

**DEPARTMENT OF TRANSPORTATION
U.S. MERCHANT MARINE ACADEMY
CULTURE AUDIT**

DELIVERABLE 4. FINAL REPORT



DECEMBER 2016

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Executive Summary

The U.S. Merchant Marine Academy (USMMA, or Academy) in Kings Point, New York, is one of five federal service academies. The Academy falls under the purview of the Maritime Administration (MARAD) within the U.S. Department of Transportation (DOT) and is accredited by the Middle States Commission on Higher Education (MSCHE). A key element of the USMMA curriculum involves the Academy's Sea Year Program, during which midshipmen gain hands-on experience serving aboard U.S. Naval Military Sealift Command vessels or commercial U.S. flagships.

In June 2016, MSCHE issued a report directing USMMA to take steps to build a climate of mutual respect and trust on campus and during the Sea Year Program. Specifically, the MSCHE evaluation team noted that the campus climate—and in particular, incidents of sexual assault and sexual harassment—has been a serious and recognized problem for over 10 years; to be in compliance with MSCHE accreditation standards, USMMA must improve the safety and climate of respect for midshipmen during Sea Year.

In reaction to these findings and the persistence of indications of sexual assault and sexual harassment in the Department of Defense's Defense Manpower Data Center (DMDC) Service Academy Gender Relations (SAGR) Surveys and focus groups, DOT and MARAD directed USMMA to stand-down the Sea Year Program on commercial vessels. DOT then selected LMI to conduct a 60-day independent culture audit with two primary objectives:

- ◆ Identify the current institutional climate at USMMA and any contributing subcultures.
- ◆ Analyze the nature and scope of the problem of sexual assault and sexual harassment on campus and at sea, derived from recent reports, research, survey data, policies, and interview.

To perform the audit, LMI reviewed literature, conducted interviews of Academy stakeholders, analyzed and compared data, and developed findings and recommendations. Specifically, we conducted 162 interviews with DOT Office of the Secretary of Transportation (OST), MARAD leaders, and USMMA Advisory

Board members; Academy leaders, staff and faculty members, and midshipmen; industry and maritime union representatives, including ship officers and crews; and USMMA alumni. We identified Academy sexual assault prevention and response gaps relative to comparator organizations, namely federal service academies and state maritime academies. We then identified recommendations that will enable the Academy to begin closing the gaps and address the underlying root causes contributing to the current climate.

As found through our literature review, data from the 2013–2014 DMDC SAGR Surveys show that 63 percent of women respondents indicated experiencing sexual harassment or similar behaviors and 17 percent of women respondents indicated that they had experienced sexual assault in the previous year. These numbers for sexual harassment are almost one-third higher than the military service academies’ average of the same statistic, 48 percent, and these numbers for sexual assault are double the 8 percent military service academies’ average proportion. In addition, 11 of 162 interviewees indicated they had experienced sexual assault or sexual harassment while at the Academy or during Sea Year.

Although the Academy has taken actions to address sexual assault and sexual harassment, the underlying climate contributing to these issues remains. This climate has been shaped by the strong cultural influences of the military and the maritime industry. While these dual influences have helped to enable an Academy culture focused on service, self-sacrifice, self-reliance, discipline, and teamwork, they also have caused a split identity at the Academy. As a result, midshipmen straddle between regiment and limited oversight at sea.

ACADEMY CULTURE

In addition to its split identity, the Academy is fragmented in other ways. We found an “us versus them” mindset shaping Academy culture across various dimensions, including male versus female midshipmen; midshipmen versus the leadership, staff, and faculty; and uniformed versus civilian faculty. The Academy is also marked by a sense of victimhood, with some staff and faculty members and midshipmen feeling that they are treated unfairly and are unable to improve the situation. Fear, in multiple forms, also plays a strong role in shaping attitudes and behaviors at the Academy—fear for the future of the Academy and the maritime industry in general; fear of being “blacklisted” by industry or jeopardizing chances of graduation; and fear of retaliation, ostracism, and bullying.

Alcohol use is another important component of the Academy’s culture. Academy disciplinary records confirm that alcohol is one of the most common serious disciplinary offenses, and many interviewees cited alcohol as being a factor in incidents of sexual assault.

Finally, the Sea Year Program is an important part of the Academy’s culture. Sea Year, a key experiential learning component of the Academy’s curriculum, enables midshipmen to obtain technical, professional, and development skills that

they can carry forward into their careers. It is integral, but it also exposes cadets to a world far different from regimental life. This exposure, and ship life in general, changes midshipmen. A male faculty member said, “Students come in as nice people but change after Sea Year. The brothels socialize the white male majority. It is the way they become a man.” In addition, reintegration has led to “trickle down” effects from older midshipmen returning from sea to the third- and fourth-class midshipmen on campus. Sea Year, fragmentation, fear, and alcohol, among other cultural dimensions, intersect and intertwine, creating barriers and limiting the Academy’s ability to combat sexual assault and sexual harassment and address the underlying root causes.

We identified lack of respect for personal dignity and personal differences, lack of trust, and lack of personal ownership of issues as the root causes shaping the current climate. These root causes then create barriers (victim blaming, denial of the problem, etc.) and manifest in behaviors such as ostracism and inaction. Understanding these barriers and not tolerating behaviors that manifest from them are critical to enabling culture change.

KEY FINDINGS AND RECOMMENDATIONS

Beyond identifying root causes and barriers, understanding the current state at the institution is critical for preventing and addressing sexual assault and sexual harassment and changing the culture. Our key findings and gaps relative to the current organization and operations include the following:

- ◆ Academy leadership and management does not present a unified message regarding sexual assault and sexual harassment.
- ◆ Current sexual assault and sexual harassment programs tend to be reactive rather than based on a unified, strategic approach.
- ◆ The emphasis on the Academy’s core values is understated.
- ◆ Fear of retaliation and victim blaming that hinders intervention and reporting impedes progress toward addressing sexual assault and sexual harassment.
- ◆ The Academy and MARAD lack a program to ensure that shipping companies have adequate policies and procedures in place during Sea Year.
- ◆ Academy policies, guides, and programs require improvements to fully prepare and support midshipmen for Sea Year.

To close these gaps and address the root causes of sexual assault and sexual harassment, we recommend that the Academy undertakes a strategic approach that includes the following:

1. *Build and align* Academy leadership and management team across all levels of the institution.
2. Develop a comprehensive and integrated Sexual Assault and Sexual Harassment Prevention and Response *Strategic Campaign Plan* that will integrate all actions to bring about mutual respect and zero tolerance for sexual assault and sexual harassment.
3. Build *shared ownership* between the Academy, MARAD, and industry, with a sustained public commitment to improve the culture and bring about zero tolerance for sexual assault and sexual harassment.
4. Infuse *core values* into all aspects of Academy life.
5. *Change the paradigm* from blaming the victim to advocating for and protecting the victim.
6. Instill a sense of *personal responsibility* for preventing and addressing sexual harassment, sexual assault, and retaliation at all levels within USMMA to build and institutionalize a culture of trust, respect, and accountability.

To improve the Sea Year Program, we recommend that USMMA and MARAD establish a process for credentialing shipping companies for participation in Sea Year, make improvements to more fully prepare and support midshipmen in the Sea Year Program, and establish a robust, continual feedback process from Sea Year.

WHERE TO START

We recognize that many of our recommendations will require time and concerted effort to accomplish. To start on this path of cultural transformation, we recommend that the Academy start with these three actions:

- ◆ Build and align Academy leadership and management team across all levels of the institution.
- ◆ Develop and implement a comprehensive, multi-year Sexual Assault and Sexual Harassment Prevention and Response Strategic Campaign Plan.
- ◆ Develop a Sea Year credentialing program that will enable the Academy and industry to maximize program effectiveness while maintaining the health and safety of the midshipmen.

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Chapter 1

Introduction

BACKGROUND

The U.S. Merchant Marine Academy (USMMA, or Academy) in Kings Point, New York, is one of five federal service academies. Its mission is “to educate and graduate licensed merchant mariners and leaders of exemplary character who will serve America’s marine transportation and defense needs in peace and war.”¹ In a given year, enrollment at the school ranges between 900 and 950 midshipmen who hail from the 50 states, U.S. territories, and foreign countries.

Graduates of USMMA earn a Bachelor of Science degree and a U.S. Coast Guard (USCG)–issued Merchant Mariner Credential with an Officer Endorsement (or license). They also earn a commission in the U.S. Armed Forces, either as a reserve commissioned officer while they serve in the maritime industry or on active duty in any of the nation’s military service branches.

A key element of the USMMA curriculum involves the Academy’s Sea Year Program, during which second- and third-year midshipmen gain hands-on experience aboard U.S. Navy Military Sealift Command vessels or U.S. flag commercial vessels. During two separate sailing periods, midshipmen work aboard these ships, developing maritime, team-building, and leadership skills. During the Sea Year Program, midshipmen accumulate 300-plus training days and learn skills that support both their Coast Guard licensing exam and completion of USMMA graduation requirements. Kings Point graduates are obligated to serve either 5 years in the U.S. maritime industry concurrent with 8 years as a commissioned reserve officer in the U.S. Armed Forces, or 5 years on active duty with one of the U.S. military services.

Within the federal governance structure, USMMA falls under the purview of the Maritime Administration (MARAD) within the U.S. Department of Transportation (DOT). The Academy Superintendent has overall responsibility for the institution and is supported by the deputy superintendent, commandant of midshipmen, and academic dean. In addition, the Academy is governed by two boards. The board of visitors—which comprises members of Congress, distinguished leaders appointed by the president, and ex officio members—provides independent advice and recommendations on matters related to the Academy. The advisory board, consisting of individuals distinguished in the education and the maritime fields, annually examines the Academy’s course of

¹ “USMMA Mission Statement,” United States Merchant Marine Academy website, <https://www.usmma.edu/about/mission>.

instruction and management and advises the superintendent and the MARAD administrator.

The Academy is accredited by the Middle States Commission on Higher Education (MSCHE). The MSCHE is recognized by both the U.S. Secretary of Education and the Council on Higher Education Accreditation to conduct accreditation activities for higher education institutions in New York, New Jersey, and several other states and U.S. protectorates.

PURPOSE

The MSCHE's June 2016 *Report to the Faculty, Administration, Advisory Board, and Students of the United States Merchant Marine Academy* directed USMMA to take steps to build a climate of mutual respect and trust on campus and during the Sea Year Program. The MSCHE evaluation team noted, "The campus climate and incidence of sexual harassment and sexual assault have been a serious and recognized problem for over 10 years."² In reaction to these findings, and the persistence of reports of sexual assault and sexual harassment on the Academy's Defense Manpower Data Center (DMDC) Service Academy Gender Relations (SAGR) surveys and from focus groups, DOT and MARAD directed USMMA to stand down the Sea Year Program on commercial vessels.

While the Academy has taken actions to address sexual assault and sexual harassment, the underlying climate contributing to these issues remains. Further improvement is required for USMMA to ensure the health, safety, and welfare of midshipmen; maintain its accreditation through the MSCHE; and reestablish the Sea Year Program on commercial vessels.

In September 2016, DOT commissioned a culture audit to seek a better understanding of the Academy's historical, structural, and cultural factors contributing to the current climate. DOT also seeks recommendations for how to better ensure the safety and security of the Academy's midshipmen. The audit has two primary objectives:

- ◆ *Identify* the current institutional climate at USMMA and the subcultures that are contributing to the overall climate
- ◆ *Analyze* the nature and scope of the problem of sexual harassment and sexual assault on campus and at sea, as derived from recent reports, research, survey data, policies, and interviews.

DOT selected the LMI team to conduct a 60-day independent audit to address these objectives. This report provides an overview of the audit's approach, findings, and resulting gaps of the audit, and recommendations for DOT,

² Middle States Commission on Higher Education, *Report to the Faculty, Administration, Advisory Board, and Students of the United States Merchant Marine Academy*, June 2016, p. 20.

MARAD, and the Academy to implement in order to improve the culture at the Academy and the safety of midshipmen during their Sea Year Program. We also include preliminary findings related to areas beyond sexual assault and sexual harassment, such as discrimination, as well as topics for further inquiry that DOT may want to consider to better understand the overall Academy and Sea Year environment.

ORGANIZATION

The remaining chapters in this report are organized as follows

- ◆ Chapter 2, Approach
- ◆ Chapter 3, Findings and Gaps
- ◆ Chapter 4, Recommendations
- ◆ Chapter 5, Preliminary Findings for Further Review and Topics for Follow-Up Inquiry
- ◆ Bibliography
- ◆ Appendixes.

Chapter 2

Approach

OVERVIEW

To conduct the cultural audit, we collected and analyzed data, identified findings and gaps, and developed recommendations. We then documented our progress and results in five deliverables: Deliverable 1: Weekly Briefings; Deliverable 2: Documentation of Surveys and Outreach Conducted; Deliverable 3: Statistics and Summaries of Findings Based on Analysis of Interview Notes; Deliverable 4: Final Report; and Deliverable 5: Executive Briefing.

This section identifies our approach to conducting the audit based on the three primary steps:

1. Planning and data collection
2. Data analysis and development of findings and gaps
3. Recommendations development.

PLANNING AND DATA COLLECTION

The short duration of the audit required efficient planning. The LMI team refined the project plan from the initial version in our proposal and conducted a kick-off meeting with the Office of Secretary of Transportation (OST) on the second business day to review the approach, confirm expectations, and discuss the data requirements. The data required for this audit included literature from a wide range of topics and stakeholder interviews. To collect the needed data, the LMI team took the following steps:

- ◆ Identified and reviewed literature
- ◆ Prepared for interviews
- ◆ Conducted interviews.

Identified and Reviewed Literature

We identified literature for review that would assist us in understanding and addressing the task areas and items outlined in the DOT USMMA Culture Audit Statement of Work (SOW). This literature included information and documents pertaining to USMMA, the shipping industry, comparator organizations such as

other federal service academies (FSAs), and other military and maritime academies. We also reviewed literature from the general community of practice regarding sexual assault and sexual harassment. We examined literature pertaining to FSAs to research and understand other service academy data, best practices, and current sexual assault and sexual harassment prevention and response programs, policies, and practices as a point of comparison to USMMA. A summary of our best practice findings is provided in Appendix A: Summary of Best Practices at Other Academies and Institutions.

Some examples of the literature we reviewed are listed below.

- ◆ Information related to USMMA:
 - MARAD and USMMA Reports to Congress on sexual assault and sexual harassment (2012 and 2014) and MSCHE June 2016 Report
 - USMMA Superintendent instructions and Standard Operating Procedures (SOPs) related to sexual assault and sexual harassment prevention and response
 - DMDC SAGR Surveys and focus group findings (2012–2016) for USMMA
 - Findings from previous DOT, Office of the Inspector General (OIG), MARAD, and USMMA investigations related to institutional climate, culture, discrimination, and sexual assault and sexual harassment at the Academy
 - Sea Year Program and shipping company policies and documentation of interactions with maritime industry and commercial shipping operators
- ◆ Information for comparator organizations:
 - Department of Defense (DoD) Sexual Assault Prevention Strategy (2014–2016) and Annual Reports on Sexual Harassment and Violence at the Military Service Academies (2013–2014, 2014–2015)
 - DMDC SAGR Surveys for each of the other FSAs
 - United States Coast Guard Sexual Assault Prevention and Response 2013–2017 Strategic Plan and 2013–2014 Report to Congress
 - Military Service Academies’ (U.S. Military Academy, U.S. Naval Academy, and U.S. Air Force Academy) sexual assault and sexual harassment strategies, policies, and instructions.

- ◆ Other information:
 - Sexual Violence Prevention: Beginning the Dialogue, Centers for Disease Control and Prevention (CDC), 2004
 - Green Dot, etc. training curriculum

While the sources listed in this section were the primary literature we reviewed, the Bibliography contains the full listing of references used during the audit.

Prepared for Interviews

The next step in planning and data collection involved preparing for the stakeholder interviews. We confirmed and grouped the stakeholders, identified the interviewees, developed interview guides, and coordinated the interview visits. Conferring with OST, we identified the following stakeholders to interview:

- ◆ OST senior officials
- ◆ MARAD senior officials
- ◆ USMMA independent oversight bodies
- ◆ USMMA leadership
- ◆ USMMA staff
- ◆ USMMA faculty
- ◆ Midshipmen
- ◆ Industry representatives
- ◆ Commercial vessel crews
- ◆ USMMA alumni.

We next aligned these stakeholders into groups, as shown in Table 2-1, and developed an interview guide for each group. We also developed supplemental questions for particular roles within the stakeholder groups. For example, we developed additional questions for the Sexual Assault Response Coordinator (SARC), who is part of the USMMA staff and faculty stakeholder group. The interview guides and supplemental questions are provided in Deliverable 2.

Table 2-1. Summary of Stakeholder Groups

Stakeholder group	Stakeholder description
DOT senior officials and independent oversight bodies	<ul style="list-style-type: none">◆ OST senior officials◆ MARAD senior officials◆ USMMA advisory board members
USMMA staff and faculty	<ul style="list-style-type: none">◆ USMMA leadership, staff, and faculty (including some who are USMMA alumni)
USMMA midshipmen	<ul style="list-style-type: none">◆ Midshipmen currently attending the Academy
Industry	<ul style="list-style-type: none">◆ Industry and union executives, management, staff, and commercial vessel crew members (including some who are USMMA alumni)
Alumni	<ul style="list-style-type: none">◆ Individuals (not included in the USMMA staff and faculty or Industry groups) who graduated from the Academy between 1991 and 2015

After aligning the stakeholder groups and developing the interview guides, we identified the specific stakeholders to interview. For the DOT senior officials and independent oversight bodies, OST provided the list of individuals to interview and then scheduled the interviews.

To obtain USMMA staff and faculty interviewees, we provided a list of key Academy leadership, staff, and faculty roles to OST that we wanted to interview. OST coordinated with USMMA, which then scheduled the interviews.

Regarding midshipmen interview scheduling, USMMA provided a list and contact information for midshipmen not at sea. We used this list to identify 24 midshipmen (3 males and 3 females per class) to interview. To do this, we applied a random stratified sampling procedure based on gender and class year. In addition, we requested a list and contact information for midshipmen in regimental leadership positions from which we randomly selected additional midshipmen interviewees.

For the industry interviews, MARAD provided us with names and contact information of shipping company and union representatives that we could contact. We used this list to engage the companies and unions directly.

For alumni interviews,¹ we identified individuals across multiple graduation years from the 2016 Kings Point Log published by the U.S. Merchant Marine Academy Alumni Association and Foundation. In addition to 18 alumni interviewed among the staff, faculty, and industry stakeholder interviews, we interviewed an additional 8 alumni working in the commercial maritime industry across a range of companies, the U.S. military, and the Coast Guard, as well as some working outside the maritime industry.

¹ These alumni were in addition to members of other stakeholder groups who happened to be alumni.

Across the stakeholder groups, we interviewed a total of 11 victims, four of which were sexually assaulted and seven who were sexually harassed. We did not initially select any interviewees specifically because we knew they were victims. However, during the course of the interviews, some individuals shared that they had been victims. Two of these individuals referred us to other alumni who also were victims.

Conducted Interviews

The first stakeholders we interviewed were DOT senior officials; we conducted these interviews during the first 2 weeks of the assessment. Concurrent with these interviews, we planned our Academy visits to start the second week of the assessment.

Prior to our arrival at the Academy, the superintendent sent an e-mail to all faculty, staff, and midshipmen announcing the purpose for the LMI team's visit. The Office of the Superintendent also sent out the invitations to the staff and faculty members selected to be interviewed. Concurrently, we e-mailed the midshipmen randomly selected for interviews.

Upon arrival at the Academy, we conducted three separate kickoff meetings with Academy leadership, staff and faculty, and midshipmen regimental leadership. In each of these meetings, we discussed the purpose and approach for our visit and provided an overview of our planned interview approach. This included describing the interview construct and timing and explaining that the interviews were not for attribution. In addition to the scheduled interviews, we established locations and times for multiple daily walk-in interviews or office hours. Holding office hours enabled additional midshipmen and staff and faculty members to voluntarily request to be interviewed.

Following the midshipmen regimental leadership kickoff meeting, the midshipmen leadership sent an e-mail to all midshipmen encouraging their participation in the interviews. Finally, the Office of the Superintendent e-mailed the times and locations for the office hours to all midshipmen, staff, and faculty.

Interviews began immediately after the kickoff meetings. We conducted the interviews in interviewer pairs, with one person asking questions and the other capturing responses. We initiated each interview by providing an overview of the study, stating that we were collecting feedback, both positive and negative, on the culture at the Academy, indicating that the interviews were voluntary, and assuring the interviewee that their responses were on a not-for-attribution basis. The length of interviews varied, ranging from 30 minutes to 1 hour. We conducted Academy interviews during the second and third weeks of the assessment.

Upon return from the Academy, we conducted interviews with the industry and alumni stakeholder groups. With regard to industry, we interviewed leaders in the

commercial maritime industry, Military Sealift Command, and maritime labor organizations. We also visited four ships from three different commercial shipping companies and interviewed their officers and crews. Although some of our staff and faculty and industry interviewees were also Academy alumni, our alumni interview counts, shown in Table 2-2, reflect only the additional alumni and not these individuals already counted in our staff and faculty or industry numbers. Table 2-2 summarizes the total number interviews conducted during the audit.

Table 2-2. Summary of Culture Audit Interviews

Stakeholder group	Number of interviews			Type of interview	Location
	Male	Female	Total		
DOT senior officials and independent oversight bodies	13	6	19	In person and Telephone	Washington, DC
USMMA staff (leadership and staff)	29	18	47	In person	Kings Point, NY
USMMA faculty	12	7	19	In person	Kings Point, NY
USMMA midshipmen	30	18	48	In person	Kings Point, NY
Industry	18	3	21	In person and Telephone	Baltimore, MD Newark, NJ Norfolk, VA Seattle, WA
USMMA alumni	2	6	8	Telephone and E-mail ^a	N/A
Total number of interviews	104	58	162		

^a Two people requested to respond in writing.

DATA ANALYSIS AND DEVELOPMENT OF FINDINGS AND GAPS

With the majority of the data collected upon returning from USMMA, our team then moved into the data analysis phase. Our data analysis approach involved applying multiple analyses and then using this analysis to develop findings and identify gaps:

- ◆ Analysis of literature
- ◆ Analysis of interview data
- ◆ Derivation of findings and gaps.

Analysis of Literature

We conducted a review of the USMAA-related literature to confirm and understand (1) Academy leadership, staff, and faculty roles and responsibilities as they relate to sexual assault and sexual harassment prevention and response and (2) the Academy's current sexual assault and sexual harassment prevention and response programs and environment. We used outputs of this analysis to articulate our findings and help identify policy, practice, and program gaps.

We reviewed the literature regarding the comparator organizations and external research to identify applicable policies, practices, and programs that other organizations have implemented that might assist USMMA in addressing its challenges. Further, we used this information to articulate our findings and identify USMMA gaps.

Analysis of Interview Data

The breadth of viewpoints, facts, anecdotes, and opinions revealed through our interviews created a rich data set to support further analysis. The complexity of these data revealed the need for multiple analysis techniques to be applied to support defensible and traceable findings. As such, the LMI team added an independent set of LMI data analysts who were not involved the interviews who conducted additional analyses on the notes in parallel with the main project team. Yet another analyst performed a structured sentiment analysis on the interview comments. In the subsections below, we describe the steps of the interview analysis:

- ◆ Development of a database of interview comments
- ◆ Analysis by the LMI project team
- ◆ Analysis by an independent team
- ◆ Sentiment analysis
- ◆ Comparison of results.

DEVELOPMENT OF A DATABASE OF INTERVIEW COMMENTS

In preparing to analyze the interview data, we developed a database to make it easier for all analysts to analyze the notes and locate comments from interviews that relate to specific elements of our findings. We first focused on developing themes to categorize what we heard. We started with the topic areas specified in the SOW and then expanded this list based on topics that we heard frequently during our interviews. The resulting list of 26 themes is shown in Table 2-3.

Table 2-3. Analysis Themes

Academics	Leadership
Accountability	Management and Faculty
Alcohol	Military
Assault	Prevention
Campus Life	Regimental
Communication	Reporting
Culture and History	Reprisal
Discrimination	Response
Enforcement	Safety
Ethics	Ship Life, Ports
Fear	Training
Governance, Policies, Programs, Plans	Trends
Harassment	Trust

We then parsed the notes into more than 3,000 individual comments. We identified each comment by stakeholder group and gender, and categorized each comment by a high-level primary theme and, if applicable, a secondary theme.

ANALYSIS BY THE LMI PROJECT TEAM

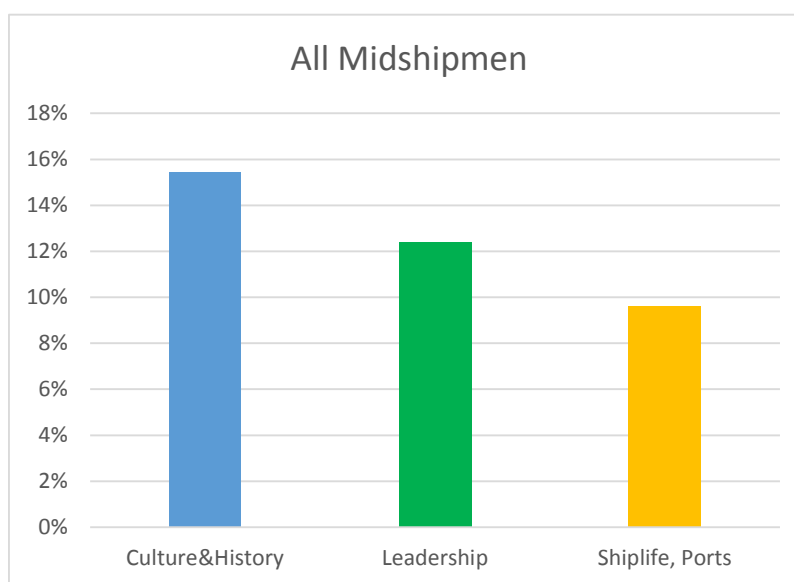
The LMI project team conducted several working sessions during which we reviewed the interview note database and discussed the broad themes and important takeaways. Next, we looked at commonalities across the interviews and, posing a series of “why” questions, we narrowed these down until we derived three root causes behind the issues of sexual assault and sexual harassment at the Academy and four barriers manifested by those root causes that stand in the way of the Academy’s ability to effectively address the issues.

