

September 2, 2020

## **ACTION MEMORANDUM TO THE SECRETARY**

**From:** Mark H. Buzby  
Maritime Administrator  
X61719

**Prepared by:** RDML Sue Dunlap, USMS  
Deputy Superintendent  
(516) 726-5814

**Through:** Maria Lefevre, Executive Director  
Office of the Under Secretary of Transportation for Policy  
X64540

**Subject:** 2018–2019 Academic Program Year Annual Report on Sexual  
Harassment and Sexual Assault at the U.S. Merchant Marine Academy

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### **ACTION REQUIRED**

The Maritime Administration (MARAD) requests the Secretary's review and approval of the 2018-2019 Academic Program Year Annual Report to Congress on Sexual Harassment and Sexual Assault at the U.S. Merchant Marine Academy (USMMA or Academy), and the letters transmitting the report to Congress.

### **DUE DATE AND STATEMENT OF LATENESS**

This report was due to Congress on January 12, 2020. The Academy did not receive the analysis from the U.S. Department of Defense, Office of People Analytics (OPA), of the focus group sessions until January 30, 2020. Preparation and MARAD internal review delayed submitting the report for OST/OMB clearance until May 26, 2020. Subsequent edits received and revisions have resulted in this version now being available for final review late August 2020.

### **SUMMARY**

The attached report was prepared pursuant to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, which requires that the Academy conduct an annual assessment to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault involving Midshipmen or Academy personnel. This report includes the results of focus group sessions conducted with Midshipmen, faculty and staff.

### **BACKGROUND**

In March 2019, OPA, formerly the Defense Manpower Data Center (DMDC), conducted ten focus group sessions with randomly selected Midshipmen, faculty, and staff, scheduled in 90-minute sessions. The primary purpose of these sessions was to evaluate programs addressing

sexual assault and sexual harassment and to provide a qualitative measure of those programs to complement the 2018 Service Academy Gender Relations (SAGR) Survey quantitative assessment. The Academy received OPA's final report on January 30, 2020. OPA's findings from the focus group sessions validate the 2018 SAGR Survey results and provide valuable feedback on perceptions of the Academy's policies, training, and procedures for sexual harassment and sexual assault.

All commercial vessels that embark Midshipmen for Sea Year are now vetted and cleared through MARAD's Shipboard Climate Compliance Team (SCCT). SCCT requires that vessels have an onboarding process for Midshipmen that includes identification of their supervisor, an affirmation of sexual assault and sexual harassment prevention training for the vessel crew, a statement of zero tolerance for romantic or sexual relationships between Midshipmen and crew members, and company submission of all relevant policies and documents. There are 22 commercial companies that are currently Sear Year Eligible (SYE) and the sea-time earned from commercial ships, calculated in number of days, is now similar to what it was before the stand-down. There are six public vessel organizations, such as Military Sealift Command and the U.S. Navy, that do not go through the SYE process since those organizations already have sexual assault and sexual harassment policies and procedures in place.

The Academy is using data and information from the 2018 SAGR Survey and the OPA Focus Group sessions to ensure the Plan of Action for Academic Year 2019-2020 addresses survey results and focus group themes. Separately, the Academy is tracking completion of requirements from the 2017 and 2020 National Defense Authorization Acts. In addition, the Strategic Priority Two Working Group: Institutional Culture is developing a Plan of Action and Milestones aimed at changing the Academy culture to build a climate of trust and respect on campus and at sea.

### **RECOMMENDATION**

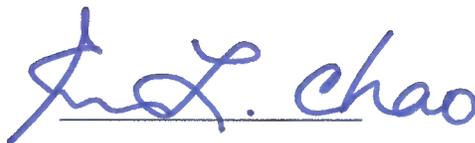
MARAD recommends that the Secretary review and approve the 2018-2019 Academic Program Year Annual Report to Congress on Sexual Harassment and Sexual Assault at the Academy, and sign the letters transmitting the report to Congress.

#### Attachments

- Transmittal Letters
- Report to Congress

The Secretary

APPROVED:

  
\_\_\_\_\_

DISAPPROVED:

\_\_\_\_\_

COMMENTS:

\_\_\_\_\_

DATE:

9-9-2020



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Roger F. Wicker  
Chairman  
Committee on Commerce, Science  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Enclosed is the 2018-2019 Academic Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy (Academy), which covers the Academic Year of July 1, 2018, to June 30, 2019, and is submitted to meet the requirement of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), Title XXXV-Maritime Administration, Section 3507 (the Act).

