

Avoca Central School District

Sexual Harassment Prevention Training

S9-23-19 | August 2023

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Report Highlights

Avoca Central School District

Audit Objective

Determine whether Avoca 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 and any Board members. Of the 20 total individuals we tested (15 selected employees and all five Board members), four employees or 27 percent of employees tested and the five 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 have indicated they planned to initiate corrective action.

Background

The District serves the Towns of Avoca, Bath, Cohocton, Fremont, Howard, Prattsburgh, and Wheeler in Steuben County.

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

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

The Superintendent and Secretary to the Superintendent (Secretary) are responsible for providing and ensuring completion of annual SHP Training.

Quick Facts	
2021	
Total Employees & Board Members	158
Total Tested ^a	20
SHP Training Methods	In-Person; Online module (individual)
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.

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

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.

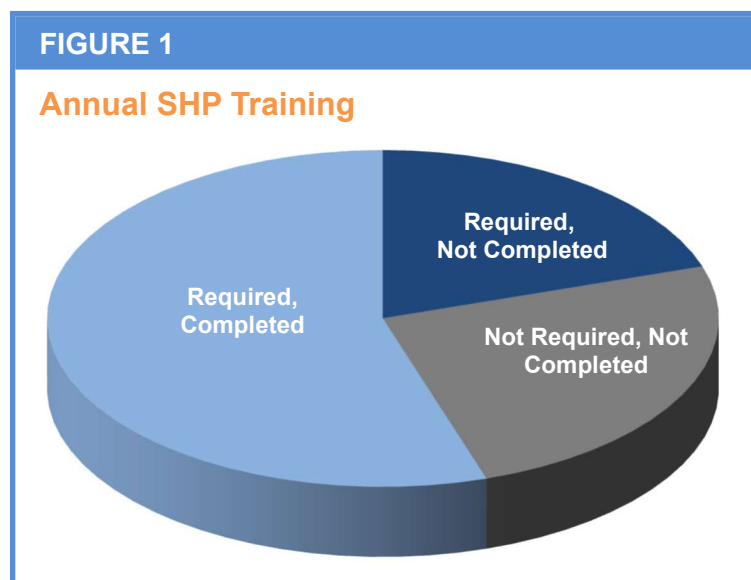
Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

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.

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 period and maintained records of who completed the training. Newly hired employees were expected to complete the training within two weeks of hire. However, the District did not provide SHP Training to Board members.

We tested 20 individuals (15 selected employees and all five Board members) to determine whether they completed the annual SHP Training. Four employees (27 percent of the employees sampled) and the five Board members were not provided SHP Training and therefore, did not complete the training (Figure 1).



The other 11 selected employees (55 percent of individuals tested) completed the 2021 SHP Training.

The Superintendent disseminated the SHP Training as a third-party presenter to be completed in-person by full-time and long-term substitute employees at the Superintendent's Conference Day on September 2, 2021.

The Secretary, at the Superintendent's direction, disseminated an interactive, online SHP Training module, for new employees hired throughout the year to complete individually. Monitoring is done at the Superintendent's Conference Day

and individually for each new hire at orientation throughout the year; however, there was no overall monitoring to ensure all employees were provided and completed SHP Training.

The Superintendent and Secretary told us that the five elected Board members were not assigned to take the training, as they were not required to do so by the District. The Secretary also told us the newly hired Director of Facilities was exempt from the District's SHP Training, since he provided a certificate of completion of SHP Training from his former employer. However, the April 2021 certificate of completion was dated prior to the District's 2021 training period. In addition, the Secretary told us the substitute teacher's assistant also provided her a certificate of completion from her former employer. However, the Secretary was unable to provide documentation to support the assertion.

A bus driver and a typist were both newly hired but were not assigned to take the SHP Training. The Secretary told us it was an oversight that these two employees were not provided the training.

A lack of SHP Training is an ongoing 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 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



AVOCA

Central School District

17 Oliver St. #29 ♦ PO Box G ♦ Avoca, NY 14809

Stephen Saxton, Superintendent

Scott Carroll, Middle/High School Principal

Deanna Wilkinson, Elementary Principal

Phone: 607-566-3000

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March 23, 2023

Office of the State Comptroller

██████████ Principal Examiner

110 State Street

Albany, NY 12236-0001

Re: Comptroller Audit - Sexual Harassment Prevention Training Response

Dear ██████████

In response to the audit on Sexual Harassment Training (SHP), Avoca Central School has implemented the following procedures to ensure the annual SHP training is completed.

1. During the Opening Superintendent Conference Day each year the Superintendent will have an in person presentation or assign an online training for SHP for all full and part-time employees. The Superintendent's Secretary will ensure anyone that did not attend the in-person training will be assigned the online SHP training.
2. New employees, including new substitute employees, who start during the school year will be assigned the online SHP training. The Superintendent's Secretary will verify that the training has been completed.
3. Substitute employees will be assigned the annual SHP Training which will be required to be completed before they begin employment.
4. On an annual basis coaches will be assigned SHP training. The Superintendent's Secretary will verify that the training has been completed.
5. The Superintendent will discuss with the Board of Education the option to assign SHP training to board members on an annual basis.

Sincerely,

Stephen Saxton

Superintendent

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 judgement 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 and employees 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 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 employed at the District during our audit period by obtaining and reviewing an employee listing and reviewing the District's website.
- Of the 158 total District employees and Board members, a sample of 13 percent (rounding up to 20 people) was selected. Using the District's employee listing, all five Board members were selected as part of the sample total, the remaining 153 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select eight supervisory employees and seven nonsupervisory employees. Four of the 15 employees selected were new hires, including two supervisory and two nonsupervisory titles.

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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Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov
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Central School District



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September 19, 2023

Office of the State Comptroller
Chief of Municipal Audits
110 State Street
Albany, NY 12236-0001

Re: Comptroller Audit - Sexual Harassment Corrective Action Plan

Dear Chief of Municipal Audits,

In response to the audit on Sexual Harassment Training (SHP), Avoca Central School has implemented the following procedures to ensure the annual SHP training is completed.

1. During the opening Superintendent Conference Day each year the Superintendent will have an in person presentation or assign an online training for SHP for all full and part-time employees. The Superintendent's Secretary will ensure anyone that did not attend the in-person training will be assigned the online SHP training or confirm that all staff completed the online training.
2. New employees, including new substitute employees, who are hired during the school year will be assigned the online SHP training which will be required to be completed before they begin employment. The Superintendent's Secretary will verify that the training has been completed.
3. Substitute employees will be assigned the annual SHP Training which will be required to be completed before they begin employment. The Superintendent's Secretary will verify that the training has been completed.
4. On an annual basis coaches will be assigned SHP training. This training will be required to be completed before they begin coaching. The Superintendent's Secretary will verify that the training has been completed and send an email to the Athletic Director the day the season begins verifying completion of training for all coaches.
5. The Superintendent will discuss with the Board of Education at the annual reorganization meeting the option to assign SHP training to board members.

Sincerely,

Stephen Saxton
Superintendent