ANALYSIS BY AN INDEPENDENT TEAM

Analysis of Themes

The independent team applied standard statistical analysis techniques to determine which of the 26 themes were most prevalent in the comments for each of the stakeholder groups and developed charts based on this data. For example, the most common themes taken from the midshipmen interviews are Culture and History, Leadership, and Ship Life/Ports, as shown in Figure 2-1. The full results of this analysis are included in Deliverable 3.

Figure 2-1. Common Themes from Interviews



Independent Analysis of Interview Notes

Next, the independent team conducted an analysis of the interview data. The objective of this independent analysis was to validate that the main project team did not miss any key points due to its immersion and proximity to the work. The independent analysts reviewed the interview note database and convened to discuss their reactions to the data. Based on this, they documented the key points that emerged from their review. They then provided these key points to the LMI project team for comparison to their own key findings.

SENTIMENT ANALYSIS

We also developed a structured approach to extract commonly occurring keywords and phrases associated with our themes and analyze the sentiment associated with discussions related to each theme.

For each of the themes, we used an open-source lexical database called WordNet to assemble a vocabulary of related terms.² This enabled us to identify a vocabulary of words highly related to each of the themes in Table 2-3. We analyzed the total sentiment of the words used by consulting ANEW (Affective Norms for English Words),³ a list of commonly used English words with a human-provided sentiment score for each. Scores range from -5 to 5 but are typically between -2 and 2, where negative numbers correspond to negative

² Princeton University, *WordNet: A Lexical Database for English*, <http://wordnet.princeton.edu>.

³ Finn Arup Nielsen, "A New ANEW: Evaluation of a Word List for Sentiment Analysis in Microblogs," research paper, Technical University of Denmark, March 2011, available at <https://arxiv.org/pdf/1103.2903v1.pdf>.

sentiment and positive numbers correspond to positive sentiment. We were then able to calculate an average sentiment score for each of the 26 themes; for example, Ethics had the highest (positive) sentiment score of 0.87, while Reprisal had the lowest (negative) score of -3.30.

COMPARISON OF RESULTS

When these separate analysis streams were all completed, we gathered to compare our results. We found no significant disparities between the important points uncovered by each team. The importance of Sea Year, influences of alumni and midshipmen loyalty, fear of retaliation, and issues with communication, identity, and old vs. new (an example of us vs. them) found by the independent team were all consistent with the findings of the project team. In addition, the result from the sentiment analysis with only 2 of 26 themes having a positive sentiment was consistent with the overall tone of the interviews from the project team's review. The identification of the top three negative themes as Reprisal, Reporting, and Alcohol is also consistent with what the project team found.

Derivation of Findings and Gaps

After the data analysis was complete, members of the LMI team each focused on one or more task areas to develop draft findings. For each area, the assigned member synthesized the results of the interview analysis, the results of the literature review, and subject matter expertise to develop draft findings. The project team then reassembled to conduct a peer review of the findings. The team then compared findings from the interviews and USMMA literature review to best practices and programs implemented in comparator organizations to develop the gaps.

RECOMMENDATIONS DEVELOPMENT

The final step in our approach involved developing recommendations for USMMA to address the gaps. The project team reviewed the gaps holistically and identified six major areas which need to be addressed to improve the culture. We then took a similar approach to assessing gaps related to Sea Year. Within these major areas, we developed specific recommendations that we believe will have the greatest impact on reducing sexual assault and sexual harassment.

As part of the Culture Audit, we captured additional information which, while not directly related to sexual harassment and sexual assault, does influence the overall culture at the Academy. We include these in the final chapter of this report as topics for follow-up inquiry.

Chapter 3

Findings and Gaps

USMMA's mission, history and culture, organizational structure, and alignment under DOT, blended academic and experiential learning approach, and its role as a direct pipeline for both the military and industry make the institution extremely unique and complex. These elements, all intertwined and related, pose challenges for addressing sexual assault and sexual harassment. In this chapter, we will discuss our findings related to sexual assault and sexual harassment at the Academy and the gaps that USMMA will need to address to solve this problem.

We begin by discussing the *nature of the problem* of sexual harassment and sexual assault at USMMA. Here, we present the three root causes that we identified as forming the basis of this problem, and the four resulting major barriers that make addressing the problem difficult. We also describe behaviors stemming from these root causes and barriers which allow sexual assault and sexual harassment to persist at the Academy.

Next we look at the *extent* of the problem at the Academy, presenting evidence of its prevalence and showing comparisons to other FSAs. Following that, we discuss the *impact* that sexual assault and sexual harassment are having on the Academy, particularly on the midshipmen. We then examine whether that Academy has made *progress* on this issue based on the data currently available, and we also present the actions that the Academy has taken to date to combat sexual assault and sexual harassment.

We examine the *history, culture, and climate* of USMMA and the Sea Year Program. After a review of the Academy's history, we discuss the major influences on the Academy culture and how they relate to the issue of sexual harassment and sexual assault.

We then discuss the *roles and responsibilities* of different parts of the USMMA community, both in general and specific to combatting sexual assault and sexual harassment. We also examine gaps in the execution of these roles and responsibilities.

Finally, we present our findings and gaps in each of the five *policy and program areas* related to addressing sexual assault and sexual harassment:

- ◆ Prevention
- ◆ Education and training
- ◆ Reporting and response

-
- ◆ Enforcement authorities and corporate oversight
 - ◆ Accountability.

NATURE OF THE PROBLEM

Root Causes

We identified three root causes contributing to sexual assault and sexual harassment at USMMA:

- ◆ Lack of respect for personal dignity and personal differences
- ◆ Lack of trust and a culture of fear
- ◆ Lack of personal ownership.

LACK OF RESPECT FOR PERSONAL DIGNITY AND DIFFERENCES

The lack of respect for personal dignity and differences can be seen in widespread acceptance of sexist behavior and sexual harassment. In our interviews with midshipmen and staff and faculty members, we consistently heard that some displayed a dismissive attitude about inappropriate sexual comments, which they view as jokes, and about those who take offense as being “politically correct” or overreacting. Midshipmen feel pressured by their peers to look the other way when they are offended or threatened by inappropriate language. We also heard from several staff and faculty members that some of the faculty members exhibit these same behaviors, reinforcing the use of sexist language on campus. This has led to a culture in which inappropriate language goes unchecked, and midshipmen, mostly female, are subjected to this behavior inside and outside the classroom.

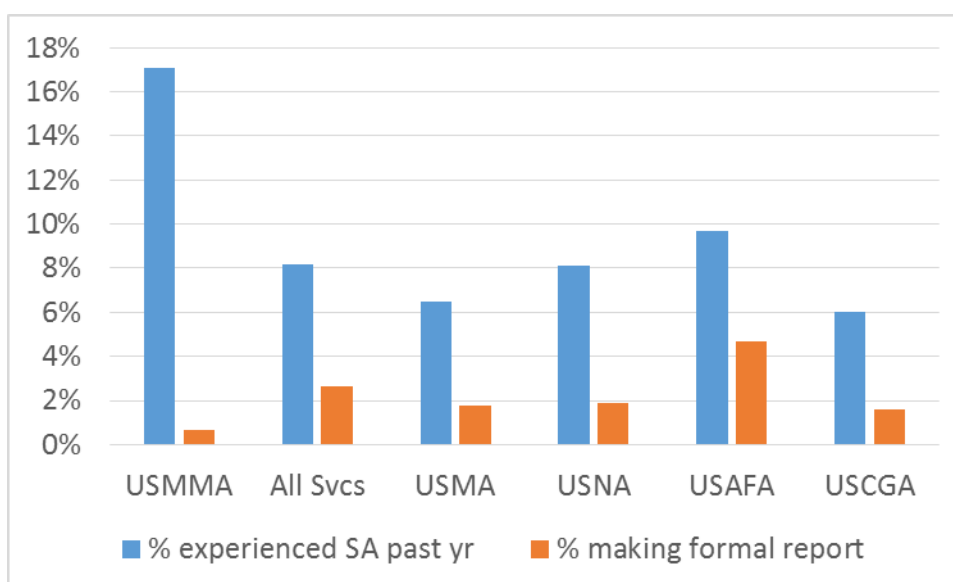
LACK OF TRUST AND A CULTURE OF FEAR

Lack of trust and a culture of fear are reflected in the low levels of reporting of sexual assault and sexual harassment at USMMA as compared with the incidence rates in survey data. This lack of trust and culture of fear is contributing to low reporting due to a fear of retaliation from peers or by the industry (ostracism, blackballing) and not trusting Academy leadership to respond appropriately and protect victims. In interviews, midshipmen and alumni also identified fear of reprisal from first responders, such as company officers and academy training representatives (ATRs), as a reason not to report.

As shown in Figure 3-1, USMMA has the highest incidence of sexual assault across the FSAs, at 17 percent of those females who responded on the 2014 DMDC SAGR Survey results, but has the lowest proportion of females reporting at less than 1 percent. This indicates that female victims of sexual assault at

USMMA are less likely to make a formal report than those at the other FSAs. In addition, feedback from interviews with female midshipmen and alumni revealed that they would be reluctant to report both sexual assault and sexual harassment because they feared retaliation from their classmates and did not trust the Academy to protect them. An alumna who knew a friend who was raped on campus recounted, “The environment was so negative that she didn’t know why the school didn’t address it and make sure she was protected. She knew that the school wasn’t helping her, and only one faculty member supported her.”

Figure 3-1. Survey-Based Incidence of Sexual Assault Compared with Percent Making a Formal Report—Female Victims



LACK OF PERSONAL OWNERSHIP

Lack of personal ownership was exhibited in our interview data by some male midshipmen and senior uniformed staff and faculty members who were openly skeptical that sexual assault and sexual harassment are serious problems at the school. One uniformed maritime faculty member commented that sexual harassment is “not a huge problem here.” This lack of ownership is also indicated by the fact that the Academy’s leadership, staff, and faculty do not speak with one voice on this issue. For example, during an interview, a faculty member stated that there was a lot of sentiment among the faculty that addressing sexual harassment prevention was the job of the regiment. This conflicting messaging from staff and faculty members signals lack of ownership to the midshipmen, potentially enabling their own lack of ownership of this issue.

Barriers

The root causes are manifested in general attitudes that may form barriers to the Academy's ability to reduce and eliminate sexual assault and sexual harassment. We have identified four major barriers:

- ◆ Denial of the problem
- ◆ Victim blaming
- ◆ "Us versus them" mentality
- ◆ Unwillingness to intervene or hold each other accountable.

DENIAL OF THE PROBLEM

The barrier of denying the problem is most closely tied to the root cause of lack of personal ownership. This is exhibited in skeptical attitudes among some midshipmen and staff and faculty about whether sexual assault and sexual harassment are serious issues. Many did not feel that inappropriate remarks or sexist language constitute sexual harassment, even though these behaviors clearly fall within the official definition of creating a hostile work environment, a form of sexual harassment. These behaviors were often justified by interviewees as "boys being boys" and not serious enough to warrant complaints. There were also doubts that the problems of sexual assault and sexual harassment even existed on campus or at sea. In an interview, a faculty member stated, "Some faculty and staff are still in denial that there are issues of sexual assault or sexual harassment at the school." This skepticism about the seriousness of the issue persists, despite the evidence from surveys and focus groups of the persistence of sexual assault and sexual harassment incidents.

The degree of denial of the problem varies greatly by gender. Among male midshipmen and staff and faculty, several interviewed denied that the Academy had major issues regarding sexual assault and sexual harassment. However, among female midshipmen and staff and faculty interviewed, nearly all felt that these were serious issues on campus and at sea. Several gave examples of either themselves or other female midshipmen who had been subjected to sexual assault or sexual harassment. One student said that in her first year, her company officer "said inappropriate things to her and sexually harassed her constantly." Another mentioned that while at sea, a male crew member "made comments and asked her on dates," making her feel uncomfortable. Recent graduates we interviewed also reported incidents of sexual harassment and sexual assault on campus and at sea.

VICTIM BLAMING

Victim blaming, while related to each of the root causes, can be traced to a lack of respect for personal dignity. This barrier is characterized by other midshipmen

siding with the person accused of the sexual assault or sexual harassment and taking it out on the victim through ostracism, targeting, and other forms of retaliation.

A contributing factor to victim blaming is the acceptance of “rape myths” that we found among midshipmen. While nearly all of the midshipmen interviewed indicated that they would support a fellow midshipman who was sexually assaulted, they caveated that the incident would need to be a “legitimate” sexual assault. The determination of whether a report of sexual assault is “legitimate” seems to include several considerations linked to “rape myths”:

- ◆ Was the victim covering their own misbehavior?
- ◆ Is the victim seen as promiscuous?
- ◆ Did the victim bring this on himself/herself?
- ◆ Did the victim and the accused person have a romantic relationship?
- ◆ Was the victim getting back at the accused for something?
- ◆ Was it a case of “morning after” regrets?

In other words, midshipmen’s acceptance of rape myths reduces their perception of the seriousness of the crime because they focus more on the potential of a false report than they do on the devastating impact on the victim. However, according to a peer-reviewed article by Dr. David Lisak, et al., false reports of sexual assault are estimated to be about 6 percent.¹ A culture that accepts these myths as truth creates an environment that discourages sexual assault reports because victims think they will not be believed and, in fact, will be blamed.

Midshipmen and alumni interviewees cited incidents during which victims were perceived as having been “blamed” due to collateral misconduct such as drinking. One midshipman commented that midshipmen do not trust the staff and faculty because they are constantly putting midshipmen on report, and alumni pointed to disproportionate disciplinary actions for related misconduct such as physically intervening to prevent sexual assault or drinking.

“US VERSUS THEM” MENTALITY

The barrier of an “us versus them” mentality is most closely associated with the lack of trust and culture of fear root cause. As previously discussed, there are a number of subgroups within the Academy that do not trust each other. This mistrust makes it difficult to address sexual assault and sexual harassment as it

¹ David Lisak, PhD, et al., “False Allegations of Sexual Assault: An analysis of Ten Years of Reported Cases,” *Violence Against Women*, Vol. 16, No. 12 (2010): p. 1,329.

leads to a diffusion of responsibilities, makes retaliation more likely, and prevents the community from coming together to solve problems.

UNWILLINGNESS TO INTERVENE OR HOLD EACH OTHER ACCOUNTABLE

Another barrier, unwillingness to intervene or hold others accountable, is related to all three of the root causes. Due to a lack of respect of the dignity of others, onlookers do not consider it serious enough to intervene or do not value the impact on the victim. The lack of trust and culture of fear causes them to hesitate and think that they may be ostracized if they correct a classmate for exhibiting this behavior. The lack of ownership barrier results in them dismissing it as “not my problem,” so they do not intervene or enforce accountability. When a midshipman makes an inappropriate sexual comment and other midshipmen do not confront him or her about the comment, the message is sent that this type of comment is acceptable. Although some midshipmen in the group may take offense to the comment and others may feel threatened, the silence or passive acceptance of the comment adds to the perception that these behaviors are okay. This was a common perception among the midshipmen we interviewed. Midshipmen relayed incidents during which midshipmen made inappropriate remarks and then discounted them as a joke, causing other midshipmen to shrug them off as well.

For the staff and faculty, this barrier presents itself as an unwillingness to hold others—be they midshipmen or other staff and faculty—accountable for inappropriate behavior or comments. As previously noted, we heard in interviews with staff and faculty that some of the faculty considered issues of sexual assault and sexual harassment as not being their problem but a “regimental problem.” However, interviews with midshipmen indicated that some regimental and company officers, who are closest to midshipmen and should intervene and enforce accountability, fail to do so when it occurs. A female staff member told us, “Accountability at the Academy is a problem; things are reported and the behaviors don’t change...why should I say anything if nothing is going to happen?”

Behaviors

These barriers cause counterproductive behaviors in the midshipmen, staff, and faculty that allow sexual assault and sexual harassment to persist at the Academy. Examples of the behaviors that were described by interviewees at the Academy include the following:

- ◆ Insensitive, inappropriate language
- ◆ Not modeling appropriate behavior
- ◆ Ignoring incidents or signs of sexual assault and sexual harassment

- ◆ Not holding the staff and faculty accountable to the same standards as midshipmen
- ◆ Not holding people accountable for sexual assault, sexual harassment, or retaliation against a victim
- ◆ Victims not reporting incidents
- ◆ Non-proportional response to complaints of sexual harassment
- ◆ Disproportionate response to collateral misconduct when sexual harassment or sexual assault are reported
- ◆ Inattention to protecting victims
- ◆ Retaliation against and ostracism of the victim.

These behaviors have significant impacts on individual midshipmen and the Academy as a whole.

EXTENT OF SEXUAL ASSAULT AND SEXUAL HARASSMENT AT USMMA

Our research showed that sexual assault and sexual harassment are significant issues at the Academy. According to the Academy's 2013–2014 DMDC SAGR Survey report, nearly two-thirds (63 percent) of women respondents indicated experiencing behavior that they considered to be sexual harassment in the previous 12 month period. This same survey reported that nearly 17 percent of women respondents indicated that they had experienced sexual assault.

Figure 3-2 compares the proportion of DMDC SAGR Survey female and male survey respondents within each FSA who indicated they had experienced sexual assault in the 12 months preceding the survey. As the figure shows, for females, USMMA had the highest proportion, at 17 percent, which was more than double the 8 percent total proportion for the military service academies as a group (shown as "All Svcs").² Since 108 female midshipmen responded to the DMDC SAGR Survey, this would equate to 18 female midshipmen being sexually assaulted during that period. For male midshipmen, 2 percent of the 429 male midshipmen respondents reported being sexually assaulted, which equates to 8 male midshipmen.

² "All Svcs" is the combined proportion for the U.S. Military Academy (USMA), U.S. Naval Academy (USNA), and U.S. Air Force Academy (USAFA); U.S. Coast Guard Academy is not included in this total.

Figure 3-2. Percent Experiencing Sexual Assault in Preceding Year³

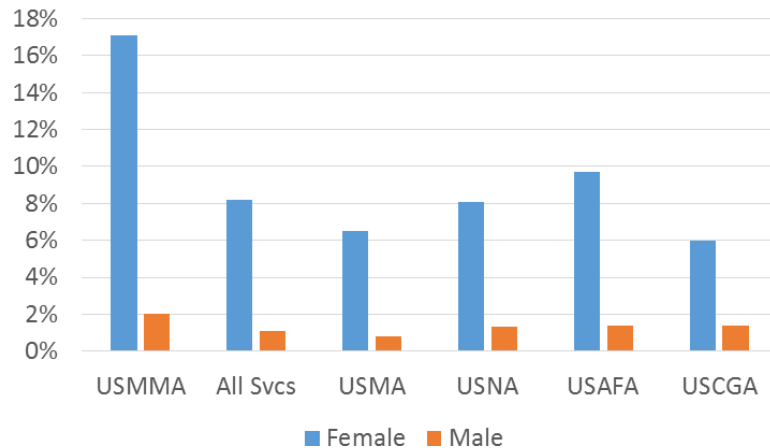
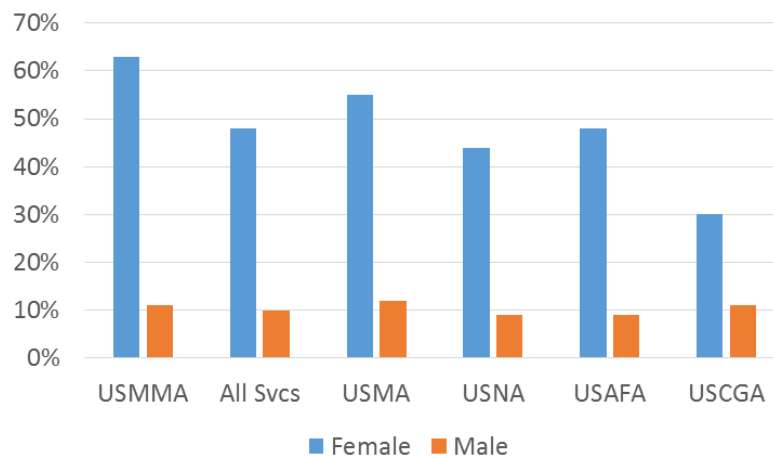


Figure 3-3 compares the proportion of DMDC SAGR Survey female and male survey respondents within each FSA who indicated they had experienced sexual harassment in the 12 months preceding the survey. As the figure shows, for females, USMMA had the highest proportion, at 63 percent, which is almost a third higher than the 48 total proportion for the military service academies as a group (shown as “All Svcs”).⁴ Since 108 female midshipmen responded to the DMDC SAGR Survey, this would equate to 68 female midshipmen being sexually harassed during that period. For male midshipmen, 11 percent of the 429 male midshipmen respondents reported being sexually assaulted, which equates to 47 male midshipmen.

Figure 3-3. Percent Experiencing Sexual Harassment in Preceding Year⁵



³ Defense Manpower Data Center, *2014 Service Academy Gender Relations Survey: Overview Report*, DMDC Report No. 2014-016, February 2015.

⁴ “All Svcs” is the combined proportion for the USMA, USNA, and USAFA; U.S. Coast Guard Academy is not included in this total.

⁵ Defense Manpower Data Center, *2014 Service Academy Gender Relations Survey: Overview Report*, DMDC Report No. 2014-016, February 2015.

Comparing these two charts reveals that, although the USMMA proportion of male and female survey respondents who indicated that they experienced sexual harassment is close for males and is fairly close to the other academies, the proportion of female survey respondents who indicated that they experienced sexual assault at USMMA is considerably higher.

IMPACT OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ON THE ACADEMY

Sexual assault and sexual harassment affect the Academy environment in two primary ways: the direct effect on the victims and their close associates, and the effect of retaliatory actions on the overall Academy environment.

On Victims

Midshipmen victimized by sexual assault and sexual harassment can experience depression, anxiety, and loss of self-worth and suffer devastating impacts on their ability to obtain an education. In interviews, one alumna who was a victim of sexual assault stated, “I did not report until senior year because I was depressed... I felt down about what happened to me because I felt it was my fault.” Victims may turn to unhealthy coping mechanisms, such as alcohol, drugs, promiscuity, social isolation, or even suicide.

Another effect is that victims may not receive the support they need if they do not report the issue. They may attempt to deal with their experiences on their own, without the assistance of mental health professionals. This could further contribute to victims underperforming academically and adopting harmful coping behaviors. Underreporting also places the responsibility of helping victims on their peers; this can increase stress and anxiety in those midshipmen who are attempting to provide support.

On the Academy Environment

Fear of retaliation can contribute to underreporting of sexual assault and sexual harassment, which exacerbates their effects on the Academy. In addition, retaliation has other negative effects on the overall Academy environment; it can cause disunity within the student body and lead to a climate of fear, mistrust, and anger. An alumna stated, “I recall the culture of fear. We didn’t speak up when something wasn’t right because we were scared of retaliation.”

On the Shipboard Environment

Sexual assault and sexual harassment at sea can have negative effects on the shipboard environment. Similar to the affects seen on campus, unreported incidents can lead to depression, poor performance, and unhealthy coping

mechanisms by victims. In addition, even though they have another cadet onboard with them (his/her “sea buddy”), the unofficial support of friends available on campus is not available aboard ship. If an incident is reported, the crew may ostracize midshipmen. The dynamics of small crews living in close quarters, isolated at sea without easy access to external support resources, exacerbates the effects of incidents of sexual assault and sexual harassment.

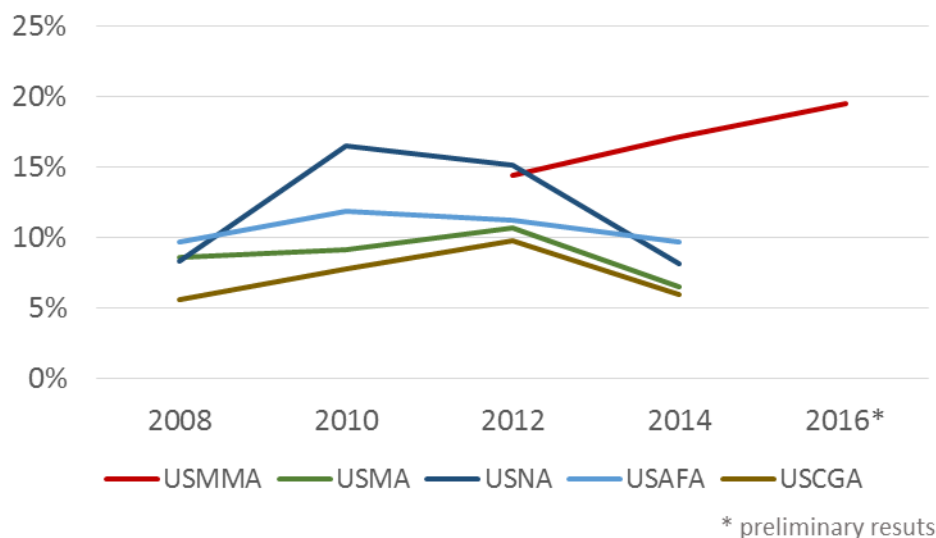
These effects contribute to a culture of low morale, distrust in Academy leadership, and fear of retribution, both on campus and at sea. The impact of sexual assault and sexual harassment can be mitigated by creating an environment where victims feel safe reporting incidents, have access to professional mental health services without fear of negative consequences, and are confident that perpetrators will be held accountable for their behavior.

