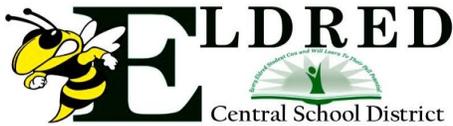
## **What Do We Recommend?**

District officials:

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

# Appendix A: Response From District Officials

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*Mrs. Traci Ferreira, Superintendent of Schools*

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March 8, 2023  
Dina Thompson, Chief of Municipal Audits  
Division of Local Government and School Accountability  
110 State Street  
Albany, NY 12236

Re: Response to the Draft Report of Examination S9-23-20 Sexual Harassment Prevention Training Audit

Dear Ms. Thompson

The Eldred Central School District acknowledges receipt of the Draft Report of Examination S9-23-20 Sexual Harassment Prevention Training for the period covering July 1, 2021 through June 30, 2022. On behalf of the Board of Education and administration, we appreciate the opportunity to respond in kind with a narrative regarding the findings of the draft report.

The Eldred Central School District recognized in July of 2022 that our sexual harassment training procedures and accountability was barely operating at the state minimum's standards. My office, along with human resources and the technology department determined the items that needed to be addressed in order to instill best practices in regards to the sexual harassment training. The first item on the list was to ensure that all employees had a valid Eldred Central School District email address. We then connected all of the email addresses to a web-based platform called [REDACTED]. This web-based platform is a training platform for sexual harassment, cybersecurity, blood borne pathogens, etc. Working with [REDACTED], the district was able to assign all compliance videos and paperwork to each employee. The videos are interactive and have assessments throughout the process to check for understanding. Our records now reflect the employees that have completed all compliance training down to the time it took them, quizzes and their acknowledgment of receiving the documents. Along with the web-based platform, the district has revised and implemented a new employee handbook that includes the sexual harassment documents and forms in its appendices.

The district will submit a Corrective Action Plan in a timely manner. This Corrective Action Plan will illustrate and go into detail the changes that were made at the initiation of the 2022-2023 school year. The Eldred Central School District appreciates the hard work, effort, communication and transparency with the auditors throughout the entirety of this process.

Respectfully,

Traci Ferreira  
Superintendent of Schools

## Appendix B: Audit Methodology and Standards

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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, officials.
- 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 and assessed the sexual harassment prevention training materials provided by the District to determine whether the training met minimum required State law.
- We reviewed the District's Board meeting minutes for the 2021 school year to determine action taken related to sexual harassment prevention.
- 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 on the website with the Clerk.

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

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### **Regional Office Directory**

[www.osc.state.ny.us/files/local-government/pdf/regional-directory.pdf](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.osc.state.ny.us/local-government/academy)

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