PROGRESS ON REDUCING SEXUAL ASSAULT AND SEXUAL HARASSMENT

While the Academy has recently taken several steps to address the issue of sexual assault and sexual harassment, those actions have not had sufficient time to show their effects. Based on data from the Academy’s last three DMDC SAGR Survey results (2012, 2014, and preliminary 2016), the Academy has not shown progress in reducing sexual assault. Figure 3-4 displays the proportion of female survey respondents at each of the FSAs who reported experiencing sexual assault (USMMA has data available for 2012–2016, while the other FSAs have data from 2008–2014).⁶ While all of the other FSAs show a downward trend in incidents of sexual assault from 2012 to 2014, incidents at USMMA increased from 14 percent to 17 percent. In addition, the preliminary 2016 data indicate a further increase to almost 20 percent.

⁶ USMMA started using the DMDC SAGR Survey in 2012—the data from the 2016 survey are preliminary. No 2016 DMDC SAGR Survey data was available for the other academies.

Figure 3-4. Proportion of Females Who Experienced Sexual Assault in the Preceding Year: Trends, 2008–2016



This trend continues despite the fact that USMMA has recently implemented several programs designed to prevent the incidence of sexual assault and sexual harassment. Specifically, the Academy has taken steps to improve its communication, staffing, training, policies, and procedures in support of prevention and response, to include the following:

- ◆ The Superintendent and deputy superintendent have stated that sexual assault and sexual harassment prevention and response is a top priority.
- ◆ The Academy updated superintendent instructions for sexual assault and sexual harassment and published SOPs addressing investigation of sexual assault and maintaining reporting and investigation records.
- ◆ Additional key resources are now available to sexual assault victims:
 - A full-time SARC
 - A uniformed assistant SARC
 - Midshipmen human relations officers (HROs), who train midshipmen to prevent and respond to incidents of sexual harassment
 - Behavioral health counselors
 - Five collateral-duty victim advocates (VAs).
- ◆ The athletic department coaches and Director of Student Activities are taking an active role in addressing sexual assault and sexual harassment, including serving as VAs.

-
- ◆ The Academy mirrors the other FSAs by using the DMDC SAGR Surveys on sexual violence prevalence.
 - ◆ The Academy has increased plebe sexual assault and sexual harassment prevention training from 1 hour to 3 hours.
 - ◆ The Academy has begun conducting bystander intervention training.
 - ◆ The Academy has installed blue light call boxes, swipe key readers on exterior barracks doors, and increased security at the front gate.
 - ◆ The SARC is collaborating with an off-campus rape crisis center that operates a 24/7 hotline, which midshipmen can call when the SARC is not available.
 - ◆ The Academy added both of the superintendent instructions on sexual assault and sexual harassment prevention and response as appendixes to its *Sea Year Guide*.
 - ◆ The SARC provides a contact card to midshipmen preparing to depart for Sea Year so that they can confidentially call and speak to her about issues they encounter.
 - ◆ The Academy reassigned the responsibility of collecting post–Sea Year surveys to the Office of Institutional Assessments to reduce the risk of bias in evaluating the surveys.

In the next section, we discuss the historical and cultural context of the USMMA that bears upon the current challenges of sexual assault and sexual harassment.

HISTORY, CULTURE, AND CLIMATE OF USMMA AND THE SEA YEAR PROGRAM

The current culture at the Academy is influenced by its mission and history, the strong dual cultures of the military and the commercial maritime industry, as well as other influences. This context must be considered when looking at both the occurrence of and the solution to sexual assault and sexual harassment. In the sections below, we describe these different cultural influences and how they manifest themselves in the campus culture of USMMA and the Sea Year.

Academy History

The U.S. Merchant Marine Cadet Corps was established in 1938 under the auspices of the U.S. Maritime Commission, following the passage of the federal Merchant Marine Act two years prior. Congress was prompted to act after a deadly fire on a passenger vessel claimed 134 lives. In the years that followed,

shore-based instructors trained cadets aboard federally subsidized ships. Later, cadets were trained under the direction of the U.S. Coast Guard and, shortly thereafter, by the War Shipping Administration. Soon, the U.S. Merchant Marine Cadet Corps moved to acquire facilities for a permanent training center with a four-year curriculum. In 1942, Congress appropriated funding for the purchase of the Chrysler estate in Kings Point, New York, and the U.S. Merchant Marine Academy was officially dedicated in the fall of 1943. At the time, President Franklin D. Roosevelt said, “The Academy serves the Merchant Marine as West Point serves the Army and Annapolis serves the Navy.”⁷ Thus, the birth of the Academy in 1943 occurred during a tumultuous period in U.S. history, when the nation was on a war footing and the merchant marine played a critically important role.

The Academy’s Sea Year Program dates back to 1942. It involves a period in both the sophomore and junior years when pairs of midshipmen are assigned to a variety of U.S. flag merchant vessels for 12 months of experiential training. Over the decades, midshipmen have engaged in peacetime commerce, have transported military supplies to the Persian Gulf and to Kosovo, and have been part of humanitarian missions to Haiti and Somalia. Midshipmen, staff, and faculty said that the Sea Year is seen as directly connected to the identity of the school.

After World War II, in addition to supporting America’s national security, the role of the U.S. merchant marine shifted to include more support to the traditional commercial shipping industry. This shift has contributed to a split identity at the Academy between military and commercial interests.

More recent historical events have also shaped the current climate. The 1993 National Performance Review chaired by Vice President Al Gore proposed a 50 percent reduction in the Academy’s budget, along with a recommendation to shift some of the tuition burden from the taxpayer to attendees to cover a portion of USMMA’s operating expenses.⁸ Although the recommendation failed to gain support in Congress, many alumni and members of industry viewed this as a threat to the Academy’s existence.

In 2008, the Academy was found to be in violation of federal laws governing use of funds, precipitating a series of changes in leadership and fiduciary and hiring practices to bring the Academy into compliance with federal laws.^{9, 10} A subsequent Government Accountability Office (GAO) report found that the

⁷ American Merchant Marine at War, *History of the U.S. Merchant Marine Cadet Corps*, <http://www.usmm.org/cadetcorps.html>.

⁸ Vice President Albert Gore’s National Performance Review, Appendix A: National Performance Review Part II, September 7, 1993, available at <http://govinfo.library.unt.edu/npr/library/nprpt/annrpt/redtpe93/26b2.html>.

⁹ “VADM Stewart Announces Retirement from U.S. Merchant Marine Academy,” MARAD website, July 7, 2008, https://www.marad.dot.gov/newsroom/news_release/2008/news-release-marad-14-08-vadm-stewart-announces-retirement-from-u-s-merchant-marine-academy.

¹⁰ Ray LaHood, Secretary of Transportation letters to the President of the United States (POTUS), Speaker of the House of Representatives, and President of the Senate regarding anti-deficiency act violations at the United States Merchant Marine Academy, March 9, 2009.

Academy had “numerous instances of improper and questionable sources and uses of funds” and “numerous breakdowns in its important stewardship responsibilities.”¹¹ The report also indicated “a lack of awareness or support for strong internal control and accountability across the Academy at many levels and risks.” The publication of this report led to increased oversight of the Academy by OST and MARAD.

These elements of history, coupled with competition from the state maritime academies and a corresponding decline in the commercial maritime industry, have shaped and continue to shape the culture at the Academy, both on campus and at sea. One alumni stated, “U.S. flag vessels have steadily decreased over the years, especially with the decline in oil production.” We subsequently explore the two largest external cultural influences on the Academy: the military and the commercial maritime industry.

Influence of the Military on USMMA and the Sea Year Culture

SERVICE TO COUNTRY

A chief characteristic of the military is service to country over self. Self-sacrifice in the form of long military deployments away from home is accepted because that duty is seen as important to the defense of the nation. Self-sacrifice is also seen as part of the merchant marine life, as mariners spend long months at sea away from home, under challenging conditions.

USMMA graduates see themselves as serving their country, either by serving in the active duty military or by maintaining the capability of the commercial maritime industry. USMMA graduates have the option of serving on commercial vessels, Military Sealift Command (MSC) ships, or on active duty in one of the military services. A number of the midshipmen and alumni we interviewed cited this active duty option as being one of the main reasons they attended the Academy.

DISCIPLINED AND REGIMENTED

The military has a highly structured, hierarchical, and disciplined culture. Its regimented structure is designed to maintain good order and discipline. At the Academy, campus operations mirror this discipline through such elements as structured schedules, physical training, dormitory cleaning, food service, intramurals, and standing watch.

However, through our interviews, we heard that this element of the culture is not universally valued. Midshipmen’s opinions of the regimental structure tend to be related to career goals, with those who seek military careers being more positive

¹¹ Government Accountability Office, *Internal Control Weaknesses Resulted in Improper Sources and Uses of Funds; Some Corrective Actions Are Under Way*, GAO-09-635, August 10, 2009.

than those with a focus on the commercial sector. One midshipman said, “We are a[n] FSA, but we are not so regimental. Some of us are not going to do this for the rest of our lives. There is a natural friction that occurs because of this.” In addition, not all staff and faculty members value the discipline and regimented life at the Academy. One faculty member expressed concerns that over half of the faculty does not embrace the regimental mindset, so discipline is not consistently instilled in the classroom setting.

PART OF A TEAM

Being a part of a team is also a big component of serving in the military. From the first day that soldiers, sailors, and airmen join the military, they are instructed on the importance of the team and how the sum of the parts is stronger than individual efforts.

USMMA drives this point home during indoctrination of first-year midshipmen (plebes) as it works to build trust among midshipmen. USMMA regimental officers and staff members use discipline to minimize individualism among incoming plebes and build each company into a team. While important to midshipmen health and well-being, team bonds can result in members having more loyalty to each other and overlooking inappropriate behaviors or not holding each other accountable. If taken too far, this can cause loyalty to peers to take precedence over loyalty to the institution’s mission and core values, making the task of aligning midshipmen’s behavior to the mission and core values increasingly difficult.

Influence of the Commercial Maritime Industry on USMMA and the Sea Year Culture

MALE-DOMINATED

When describing the culture of the maritime industry, a commonly emphasized point among the staff and faculty, midshipmen, industry leaders, and alumni was that the shipping industry is predominantly male. Within the U.S. Merchant Marine, industry interviewees estimated that women make up 7–10 percent of the workforce.¹² Some interviewees attributed this low percentage to the challenging physical nature of the work and the work environment (e.g. lack of privacy; hot, dirty engine compartments).

Interviewees also attributed the small proportion of women in the workforce to the lengthy, extensive travel required and the fact that women tend to leave the industry earlier than their male counterparts to have families. This male-dominated culture extends to leadership within the industry. A review of published senior leadership listings on the websites of 10 U.S.-based companies revealed six with no women in

¹² Multiple interviewees cited the percentage for U.S. flag commercial vessels as being between 7 and 10 percent, but we were unable to independently confirm this figure.

senior management, two with one woman in senior management, and another with two women in executive roles. Only one company had a woman serving on its board of directors.¹³

The Academy's student body is predominantly male at 83 percent, a higher proportion than any other FSA.¹⁴ The staff and faculty, midshipmen, and alumni consistently described the Academy culture as male-dominated, which may shape the attitudes of midshipmen on campus. Despite its history as the first FSA to admit women in 1975, a number of staff and faculty members characterized USMMA as being 20–30 years behind the other FSAs with respect to the integration and acceptance of women. Men and women alike reported in interviews that if someone was other than a white male, it was difficult to fit in.

ISOLATED

Life aboard ships can be long, tedious, and isolating. The rise of technology and expanded use of containerization over the past 35 years has reduced the number of crew members onboard. Whereas sailing crews at one time ranged between 30 and 40 people, now, due to containerization, fewer crew and portside personnel are required to load and offload cargo. Industry executives indicated that the average commercial crew size of today ranges from 18 to 22 people.

Extended time at sea with a small group of people can lend itself to cabin fever and boredom. Today's communication technologies have increased the time crew members spend in their rooms alone during long stretches at sea. When off duty, crew members reported that they often retire to their rooms to watch movies alone or conduct other independent activities.

Extended time at sea also isolates the crew from the U.S. culture that is reshaping attitudes and awareness across the rest of the American population. Industry representatives we interviewed, both veterans and those newer to the workforce, described what they termed a "generational divide" on cultural issues such as acceptance of women in non-traditional roles. Several referenced an emerging evolution of attitudes toward women within the industry as the next generation of men and women assume roles on ships.

These isolating circumstances are present during the Sea Year. At sea, midshipmen, who are referred to as cadets, are confined with a small crew and one Sea Year fellow cadet ("sea year buddy") for months at a time. Although this is often a welcome relief from the regimental life, midshipmen and alumni spoke of cabin fever and having little to no privacy aboard.

¹³ The company websites reviewed were APL, Crowley Maritime, Intermarine, Kirby Marine, Liberty Global Logistics, Maersk, Matson, OSG, and Waterman Steamship.

¹⁴ U.S. News and World Report, *United States Merchant Marine Academy: Overview*, "Student Life," <http://colleges.usnews.rankingsandreviews.com/best-colleges/us-merchant-marine-2892>.

Isolation is also experienced on the Academy campus, which, while beautiful, is physically isolated. As a result, not many options exist for midshipmen to take a break from regimental and campus life in the immediate vicinity. When they arrive at USMMA, midshipmen are assigned to one of five regimental companies and then remain with that company during their four years at the Academy. One interviewee noted, “Kings Point is like its own world; the whole regimental ordeal is very different from other colleges.”

SELF-RELIANT

To thrive in this hardworking, isolated, small-crew environment, mariners must be independent and self-reliant. They are expected to know how to handle themselves and not be intimidated by the amount of responsibility or the attitudes of those onboard. Mariners respect people who show they can work hard and prove they can “carry their weight” on a ship. Both men and women we interviewed stated that given the shipboard environment, one must be able to stand up for oneself.

This culture of self-reliance extends to the Academy. Challenged by a heavy academic workload and highly compressed study program, there is a prevailing attitude among midshipmen of perseverance. USMMA requires more credit hours for a baccalaureate degree than any other federal service academy.¹⁵ Due to the Academy’s Sea Year requirement for 12 months of at sea, midshipmen have only 3 years of classroom time on campus to complete these credit hours. Several alumni interviewees used the phrase “just get through it” when reflecting on their time at Kings Point, and this was noted as their primary source of pride in being a USMMA alum. To quote one alumnus, “A lot of the culture you see at Kings Point as being wrong is actually survival instinct. You’re going through a really hard thing.” Another spoke of cadets as feeling they have no choice but to keep going if something goes wrong at sea because “just pushing through” is ingrained in them at the Academy.

THREATS TO INDUSTRY

In our conversations with industry representatives, several executives referenced concerns regarding the industry’s viability, including the shrinking number of vessels in the U.S. flag fleet, international competition, and an aging workforce leading to a shortage of maritime officers. These concerns are not a new phenomenon. One industry veteran we interviewed stated that this fear about the industry’s future dates back to the years just after World War II. Another, a veteran sailor, described a situation in which sailors at sea would wonder whether they would have jobs when they arrived at their next port.

Long-time mariners described their sense of an industry always “on the fringes of respectability.” Executives we interviewed characterized the U.S. flag shipping industry as being highly dependent on the U.S. government (for cargo preference

¹⁵ *About USMMA*, U.S. Merchant Marine Academy website, <https://www.usmma.edu/about>.

and the Maritime Security Program) and, therefore, vulnerable. Others described the industry as “cyclical” and “not for the faint of heart.” This uncertainty permeates the industry and contributes to a feeling of victimhood within the commercial maritime sector, which maritime staff and faculty bring to the Academy. Interviewees also indicated that the Sea Year stand-down is perceived as a “black-eye” for industry.

SMALL WORLD

The commercial maritime universe is relatively small. For example, four foreign shipping lines control 60 percent of the U.S. flag fleet and a dozen or so other companies not affiliated with foreign ownership have between one and seven U.S. flag commercial vessels.¹⁶ This creates a challenging environment in which mariners have limited choices for moving to new companies and roles, and the word or reputation of an individual is often known prior to interviews or exploration of new opportunities.

A female captain we interviewed described an industry in which reputations are shared; people do not speak up for fear of being labeled as “troublemakers.” She reported hearing about incidents of sexual harassment on ships other than hers “all the time” and that these stories circulated throughout the entire company with regularity. For this reason, she advised women entering the industry to “stay under the radar.”

This dynamic is mirrored in the relatively small size of the Academy student body, staff, and faculty, and is evident when people raise issues of concern or articulate new ideas. Many staff and faculty members, midshipmen, and alumni reported that those who speak up are mocked and often ostracized. This translates beyond the campus environment to the Sea Year, during which cadets are often afraid to raise concerns when they feel uncomfortable. Given that the commercial maritime industry is such a small universe, many midshipmen and recent graduates we interviewed referenced the fact that one could gain a reputation as a “troublemaker” if they complained about sexual harassment or sexual assault.

ATTITUDES TOWARD SEXUAL ASSAULT AND SEXUAL HARASSMENT

With respect to attitudes toward women, some staff, faculty, and alumni interviewees, including several males, characterized the industry as being “stuck in the past.” One staff member commented, “The feeling of some staff is that mariners at the Academy are where the Navy was 30 years ago with respect to women at the school and in the industry.” Many attributed this to the mariner and management ranks being predominantly male; a generation gap existing between those aging out and those coming in; and the isolation of the seafaring culture with limited time ashore, where cultural norms and mores are developing and evolving.

¹⁶ John Frittelli, *Cargo Preferences for U.S.-Flag Shipping*, Congressional Research Service, October 29, 2015, p. 8.

Several industry representatives noted a wide variation across the commercial maritime companies with respect to attitudes and policies about sexual assault and sexual harassment. Industry interviewees tended to consider sexual assault as a more serious form of harassment since many shipping companies include it in their definition of sexual harassment. While industry representatives communicated that their companies or unions have zero tolerance for such behavior, some also qualified the definition of sexual harassment as nuanced and dependent on what constituted unwanted advances or sexual references in the eyes of the victim.

The more forward-leaning companies indicated they view sexual assault and sexual harassment as safety issues. There is a growing understanding of safety as a key success driver, with some companies citing incidents in which perpetrators were relieved of their duties. When asked about data related to incidents and reporting, industry interviewees stated companies have had very few reports of sexual assault or sexual harassment within the past decade. Given the survey data from midshipmen indicating some incidents are occurring at sea, this may be an indication that midshipmen do not feel comfortable reporting when onboard ships. Senior industry representatives expressed a desire to work with MARAD and the Academy on the issues of sexual assault and sexual harassment to ensure the safety of the cadets during the Sea Year.

Attitudes toward women are also shaped by experiences while in port. Overseas port cities were described by interviewees as “rough places” where the crew could briefly escape the stress and boredom of the ship. Captains and crew members we interviewed noted that if they have time to get off the ship, it is commonplace during these port stops for officers and the crew to drink and frequent strip clubs and brothels. Female interviewees described port cities as “sad environments” where prostitution is both legal and common. They credited the sex trade for the views many men in the industry hold regarding the inequality of women. And despite company policies prohibiting it aboard ships, alcohol was mentioned in many conversations with industry members and alumni as being a big part of a mariner’s life in port.

Staff and faculty members, as well as recent graduates and alumni further removed from Academy life, drew a connection between the climate on campus and the influences of time spent with the industry during Sea Year. Their observations were that when midshipmen return to campus after working and living with more freedom and responsibilities on ships, some return with an increase in behaviors related to alcohol consumption, smoking, lewd talk, and lack of respect for women. One alumnus we interviewed described a “trickle down” effect from older midshipmen returning from sea to the third- and fourth-class midshipmen on campus. A male faculty member said, “Students come in as nice people but change after Sea Year. The brothels socialize the white male majority. It is the way they become a man. They are modeling themselves off of the people they meet on the ships.”

Other Influences of the Culture at USMMA and Sea Year

There are influences on the culture that are not strongly connected to either the military or the commercial maritime industry but are nonetheless important elements of the culture at USMMA and during the Sea Year. These include fear, victimhood, an “us versus them” mindset, alcohol, and some Academy alumni.

FEAR

Fear is a significant cultural characteristic at USMMA. Among the midshipmen, the following fears were consistently mentioned in interviews:

- ◆ Fear of retaliation or reprisal for reporting sexual assault or sexual harassment or for being different
- ◆ Fear of not graduating or being set back for academic, medical, or disciplinary reasons
- ◆ Fear of being blacklisted within the industry.

According to a faculty member, “Midshipmen are worried about being blackballed by industry, so they are afraid to speak up. Within the faculty and staff, there is a fear of new voices and a fear of change.” As one staff member said, “Students are ready to change in a positive way, but a lot of faculty and alumni are not ready yet.”

VICTIMHOOD

Through our interviews, we also identified insecurity at Kings Point about being inferior to the other FSAs, insecurity about competition from the state maritime academies, fear of the Academy closing, and fear of change in general. These fears seem to be creating a culture of victimhood, whereby some faculty and staff members feel little ownership or responsibility for the institution because they place the blame on others. One staff member stated, “Victimhood is an issue at the school. It is easier for faculty and staff to blame MARAD and others than to try and fix things themselves.” While there is fierce loyalty to the maritime industry in some quarters, there appears to be less institutional pride evidenced on the campus. Ironically, the interviews revealed that midshipmen, staff, and faculty each feel that the others are not invested in the school. One midshipman commented, “Midshipmen leaders are trying to instill pride and improve the Regiment, but aren’t getting support from the administration.”

US VERSUS THEM

An “us versus them” mentality is apparent in many facets of Academy life. During the interviews, we found a number of subgroups within the Academy. These include the following:

- ◆ Male versus female midshipmen
- ◆ Midshipmen versus leadership, staff, and faculty
- ◆ Uniformed versus civilian faculty
- ◆ “Old guard” versus “New guard.”

The male versus female dynamic can be attributed to the Academy’s male-dominated culture. In our interviews, some midshipmen indicated that a few staff and faculty members have expressed the belief that females do not belong at the Academy and were only there to meet diversity goals. Some male midshipmen also stated their belief that female midshipmen were subject to lower standards than males.

The lack of trust between midshipmen and the Academy leadership, staff, and faculty is driven by midshipmen’s perception that they are not treated fairly, leading to fear of being unjustly disciplined. The constant fear of being put on report by staff and faculty members, lack of consistent communication, and perception of a double-standard for midshipmen compared to staff and faculty contributes to this lack of trust. We heard from midshipmen that this “bunker mentality” causes midshipmen to close ranks whenever they are threatened. This may contribute to a culture of blaming of the victim, because midshipmen do not trust leadership and perceive any midshipmen who make complaints as crossing the line and becoming one of “them.”

Within the faculty, there is a significant “us versus them” mentality between the uniformed maritime faculty and the non-uniformed and naval officers on the faculty. This affects the Academy’s ability to address sexual harassment and sexism because some uniformed maritime faculty members take these issues much less seriously than do their civilian or naval counterparts. Several civilian faculty members and midshipmen described incidents during which uniformed faculty members openly used inappropriate language or discounted the Academy’s attention to sexual assault and sexual harassment prevention in front of midshipmen.

The interviews also revealed a palpable tension between some “old guard” within the staff and faculty who are resistant to change and those “new guard” staff and faculty who are more open to changing the school. Some interviewees responded with the sentiments, “We’re fine. These problems are overblown.” Other staff and faculty members saw significant issues with sexism, sexual assault, and sexual harassment that are not being addressed. This could also be characterized as more resistant to change versus more open to change.

ALCOHOL

Throughout the interviews, midshipmen characterized alcohol use at the Academy as a problem. One midshipman commented that drinking is a huge problem at the Academy and that upper-classmen buy alcohol for plebes. Academy disciplinary records confirm that alcohol is one of the most common serious disciplinary offenses at the school. Another midshipman stated, “People drink here because they want this to be more like a regular college. It is their escape from the school. Out at sea, this can get kind of out of hand.” Although midshipmen cannot drink in the barracks, they do have a pub on campus that is open one day a week for first-class midshipmen to drink. A faculty member commented that the first-class midshipmen had just reached a milestone in their senior year (250 days until graduation); they used class funds to take buses into the city and paid for an open bar and were feeling the effects in class the next morning.

Alcohol use is also an issue at port stops during the Sea Year. Companies confirmed that they know that crews drink when they get off the ship. Although cadets at sea are second- and third-year midshipmen and are, therefore, underage for alcohol consumption, reports of drinking during Sea Year are common. One midshipmen commented, “Some people drink too much alcohol, and they can’t find their ship and/or lose their wallet.” A staff member said that when midshipmen get anywhere off campus, especially during Sea Year, “they go nuts about alcohol.”

ALUMNI

Alumni also influence the culture. They are represented on the Academy staff and faculty, and they are an important source of support while midshipmen are on campus and post-graduation. However a faction within the alumni is seen as negatively affecting the Academy’s culture. Some staff and faculty expressed frustration with this faction, saying, “They send students messages that are not appropriate. They need to be behind the students and Academy, but they have been very adversarial. That has been a great detriment.” Another staff member went as far as describing the relationship between the Academy leadership and some alumni as “toxic.”

Industry representatives and other alumni we interviewed voluntarily disassociated themselves from this faction, calling their approach “dead wrong” and “unhelpful.” Yet this faction of alumni is the most involved in the day-to-day life of the midshipmen and, as characterized by one alumnus, pass on their view of the industry and institutional history and tradition in “a key way” that shapes the character of the midshipmen. The alumni could be a positive influence on the Academy, but the negative tone from the alumni faction contributes to the climate of fear and mistrust at the Academy.

Culture's Impact on Sexual Assault and Sexual Harassment

These influences contribute to a fragmented culture and a climate in which it is difficult to prevent and combat sexual assault and sexual harassment on campus and during the Sea Year. There is inconsistent acknowledgement across stakeholders that problems with sexual assault and sexual harassment exist. This lack of acknowledgement and a strong belief that one must simply “push through” limit intervention and incident reporting. Further, industry’s concern that the Sea Year stand-down reflects negatively on industry hinders the Academy’s and the industry’s ability to communicate the seriousness of the issue to midshipmen, faculty, and staff.

Among midshipmen, the fear and self-reliant behaviors (“just get through it”) learned at Kings Point are carried with them to sea, making midshipmen (cadets) reluctant to report unwanted sexual advances amid pressures to conform to seafaring cultural norms. Likewise, some midshipmen bring the negative behaviors and attitudes about women acquired during the Sea Year back to campus; this may be passed down from upperclassmen to plebes and third classmen.

The Academy’s regimental structure creates another layer of complexity when addressing sexual assault and sexual harassment. The loyalty to one’s team can have both positive and negative impacts. Midshipmen may intervene among themselves, but they may also bully outsiders, furthering the “us vs. them” mentality, and retaliation, victim blaming, and ostracism for reporting sexual assault or sexual harassment. One midshipman commented, “If you break from the team, you will be ostracized—it’s kind of like, if you do wrong at work, you can get fired. It’s the same. I worked pretty hard to earn and keep the loyalties I get. If they try to adversely affect this, they would be ostracized.”

As discussed earlier, alcohol abuse is a contributing factor to sexual assault at the Academy. When discussing incidents of sexual assault, whether on campus or at sea, many interviewees described alcohol as playing some role, either for the perpetrator or the victim. The preliminary USMMA results from the 2016 DMDC SAGR Survey showed that 68 percent of midshipmen respondents who reported an incident of unwanted sexual contact also reported the use of alcohol or drugs in that situation.

Based on our interviews with long-tenured staff and faculty members at the Academy, these aspects of the culture have been deeply embedded within USMMA for decades and will take time and concerted efforts to address.

ROLES OF LEADERSHIP AND MANAGEMENT IN INFLUENCING THE CURRENT CLIMATE

Academy leadership and management have significant responsibilities for the climate and culture on campus. Leadership and management at all levels must speak with one voice about the commitment to preventing and responding to sexual assault, sexual harassment, and retaliation. To effectively plan and implement a holistic sexual assault and sexual harassment prevention and response effort, leadership and management, which includes staff, faculty, midshipmen, and industry, must share and communicate this commitment as well, working as a unified team to ensure a climate of respect, dignity, and accountability across the institution. In some instances, staff and faculty are working independently on similar initiatives that need to be coordinated across the institution, or vacancies hinder the ability to fully implement a program and establish unified joint ownership of the issue.

In this section, we assess the ways in which some of the key Academy leadership and management roles affect the culture and climate. An assessment of other management roles at the Academy and in industry that are also important are included in Appendix B. At the end of this section, we also document the leadership and management gaps that we identified.

Leadership

Superintendent—The superintendent's responsibility is to establish policies for sexual assault, sexual harassment, and retaliation prevention and response, cast a vision of zero tolerance, and then communicate through words and deeds his commitment to this vision. He is responsible for building support for his vision through strong, engaged leadership and effective communication, both internally with midshipmen, staff, and faculty, and externally with parents, alumni, and industry. The superintendent must set the tone for shared ownership and collaboration across all internal and external stakeholders, building cooperative teams, providing clear communication on the scope of the issues, and applying necessary resources to develop solutions.

Since 2008, there has been considerable turnover in the superintendent position, with four different individuals serving in the role and the former academic dean serving as acting superintendent several times in the interim. As a result, some classes of midshipmen have experienced repeated changes in leadership priorities and styles at the Academy's helm. Interview feedback from some faculty and alumni indicated that until recent years, the Academy had not made serious attempts to address sexual assault and sexual harassment.

Since joining the Academy in 2012, the current superintendent has taken a number of steps to improve the school's policies, which we previously noted. Results of previous surveys and our interviews revealed that the superintendent has made it clear that preventing sexual assault and sexual harassment is his number one priority.¹⁷

Interviews with midshipmen, staff, and faculty members showed that the superintendent is generally liked, is a positive role model, and holds a clear moral compass. However, the Sea Year stand down has hurt his credibility with midshipmen and some staff and faculty and reduced his ability to lead change. Midshipmen we interviewed expressed distrust of senior leadership, largely for this reason. The stand-down has caused some midshipmen and the faculty and staff to question the superintendent's commitment to the mission of the Academy and his understanding of the Sea Year's critical tie to industry and post-graduation employment. This credibility gap has affected the superintendent's ability to convince these key stakeholders that the stand-down was intended to improve the safety of midshipmen at sea.

Leadership visibility and engagement across campus is key to successfully driving change. While the superintendent has improved his engagement by beginning to hold small group meetings with midshipmen, some midshipmen, faculty, and staff indicated that he is still not visible enough on the Academy grounds and that they felt disconnected and disengaged from him.

A recurring issue that emerged during interviews was the lack of effective communication from leadership. While several commented that the superintendent has used town halls and e-mails to disseminate information, feedback revealed that this type of communication still has been largely ineffective. A related theme from our interviews was that senior leadership's overreliance on e-mail to communicate across the school reflected senior leadership's isolation and desire to drive change from the top down rather than through coalition building and coordination across the institution.

Beyond communication challenges, the superintendent's lack of authority over human resource actions and financial management reduces his ability to apply the resources needed to address sexual assault and sexual harassment. In addition, his lack of hiring and firing authority weakens his ability to hold the faculty and staff accountable when they violate equal opportunity policies.

¹⁷ The results of DMDC SAGR Surveys in 2012 and 2014 showed higher confidence levels in senior leadership's commitment to preventing sexual assault and sexual harassment than any other stakeholder group at the school. The preliminary results of the Academy's 2016 DMDC SAGR Survey show that 63 percent of USMMA respondents reported that Academy senior leadership make honest and reasonable efforts to stop sexual harassment and sexual assault, the highest percentage among the USMMA stakeholder groups included in the survey.

Deputy Superintendent—The deputy superintendent plays an important role in supporting the superintendent’s policies for prevention of sexual assault and sexual harassment:

- ◆ Ensuring that sexual assault and sexual harassment policies are sufficiently detailed and communicated across the Academy;
- ◆ Providing for the physical well-being of midshipmen through subordinate administrators on the commandant’s staff and promoting esprit de corps within the regiment;
- ◆ Coordinating and facilitating buy-in for strategies and plans from the faculty and staff across departments; and
- ◆ Selecting the campus investigators to conduct an administrative investigation of unrestricted reports of sexual assault, in parallel with law enforcement criminal investigations.

According to DOT officials, this position was created in recent years to support the superintendent with operations at the school. In that role, it is the deputy superintendent’s responsibility to work effectively with the superintendent, commandant, academic dean, and other department heads to help facilitate change, communication, and collaboration at the school. However, feedback from midshipmen, staff, and faculty members indicated that there was insufficient leadership engagement, communication and collaboration from the deputy’s office. The Deputy must model high standards of discipline and respect for midshipmen and the faculty and staff while also holding the faculty and staff accountable to the same standards. As the senior most female on the campus, the deputy can also uniquely serve as a role model for female midshipmen.

Commandant of Midshipmen—The commandant is critical to changing the culture of the Regiment of Midshipmen. As the senior leader who most directly affects the lives of the midshipmen on a daily basis, he is in the best position to inculcate values of respect and dignity for people from different backgrounds and perspectives throughout the regiment, including within the staff and midshipmen. He is the officer directly responsible for security and safety for other officers and midshipmen.

The commandant also has a critical responsibility for setting and enforcing standards of conduct; preventing sexual assault, sexual harassment, and retaliation; and holding the regimental and company officers and midshipmen accountable. On the preliminary results of the Academy’s 2016 DMDC SAGR Survey, only 41 percent of midshipmen respondents reported that commissioned officers set good examples in their own behavior and talk. Interviews revealed that previously, the regiment had a culture in which company officers were not enforcing the same standards of conduct across all five regimental companies to prevent sexual assault, sexual harassment, and retaliation. The commandant must

hold company officers accountable for inappropriate behaviors, retaliation, and reprisal, as well as consistently addressing any perceptions of double standards between the staff and midshipmen.

Some midshipmen indicated that the former commandant was making progress instilling better discipline in the regiment, further developing professional officers and midshipmen, and holding midshipmen and officers accountable. He also hired new company officers to start changing the regimental culture, and had initiated personnel actions against two company officers for violating sexual harassment policies. Although the Academy currently has an acting commandant, the success of any efforts to improve the culture at the Academy will be affected by its ability to hire a strong, credible, permanent Commandant who prevents and addresses sexual assault, sexual harassment, and retaliation.

Academic Dean—The Academic Dean has important responsibilities for supporting the Academy's role as an institute of higher education, and for setting and holding faculty members accountable for upholding standards of conduct. Some of the dean's responsibilities related to preventing sexual assault and sexual harassment include the following:

- ◆ Working with the superintendent to ensure that faculty members understand their role relative to preventing and responding to sexual assault and sexual harassment;
- ◆ Ensuring that the academic program fully prepares midshipmen for Sea Year and post-graduation opportunities and is in alignment with current industry trends; and
- ◆ Administering faculty affairs and supervising the heads of the academic departments, including the Office of Professional Development and Career Services (PDCS).

Since the previous permanent academic dean left the school a year ago, the school has had several acting deans. The lack of a strong, permanent academic dean who demonstrates commitment to zero tolerance for sexual assault, sexual harassment, and sexist remarks and holds academic department heads and faculty accountable has reduced the ability of the superintendent to drive change within the faculty.

Management

Faculty—As previously noted, support from the faculty and staff for preventing and acknowledging sexual harassment and sexual assault appears to be far from unanimous. Preliminary results of the Academy's 2016 DMDC SAGR Survey indicate that only 26 percent of female midshipmen respondents believed that uniformed faculty members would make honest and reasonable efforts to stop sexual assault and sexual harassment.

Another challenge that the Academy has faced is improving the diversity of its faculty to include more recent graduates or merchant mariners, women, and minorities. One faculty member indicated, “The school has struggled to improve the academic background diversity among its faculty.” Several faculty members also described a former faculty member who was driven from the school by his academic department head because he was homosexual.

Company Officers—The five company officers fill some of the most important leadership and management roles at the Academy because of their close, daily interaction with midshipmen. Company officers’ roles and responsibilities include the following:

- ◆ Leading, mentoring, and counseling midshipmen;
- ◆ Enforcing good order and discipline in the barracks and around the Academy;
- ◆ Modeling good behavior that meets the highest standards;
- ◆ Supporting the Academy’s policies and regulations and holding midshipmen accountable for following them, including preventing retaliation against victims; and
- ◆ Standing watch as a 24-hour command duty officer at the school.

When asked about the Academy’s company officers, nearly all of the midshipmen, staff and faculty interviewees stated that the quality of the company officers ranged from good to very bad, and that midshipmen fear reprisal from the company officers if they report sexual harassment or sexist remarks. Although the Academy has hired several new company officers, midshipmen, staff and faculty members commented that two company officers, who were accused of sexual misconduct, are still in positions of authority at the school.

Sexual Assault Response Coordinator—The SARC is the primary point of contact for any and all actions—including awareness, prevention, training, and victim advocacy—related to sexual assault, dating and domestic violence, and stalking. The SARC serves as one of the confidential points of contact to whom victims may report incidents of sexual assault. She is also responsible for developing and delivering the prevention and response training for midshipmen, faculty, and staff. In addition, she supports multiple federal interagency committees, including the White House Task Force to Protect Students from Sexual Assault. Finally, she is responsible for assisting with incidents of sexual harassment in the absence of a full-time director of Civil Rights.

The SARC position was created at the Academy in 2012. The SARC was the first official resource at the school dedicated to preventing and responding to sexual assault. The current SARC replaced her predecessor in late 2014. The SARC has been instrumental in formalizing a prevention program. She recruited and trained five faculty and staff VAs and has also built relationships across the broader

midshipmen and campus community, working to shape the institution's response to sexual assault and sexual harassment. However, her workload is demanding. Due to the vacancy in the director of Civil Rights position, she has taken on additional responsibilities. She now serves as a point of contact for also receiving sexual harassment complaints and supervises the midshipmen HROs.

In addition, the SARC is hampered by the lack of experienced, certified staff and administrative support members. Unlike the other military service academies, which typically have Sexual Assault Prevention and Response (SAPR) offices made up of a SAPR Program manager overseeing multiple SARCs and support personnel, the USMMA SARC only has one uniformed assistant (recently reassigned from a company officer position) and volunteer collateral duty VAs and HROs. Although an assistant SARC has been added to support her, midshipmen have expressed concerns regarding the assistant SARC's approachability because of her prior regimental role as a company officer.

Director of Civil Rights—Traditionally, the role of the director of Civil Rights is to receive and process equal employment opportunity (EEO) complaints and to serve as an advisor and resource for employee issues related to sex discrimination and sexual harassment. The presence of a civil rights representative on campus helps ensure that individuals of all backgrounds, ethnicity, sexual orientation, and gender are treated equally within the organizational environment.

The Academy has had difficulty filling and retaining individuals in this role. The position is currently vacant, and OST and MARAD have detailed individuals on a rotational basis from their civil rights offices to temporarily bridge that gap. Some DOT officials suggested elevating the level of this position to try to get better quality candidates.

Because midshipmen are students rather than federal employees, they have no formal recourse through federal civil rights channels. The rotational staff currently serve as an informal sounding board for the midshipmen about issues of concern and also provide needed assistance to the SARC with respect to sexual harassment. This complicates sexual harassment reporting for midshipmen. Midshipmen indicated confusion with where to report sexual harassment when interviewed.

Professional Development and Career Services department officers—The Academy's Professional Development and Career Services (PDCS) Department manages Sea Year Program placement and preparation for midshipmen. This includes obtaining berths on MSC and commercial ships, delivering weekly Sea Year lectures, assembling the required documents for each midshipmen (e.g., company policies, passports, and medical information), arranging transportation for midshipmen to and from their assigned ships, maintaining contact with cadets at sea, and responding to post-cruise evaluations. The department consists of a PDCS department head, three ATRs, and administrative support staff. The department head and ATRs are currently senior, experienced merchant mariners—3 of 4 are captains—who are always on call to handle issues that may arise with cadets embarked on commercial vessels.

ATRs set the tone for midshipmen regarding gender relations at sea and interactions with shipping companies. The *Sea Year Guide* designates the ATR as the primary point of contact for reporting emergencies at sea, including incidents of sexual assault and sexual harassment. However, midshipmen expressed that they were intimidated by the PDCS Department Head and ATRs because of their seniority, and, in the case of some female midshipmen, because there are no female ATRs. One midshipman commented, “The ATR is a Captain in the Merchant Marine. He was older and stern. The first thing he would ask you is, ‘what were you doing?’” It should be the PDCS Head’s responsibility to set standards for responding to cadets at sea that focus on protecting victims first. Some midshipmen, staff and faculty members perceive the ATRs to be beholden to the shipping companies and as putting their interests before that of the cadets.

Administrator, Department of Midshipmen Health and Emergency Medical Services—Health, wellness, and care for victims of sexual assault and sexual harassment are essential to an effective sexual assault response program. Individuals recover from trauma more quickly within a safe, supportive environment in which resources are readily available.¹⁸ The administrator for the Department of Midshipmen Health and Emergency Medical Services (*Administrator*) is responsible for the coordination of the physical and mental healthcare and treatment of midshipmen at the Midshipmen Health and Emergency Medical Services clinic. He has a critical role in collaborating with the SARC to provide short- and long-term care for victims.

During interviews, staff members indicated that there is a lack of coordination between the SARC and Health Services on responding incidents of sexual assault. The commandant, SARC, and administrator must work together on a coordinated response approach that accommodates victims’ needs while also meeting the needs of the institution to care for and track the physical and mental well-being of midshipmen.

The Academy’s ability to meet the physical and emotional needs of midshipmen, including victims of sexual assault, is impeded by victims’ fear of being medically disqualified if they go to Health Services. Midshipmen and alumni shared that they were warned by other midshipmen during plebe indoctrination not to visit the on-campus health clinic because they might be medically disqualified. As one midshipmen stated, “Midshipmen do not go to Health Services because if they are injured, the Patten [Clinic] people will take you out of training.” This is critical because Academy healthcare providers are one of the limited options available for making a restricted report of sexual assault.

Director of Public Safety—Campus safety is a core element of preventing sexual violence at Kings Point. The director of Public Safety is the primary point of contact with local law enforcement when security incidents arise. In unrestricted reporting cases of sexual assault, he is responsible to notify the DOT Office of the

¹⁸ Judith Lewis Herman, *Trauma and Recovery, Volume 551*, Basic Books, New York, NY, Basic Books, 1997, p. 61.

Inspector General (OIG), the Federal Bureau of Investigation (FBI), and the Nassau County Special Victims Unit upon being informed by the SARC. The director produces USMMA's annual Security Report and has the responsibility to ensure that the report meets the requirements of the Campus Sexual Violence Elimination (SaVE) Act, which is an amendment to the Clery Act that seeks to address the violence women face on college campuses. These requirements include reporting incidents of sexual assault and stalking.

The director of Public Safety also has the primary responsibility for ensuring the safety and security of the midshipmen and campus personnel. This position was established within the past 5 years. The director has made improvements, such as increased security presence at Vickery Gate, upgrades to monitoring systems, and the installation of call boxes on campus grounds. In addition, a badging system was installed in the barracks, and plans are underway to install cameras.

Chaplain—A chaplain can provide solace, spiritual guidance, and a listening ear to victims and individuals struggling in the aftermath of sexual violence or with ethical issues related to reporting, particularly since communications with the chaplain are privileged. Although the chaplain may encourage a victim to seek appropriate assistance and counseling and direct incidents of sexual assault to the SARC, he/she is not required to report sexual assault or sexual harassment incidents shared with him/her. The chaplain is, therefore, an important confidential resource for midshipmen, faculty, and staff.

The chaplain's role requires a level of trust, but his uniformed position may affect midshipmen's level of comfort with him/her. One midshipman commented, "Even the chaplain is in uniform. For this reason, you might not want to go see him." Ensuring that the chaplain is qualified and trained on how to respond to victims of sexual assault is also very important.

Midshipmen

Midshipmen Leadership—Within the Regiment of Midshipmen, midshipmen leaders share responsibility for modeling behaviors that reflect the Academy's core values of courage in adversity, respect for others, integrity from within, and service above self. They have an opportunity to promote a culture of mutual respect and personal accountability. Their role is particularly important with respect to preventing sexual assault and sexual harassment and discouraging retaliation and ostracism of sexual assault and sexual harassment victims. However, according to the Academy's preliminary 2016 SAGR Survey results, only 44 percent of the midshipmen who responded believe that midshipmen regimental leaders make honest and reasonable efforts to stop sexual assault and sexual harassment. Among female midshipmen, the figure is even lower, at 25 percent.

Midshipmen—All midshipmen have a role in preventing and responding to sexual assault and sexual harassment. This includes intervening when confronted with situations in which sexual assault or sexual harassment is occurring or may occur. Midshipmen have a responsibility to conduct themselves in accordance with the Academy’s core values. They also have a responsibility to report incidents of sexual assault and sexual harassment to the commandant, as well as not to retaliate against victims who report sexual assault or sexual harassment.

According to the Academy’s preliminary 2016 DMDC SAGR Survey results, only 46 percent of midshipmen who responded believe that midshipmen watch out for each other to prevent sexual assault and sexual harassment. Further, only 35 percent of midshipmen believe their fellow midshipmen make honest and reasonable efforts to stop sexual assault and sexual harassment. Additionally, among female midshipmen, the percentage is only 15 percent. These overall results are the lowest scoring among all USMMA stakeholders identified in the survey.

Leadership and Management Gaps

Through our assessment of leadership and management roles, we found the following gaps related to the roles of leadership and management, as they relate to sexual assault and sexual harassment at USMMA.

- ◆ There is a *lack of engaged, cohesive, and consistent leadership* across the Academy. Feedback from faculty, staff, and midshipmen indicated that the superintendent and the leadership levels most directly below him have struggled to support and drive change at the Academy. Without a strong, cohesive senior leadership team, the Superintendent has been unable to build support for a single, unified sexual assault and sexual harassment prevent and response strategy and message across faculty, staff, and midshipmen.
- ◆ The school has *critical vacancies on the leadership and management team* that contribute both to the lack of leadership cohesion and overall workload challenges across the Academy. The absence of a permanent academic dean hinders the superintendent’s ability to fully engage faculty and staff on the issues of sexual harassment and sexual assault. The recently former commandant was perceived to be making progress in instilling better discipline in the regiment; however, he is no longer in place. The lack of a current Civil Rights director is impeding the leadership’s efforts to build a more robust and diverse faculty and staff. The supervisory human resources specialist position also is vacant, which has slowed the hiring process for other positions as well as the processing of administrative actions related to faculty and staff performance.

- ◆ The *superintendent, staff, and faculty members lack credibility* with the midshipmen. Midshipmen's lack of trust in senior leadership, staff, and faculty colors their view of leadership's commitment and ability to prevent sexual assault, sexual harassment, and retaliation.
- ◆ The *superintendent does not have the means or authority to fully exercise command* at the Academy. This lack of authority hinders his ability to lead change and address sexual assault and sexual harassment on campus. The lack of hiring and firing authority also weakens the superintendent's ability to hold faculty and staff accountable when they violate policies.
- ◆ *The Academy lacks a fully resourced office focused on sexual assault and sexual harassment prevention and response.* Other military service Academies have a Sexual Assault Prevention and Response Office (SAPRO) led by a SAPR program manager overseeing multiple SARCs and support personnel. Additionally, they have long-term and out-year plans that provide a strategic focus on preventing and addressing sexual assault and sexual harassment; USMMA is under resourced comparatively.
- ◆ There is *inconsistent support and ownership of the issue* across multiple stakeholders, to include, staff, faculty, and midshipmen, leading to, in some cases, denial of the problem.
- ◆ The Academy, MARAD, and industry *leaders are not working together* as a team to address sexual assault and sexual harassment during the Sea Year.
- ◆ The administrator of Health Services is impeded in his ability to care for midshipmen because they *fear being medically disqualified*.

POLICIES AND PROGRAMS

Prevention

Comparable to other FSAs, the Academy has documented sexual assault and sexual harassment policies, established prevention programs, and requires staff and faculty members and midshipmen to complete regular sexual assault and sexual harassment training. However, inadequate policy language, incomplete program implementation, and insufficient resources hinder the Academy's ability to build a comprehensive and holistic sexual assault and sexual harassment prevention program.

POLICIES

The Academy's policy on sexual harassment is included in its policy against discrimination and harassment, outlined in Superintendent Instruction 2013-02: "The Academy will not tolerate discrimination or harassment on the basis of race, national origin, color, religion, gender, age, sexual orientation, disability, marital status, genetic information or any other status protected by law." The policy also states, "Specific attention will be paid to the education of all Midshipmen regarding preventing and reporting instances of discrimination, harassment or sexual harassment of them or their fellow Midshipmen."¹⁹

The Academy's policy on sexual assault response and prevention is detailed in Superintendent Instruction 2016-02: "Every member of the Academy community is responsible for fostering mutual respect and refraining from conduct that violates this policy. Sexual assault, dating violence, domestic violence, stalking and any other form of violence are unacceptable and will not be tolerated."²⁰

The Midshipmen Regulations (adopted in 2011) prohibit sexual misconduct,²¹ which includes a number of behaviors of a sexual nature. The regulations also prohibit discrimination, including discrimination based on sex.²² However, sexual assault and sexual harassment are not explicitly addressed in the Midshipmen Regulations.

In addition, there is no explicit language in either the Superintendent Instruction or the Midshipmen Regulations that requires or encourages midshipmen, staff,

¹⁹ *Superintendent Instruction 2013-02: Policy Against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen*, (United States Merchant Marine Academy, Kings Point, NY, February 4, 2013), p. 1.

²⁰ *Superintendent Instruction 2016-02: Sexual Assault, Dating Violence, Domestic Violence, Stalking, Prevention, Education and Response Policy*, (United States Merchant Marine Academy, Kings Point, NY, May 20, 2016), p. 1.

²¹ *Midshipmen Regulations, Section 243*, (United States Merchant Marine Academy, Kings Point, NY, May 16, 2011), p. 21.

²² *Midshipmen Regulations, Section 236*, (United States Merchant Marine Academy, Kings Point, NY, May 16, 2011), p. 19.

and faculty members to intervene on behalf of others when they witness sexual harassment or sexual assault, often referred to as bystander intervention. This is inconsistent with the policy language of other FSAs.

- ◆ United States Naval Academy (USNA) Instruction 1752.2G, dated June 4, 2015, states, “Every midshipman and member of faculty and staff share dual responsibilities for their own actions and for protecting each other from harm.”
- ◆ The United States Military Academy (USMA) at West Point Sexual Harassment and Assault Response and Prevention (SHARP) policy, dated June 12, 2015, states, “SHARP is the responsibility of everyone. Anyone, particularly bystanders, who witness or become aware of sexual harassment and/or sexual assault, are required to act either by direct intervention or by encouraging the victim to take action to protect oneself.”

PROGRAMS AND PRACTICES

In recent years, the Academy has instituted several programs to prevent and reduce sexual assault and sexual harassment. Since 2014, the SARC has provided a number of sexual assault and sexual harassment prevention trainings to the staff, faculty, and midshipmen. In addition, the Academy now has midshipmen serving as HROs to provide training on sexual harassment.

Bystander Intervention Program

While bystander intervention is not specifically outlined in policy, the Academy has chosen the Green Dot Bystander Intervention program as its primary prevention strategy. Green Dot has been identified by the CDC as a “promising program” for the prevention of sexual harassment and sexual assault.²³ The Green Dot strategy aims to change a culture through formal trainings, peer-to-peer engagement, and media campaigns, encouraging midshipmen to identify behaviors that encourage, condone, or perpetuate sexual harassment and sexual assault and label behaviors as “red dots.” Conversely, the program identifies behaviors that prevent sexual harassment and sexual assault as “green dots.”

Peer-to-Peer Prevention Strategies

While the Academy HROs conduct peer education on sexual harassment, the Academy lacks a peer-to-peer program comparable with other FSAs and civilian colleges and universities. The USNA Sexual Harassment and Assault Prevention Education (SHAPE) and the USMA Cadets against Sexual Harassment and Assault (CASHA) peer-to-peer groups facilitate discussions with fellow

²³ “Sexual Violence: Prevention Strategies,” Centers for Disease Control website, <http://www.cdc.gov/violenceprevention/sexualviolence/prevention.html>.

midshipmen and cadets that broaden understanding of sexual harassment and sexual assault and emphasize and foster their roles in prevention.

Sexual Assault Review Board

In addition, we found indications that the Sexual Assault Review Board (SARB) is not being fully optimized. The SARB's role is to provide executive oversight of the Academy's sexual harassment and sexual assault program, receive feedback from staff and faculty members on prevention and response, and deliver relevant feedback to build support for the program. However, feedback from interviews indicates that the SARB has not been successful in building ownership of the program among staff and faculty members. In addition, the SARB does not appear to be monitoring whether retaliation is occurring against victims of sexual harassment and sexual assault. This is a practice the U.S. Army put in place for its SARBs, using them to monitor and track retaliation allegations and to help protect victims.

Sexual Assault Awareness Month

In addition to training programs, the Academy has regularly participated in the national Sexual Assault Awareness Month activities during the month of April. For example, in April 2016, the Academy participated in the White House's "It's on Us" sexual assault awareness campaign. The Academy used social media and posters on campus to increase awareness of sexual harassment and sexual assault. In addition, the Academy's athletics department created a video in which midshipmen, coaches, and staff members expressed their commitment to prevent sexual assault and sexual harassment.

Security

The Academy has made several security improvements to address the safety of midshipmen and prevent sexual assault. As noted previously, the Academy has installed blue light call boxes and swipe keys on exterior barracks doors and has increased security at the front gate. However, the Academy could take further steps to increase security and potentially further prevent sexual assault and sexual harassment.

Between the evening hours of 5:00 p.m. and 6:00 a.m., there is limited surveillance on campus. Currently, the command duty officer (CDO) is the only person on duty providing oversight of the five regimental company barracks. While each regimental company has a fourth class (plebe) midshipmen on watch, their more junior seniority makes them less effective in enforcing discipline on upper classmen.

Another prevention issue is the use of a master key by the officers of the deck. One of the concerns raised by female alumni is that officers of the day (OODs) have a master door code to every barracks room in that company and these codes have been shared across the regiment. One female alumna indicated, "In the barracks, the

doors have codes. Someone sees the OOD put in the codes, and then midshipmen pass around the code. The bunk check person has the key, so how easy would it be for people to get the key?”

Prevention Policies, Programs, and Practices Gaps

We have identified the following gaps related to the Academy’s prevention policies, programs, and practices:

- ◆ The Academy *lacks a comprehensive and holistic approach to prevention*. Besides the formal training sessions, the Academy should employ additional prevention programs, including peer-led efforts to promote prevention as a strategy to combating sexual assault and sexual harassment.
- ◆ The Academy *lacks policy language promoting bystander intervention* undermines the Academy’s primary prevention strategy. There is no explicit language in the Superintendent Instruction or in the Midshipmen Regulations that requires or encourages midshipmen, staff, and faculty to intervene on behalf of others when they witness sexual harassment or sexual assault. In addition, sexual assault and sexual harassment are not explicitly addressed in the Midshipmen Regulations.
- ◆ The Academy is *not applying the full Green Dot Bystander Intervention Program*.
- ◆ There is *inadequate training on sexist behaviors*, crude and offensive behaviors, and unwanted sexual attention.
- ◆ There is *limited oversight of barracks*, especially at night.
- ◆ The *barracks door master code procedures* do not maintain the confidentiality of the code.

Education and Training

Another core element of prevention is training. Because of its critical role in preventing sexual assault and sexual harassment, we deliberately assessed the Academy’s sexual assault and sexual harassment education and training program.

With our assessment, we found inconsistencies in the training data. These inconsistencies make it difficult for us to reach a conclusive determination on the program’s effectiveness. Specifically, the documents we reviewed show that the Academy has placed significant emphasis and dedicated resources toward training, but the qualitative interview data do not present a consistent message on training effectiveness. For example, the 2014 and 2016 DMDC SAGR Surveys show that midshipmen respondents indicated their sexual assault training and education was effective. Specifically, in the 2014 survey, 85 percent of

midshipmen who responded indicated that the sexual assault and sexual harassment training was effective, and in the 2016 survey (preliminary results for Wave 1), 90 percent of midshipmen who responded indicated that the sexual assault and sexual harassment training was effective. In addition, one midshipmen stated, “Training about sexual harassment and sexual assault has been very clear.” Conversely, however, another midshipmen indicated that the sexual assault and sexual harassment training is ineffective, stating, “The scenarios are not realistic.” The student further elaborated, “Green Dot training is not helpful because the scenarios are not maritime scenarios.”

To conduct our training assessment, we reviewed key Academy training documents, to include the following:

- ◆ Sexual Assault Prevention and Response (SAPR) Training Plan for Academic Year 2015/2016
- ◆ 2016–2017 1st Trimester Training Calendar
- ◆ Indoctrination Schedule 2016
- ◆ Midshipmen Leadership Development Program
- ◆ Green Dot Bystander Intervention Training Overview
- ◆ Naval Science Pre-Commissioned SAPR Facilitator Guide
- ◆ Sea Year Training Plan.

CAMPUS TRAINING

Although we requested the Academy’s sexual assault and sexual harassment training strategy and curriculum, we did not receive the documents. Nonetheless, our assessment indicated that the Academy’s sexual assault and sexual harassment prevention education and training program is comparable to and consistent with what is being done at other FSAs. In fact, midshipmen at the Academy receive more training on sexual assault and sexual harassment prevention than students at civilian colleges and universities (including those in Reserve Officers’ Training Corps programs)—typically 1 hour per year or less—and the subject of sexual assault and sexual harassment is receiving additional attention and increased training and education efforts at the Academy since the Sea Year stand-down.

The Academy conducts its sexual assault and sexual harassment prevention training program for midshipmen in small groups organized by company and class. In addition to regimental training planned by the commandant’s staff and in the naval science curriculum, the SARC teaches sexual assault and sexual harassment courses. Classroom training is augmented by bystander intervention training using the Green Dot strategy, as well as through guest speakers, movies and videos such as *The Invisible War and Escalation*, and other innovative

methods such as the Sex Signals improvisation. These approaches are similar to the approaches used at other FSAs.

However, of the midshipmen we interviewed, many indicated they received too much sexual assault and sexual harassment training, suggesting it may be losing its effectiveness and impact due to oversaturation. Other midshipmen said that the training was not effective because it lacked relevant maritime scenarios. That said, the midshipmen demonstrated an understanding of the definition of sexual assault and the reporting options but were less familiar with the types of sexual harassment and response methods.

The faculty and staff also receive sexual assault and sexual harassment training, which consists of a web-based 1-hour annual refresher course augmented by SARC visits to faculty forums. Many faculty and staff members interviewed said this annual training was not effective; however, the newly instituted SARC briefings have helped to raise awareness. The Academy also has a VA training program that consists of 40 hours of training, with additional self-paced instruction.

Table 3-1 shows a summary of the Academy's sexual assault and sexual harassment prevention training and education program for midshipmen, faculty and staff members, and victim advocates.

Table 3-1. Overview of USMMA's Sexual Assault and Sexual Harassment Prevention Education and Training

Audience	Training	Frequency	Duration	Method
Midshipmen fourth class ^a	Indoctrination Training (Bystander Intervention; SAPR 1 and 2)	3 classes	45 minutes each (2:15 total)	Instructor led
Midshipmen third class	SAPR Prevention	1 class	1 hour	Live instructor
Midshipmen second class	Bystander intervention	1 class	1 hour	Live instructor
Midshipmen first class	Naval science SAPR-L	1 class	1 hour	Live instructor
Faculty and staff	Annual SAPR training	1 class	1 hour	Web-based
	SARC briefing	1 briefing	1 hour	Live instructor
Victim advocates	VA certification training	5 days	40 hours	Live instructor

^a Midshipmen Class equivalents are: Fourth Class–Freshmen; Third Class–Sophomores; Second Class–Juniors; and First Class–Seniors.

SEA YEAR TRAINING

With regard to Sea Year, midshipmen also receive specific sexual assault and sexual harassment prevention training and education to prepare them for their at sea experiences.

Sea Year Lecture Series

The SARC administers sexual assault and sexual harassment prevention training during the Safety at Sea course within the Sea Year Lecture Series. This is conducted during the trimester before Sea Year. Based on post–Sea Year assessment surveys, between 69 percent (first sailing) and 88 percent (second sailing) of midshipmen reported that they felt prepared for Sea Year.

Contrary to the survey results, midshipmen interviews indicated that the Sea Year lectures were not completely effective in preparing them for their experience. Midshipmen indicated that they needed additional training on how to be more confident and prepared to handle common situations such as bullying and harassment at sea. Specifically, they need to know how to respond quickly and firmly to stop inappropriate behaviors and comments before they escalate into a potential sexual assault or sexual harassment situation.

SAPR Training

In addition to the material covered in the Safety at Sea lecture, the SARC provides second-class and third-class midshipmen with sexual assault and sexual harassment response training through the use of case studies reviewing sexual assault, sexual harassment, dating violence, and stalking examples, leadership response expectations, and bystander intervention techniques. The SARC also administers a quiz before their respective Sea Year splits.

Industry Training

Cadets also receive training from industry when they are aboard ships. Immediately upon boarding commercial vessels, midshipmen attend an orientation conducted by shipping industry representatives that covers company policies for sexual assault and sexual harassment, as well as reporting procedures and points of contact. Midshipmen also receive an information packet containing this information prior to their arrival.

TRAINING EVALUATION AND EFFECTIVENESS

Despite having an extensive midshipmen training program on sexual assault and sexual harassment prevention and response, the Academy does not have a formal training evaluation program to capture results. Specifically, the Academy has no formal training evaluation program in place to capture Kirkpatrick levels 1–4 evaluation data for sexual assault and sexual harassment education and training. This was corroborated by the Academy’s SARC, who indicated that the Academy has no formal training evaluation program for levels 1–3 and is only using the DMDC SAGR Survey results for Level 4 evaluation data. Kirkpatrick’s four

levels of training evaluation are a widely accepted model for evaluating effectiveness in the education and training industry.²⁴

Without an established training evaluation system to measure reaction, learning, and behavior, the Academy will remain challenged in knowing if its sexual assault and sexual harassment prevention and response training is effective.

INSTRUCTOR CERTIFICATION

The primary instructors for sexual assault and sexual harassment education and training are the SARC and the naval science instructors. USMMA's SARC is a subject matter expert in sexual assault and sexual harassment prevention, but she does not have military or maritime industry experience and is not certified by a recognized credentialing body. The naval science instructor has been trained and certified by the Naval Service Training Command.

Education and Training Gaps

As a result of our assessment, we identified the following gaps relative to the Academy's sexual assault and sexual harassment prevention education and training program:

- ◆ *Absence of a comprehensive sexual assault and sexual harassment training strategy* aligned with and supporting an overarching Academy sexual assault and sexual harassment prevention campaign plan. In addition, the current training loosely links sexual assault and sexual harassment training and education to the Academy's core values;
- ◆ *Inadequate formal training evaluation program* to assess the effectiveness and quality of the Academy's sexual assault and sexual harassment education and training program;
- ◆ *Shortage of trained and certified instructors* in sexual assault and sexual harassment with some exposure or knowledge of the maritime industry in order to make training relevant to midshipmen, staff, and faculty members;
- ◆ *Insufficient relevant action-learning activities* using maritime scenario-based role-playing and case studies to reinforce classroom instruction, including addressing bystander scenarios; and
- ◆ *Absence of independent reviews of the curriculum* by DoD or another FSA Sexual Assault Prevention Response Officers (SAPRO), and external

²⁴ These levels include *Level 1*: Reaction—post-training evaluation surveys; *Level 2*: Learning—pre- and post-test results; *Level 3*: Behavior—employee and supervisor longitudinal surveys (3, 6, and/or 12 months after training); and *Level 4*: Results—outcome metrics.

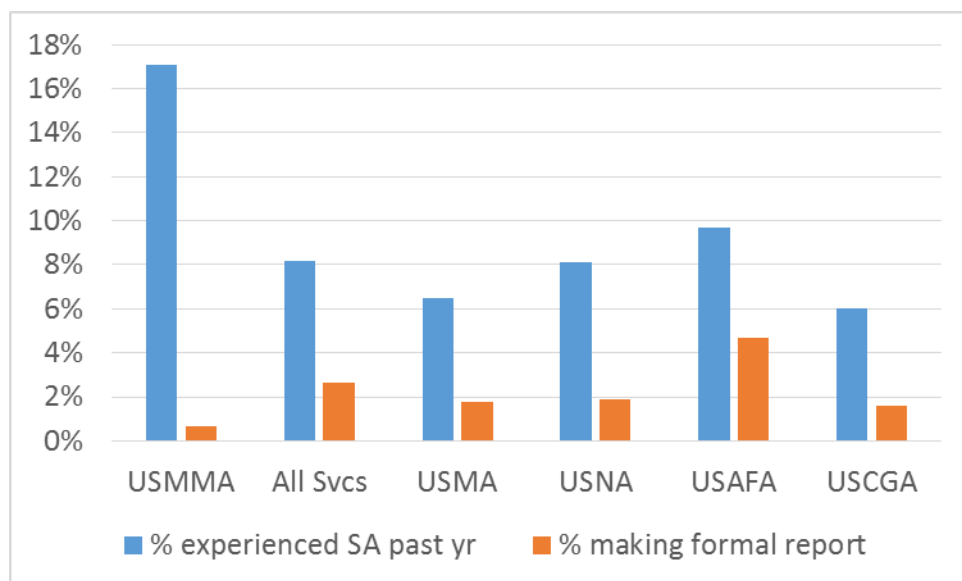
sexual assault and sexual harassment prevention experts to provide different perspectives and training approaches;

- ◆ *Inadequate pre-and post-Sea Year sexual harassment and sexual harassment prevention training to prepare midshipmen to handle the potential sexual assault or sexual harassment situations at sea (e.g., assertiveness training; shipboard scenario-based training).*

Reporting and Response

Having reliable and effective reporting and response policies, procedures, and programs are central to combating sexual assault and sexual harassment. Figure 3-5 compares survey data from females across the FSAs who responded to the 2014 DMDC SAGR Survey. This figure highlights the discrepancies between survey data and sexual assault reporting at the academies, showing percentages of female students at each FSA who indicated on the survey that they had been victims of sexual assault compared with the percentage who made formal reports. Results show that USMMA had the highest percentage of incidents reported on surveys, but the lowest percentage of formal reports, revealing the greatest gap in reporting data across the FSAs.

Figure 3-5. Incidence of Sexual Assault Indicated in the 2014 DMDC SAGR Survey Compared with Percent Making a Formal Report—Female Victims



To assess why this gap exists, we assessed the Academy's reporting and response procedures and programs.

REPORTING PROCEDURES

Whether or not a person will report sexual assault and sexual harassment can be tied to the reporting process as having clear and safe reporting procedures can

influence a victim's decision to report.²⁵ Because campus and sea life are so different, reporting procedures identified under each academic location address the unique challenges victims/complainants face when incidents occur in that environment.

Reporting On Campus

USMMA has made progress in establishing and communicating its sexual violence prevention and response policy and structure. The Academy recently published the following Superintendent Instructions and SOPs:

- ◆ Superintendent Instruction 2016-02, Sexual Assault, Dating Violence, Stalking, Prevention, Education and Response Policy
- ◆ Superintendent Instruction 2013-02, Policy Against Discrimination and Harassment, including Sexual Harassment.
- ◆ SOP for Processing Restricted Reports of Sexual Assault
- ◆ SOP for Investigating Unrestricted Reports of Sexual Assault
- ◆ SOP for Maintenance of Restricted and Unrestricted Reports of Sexual Assault and Complaints of Sexual Harassment, and for the Maintenance of Sexual Assault Prevention and Response Training Materials

In our review of these instructions and SOPs, we found the on-campus sexual assault reporting procedures to be clear and well understood by midshipmen. However, midshipmen were much less clear on the definition of sexual harassment as well as how to report it.

Sexual Harassment

Specifically, a number of midshipmen said they were unsure what constituted sexual harassment. When asked to define sexual harassment, midshipmen indicated, "It's not clearly defined," and "It's murky." Some midshipmen mistakenly said that sexual harassment had to involve repeated behavior in order to be addressed. Some believed that the definition of sexual harassment depended upon the intent of the offender. They were also unaware of the "reasonable person" standard, which states that behavior is considered sexual harassment if a "reasonable person" would interpret it as such.

Environments in which sexual harassment remains unchecked tend to have higher sexual assault rates.²⁶ Thus, this lack of understanding on the definitions and

²⁵ Nicholas P. Krebs et. al, *The Campus Sexual Assault (CSA) Study* (Rockville, MD: National Criminal Justice Reference Service, 2007), p. 5-24.

²⁶ David Lisak, Statement to the U.S. Commission on Civil Rights 2013 Statutory Report: Sexual Assault in the Military, December 20, 2012, available at <http://www.eusccr.com/Lisak-Written%20Statement.pdf>.

forms of harassment puts the Academy at risk in reducing sexual assaults. Clearly articulating and defining sexual harassment distinctly from assault or other forms of sexual violence can also help to improve sexual harassment complaint procedures, increasing the likelihood of sexual harassment reporting. Addressing the confusion around types of sexual harassment should provide the Academy a better understanding of the scope of sexual harassment and sexual assault on campus.

Beyond clarifying what sexual harassment entails, addressing sexual harassment before it could escalate to assault (e.g., addressing behaviors at the lower end of the continuum before they escalate to the higher end) is considered a good primary prevention practice.²⁷ Unfortunately, our interviews found midshipmen are reticent to seek assistance of the staff or faculty to address sexual harassment. One reason may be that Superintendent Instruction 2013-02 indicates that complaints of sexual harassment can only be handled by forwarding to the commandant or deputy commandant.

Some midshipmen indicated concern that reporting sexual harassment can lead to overly harsh discipline of behaviors often judged to be offensive but minor in nature. Further, because of the formal nature of the procedure, midshipmen know they cannot make an anonymous report. Following the prescribed procedures for reporting sexual harassment exposes them to retaliation or being ostracized. One midshipman recounted the following during our interviews:

She knew of a midshipman who confronted another midshipman about inappropriate language, but the person confronted was dismissive of her objections. She then made a report to a Company Officer. As a result, the accused was given a 5-month deferred graduation, and the midshipman who reported him ended up having her name released and being ostracized by the entire regiment.

Sexual Assault

Our assessment found that midshipmen tend to have a clear understanding of Academy procedures for reporting sexual assault on campus. In fact, the Academy had so effectively communicated these procedures that midshipmen, regardless of class level, were able to describe both the Restricted and Unrestricted Reporting procedures on campus accurately, including to whom to report.

However, we did find one aspect of sexual assault reporting that requires clarification. The SOP for Maintenance of Restricted and Unrestricted Reports states, “Although the Chaplain cannot accept a restricted report...” This statement

²⁷ “Sexual and relationship violence comprise a continuum of behaviors, including but not limited to sexual/gender harassment, sexual coercion, sexual abuse, stalking, sexual assault, rape, dating violence, and domestic violence.” American College Health Association, *ACHA Guidelines: Addressing Sexual and Relationship Violence on College and University Campuses*, June 2016, p. 1, available at https://www.acha.org/documents/resources/guidelines/Addressing_Sexual_Violence.pdf.

is in direct contradiction to Superintendent Instruction 2016-02, which states, “Midshipmen may also confidentially report the assault to the Academy’s Chaplain.”

Additionally, while midshipmen understand sexual assault reporting procedures, some indicated they did not trust the Academy to protect them from retaliation or treat them appropriately if they made a report. This supposition is supported by the preliminary 2016 DMDC SAGR Survey data, which indicates that only 36 percent of females and 60 percent of males trust that the Academy would maintain confidentiality.

This lack of trust could be one of the reasons why the Academy’s reporting numbers are lower than their incidence (as recorded in the 2014 DMDC SAGR Survey) numbers. One male midshipman said pointedly, “I think it all comes back to a question of trust. Mistrust is why they do not report.”

The lack of trust, while not a new phenomenon, is consistent with what the military services experienced in the earlier days of their prevention and response efforts. A key initial step was to engineer reporting procedures in which victims could have confidence. Once this trust was gained, the prevention efforts began to show progress. The Army is a good example in which reporting is up and incidents are in decline.

Addressing Retaliation from Midshipmen

Staff, faculty, and midshipmen all indicated fear of retaliation as a key issue tied to reporting. A staff member commented, “Retaliation is the reason they don’t report.” A faculty member stated, “Retaliation for reporting sexual harassment or sexual assault is real. I heard in conversations that midshipmen get ostracized and isolated if they report anything, especially sexual harassment or sexual assault.” Another midshipmen indicated, “Fear of retribution is reason for not reporting; you get someone in trouble. There have been some cases where the issue was proven, and people did not associate with the person who reported it. There is a sense of not getting your friend in trouble. For serious incidents, the person who reports gets ostracized.”

USMMA addresses retaliation in Superintendent Instructions 2016-02 and 2013-02 through the insertion of short paragraphs in each instruction prohibiting retaliation. Unfortunately, several midshipmen that we interviewed were not even aware that these paragraphs existed in these instructions or that retaliation was prohibited by the Academy. USMMA does not address retaliation in a standalone instruction in the way that DoD does. DoD released a strategy document in 2016 describing its efforts to address reporting barriers and requiring each military service (and, by extension, their service academies) to publish separate retaliation policies and to establish confidential procedures for reporting retaliation. These procedures include leveraging the DoD Safe Helpline as an anonymous resource for reporting.

In the case of the Army, commanders are now required to monitor retaliation situations, and Sexual Assault Review Boards (SARBs) have been tasked with tracking reports of retaliation until a sexual assault case is resolved or the threat of retaliation ends. USMMA could also add this to its SARB responsibilities.

Addressing Reprisal from Leadership, Staff, or Faculty

Interviews also revealed another aspect of retaliation at the Academy that influences confidence in the reporting procedures. If a midshipman's sexual harassment or sexual assault reporting chain involves someone who has employed reprisal, the credibility of the reporting system suffers. Several interviewees expressed concerns about reprisal by the school staff:

- ◆ “There is a perception that if you complain, you will get a worse ship assignment.”
- ◆ “The process of discipline does not help the issue of retaliation for whistleblowers.”
- ◆ “Midshipmen have been posting anonymous letters around the campus because of fears about retaliation from the administration.”
- ◆ “The worst case of ATRs not taking care of a midshipmen was when a female was sexually assaulted on shore in Djibouti. She requested and was pulled off ship. The ATRs talked about it and came up with a plan to make her pay for reporting an officer on the ship. They wanted to make her miss Christmas with her family. They tried sending her to another ship also stopping in Djibouti.”
- ◆ “A midshipman even went to the Safety Office to see if she could get a restraining order against a CO who had sexually harassed her, but without success. The CO just kept writing her up for everything.”

Confidence in Reporting

Another factor that affects reporting at the Academy is that midshipmen do not appear to trust some of the persons to whom they are encouraged to make reports. One midshipmen indicated, “Whether you would seek help from an HRO depends on who your HRO is.” Another stated, “We still have two Company Officers in their positions who were accused of sexual harassment, so they have zero credibility within the regiment.”

In 2014, DoD addressed similar reporting concerns about persons who were part of the sexual assault reporting process. DoD has worked to build confidence in its reporting procedures by conducting a comprehensive screening of SARCs and VAs. The screening included records checks that look for credible evidence of criminal activity related to a sexual offense, sexual impropriety, and other

offenses. Those found unsuitable because of such activities were removed from those positions of trust.

Another way DoD went about building confidence in reporting was to enhance the professionalism of its SARCs and VAs. To accomplish this, DoD acted on the congressional requirement for all SARCs and VAs to be professionally trained and externally credentialed by the National Advocate Credentialing Program. The LMI project team was unable to provide an independent assessment of the current SARC and VAs professional competence or the extent of their skills and knowledge base because they have not been certified or credentialed by an independent source. Independent credentialing would communicate to the campus community at large that the SARC and VAs are technically proficient and prepared to address the needs of victims.

Reporting at Sea

Sea Year presents challenges for reporting sexual assault and sexual harassment because two different authorities' policies and procedures are involved, both Academy's and industry's. Below we assess the challenges with reporting at sea.

Sexual Harassment

Similar to the earlier findings related to confusion about sexual harassment, Superintendent Instruction 2013-02 is unclear about procedures for reporting harassment while at sea, as the instruction refers cadets to PDCS for guidance. Additionally, sexual harassment is defined in the *Sea Year Guide* in relation to the harassment and discrimination section. Although the definition is similar, it is not the same definition detailed in Superintendent Instruction 2013-02.

Industry policies about sexual harassment are also unclear and in some cases, unavailable.

Sexual Assault

Superintendent Instruction 2016-02 requires the PDCS to develop specific, appropriate procedures for midshipmen to report incidents of sexual assault and related offenses during Sea Year and obtain company sexual assault policies. While this instruction is well intended, the lack of direct procedural guidance within the Instruction for Sea Year and the confusing and contradictory guidance within the *Sea Year Guide* make understanding reporting a challenge. Some of these specific challenges are listed below:

- ◆ The guide outlines multiple options for who to contact when reporting assault, including telling the ship's captain or calling the ATR, designated person ashore (DPA), SARC, or VA.
- ◆ There is no explanation of how one would go about initiating a Restricted Report at sea. If cadets do call the ATR or DPA, the Report is

Unrestricted. The guide does not highlight that neither the ATR nor the DPA can receive Restricted reports; only the SARC and VAs are Restricted Reporting options.

- ◆ If a midshipmen chooses to initiate an Unrestricted Report of sexual assault or a sexual harassment complaint by contacting the DPA or notifying the captain, it is not clear whether the DPA captain is required to contact the SARC on behalf of the victim.
- ◆ Reporting at sea is compounded by limited cell phone or e-mail connectivity. This limited connectivity can require the midshipmen to then use the ship's satellite phone to report an incident. However, since the captain manages the phone, this could be problematic if they are the offender.

Reporting Gaps

Related to response and reporting, we identified the following gaps in the current USMMA sexual assault and sexual harassment reporting and response processes:

- ◆ There is a *lack of separate Midshipmen Regulation addressing sexual harassment and insufficient Superintendent Instructions addressing at sea reporting guidance* for sexual assault and sexual harassment.
- ◆ There is an *absence of informal reporting procedures for sexual harassment* in Academy policy discourages midshipmen from confronting lower-range sexual harassment.
- ◆ There is no evidence that the *SARC and VAs are either certified or credentialed* by the National Advocate Credentialing Program (NACP) or other independent credentialing authority. Regimental and company HROs are not trained or certified to serve as VAs, unlike student VAs at the other service academies and on other college campuses.
- ◆ USMMA *lacks a separate, effective retaliation policy* prohibiting retaliation against victims who make sexual harassment complaints or report an incident of sexual assault.
- ◆ USMMA has *unclear and incomplete procedures for reporting sexual assault and sexual harassment* in the *Sea Year Guide*. The *Sea Year Guide* requires significant overhaul to eliminate errors, inconsistencies, and omissions related to sexual assault and sexual harassment prevention, response, and reporting.
- ◆ There is *limited connectivity and lack of a 24/7, anonymous, and confidential helpline* similar to that available at other FSAs, either on campus or at sea.
- ◆ USMMA *lacks some of the shipping company sexual harassment and sexual assault policies and procedures*.

RESPONSE PROCEDURES

USMMA's aggressive response to sexual harassment complaints, while well intentioned, appears to negatively affect the willingness of midshipmen to report out of fear of retaliation. Interviewees expressed frustration that the Academy's response to sexual harassment is considered to be disproportionate relative to the incidents. "Other midshipmen usually feel the punishment is too harsh, and then the person who made the report is ostracized." Responders also seemed unfamiliar with the military's approach to sexual harassment whereby lesser behaviors can be handled informally and more egregious behaviors are handled formally.

The Academy's sexual assault response procedures and structure are comparable to other FSAs. However, a lack of integration among Academy responders, a lack of a special victim's counsel capability, and midshipmen mistrust of key responders and the response system all hinder the effectiveness of the Academy's response to sexual assault. Each of these issues has implications for victim recovery and for whether victims are inclined to report these crimes when they occur. Below, we assess the Academy's sexual assault response efforts on campus and at sea.

Response on Campus

From what we observed at the Academy, an integrated, collaborative response across the key Academy responders (SARC, Health Services, Chaplain, and VAs) is not yet in place. Staff indicated, "They need to improve the working relationship between the SARC and the Director of Health Services so they work as a coordinated team." To maximize response efforts, some communities establish sexual assault response teams. The Army has emulated this practice by establishing one-stop-shop resource centers at a number of installations. These initiatives embrace a concept of networked, collaborative response resources to provide seamless support to victims and hold perpetrators accountable.

Additionally, USMMA's sexual assault reporting procedures do not include the ability for a victim to obtain independent legal advice. All other FSAs have a special victim counsel (SVC) available to support and advocate for victims of sexual assault. Through legal advocacy, an SVC will assist the client in building and sustaining a foundation upon which the client may focus on recovery. Whether a victim of sexual assault filed a Restricted or Unrestricted Report, in coordination with a SARC or a VA, the SVC is available to assist the victim with accessing medical and mental health services.²⁸

Another obstacle in the Academy's on-campus response is the perception by some that key responders and the response system cannot be trusted. If victims distrust first responders, they are unlikely to report. An alumna indicated, "I wasn't

²⁸ National Guard, *Special Victims' Counsel*, <http://www.nationalguard.mil/Leadership/Joint-Staff/J-1/SAPR/Special-Victims-Counsel/>.

confident that USMMA would handle it appropriately. My plan was to call the police. I didn't feel I could tell anyone on campus and have it taken seriously."

Response at Sea

Response efforts during Sea Year are complicated due to the limited ability to rapidly respond and provide medical assistance and support services to a victim. Responding to a victim is both the responsibility of the company and the Academy. It is the responsibility of the captain to ensure the immediate safety of the victim; ATRs or DPAs are responsible for removing the cadet from ship upon receiving a call. Feedback on the effectiveness of the response processes is mixed. One faculty member indicated, "ATRs do a good job of coordinating Sea Year for midshipmen," while another stated, "There have been allegations from midshipmen that their ATRs are not responsive to their 1-800 calls from ships when they report a sexual harassment or sexual assault incident at sea."

Regarding the shipping companies response to victim incidences, industries representatives' articulate full commitment to addressing victim needs. In fact, the DPA process was established to protect whistleblowers, including victims of sexual assault.

Response Gaps

As a result of our assessment, we identified following the gaps related to sexual assault and sexual harassment response processes:

- ◆ The *Academy does not have an SVC available to victims*. Having an SVC capability provides yet another confidential source that victims can rely upon and provides legal counseling to a victim that takes into account what is best for the victim.
- ◆ There is *limited ability to rapidly provide medical and mental care assistance* to victims at sea.

Enforcement Authorities and Corporate Oversight

MARAD, USMMA, industry, and federal and local law enforcement agencies all have roles in enforcing the prevention of and response to sexual assault and sexual harassment. Academy procedures for criminal investigations of sexual assault on campus are comparable to those of civilian universities, its administrative investigative processes for sexual assault are in line with Title IX, and its sexual harassment investigation procedures are similar to those at other FSAs. However, USMMA lacks a qualified pool of investigating officers and disciplinary action for staff and faculty is often delayed. The Academy is missing sexual harassment policies from nearly half of commercial companies supporting Sea Year, and USMMA has limited authority to enforce those policies at present. Also, the Academy's sexual assault SOPs do not cover investigations for sexual assaults that occur at sea.

ON CAMPUS

Sexual Assault Investigations

Criminal

The USMMA SOP for Investigating an Unrestricted Report of Sexual Assault²⁹ states that anyone receiving an unrestricted report must notify the SARC. The SARC is responsible for notifying the Superintendent and the director of Public Safety. The director is then required to notify the DOT OIG, the FBI, and the Nassau County Special Victim's Unit of the unrestricted report, and the law enforcement agencies determine jurisdiction and coordinate the criminal investigation process. The USMMA process for notifying law enforcement and initiating a criminal investigation is comparable to civilian colleges and universities.

Administrative

The deputy superintendent selects campus investigators to conduct an administrative investigation in parallel with the criminal investigation by law enforcement. The Academy follows procedures laid out in Superintendent Instruction 2016-02 and the related SOP described above when investigating and adjudicating unrestricted reports of sexual assault. The Academy's procedures are in line with U.S. Department of Education Title IX procedures, whereby the victim and accused are notified simultaneously of the launch of the investigation.

²⁹ *Standard Operating Procedure for Investigating Unrestricted Reports of Sexual Assault*, (United States Merchant Marine Academy, Kings Point, NY, September 25, 2014), p. 4.

However, the SOP has two shortfalls:

- ◆ It does not address investigations of assaults that occur aboard vessels during Sea Year.
- ◆ It does not prevent an officer previously charged with sexual harassment or sexual assault from being assigned as an investigating officer.

In addition, the school does not follow a 2013 National Association of College and University Attorneys (NACUA) guideline stating that investigating officers for sexual harassment and sexual assault be trained in the dynamics of sexual assault, counterintuitive victim behaviors, intimate partner violence, the impact of drugs and alcohol, and evaluating consent. Investigators should also be trained in how to evaluate a credibility case, including an understanding of demeanor, interest, detail, corroboration, and patterns of human behavior.³⁰ As a point of comparison, the National Defense Authorization Act for Fiscal Year 2014 changed the law to require that a DoD investigating officer be a judge advocate general.

Sexual Harassment Investigation

Midshipmen

The investigation process for sexual harassment complaints by midshipmen is detailed in Superintendent Instruction 2013-02. This instruction states that the commandant, with the assistance of the deputy commandant, is responsible for overseeing the investigation and disciplinary action of all midshipmen-related sexual harassment allegations. In addition, the director of Civil Rights (currently vacant at the Academy) serves in an advisory capacity for midshipmen regarding issues of sexual harassment.

Faculty and Staff

Investigations of faculty and staff follow the federal Equal Employment Opportunity complaint process through MARAD's Office of Civil Rights. The USMMA sexual harassment investigation processes are in line with other FSAs and civilian colleges and universities. As with midshipmen, the director of Civil Rights serves in an advisory capacity for faculty and staff.

³⁰ Gina Maisto Smith and Leslie Marie Gomez, *Effective Implementation of the Institutional Response to Sexual Misconduct under Title IX and Related Guidance*. Washington, DC: National Association of College and University Attorneys, 2013, p. 22, available at http://www.highered-compliance.org/resources/resources/05D_13-06-38.pdf.

Administrative Disciplinary Actions

The Academy has disciplinary actions prescribed for holding midshipmen accountable for violating the Midshipmen Regulation prohibiting sexual misconduct. Discipline for violations of this regulation can range from restriction for less serious cases of sexual harassment up to full dismissal for sexual assault.

MARAD is responsible for imposing discipline for Academy staff and faculty for violation of Maritime Administrative Orders prohibiting sexual assault and sexual harassment. However, perceived delays by MARAD in the disciplinary process for staff and faculty hurt the credibility of the Academy's stance on sexual harassment and sexual assault prevention, creating the perception by midshipmen of a double standard. Although there is a need for diligence and due process, the culture and discipline among midshipmen, faculty, and staff can be best served by timely decisions.

SEA YEAR

Commercial

Industry enforcement of sexual harassment and sexual assault prevention and response is governed by rigorous new International Safety Management (ISM) requirements. The maritime safety management system (SMS) is an important aspect of the ISM code, as it details the policies, practices, and procedures that all commercial vessels must follow to ensure safe functioning of ships. These include having a DPA to handle whistleblower calls, the ship captain's responsibilities and authority, and the company's responsibility and authority. The SMS establishes mandatory safety rules and regulations, including sexual harassment and sexual assault prevention, with which every ship must comply. The Maritime Labour Convention also addresses crew safety and investigations of violations that specifically include harassment and bullying.

Ultimately, the Academy is responsible for the safety of midshipmen whether on campus or at sea. Therefore, the Academy must ensure that shipping companies have and enforce adequate sexual assault and sexual harassment policies. However, there do not appear to be any formal, written agreements between MARAD or the Academy and the commercial shipping companies currently involved with the Sea Year. We did assess available sexual harassment and sexual assault policies provided to the Academy by U.S. flag shipping companies who partner with the Academy for the Sea Year Program. Based on this assessment, MARAD and the Academy do not appear to have any formal enforcement authority over commercial companies to ensure they adhere to these policies.

Company Policies

According to the Superintendent's Instructions, the PDCS Department is responsible for providing copies of shipping company sexual assault and sexual harassment policies to midshipmen. However, we found that only 23 of the 40 U.S. flag commercial companies have provided copies of their policies to the Academy. Of those, only 16 provided complete information. As a result, some midshipmen embark on Sea Year without knowing the policies they are expected to follow.

The companies that provided complete policies are listed in Table 3-2.

Table 3-2. Companies that Provided Complete Sexual Assault and Sexual Harassment Prevention and Response Policies

AET	Keylakes Keystone
Alaska Tanker Company	Lindblad
APL	Maersk
Argent Marine	Matson Navigation Company
BG	OSG
Chevron	Patriot Contract Services
Crowley	PGM
Hornbeck	Tidewater

Even if the Academy has a company's policy, and that policy has complete information, the definitions used by these companies are different from those used by the Academy. Shipping companies follow international guidance and include sexual assault within their definition of sexual harassment, whereas the Academy and DoD have separate definitions and policies for sexual assault and sexual harassment. This may be confusing to midshipmen who would expect to see a separate sexual assault policy, and may not realize that sexual assault is covered under the company's sexual harassment policy.

Company Disciplinary Actions

Company policies typically use similar language to describe consequences for committing sexual harassment (including sexual assault), by stating that the company "will take prompt and immediate disciplinary action against any supervisor, non-supervisor, or crew member who violates this policy...up to and including discharge."³¹ For serious offenses, companies mandate that the DPA be informed. These companies also prohibit retaliation of any kind.

These companies also provide confidential reporting options; crewmembers who have been sexually harassed or sexually assaulted can call company authorities

³¹ Maersk Line Limited, "Anti-Discrimination, Anti-Harassment, and Equal Employment Opportunity Policy," July 19, 2016.

ashore if they are uncomfortable reporting it to the ship's captain. The companies have one or more of the following off-ship reporting options:

- ◆ DPA
- ◆ Confidential hotline
- ◆ Automated open reporting system
- ◆ HR/Equal Opportunity representative.

Federal

On federal ships, sexual assault or sexual harassment by crewmembers is covered by either the Uniform Code of Military Justice (if military) or federal regulations (if civilian). Because these ships fall under federal guidelines, interviewees expressed higher confidence in the policies, procedures, and level of enforcement on these ships.

Title IX Requirements at Sea

While the Academy is currently exempted from Title IX, the USMMA Advisory Board told the USMMA's Board of Visitors on July 13, 2016, that the Academy intended to comply with Title IX. Under the provisions of Title IX, educational institutions incur certain responsibilities regarding the safety of their students in off-campus education programs and activities. This would mean the Academy's Title IX policies and procedures would extend to Sea Year.³²

Title IX requires schools to do the following regarding off-campus activities:

- ◆ Assess whether there are any continuing effects of an off-campus education program that are creating or contributing to a hostile environment.
- ◆ Address it as they would address a hostile environment created by on-campus conduct.
- ◆ Initiate measures to "provide appropriate remedies" for both the student and the school population, including making support services available and reinforcing to the broader population the school's zero tolerance for sexual violence.³³

³² Meeting of the USMMA Board of Visitors, July 13, 2016, p. 2.

³³ U.S. Department of Education, *Questions and Answers on Title IX and Sexual Violence*, n.d., p. 9, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

Certification Program

One enforcement option available to MARAD is to preclude companies who do not meet certain standards from participating in the Sea Year Program. An option for identifying the standards and evaluating and certifying commercial vessels is the Rape, Abuse, and Incest National Network (RAINN) Best Practices Certification Program. This program addresses five industries:

- ◆ Travel and tourism
- ◆ Education
- ◆ Youth services
- ◆ Ground transportation
- ◆ Religious organizations.

Although this program does not specifically address the shipping industry, RAINN's Best Practices Certification Program is already used for cruise ships, which are part of the commercial shipping industry.

The Best Practices Certification Program evaluation tool developed by RAINN helps organizations and commercial enterprises modify safety measures, policies, and standards to prevent and respond to sexual violence. Each version of the program is tailored to the needs of the industry or organization. RAINN employs a two-step process: (1) a review of sexual assault prevention and response safety protocols and policies, and (2) a site audit, with interviews to see how well the policies and protocols are being implemented, as well as to enable the organization or company to make changes.

RAINN could serve as a key facilitator between DOT, MARAD, the Academy, and Sea Year vessels in promoting best practices in sexual assault and sexual harassment prevention and response and as an independent verifier of standards, procedures, and policies. As part of a long-term approach to improving the climate during Sea Year, MARAD could require that its midshipmen travel only on vessels certified by the Best Practices Certification Program. This would help to address USMMA's concern for the welfare of its students and its desire to ensure it is not deploying students to hostile workplaces at sea.

Enforcement Authorities and Corporate Oversight Gaps

Across these findings, we identified the following enforcement authorities and oversight gaps related to sexual assault and sexual harassment prevention and response:

- ◆ *Lack of a pool of qualified investigating officers* who meet NACUA guidelines for training;

- ◆ *Lack of shipping company sexual harassment and sexual assault policies* from companies who participate in the Sea Year Program;
- ◆ *Delays in disciplinary review procedures* for cases involving sexual harassment and/or sexual assault; and
- ◆ *Absence of a formal credentialing process for companies* participating in the Sea Year Program.

Accountability

One of the challenges of addressing sexual assault and sexual harassment is creating an environment of accountability where individuals actively prevent, intervene, and report incidents. The Academy faces these same challenges, including the following:

- ◆ Holding midshipmen accountable for incidents of sexual harassment, sexual assault, and retaliation, as well as for failure to report incidents;
- ◆ Holding the staff and faculty accountable for inappropriate behavior and for not intervening or reporting incidents of sexual misconduct or retaliation; and
- ◆ Holding shipping companies accountable for enforcing policy at sea.

The main obstacle to holding midshipmen accountable for incidents of sexual harassment and sexual assault is lack of reporting, and the main cause of lack of reporting is fear of retaliation. As mentioned earlier in this report, multiple interviewees have stated that the school has a culture of retaliation, often in the form of ostracism, and that this is a big reason why midshipmen do not report sexual harassment or sexual assault.

Staff and faculty members have an important responsibility to model appropriate behavior and to intervene when they observe inappropriate behavior by midshipmen. In our interviews, we heard stories of staff and faculty members exhibiting inappropriate behavior for which they were not held accountable. One midshipmen stated, “Some faculty say inappropriate things...it is frustrating when the professors say inappropriate things and are not being addressed for this behavior.” The other accountability issue with staff and faculty members is their unwillingness to intervene to stop sexual harassment or retaliation. One staff member asserted, “The school doesn’t do a good job of helping when someone has been harassed or assaulted and leaves the midshipman to fend for themselves while they are being ostracized.”

Accountability starts with knowing whether shipping companies have policies and whether the policies adequately address sexual assault and sexual harassment. Unfortunately, as we stated in the Enforcement section, the Academy does not have the authority to hold shipping companies accountable for enforcing sexual assault and sexual harassment policies at sea.

ON CAMPUS

Although it appears the Academy holds midshipmen accountable when sexual assault or sexual harassment is reported to the chain of command, peer pressure on victims not to report and victims' fear of retaliation have become barriers to victims reporting either of these. One of the biggest challenges facing the Academy in reducing retaliation against victims is changing behaviors of midshipmen and the staff and faculty from ignoring sexual harassment and retaliation to intervening and reporting. The sexual harassment and sexual assault instructions currently state that the chain of command will be held accountable for ensuring that retaliation does not occur. However, according to the results of our interviews with midshipmen and staff and faculty members, retaliation occurs on campus and is not stopped or reported. With only one investigation of retaliation in the last 8 years, it is clear that those who commit retaliation are not being held accountable.³⁴

Some midshipmen stated that there is a double standard for holding them accountable when compared with the staff and faculty. They described cases where nothing happened to staff and faculty members who sexually harassed midshipmen or made sexist remarks. For example, a number of midshipmen and staff members described a case involving a company officer who had [midshipmen] dump water on a female midshipman to prove shirts were see-through while other midshipmen watched; the regiment has not heard of action being taken against this company officer. Perception that staff and faculty are not being held accountable reduces the Academy's credibility with respect to zero tolerance for sexual assault and sexual harassment.

Retaliation also occurs against faculty members who report incidents of discrimination and harassment, with similar lack of accountability. Several faculty members reported that a department head targeted those who spoke out against harassment of an openly gay faculty member; subsequently, the department head retaliated against those faculty members in the form of negative performance evaluations. Faculty members reported this retaliation to the academic dean and union representative, but there is a perception that no action was taken because the faculty member is still at the Academy. Interviewees indicated a perception that staff and faculty cannot be terminated for disciplinary reasons because they are government employees, which further challenges efforts to establish accountability.

One way the Academy could address shortfalls in its retaliation accountability policies is to issue a separate retaliation policy, as has been previously recommended in the Reporting section of this report. The lack of a separate retaliation instruction reduces the chances that midshipmen and staff and faculty members will be aware that the prohibition exists, which lessens the effectiveness

³⁴ Based on data provided by the Academy, of the five cases of sexual harassment reported over the past 8 years, only one case also had an investigation of retaliation, and that case was dropped due to lack of clear evidence of the perpetrator(s).

of the prohibition. The lack of commitment to confidentiality and clear consequences for retaliation in the current instructions also reduce the ability of these provisions to reduce retaliation by other midshipmen.

AT SEA

The PDCS Department has the responsibility for holding shipping companies accountable for having adequate policies that address the safety of midshipmen during Sea Year; this includes sexual harassment and sexual assault at sea. These policies should place the responsibility for ensuring the safety of midshipmen (cadets) explicitly on the captain and chief engineer because they set the tone for how efficiently and safely a ship operates. Policies should make the captain and chief engineer accountable for preventing sexual assault and sexual harassment on board their ships; ensuring that all employees, including midshipmen (cadets), are aware of the policies and procedures in place, along with how to report and act in situations that warrant the filing of a complaint; and holding any violators accountable.

The Academy also requires a more effective method of tracking occurrences of midshipmen being sexually harassed or sexually assaulted at sea. The Academy leadership recently took action to move post–Sea Year surveys of midshipmen from the PDCS Department to the Office of Institutional Assessments, but this only provides anonymous survey data and does not provide the Academy with a way to identify and track the companies and ships where incidents occur. The Academy and MARAD need a process to debrief midshipmen on ships and at USMMA to ensure thorough collection of information from midshipmen, and identify incidents and trends.

The Sea Year stand-down presents MARAD and the Academy with an opportunity to hold companies accountable by building criteria for them to take part in a restarted Sea Year Program. A phased approach to resuming the Sea Year would give MARAD and the Academy the time to ensure that only those companies that have rigorous policies and procedures in place are able to participate. As other companies provide proof that they meet benchmark criteria, MARAD could approve their participation.

MARAD’s Shipboard Climate Compliance Team (SCCT) is considering criteria that could be used to ensure companies approved for Sea Year can be held accountable for the safety of midshipmen while on their ships. Here are some of the criteria under consideration by the SCCT:

- ◆ Ship captains and chief engineers responsible for crew training, acknowledgement, and enforcement of sexual assault and sexual harassment policies;
- ◆ Annual crew training on sexual harassment and sexual assault prevention and response;

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- ◆ Company-assigned mentors to look after cadets aboard ships;
 - ◆ Company-wide messages from the chief executive officer or similar high-ranking individual that stress zero tolerance of and compliance with sexual harassment and sexual assault requirements;
 - ◆ Zero-tolerance policy regarding romantic or sexual relationships (including voluntary and consensual) between cadets and crew members across companies and at USMMA; and
 - ◆ Standardized company debriefs of every cadet and mentor upon completion of Sea Year time onboard; results submitted to the Academy and MARAD.

Accountability Gaps

The following gaps contribute to the Academy's limited ability to ensure accountability for preventing and responding to sexual harassment, sexual assault, and retaliation on campus and at sea:

- ◆ *Senior leadership at the Academy has limited authority to manage and control the disciplinary process.* To hold the faculty and staff accountable, the superintendent needs the authority to manage timely and transparent disciplinary actions against faculty or staff members who sexually harass midshipmen or other faculty and staff members.
- ◆ *Many shipping company sexual assault and sexual harassment prevention and response policies are incomplete.*
- ◆ *MARAD and the Academy require additional procedures for addressing shipping company accountability for midshipmen safety at sea:*
 - A procedure for collecting and comparing post–Sea Year feedback that identifies hostile environments and incidents of sexual harassment and sexual assault that were not already reported.
 - A procedure to track sexual harassment complaints and sexual assault reporting made by midshipmen, organized by individual company.
 - MARAD, Academy, and industry spot checks of ships to validate compliance against policies.

Chapter 4

Recommendations

To meet its goal of improving the climate for midshipmen, both on the Kings Point campus and during Sea Year, the Academy must address the root causes of the climate, barriers to changing the climate and improving reporting and accountability across the institution and industry, and specific behaviors stemming from those root causes and barriers. The recommendations in this chapter will equip the Academy with a holistic and integrated approach to achieving that goal.

While every gap identified in our Findings and Gaps chapter is important and should be addressed at some point, we have focused our recommendations on two primary areas:

- ◆ Improving the USMMA culture
- ◆ Improving the Sea Year Program.

We believe that these recommendations will have the greatest impact on reducing sexual assault and sexual harassment and, therefore, should be the Academy's first priority.

IMPROVING THE USMMA CULTURE

USMMA was founded on building and sustaining a professional maritime capability to serve the nation's marine transportation and defense needs in peace and war. To fully accomplish its mission and establish a culture that respects individual dignity and differences, engenders trust, and encourages personal ownership and accountability, the Academy needs to take a strategic approach that includes the following:

1. *Build and align* leadership and management team across all levels of the institution.
2. Develop a comprehensive and integrated Sexual Assault and Sexual Harassment Prevention and Response *Strategic Campaign Plan* that will integrate all actions to bring about mutual respect and zero tolerance for sexual assault and sexual harassment.
3. Infuse *core values* into all aspects of Academy life.
4. *Change the paradigm* from blaming the victim to advocating for and protecting the victim.

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5. Instill a sense of *personal responsibility* for preventing and addressing sexual harassment, sexual assault, and retaliation at all levels within USMMA to build and institutionalize a culture of trust, respect, and accountability.
 6. Build *shared ownership* between the Academy, MARAD, and industry, with a sustained public commitment to improve the culture and bring about zero tolerance for sexual assault and sexual harassment.

Build and Align Academy Leadership and Management Team

Effective change depends upon clear and consistent messaging that is carried throughout the institution. For the Academy to achieve sustainable culture change, it will be necessary for all those in leadership positions to share and communicate a uniform message, especially in terms of sexual assault and sexual harassment. We recommend that USMMA take the following actions to improve the effectiveness of Academy leadership:

- ◆ Establish ongoing engagement forums that brings together leadership and management from all Academy constituencies (e.g., administration, faculty and staff, regiment) to ensure alignment on key issues.
- ◆ Fully staff the senior leadership and management team, to include the academic dean, commandant of Midshipmen, director of Civil Rights, director of Human Resources, a more diverse academy training representative cadre and additional communication capacity.
- ◆ Review the superintendent's level of authority to enable him to better hold individuals accountable.

Develop an Integrated Strategic Campaign Plan to Address Sexual Assault and Sexual Harassment

We recommend that the Academy develop a comprehensive and integrated Sexual Assault and Sexual Harassment Prevention and Response Strategic Campaign Plan that builds ownership across the stakeholders. The campaign plan will be the primary instrument to integrate and execute all elements of USMMA's efforts to eradicate sexual harassment and sexual assault. This plan would replace the current *USMMA Plan to Reduce Sexual Harassment and Sexual Assault* with a more robust, multi-year strategy that contains strategic goals and objectives, stakeholders and roles, key messages, engagement, communication and training strategies, metrics, and action plans.

To improve integration and manage execution of this plan, the Academy should establish and adequately resource a Sexual Assault Prevention and Response

Office (SAPRO) that is responsible for overall program management and integration of the program across stakeholders. This office would be managed by an SAPR program manager, who would provide strategic planning, oversight, and day-to-day management of all SAPRO programs. The SAPRO should focus on the following:

- ◆ Establish a process to improve communication and collaboration among the various segments of the USMMA population (i.e., staff, regiment, faculty, PDCS).
- ◆ Add informal, confidential sexual harassment complaint procedures as a reporting option to promote self-policing and encourage midshipmen to seek help. (This meets the U.S. Department of Education’s Title IX requirement for appropriate and proportional responses to incidents.)
- ◆ Conduct a review of the Army’s “Not My Squad” model to determine its applicability and acceptance across USMMA.

As a critical part of the campaign plan, USMMA should develop an integrated sexual assault and sexual harassment training strategy and program. This training strategy should encompass the roles and responsibilities of every member of the USMMA community and incorporate the following:

- ◆ Reinforcement of the key messages identified in the campaign plan
- ◆ Action-learning activities, including case studies to add realism and personalize the issue of sexual assault and sexual harassment by using scenario-based role-playing tied to real-life situations and the maritime context
- ◆ Peer-to-peer training on sexual assault and sexual harassment modeled after similar programs at other federal service academies
- ◆ Professional credentialing of the SARC and VAs by the NACP to meet congressional requirements
- ◆ A strategy to provide the SARC with an understanding of the commercial shipping industry to better appreciate the environment that cadets experience at sea
- ◆ A robust training evaluation program that includes the following:
 - A program to evaluate training effectiveness and quality at Kirkpatrick training evaluation levels
 - Independent reviews of the training by other federal service academies

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- Application of the full Green Dot program, using the train-the-trainer and evaluation methods embedded in the program and scenarios tailored to USMMA and the maritime industry
 - ◆ Prevention and intervention training techniques developed by the DoD and the service academies
 - ◆ Integration of sexual harassment and sexual assault prevention subject matter experts into the training
 - ◆ Integration of training that addresses the role of drugs and alcohol in sexual assault and sexual harassment
 - ◆ Reinstitution of workplace sensitivity training for all leaders and the staff and faculty
 - ◆ SARC participation in USMA's annual SHARP Summit.

Since the campaign plan is the integrator of all actions regarding sexual assault and sexual harassment prevention and response, the activities taken to implement the other recommendations in this section will need to be incorporated into this plan.

Infuse Core Values into All Aspects of Academy Life

We recommend that the Academy reestablish and infuse the USMMA core values of courage in adversity, respect for others, integrity from within, and service above self across the institution, explicitly linking them to the goal of eliminating sexual assault, sexual harassment, and associated retaliation and ostracism. This includes planning and executing specific actions to infuse the core values into all aspects of Academy life. Examples of this include

- ◆ providing constant, consistent leadership messaging of the school's principles and core values and how they relate to this issue;
- ◆ empowering midshipmen and staff and faculty members to help frame the values;
- ◆ recognizing the midshipmen who best embody the Academy's core values; and
- ◆ modifying sexual assault and sexual harassment training so that it is clearly tied to USMMA's honor code, core values, and motto: "Acta Non Verba"—Deeds Not Words.

Change the Paradigm from Blaming the Victim to Advocating for and Protecting the Victim

USMMA must address attitudes that cause misplaced feelings of loyalty to those accused of sexual assault or sexual harassment rather than loyalty to the institution and its values. USMMA must ensure that victims receive care and support to address their immediate and long-term healing and are protected from reprisal and unintended consequences of institutional policies. We recommend that USMMA take these steps:

- ◆ Use the SARB to help monitor allegations of retaliation and reprisal and establish a rapid response team to monitor the safety of anyone who is under threat by others or is a threat to themselves.
- ◆ Draft a policy that prohibits retaliation and ostracism and clearly delineates responsibilities, requirements to report retaliation, and penalties.
- ◆ Establish a 24/7 Safe Helpline for confidential on-campus and at-sea reporting of sexual assault (modeled on DoD's Safe Helpline).
- ◆ Explore establishing a special victim counsel capability to provide legal counsel to victims.
- ◆ Create a forum for victims to exchange information with leadership and other victims.¹
- ◆ Review policies for possible unintended consequences, such as reduced ability to obtain required time at sea, medical disqualification, and disproportionate disciplinary actions for related misconduct.
- ◆ Revise position descriptions for regimental company officers to include mentorship and affirmative leadership.
- ◆ Follow the Title IX practice of informing accusers and the accused in writing of investigative outcomes, providing as much information as possible under the law.

¹ The Army model includes a panel of sexual assault survivors that meets with the superintendent annually to hear about campus initiatives and sexual assault issues and share feedback.

Instill a Sense of Personal Responsibility for Preventing and Addressing Sexual Assault, Sexual Harassment, and Retaliation at All Levels within USMMA

Every person is responsible for the prevention of sexual assault, sexual harassment, and retaliation. Personal responsibility is fundamental to institutionalize a culture of trust, respect, and accountability. USMMA must take steps to instill a sense of personal ownership for preventing and addressing sexual assault and sexual harassment at all levels and across all roles. These steps include the following:

- ◆ Establish cross-functional teams that include staff and faculty members, midshipmen, industry, and alumni to prevent and address sexual assault and sexual harassment.
- ◆ Add a personal accountability goal to all faculty and staff performance plans.
- ◆ Increase visibility of and communication by senior leadership to rebuild trust and credibility.
- ◆ Ensure that the staff and faculty are held to the same standards of accountability for sexual harassment and sexual assault prevention as midshipmen, with timely and equitable penalties.
- ◆ Emphasize individual roles and responsibilities with respect to sexual assault and sexual harassment through role-playing, case studies, and other action-learning techniques.
- ◆ Empower midshipmen to launch a social campaign to shape the campus culture and foster a sense of ownership and accountability. Consider the “It’s On Us” campaign and the U.S. Army’s I.A.M. STRONG campaign (Intervene, Act, and Motivate Others).
- ◆ Add bystander intervention language to the sexual assault and sexual harassment policies.

Build Shared Ownership among the Academy, MARAD, and Industry

USMMA, MARAD, and industry leaders need to openly acknowledge the issue of sexual assault and sexual harassment, speak with one voice, and articulate expectations for both the Kings Point campus and throughout the industry for zero tolerance. This proactive, positive messaging should highlight the way in which industry culture is changing to address these issues. With industry and the Academy acting as integral partners, the messages that midshipmen receive should mutually reinforce these efforts and build buy-in.

USMMA, MARAD, and industry leaders need to develop a common message and strongly communicate and institutionalize the expectation of mutual respect in the seafaring workplace environment. This will establish a shared accountability for addressing issues related to sexual assault and sexual harassment. Examples include the following:

- ◆ Implement standards and common definition of terms across the industry.
- ◆ Involve industry executives, employee relations and labor relations representatives, and DPAs in Academy sexual assault and sexual harassment training initiatives to communicate current industry norms and discuss sexual assault and sexual harassment policies and procedures.

IMPROVING THE SEA YEAR PROGRAM

Experiential learning is an essential part of the Academy's curriculum in meeting the educational goals of the institution. The Sea Year Program has, from the beginning, fulfilled this role for the Academy, preparing midshipmen for life at sea. We recommend resuming the Sea Year Program on commercial vessels under the conditions described below. After this is completed, we believe a more thorough review of the Sea Year Program is warranted as described in Chapter 5.

Establish a Process for Credentialing Shipping Companies for Participation in Sea Year

We recommend that MARAD and USMMA set criteria and establish a process for evaluating shipping companies that wish to participate in the Sea Year Program. These criteria should focus on safeguards to protect cadets from sexual harassment and assault while aboard company ships. Examples of criteria include the following:

- ◆ Clear, explicit, and detailed policies against sexual harassment, sexual assault, and any form of retaliation due to reporting, with an official copy provided to MARAD and USMMA

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- ◆ A memorandum of agreement specifying the responsibilities of each party in protecting the cadets from sexual assault, sexual harassment, and retaliation
 - ◆ Clear and well-communicated procedures that govern response to sexual assault, sexual harassment, and retaliation
 - ◆ Procedures to collect, review, and evaluate company data on the incidence and reporting of sexual assault and sexual harassment aboard the company's ships
 - ◆ Documentation showing that background checks have been performed on all crew members, including checks of sex offender registries.

MARAD should use the RAINN Best Practices Certification Program evaluation tool to promote best practices and as an independent verifier of MARAD and company standards, procedures, and policies. As a long-term goal, MARAD should eventually require that only vessels certified through this program be used for Sea Year.

Make Improvements to More Fully Prepare and Support Midshipmen in the Sea Year Program

We recommend that USMMA make the following improvements to actions taken to prepare midshipmen for Sea Year:

- ◆ Prior to embarkation
 - Incorporate scenario-based training on topics such as situational ethics, assertiveness, sexual harassment and sexual assault reporting and response, and alcohol use as a risk factor for sexual assault.
 - Integrate industry leaders into the training curriculum.
 - Revise Superintendent Instructions for sexual assault and sexual harassment and the *Sea Year Guide* to make them accurate, cohesive, and thorough.
 - Provide cadets with a wallet-sized, laminated card detailing procedures for reporting sexual assault and sexual harassment.
- ◆ Aboard
 - Evaluate increasing the number of cadets to four per ship.
 - Emphasize buddy system personal responsibility.
 - Evaluate instituting shipboard officer mentors.

- Simplify the reporting process for cadets who experience sexual assault or sexual harassment at sea.
- Investigate confidential ways for cadets to report incidents and receive care.
- ◆ Reintegration
 - Develop a formal reintegration program to ease the transition from sea back to the regiment.
 - Conduct face-to-face interviews on campus after Sea Year to debrief each midshipmen on his or her experience.
 - Have midshipmen participate in a group discussion with peers to discuss their experience at sea related to industry workplace norms.

Establish a Robust, Continual Feedback Process from Sea Year

Continuous improvement is essential for maintaining a safe and productive environment at sea. USMMA needs to review and strengthen the Sea Year evaluation process to include the following elements:

- ◆ Redesign USMMA post-Sea Year survey instruments to include the capture of company, vessel, and captain identification and introduce procedures to track incidents by these factors.
- ◆ Conduct spot checks of ships to validate compliance with USMMA requirements.
- ◆ Conduct a comparative analysis of company feedback and USMMA post-Sea Year surveys to identify discrepancies.

IMMEDIATE NEXT STEPS

We realize that the recommendations discussed above are wide in scope, and many will take considerable time to implement and show measurable results. Therefore, to assist the Academy in making an expeditious start, we are providing the following “to-do list” of steps to take immediately:

- ◆ Build and align Academy leadership and management team.
- ◆ Develop a Sexual Assault/Sexual Harassment Strategic Campaign Plan.
- ◆ Implement a Sea Year credentialing program.

Chapter 5

Preliminary Findings for Further Review and Topics for Follow-Up Inquiry

During our stakeholder interviews, site visits, and literature review, findings emerged that, while outside the immediate objectives of the USMMA Culture Audit, may provide further insights into the Academy culture. One of the specific areas of interest to DOT was determining whether aspects of the Academy culture around discrimination required further evaluation. DOT was also interested in understanding areas for possible follow-up inquiry. This chapter of the report addresses both of these areas.

PRELIMINARY FINDINGS FOR FURTHER REVIEW

While we did hear accounts of discriminatory comments in our interviews, the frequency of these was not sufficient to draw firm conclusions. The comments that we did hear were around race, gender, and sexual orientation:

- ◆ “The race problem is extremely bad. Students feel they can ridicule other students if they don’t look like them and no one stops them.”
- ◆ “We give people passes for saying completely racist things.”
- ◆ “Women and minorities are not welcome at Kings Point. The midshipmen tell you all the time that you did not earn your spot here. They say that women and minorities are stopping white males from having a slot that they should have had. This comes up when the school’s demographics report comes out.”
- ◆ “An openly gay male faculty member transferred because he was traumatized here.”

Our interviews did reveal a range of behaviors at the Academy (i.e., bullying, hazing, harassment) that negatively impact the environment and could be discriminatory. Some alumni said hazing has always been a part of the Academy culture, but some interviewees believe it goes too far and is not dealt with properly. One midshipman noted, “Hazing rules are not very clear, and mass punishments and intensive training are being discouraged; traditions at Kings Point are difficult and get some pushback from graduates.”

Further understanding these behavior would fall under the purview of a director of Civil Rights, a position that remains vacant.

OTHER TOPICS FOR FOLLOW-UP INQUIRY

The Extent and Impact of Alcohol Use at the Academy

According to the National Institutes of Health, more than half of all violent crimes, including sexual assault, involve alcohol use by the perpetrator, the victim, or both. Within DoD, it is estimated that alcohol is involved in almost half of sexual assaults in the military and approximately one-third of sexual assaults at the FSAs.

During our interviews of leadership, faculty, staff, and midshipmen, a common theme was that heavy alcohol use is part of the Academy culture. According to one midshipman, “There’s a saying around here... ‘If you are not an alcoholic, this place will turn you into an alcoholic.’” Another midshipman noted, “You cannot drink in the barracks, but next door, you have a pub. Drinking binges are on the schedule.” While there are existing policies regarding alcohol consumption, they appear to have limited impact on the pervasive culture of alcohol use at the Academy. We recommend that the Academy assess and better understand the extent and impact of alcohol on campus and during Sea Year, as well as continue to promote new student activities and programs focusing on healthy living habits that will serve midshipmen throughout their careers.

Academic Curriculum Assessment

We received many comments from midshipmen and faculty about the heavy academic requirements at the Academy and the resulting stress and negative impact on the learning environment. Midshipmen must complete 180 credit hours to graduate; this is a much higher requirement than that of most American colleges and universities, including the other federal service academies and state maritime academies. Also, these credit hours are completed while spending 12 months total away from the Academy during their Sea Year. This heavy academic pressure creates an environment where midshipmen cannot afford any setback that would delay or prevent them from graduating and could in turn result in a reluctance to report sexual assault and sexual harassment. One midshipman noted, “Academics here are hard, in part, due to the trimester system. I am getting involved with extracurricular activities as well, so that consumes time.”

We also heard about an imbalance between the technical courses required for USCG licensing and the general education courses including the humanities. One midshipman commented, “I would put more of a focus on academics. I would run Kings Point more like an academic institution and place less emphasis on leadership training. For midshipmen who want to pursue a career in shipping, most would prefer more time to focus on school.” Some industry representatives expressed a differing viewpoint—that midshipmen lack fundamental maritime skills when they report to their first Sea Year assignment in their second year due to shortfalls in the marine transportation curriculum at the Academy.

These two viewpoints highlight the fact that the Academy curriculum must meet a wide range of requirements. To award a Bachelor of Science degree, the curriculum must satisfy the accreditation requirements from the MSCHE. Satisfying the Coast Guard licensing requirements and meeting the expectations of industry and the military place additional requirements on the curriculum. Add to this the general education courses, regimental duties, and extracurricular activities that help create a well-rounded graduate, the Academy faces a daunting task.

We acknowledge these challenges but believe that a complete review of the Academy's academic curriculum—to include the relative emphases on technical and general education courses, sequencing of Sea Year within the curriculum, and the overall length of the program—could provide insights to improve the culture and further increase the competency of Academy graduates.

Detailed Assessment of the Sea Year Program

We recommend an examination of the Sea Year Program, to include its scope, structure, requirements, and timing to determine how to maximize its educational value. Our findings indicate that cadets may not be prepared for the sea experience after only one year on campus, both in terms of maturity and in technical competency. Some industry representatives indicated that cadets from state maritime academies are often more prepared than USMMA cadets, possibly due to their additional maritime experience gained while aboard training vessels. USMMA should consider restructuring Sea Year to send midshipmen later in their academic career, potentially as a capstone program.

We also recommend that USMMA explore the creation of a two-track program. Our interviews with midshipmen and industry representatives indicated that some USMMA midshipmen do not desire a career in the commercial shipping industry and, as a result, show no interest in being on commercial ships during the Sea Year. An alternative approach would attempt to match Sea Year with a cadet's career goals. Cadets who want to be merchant mariners would serve on commercial ships, and those who desire a career in the active-duty military would serve on MSC ships.

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SHIPPING INDUSTRY WEBSITE SOURCES

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Crowley Maritime: <http://www.crowley.com>.

Intermarine: <http://www.intermarineusa.com>.

Kirby Marine: <http://www.kirbymarine.com>.

Liberty Global Logistics: <http://www.libertygl.com>.

The Maersk Group: <http://www.maersk.com>.

Maersk Line, Limited: <http://www.maerskline.com>.

Matson: <http://www.matson.com>.

Overseas Shipholding Group, Inc.: <http://www.osg.com>.

Waterman Steamship: <http://www.intship.com>.

International Maritime Organization. ISM Code and Guidelines on Implementation of the ISM Code: <http://www.imo.org/en/OurWork/HumanElement/SafetyManagement/Pages/ISMCode.aspx>.

Appendix A

Summary of Best Practices at Other Academies and Institutions

Our review of the literature identified a number of practices used to effectively address sexual assault and sexual harassment. The emphasis of our research was on practices within the five federal service academies and the active military. The primary source for these practices was the DoD series *Annual Report on Sexual Harassment and Violence at the Military Service Academies*. In addition, we used documents and websites from federal agencies, universities, and industry. Based on our review, we identified 12 practice areas that we used to inform our research and development of recommendations. We discuss each of these practice areas in the sections that follow.

STRATEGIC APPROACH AND STRONG PROGRAM MANAGEMENT

Our research showed that many of the comparison organizations to United States Merchant Marine Academy (USMMA) use a strategic approach to combat sexual assault and sexual harassment. Some characteristics of a strategic approach include the following:

- ◆ A strategic plan that identifies steps, responsibilities, timeline, and metrics to prevent and respond to sexual harassment and sexual assault
- ◆ A coherent and effective program management structure to drive necessary changes at all levels of the organization.

Here are examples of how the Navy and Army, respectively, have used a strategic approach to address sexual assault and sexual harassment.

- ◆ DoD lauded the strategic plan of the U.S. Naval Academy (USNA), stating, “USNA’s Sexual Assault Prevention and Response (SAPR) Strategic Plan, published in October 2014, is aligned with the *DoD SAPR Strategic Plan*. USNA’s strategy clearly delineates goals, prioritizes initiatives, and identifies responsible parties for plan execution. The SAPR strategy also effectively incorporates efforts to address and prevent sexual harassment. USNA’s Strategic Plan integrates sexual harassment program

equities exceptionally well and sets the benchmark for the other Academies.”¹

- ◆ The Army recently published a Sexual Harassment/Assault Response and Prevention (SHARP) Campaign Plan that describes the goals of its SHARP program. As detailed in an Army News Service article, “The Army SHARP Campaign plan provides a road map that illustrates the Army’s plans to synchronize actions across five lines of effort that are in alignment with the DOD’s *Sexual Assault Prevention Strategy*.”² In addition, the Army used a variation of the *National Sexual Violence Resource Center’s Sexual Violence and the Spectrum of Prevention: Towards a Community Solution* report guidance in its prevention strategy. This guidance outlines how to develop a comprehensive prevention strategy, laying out a set of interrelated features that can influence actions and norms.

Another strong program management practice is to implement data-driven techniques to prevent sexual assault and sexual harassment. For example, as cited in a DoD report, the U.S. Military Academy (USMA) created a “Case Reports Template to track the locations of sexual assault reports, sexual harassment complaints, and high-risk areas. USMA plotted sexual assault incidents, areas it considers to be ‘high risk,’ and other information on a map of [its campus] and the surrounding community.”³ This kind of analysis is often used in the civilian sector to predict and prevent crime.

Engaged Leadership

Successfully addressing the challenges of sexual assault and sexual harassment at USMMA will require organizational change. One of the keys to effective organizational change is an engaged leadership, including

- ◆ top-level leaders who support a culture of zero tolerance for sexual assault and sexual harassment through proactive communication and building buy-in with key stakeholders and
- ◆ managers and supervisors who have a clear understanding of their obligations in addressing sexual assault and sexual harassment.

¹ Department of Defense, *Annual Report on Sexual Harassment and Violence at the Military Service Academies: Academic Program Year 2014–2015, Appendix B: USNA Compliance*, December 2015, p. 13, available at http://sapr.mil/public/docs/reports/MSA/APY_14-15/Appendix_B_USNA_Compliance.pdf (hereafter cited as DoD Appendix B: USNA Compliance). Note, SAPR stands for Sexual Assault Prevention and Response.

² Lillian Boyd, “Army Publishes SHARP Campaign Plan,” Army News Service, July 3, 2014, <https://www.army.mil/article/129452>.

³ Department of Defense, *Annual Report on Sexual Harassment and Violence at the Military Service Academies: Academic Program Year 2014–2015, Appendix A: USMA Compliance*, December 2015, p. 10, available at http://sapr.mil/public/docs/reports/MSA/APY_14-15/Appendix_A_USMA_Compliance.pdf (hereafter cited as DoD Appendix A: USMA Compliance).

An effective way to engage senior leaders is to involve them in high-profile community events. As DoD found, an event held by the U.S. Air Force Academy (USAFA) “for Sexual Assault Awareness and Prevention Month 2015 involved the entire [Cadet Wing] and local community leaders. The event focused on illuminating the demoralizing effects of sexual assault. The event, *Shattering the Silence*, featured the organization Take Back the Night (TBTN) and challenged all participants to reflect on what they could do to eradicate sexual assault at USAFA. Participants heard from Secretary of the Air Force, Deborah James, and TBTN’s founder, Katie Koestner. Representatives from TESSA, the local rape crisis center, also attended. The Department commends USAFA’s extensive planning and execution efforts with this event, and thoughtful local community involvement in this cadet-wide event.”⁴

Another effective practice for academic institutions is to involve faculty in promoting sexual assault and sexual harassment policies. For example, DoD found, “USAFA’s faculty is very involved in sexual assault prevention and education initiatives, from incorporating concepts into law, leadership, political science, and management courses, to participating as volunteer victim advocates (VVAs). Twelve of the eighteen VVAs at USAFA are faculty members.” The DoD report then cites two specific examples:

- ◆ “A professor in the English Department established a book club for its faculty members to discuss incidents of sexual assault portrayed in classic literature. The English professors share the insights discussed in the book club with cadets while teaching the classics.”
- ◆ “The Dean of Faculty developed an Ombudsmen program to establish a climate of dignity and respect and to represent faculty members on issues brought to their attention. The Ombudsmen program is able to resolve issues of dignity and respect amongst faculty members, and they believe it has been a good model to resolve such issues. There are three faculty members who currently serve as ombudsmen.”⁵

Direct involvement of leaders with students has also been adopted by several institutions. The USMA, for example, holds formalized cadet sensing sessions to capture feedback from students. DoD noted, “The Superintendent holds monthly sensing sessions to obtain feedback and provide cadets with his strategic views and other matters. The Department considers this use of mobile technology in

⁴ Department of Defense, *Annual Report on Sexual Harassment and Violence at the Military Service Academies: Academic Program Year 2014–2015, Appendix C: USAFA Compliance*, December 2015, pp. 4–5, available at http://sapr.mil/public/docs/reports/MSA/APY_14-15/Appendix_C_USAFA_Compliance.pdf (hereafter cited as DoD Appendix C: USAFA Compliance).

⁵ Ibid, p. 5.

these face-to-face sessions to be a best practice and the other two [military service academies] should consider this approach.”⁶

Values-Based Culture

All of the military academies have a code of conduct that serves as the foundation for their values-based instruction, including focus on preventing sexual assault and sexual harassment. We consider it a best practice to use this to tie the goal of eliminating sexual assault and sexual harassment to the institutional mission and value system. A value-based culture

- ◆ is based on strong core values that support respect for diversity and individual differences and
- ◆ clearly links the elimination of sexual assault and sexual harassment to its organizational core values and mission success.

Below are examples from the DoD reports for USNA and USMA:

- ◆ “USNA expanded its code of conduct for midshipman athletes to its coaches and coaching staff in [academic program year] 14–15. Coaches who violate this code or fail to act when they come across violations may be dismissed. All varsity athletes and coaches are required to sign a code of conduct, vowing to abide by expected behavior standards and to represent USNA in the best possible manner. This code prohibits certain actions, such as underage drinking and acquiring team residences. An individual will be removed from the team if he or she violates the code of conduct.”⁷
- ◆ USMA incorporated sexual assault and harassment principles into its *Gold Book*. “This programmatic roadmap includes the integration of important sexual harassment and sexual assault prevention tenets into USMA’s character development efforts.”⁸

Another way to build a value-based culture is to encourage discussions that foster attitudes and behaviors that make sexual assault and sexual harassment less likely. USAFA’s athletic department held five informal sessions between intercollegiate athletes, officer mentors, athletic directors, and the sexual assault response coordinator (SARC). These sessions afforded participants the opportunity to discuss dating and healthy relationships and engaged cadet athletes in a positive way about establishing a healthy environment for themselves and their peers without focusing explicitly on sexual assault.⁹

⁶ DoD Appendix A: USMA Compliance, p. 10.

⁷ DoD Appendix B: USNA Compliance, p. 5.

⁸ DoD Appendix A: USMA Compliance, p. 5.

⁹ DoD Appendix C: USAFA Compliance, p. 5.

Proactive Communication

This practice requires the organization to implement and continuously support an active strategic multimedia communications plan and program to support policies addressing sexual assault and sexual harassment. Active communication, through a variety of channels, is key to creating and maintaining awareness of the sexual assault and sexual harassment issue and addressing those issues before they manifest as problems.

A good example of this is a demonstration arranged by USMA regarding social media. As cited by DoD, “USMA’s Athletic Department brought in an external organization to conduct a demonstration-based awareness brief with staff, coaches, and cadet athletes. The agency performed a social media scan of the Internet for some of the athletes’ social media presence. Some of the cadets’ posts presented opportunities for them to learn how to better conform their online behavior to the USMA Code of Conduct. The demonstration also emphasized how others outside the Academy might interpret and use the information cadets put online.”¹⁰

In another example, USNA took action to give faculty and staff the opportunity to learn more about their SAPR program. They formed a USNA SAPR Advisory Panel, made up of faculty, staff and midshipmen from a cross section of USNA departments. This diversity in perspective and representation increased participation and education in the SAPR and Command Managed Equal Opportunity programs. Also, a SAPR Brown Bag Lunch Series was offered twice a month to the faculty and staff, providing a more in-depth discussion on topics ranging from victim empathy to bystander intervention.

Another aspect of effective communication is to bring together those who are dealing with these issues in a similar environment to share ideas and look for opportunities for cooperation. USMA hosts a SHARP summit each year that includes not only West Point cadets but also students from the other service academies and Reserve Officers’ Training Corps programs. Information on the 2015 summit is available at http://www.sexualassault.army.mil/Template-leaders.cfm?page=summit/Summit_2015_result.cfm.

Finally, the Centers for Disease Control and Prevention (CDC) makes available a communications toolkit, which it calls “a practical guide that outlines basic elements for effective communications initiatives” regarding sexual assault and sexual harassment. The toolkit is available via http://www.cdc.gov/violenceprevention/pdf/nisvs_toolkit-a.pdf.

¹⁰ DoD Appendix A: USMA Compliance, p. 4.

Strong Policy

Effective sexual assault and sexual harassment policy has many characteristics, including the following:

- ◆ Is well-structured, clearly written, and readily accessible to all stakeholders
- ◆ Covers all relevant laws and penalties in a comprehensive manner
- ◆ Contains guidance to ensure accurate record keeping
- ◆ Is based on a shared responsibility for policy development and implementation
- ◆ Provides unambiguous definitions of roles and responsibilities for each stakeholder.

DoD, several states, and local communities, as well as many college campuses have shaped their sexual violence prevention and response policies by following key guidance from the CDC. The CDC called for employment of a “public health approach” to sexual violence prevention that is broken out into four major steps:

1. Define the problem
2. Identify risk and protective factors
3. Develop and test prevention strategies
4. Ensure widespread adoption.¹¹

In addition to embracing these concepts, DoD employed an ecological model championed by the CDC. This model is designed to tackle sexual violence in ways that address the needs of the individual within the context of the community or environment. The model is framed around four key influences: individual, relationship, community, and society.¹²

At USAFA, a staff judge advocate (SJA) adopted a policy to review all sexual assault offenses related to Article 120 of 10 U.S.C. § 920, part of the Uniform Code of Military Justice. As the DoD report states, “The USAFA SJA office conducts sexual assault legal reviews for all Article 120 cases. In each case, the SJA conducts a proof analysis, illustrating how evidence and testimony either met or fell short of the required offense elements. Conducting these additional reviews

¹¹ CDC, *Sexual Violence Prevention: Beginning the Dialogue* (Atlanta: Centers for Disease Control and Prevention, 2004), p. 2.

¹² CDC, *Sexual Violence Prevention: Beginning the Dialogue* (Atlanta: Centers for Disease Control and Prevention, 2004), pp. 4–5.

allows [Judge Advocates] greater familiarity with legal issues that arise in sexual assault cases.”¹³

Broad Ownership

Strong sexual assault and sexual harassment programs are built upon a foundation of broad support and ownership throughout all levels of the organization. Here are examples of building ownership at the Naval Academy and in the Army:

- ◆ “USNA’s SAPR Office created an incident checklist for academy officials who travel with sports teams, clubs, and midshipmen engaged in other off-campus activities. These procedures guide the leader through the appropriate steps if an incident of sexual assault is reported to them during an off-campus activity. It provides telephone numbers for the DoD Safe Helpline and USNA’s SAPR Response Line. The incident checklist helps to ensure that victim support is maintained even if the incident occurs off-campus.”¹⁴
- ◆ Through its “Not in My Squad” program, the Army seeks to generate leadership and ownership of eliminating sexual assault and sexual harassment at the lowest organizational level. The program was based on the example of USMA cadets taking ownership of the issue and incorporates assault and sexual harassment within the broader objective of excellent squad-level leadership in the non-commissioned officer (NCO) ranks.

Empowered Individuals

This practice requires the organization take steps to ensure that each individual knows how to recognize sexual assault and sexual harassment, is motivated to act, and knows where to get help. Formation of student organizations is a best practice to empower students to have a positive impact on the prevention of sexual assault and sexual harassment. One example is the Cadets Against Sexual Harassment and Assault (CASHA) organization at USMA. As the DoD report stated, “CASHA has grown from a small peer organization into a permanent part of USMA’s formal sexual harassment and assault education program. The CASHA program is well known amongst cadets and faculty. The program also benefits from support and oversight involvement from the [Simon Center for the Professional Military Ethic] and the [U.S. Corps of Cadets] SARC. The Department observed vigorous support of the program by [USMA Tactical Officers and Tactical NCOs].”¹⁵

¹³ DoD Appendix C: USAFA Compliance, p. 8.

¹⁴ DoD Appendix B: USNA Compliance, p. 11.

¹⁵ DoD Appendix A: USMA Compliance, p. 5.

Safety from Retaliation

Safe reporting of sexual assault and sexual harassment depends on

- ◆ the organization ensuring that those who make claims or provide information related to such claims will be protected against retaliation and
- ◆ all individuals being educated on the nature of retaliation and how it affects victims and the organization.

A well-regarded practice in combatting retaliation is to communicate effectively about how it happens and the damage it can cause. The following examples, related to USMA and USAFA, respectively, are from DoD's *Annual Report on Sexual Harassment and Violence at the Military Service Academies: Academic Program Year 2013–2014*:

- ◆ At USMA, “focus on retaliation and bystander intervention have been key components of Cadets Against Sexual Harassment/Assault (CASH/A) training as well as leadership discussions. An integral program associated with this effort was the ‘It’s On Us!’ campaign, which was presented to the Corps of Cadets and community in September 2014. Additionally, as part of the SHARP summit training in September 2014, [a] case study was presented and discussed among the cadets. This video, featuring a former USMA cadet, discussed the criticism the cadet received for reporting a well-liked non-commissioned officer (NCO) for unprofessional conduct, and the importance of supporting those who come forward with an allegation of wrong doing. Also, during senior leader presentations to the Corps of Cadets, staff and faculty, and competitive teams, bystander intervention and social retaliation are addressed in detail....Finally, cadet company representatives including training in preventing retaliation and in encouraging bystanders to intervene to safeguard each other....There have been three official reports made that were encouraged by a bystander telling the victim that you have to say something.”¹⁶
- ◆ USAFA addressed social retaliation through an AF SAPR stand-down day, which focused on victim empathy. “During the AF SAPR stand-down day, then-Superintendent Lieutenant General Mike Gould met with all cadets, preparatory school students, and permanent party personnel to address this topic. The SAPR office provided him de-identified examples of actual male and female victim experiences that he used to discuss how victims struggle with the decision to come forward, their challenges after

¹⁶ Department of Defense, *Annual Report on Sexual Harassment and Violence at the Military Service Academies: Academic Program Year 2013–2014*, February 2015, pp. 22–23, available at http://sapr.mil/public/docs/reports/MSA/APY_13-14_MSA_Report.pdf.

the assault, how they can be assisted, and how cadets can avoid engaging in victim blaming.”¹⁷

Adequate Resources

Having an effective sexual assault and sexual harassment program requires the organization to provide sufficient personnel, budget, facilities, and equipment resources to reduce incidents, improve reporting, and retain an effective organizational structure. Here are examples of how the military academies have addressed this issue:

- ◆ The military academies have a consolidated SAPR office with multiple SARCs for complete coverage and management. USMA recently opened a SHARP Resource Center collocating the SARCs and victim advocates (VAs) in a centralized, conveniently located facility.
- ◆ “USNA brought in a mobile training team from the Center for the Professional and Personnel Development to train 12 permanent party members to become [Command Managed Equal Opportunity Managers (CMEOs)] in addition to the USNA Commandant CMEO and Command Climate Specialist.”¹⁸
- ◆ “USNA optimized its SAPR resources by dividing program responsibilities between two closely coordinated offices. USNA SAPRO works prevention and program management, which allows the SARCs in the SAPR Response Team to focus on victim assistance and the response system.”¹⁹

Effective Training

An effective training program to address sexual assault and sexual harassment includes

- ◆ regular, current, and relevant training targeted to specific audiences;
- ◆ instruction that clearly describes relevant laws, policies, and reporting procedures and specifies the roles and responsibilities of every stakeholder;
- ◆ the use of multi-method training that includes action-learning techniques, such as role-playing and scenario-based problem solving; and
- ◆ a comprehensive strategy to evaluate training effectiveness.

¹⁷ Ibid, p. 63.

¹⁸ DoD Appendix B: USNA Compliance, p. 11.

¹⁹ Ibid.

To maintain their effectiveness, SAPR education and training programs should be updated continuously. USNA employs extensive feedback collection efforts to assess and update its SAPR education and training program. The SAPR Advisory Panel, chaired by the SAPR program manager and director for Education and Clinical Services, also provides recommendations for improving the training and education program. One such improvement employs the [Sexual Harassment and Assault Prevention and Education (SHAPE)] peer educators to train faculty from one of the academic departments on the SHAPE program. Favorable feedback from the trained faculty is motivating USNA to expand SHAPE training to faculty from additional departments during the next [academic program year].”²⁰

IMPACT OF ALCOHOL TRAINING

Because alcohol can be a major factor in sexual assault, it is a best practice to address the impact of alcohol use as part of SAPR training. Here are three examples from DoD reports on the military service academies:

- ◆ “USMA’s Tactical Officers (TACs) and Tactical Non-Commissioned Officers (TAC NCOs) host a 21st birthday dinner training for cadets who are 21, or turning 21 within 60 days. This training opportunity promotes safe drinking habits, helps cadets know their personal alcohol limits, and identifies the risks associated with intoxication. Cadets receive a 21st Birthday Card signed by the Company TAC upon completion of the training. Cadets must show the 21st Birthday Card along with proof of age in order to consume alcohol at any on-installation establishment.”²¹
- ◆ “USNA conducts multiple alcohol awareness initiatives, including the ‘Midnight Teachable Moments,’ 21st birthday dinner training, and alcohol awareness events with the local community. Midshipmen are allowed up to three alcoholic drinks while a representative from the Naval District Washington police department provides a presentation on laws involving alcohol, past alcohol incident experiences with midshipmen, and techniques for responsible drinking at the 21st birthday dinner training. The police officer demonstrates a field sobriety test and allows participants to test their blood alcohol content with a breathalyzer at the end of the dinner.”²²
- ◆ USNA also “collaborated with a local establishment in Annapolis to host an event that encourages responsible drinking practices. The event emphasizes helpful behaviors, including designating someone in a group to remain sober, drinking at a moderate pace, and using practices that limit absorption of alcohol into the body. The Commandant of Midshipmen also wrote letters to local bar and restaurant owners, midshipmen sponsors, and

²⁰ Ibid, p. 5.

²¹ DoD Appendix A: USMA Compliance, p. 4–5.

²² DoD Appendix B: USNA Compliance, p. 4–5.

parents urging them to help midshipmen make wise choices concerning alcohol.”²³

INCORPORATING SEXUAL ASSAULT AND SEXUAL HARASSMENT TRAINING INTO THE CURRICULUM

In addition to training specifically focused on sexual assault and sexual harassment, a best practice is to incorporate these concepts into other parts of the curriculum. Here are two examples, both from a DoD report about the Naval Academy.

- ◆ “Midshipmen take four *Leadership, Ethics, and Law* courses during their four years. Academy officials have worked together to infuse themes from the SAPR and sexual harassment prevention and response programs into these classes to demonstrate the importance of leadership in countering sexual harassment and sexual assault.”²⁴
- ◆ USNA’s Training Specialist excelled at “regularly assess[ing] how SAPR concepts are being incorporated into academic and training curricula” and “keep[ing] USNA’s SAPR education fresh and interesting.” DoD felt the other military academies could benefit from this approach to curriculum development.²⁵

Confidential Reporting

Key features of a confidential reporting process include

- ◆ a clearly described reporting and complaint process that provides accessible avenues for complainants and
- ◆ a clear assurance that the organization will protect the confidentiality of the individuals bringing sexual assault and sexual harassment claims, to the extent possible.

Identifying and implementing ways to reduce or eliminate barriers to reporting sexual harassment and sexual assault is a characteristic of strong programs. Collateral misconduct—underage drinking and related alcohol offenses, fraternization, violations of regulations or orders by a victim, etc.—is one of the most significant barriers to reporting sexual assault because of the victim’s fear of punishment. To address this, DoD found, “USNA typically does not address the misconduct through disciplinary action and instead refers victims to appropriate counseling in the event of an Unrestricted Report where the victim may have engaged in some form of misconduct, for instance, underage drinking or other related alcohol offenses, fraternization, or other violations of certain regulations or orders. Factors such as how the misconduct came to light, the significance of the

²³ Ibid, p. 5.

²⁴ Ibid.

²⁵ Ibid, p. 13.

misconduct, and any other relevant facts about the case are taken into consideration when determining if disciplinary action is appropriate. USNA has made appropriate efforts to eliminate the barrier collateral misconduct creates to reporting so that victims will be encouraged to come forward, to better hold offenders appropriately accountable.”²⁶ USMMA recently included an amnesty provision for certain collateral offenses in its sexual assault and sexual harassment policy.

It’s also important to confidential reporting that a victim is able to reach the right person as quickly as possible. At USMA, DoD found, “The SHARP community works together to provide support to victims as needed. Each of the SARCs from the three major commands take turns carrying the two phones for the USMA 24-7 SHARP Hotline. If the on-call SARC is unable to answer the phone, the call will be automatically forwarded to the next SARC to pick up and provide assistance.”²⁷

Specialized Victim Care

Characteristics of an effective victim care program include

- ◆ trained, certified individuals who are readily available to meet the physical, emotional, and safety-related needs of victims and
- ◆ policies that reduce burdens on victims, where possible.

A best practice in place at all of the other federal service academies is the availability of a Special Victim Counsel (SVC) whose primary responsibility is to the victim as his or her client. SVCs are authorized by law to enter into attorney-client relationships to zealously and independently represent their clients. Through legal advocacy, an SVC will assist their client in building and sustaining a foundation upon which the client may focus on recovery. Whether a victim of sexual assault filed a Restricted or Unrestricted Report, in coordination with a SARC or a VA, an SVC is available to assist clients with accessing medical and mental health services. For unrestricted cases, an SVC will further assist clients with obtaining state and federal victim compensation and humanitarian programs, acquiring measures to prevent re-victimization, and to the extent permissible and determined by the client, participating in the investigation and/or disposition of the case.²⁸

Another effective practice offered at other service academies is “time off to heal.” Under this policy, victims are offered, upon the recommendation of the SARC and approval of the chain of command, the opportunity to take a semester or year off from their studies with no penalty in their progression, so that they may take the necessary time to heal.

²⁶ Ibid, p. 8.

²⁷ DoD Appendix A: USMA Compliance, p. 8.

²⁸ National Guard, *Special Victims’ Counsel*, <http://www.nationalguard.mil/Leadership/Joint-Staff/J-1/SAPR/Special-Victims-Counsel/>.

Collaborating with local hospitals is a good way to help ensure that victims receive the best possible healthcare and support. The following are examples cited by DoD for the three military academies:

- ◆ USNA collaborates with Mercy Medical Center. “The sexual assault nurse examiner (SANE) program at Mercy Medical Center in Baltimore is a great resource for the Naval Academy. The SANE program director periodically addresses the midshipmen and provides educational briefings to the [USNA SAPR Guidance, Understanding, Information, Direction, Education, or GUIDEs] twice a year on forensic evidence collection and the forensic exam process. The program director has also provided sexual assault forensic examination training to Brigade Medical Unit providers and USNA victim advocates.”²⁹
- ◆ “USAFA has established strong relationships with Memorial Hospital Central in Colorado Springs and the local rape crisis center, TESSA. All sexual assault forensic exams are conducted by trained [SANEs] at Memorial Hospital Central. The eleven full-time SANEs afford cadets little to no wait time when they arrive at the hospital. Representatives from TESSA meet with personnel at the Academy on a quarterly basis and attended the TBTN event.”³⁰
- ◆ At USMA, “The [Keller Army Community Hospital (KACH)] SARC employs a comprehensive victim assistance program. ... The SHARPii (interceptor intervention) and Be HEARD (Healthy Empowerment and Assertiveness Response Development) programs ... intend to be direct face-to-face skill-based training programs that assist participants in developing intervention and empowerment skills and strategies. The KACH SARC is also adapting the Wellness, Advocacy, and Support Program (WASP) to promote self-care, facilitate wellness, and help victims understand their symptoms following a sexual assault.”³¹

In addition to physical health, mental healthcare is also important to victim care. DoD observed the high quality mental healthcare delivered by the Midshipmen Development Center (MDC) at USNA. “An expert social worker is at the core of the MDC’s services for sexual assault survivors. She provides individual and group therapy for victims while also supporting SAPR educational efforts at USNA. This year she started a support group for victimized men—the first of its kind at a [military service academy].”³²

²⁹ DoD Appendix B: USNA Compliance, p. 11.

³⁰ DoD Appendix C: USAFA Compliance, pp. 10–11.

³¹ DoD Appendix A: USMA Compliance, p. 8–9.

³² DoD Appendix B: USNA Compliance, p. 11.

Appendix B

Other Leadership and Management Roles

DIRECTOR OF INSTITUTIONAL ASSESSMENTS

Continuous assessment and evaluation is an important and necessary part of a strong sexual assault and sexual harassment prevention and response program. The director of Institutional Assessment leads the Academy's effort to address the issues laid out in the 2016 MSCHE report, including sexual harassment and sexual assault prevention and response.

In that capacity, the director serves on the Sea Year Committee, which is tasked with improving Sea Year training. One of the changes that the committee has instituted this year was moving the receipt and review of midshipmen post-Sea Year evaluation surveys from the PDCS department to the Office of Institutional Assessments. This step provides a level of independence that did not exist before, and may increase midshipmen confidence in the usefulness of the surveys in tracking numbers of sexual assault and sexual harassment incidents at sea.

ATHLETIC DIRECTOR AND COACHES

Sports play an important role at Kings Point as an outlet from a grueling academic schedule and regimental life. During our interviews with midshipmen, staff, and faculty, several referenced coaches as individuals who are highly involved in the day-to-day lives of midshipmen; they are seen as role models. They are also in a position to more closely observe midshipmen who may be struggling with issues related to sexual assault or sexual harassment.

The recently hired athletic director has shown leadership on sexual assault and sexual harassment prevention, partnering with the USMMA Student Athlete Advisory Committee and coaches to produce a public service announcement emphasizing bystander intervention.¹ In addition, two coaches have been trained to serve as VAs. Fifty-four percent of Academy students who responded to the 2016 DMDC SAGR Survey expressed confidence that coaches and trainers make honest and reasonable efforts to stop sexual assault and sexual harassment, the second-highest percentage among USMMA stakeholders, behind only senior leadership.

¹ USMMA Athletics, "USMMA Athletics Committed to It's on Us Campaign during Sexual Assault Awareness Month and Division III Week," news release, April 4, 2016, available at <http://www.usmmasports.com/general/2015-16/releases/20160404niboow>.

DIRECTOR OF STUDENT ACTIVITIES

The isolated physical location of the Kings Point campus and the heavy academic workload carried by midshipmen make campus social activities all the more important. The newly created director of Student Activities position is a positive development and serves as an opportunity for the Academy to offer recreational options that are relevant and engaging for college-age students. These options are important to provide midshipmen with non-alcoholic alternatives to relieve stress and let off steam. Midshipmen interviews revealed that the new director of Student Activities is perceived to be energetic and has produced a new well-regarded midshipmen social program of activities. The director is also currently being trained as a VA and is another person to help address sexual assault and sexual harassment.

INDUSTRY LEADERS

Commercial maritime leaders set the tone for their industry. Their public statements and declarations communicate to midshipmen and other key stakeholders the expectations for both meeting work demands and addressing sexual assault and sexual harassment. With our shipboard visits and interviews with shipping industry executives and captains, we found most expressed a desire to work with the Academy to keep cadets safe at sea. They strongly asserted that the industry has changed in recent years with more stringent International Safety Management (ISM) standards. The industry takes sexual assault and sexual harassment prevention and response seriously. They described well-established procedures for handling sexual assault, sexual harassment, and EEO complaints through their chains of command and designated persons ashore (DPAs).

Despite these procedures, interviews with midshipmen and alumni revealed that incidents of sexual assault and sexual harassment are occurring during the Sea Year. Industry executives expressed frustration about hearing that cadets were being sexually assaulted or sexually harassed on commercial ships because these incidents are not being reported, and thus they have difficulty holding people accountable if they violate the company policies.

SHIP CAPTAINS

The culture of a ship depends upon the standards and leadership of its captain (also called a master). Midshipmen, staff, faculty, and alumni all shared experiences with strong, principled ship captains in the shipping industry. Reviews of these experiences were mixed. Some indicated captains take sexual assault and sexual harassment seriously, while others indicated they did not address issues, revealing that some captains and crewmembers do not always enforce the policies. Shipboard visits with captains validated these mixed results,

as some expressed their concern with the issue, while others exhibited salty behavior and disregarded sexual harassment as an issue.

With regard to sexual assault and sexual harassment, it is the captain's responsibility to ensure a safe environment aboard ship, to include setting standards for the crew, holding crewmembers accountable, and providing the ability to safely report incidents.

Appendix C

Acronyms

ANEW	Affective Norms for English Words
ATR	academy training representative
CASHA	Cadets against Sexual Harassment and Assault
CDC	Centers for Disease Control and Prevention
CDO	command duty officer
CSA	Campus Sexual Assault
DMDC	Defense Manpower Data Center
DOT	U.S. Department of Transportation
DPA	designated person ashore
EEO	equal employment opportunity
FBI	Federal Bureau of Investigation
FSA	federal service academy
HEARD	Health Empowered and Associative Response Development
HR	human resources
HRO	human relations officer
ISM	International Safety Management
KACH	Keller Army Community Hospital
MARAD	Maritime Administration
MDC	Midshipmen Development Center
MSC	Military Sealift Command
MSCHE	Middle States Commission on Higher Education
NACP	National Advocates Credentialing Program
NACUA	National Association of College and University Attorneys
NCO	non-commissioned officer
OIG	Office of the Inspector General
OOD	officer of the day
OST	Office of Secretary of Transportation
PDCS	Professional Development and Career Services

RAINN	Rape, Abuse, and Incest National Network
SAGR	Service Academy Gender Relations
SANE	sexual assault nurse examiner
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARB	Sexual Assault Review Board
SARC	sexual assault response coordinator
SaVE	Sexual Violence Elimination
SCCT	Shipboard Climate Compliance Team
SHAPE	Sexual Harassment and Assault Prevention Education
SHARP	Sexual Harassment and Assault Response and Prevention
SJA	staff judge advocate
SMS	safety management system
SOP	standard operating procedure
SOW	statement of work
SVC	special victim counsel
TBTN	Take Back the Night
USAFA	U.S. Air Force Academy
USC	unwanted sexual contact
USCG	U.S. Coast Guard
USCGA	U.S. Coast Guard Academy
USMA	U.S. Military Academy
USMMA	U.S. Merchant Marine Academy
USNA	U.S. Naval Academy
VA	victim advocate
VVA	Volunteer Victim Advocate
WASP	wellness, advocacy, and support program

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