The Act requires the Academy to prescribe a policy and conduct an assessment during each academic year (AY) to determine the effectiveness of its policies, training, and procedures with respect to prevention of and response to sexual harassment and sexual assault involving Midshipmen and other Academy personnel. For each academic year beginning in an even-numbered year, the Academy conducts focus group sessions.

As in past years, the Academy contracted with the U.S. Department of Defense's Office of People Analytics (OPA), formerly the Defense Manpower Data Center, to administer the focus groups in 2019. In March 2019, OPA conducted ten focus group sessions with 81 randomly selected Midshipmen, faculty, and staff. The primary purpose of these focus group sessions was to evaluate current Academy programs addressing sexual assault and sexual harassment and to provide a qualitative measure of those programs to complement the quantitative assessment resulting from the 2018 Service Academy Gender Relations (SAGR) Survey. The Academy received OPA's final report on January 30, 2020.

OPA found four overarching themes that emerged from the focus group discussions. First, culture at the Academy is heavily influenced by the higher ratio of men compared to women, and women reported having to act like "one of the boys" to fit in. Second, while Midshipmen are willing to intervene to prevent the most egregious behaviors, such as seeing someone being sexually assaulted or seeing someone making repeated attempts to establish an unwanted relationship, there is a "gray area" of behavior in which they may or may not intervene. Third, there are still barriers to sexual assault and sexual harassment reporting, including fear of reprisal from peers, social stigmatization, and ostracism. Finally, Midshipmen suggested that binge drinking is common, and they expressed that training they receive on alcohol use and abuse does not resonate with them.

During AY 2018-2019, the Academy had nine reports of sexual assault involving Midshipmen compared to 13 reports received in AY 2017-2018, a 69 percent decrease in one year. During this same period, there were two reports of sexual harassment and one report of retaliation.

OPA's findings from the focus group sessions provide valuable information on perception of the Academy's sexual harassment and sexual assault policies, training, and procedures, as well as the climate that exists on campus. The Academy is using this information to refine its Plan of Action for AY 2019-2020 and to ensure it addresses focus group themes as well as data-driven concerns derived from the 2018 SAGR Survey. Separately, the Academy is tracking completion of requirements from the 2017 and 2020 National Defense Authorization Acts. In addition, the Strategic Priority Two Working Group: Institutional Culture is developing a Plan of Action and Milestones aimed at changing the Academy culture to build a climate of trust and respect on campus and at sea.

The Plan of Action comprises the following five areas:

- **Climate:** Engage Midshipmen leaders in breaking down a culture of toxic masculinity and in building a culture that provides for the respect and dignity of all members of the Kings Point community.
- **Prevention:** Teach Midshipmen bystander intervention techniques that they can use to identify and prevent "gray area" behaviors, continue senior leadership communication and messaging, and conduct meaningful training for Midshipmen leaders.
- **Response:** Build trust among Midshipmen, faculty, and staff by working to eliminate barriers to reporting and teach Midshipmen that the benefits of receiving medical and counseling services outweigh the stigma of reporting.
- **Accountability:** Engage Academy alumni and members of the maritime industry in alcohol training.
- **Assessment:** Conduct a program self-evaluation and modify objectives, if necessary.

The Department, the Maritime Administration, and the Academy take seriously the safety and well-being of every one of our Midshipmen, faculty, and staff. The Academy is committed to eradicating sexual harassment and sexual assault, in keeping with its values of respect, honor, and service to the Nation.

A similar letter has been sent to the Ranking Member of the Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House and Senate Subcommittees on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Maria Cantwell  
Ranking Member  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Senator Cantwell:

Enclosed is the 2018-2019 Academic Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy (Academy), which covers the Academic Year of July 1, 2018 to June 30, 2019, and is submitted to meet the requirement of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), Title XXXV-Maritime Administration, Section 3507 (the Act).

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A similar letter has been sent to the Chairman of the Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House and Senate Subcommittees on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Peter A. DeFazio  
Chairman  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Enclosed is the 2018-2019 Academic Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy (Academy), which covers the Academic Year of July 1, 2018 to June 30, 2019, and is submitted to meet the requirement of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), Title XXXV-Maritime Administration, Section 3507 (the Act).

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A similar letter has been sent to the Ranking Member of the Committee on Transportation and Infrastructure; the Chairman and the Ranking Member of the Committee on Commerce, Science, and Transportation; and the Chairman and Ranking Member of the House and Senate Subcommittees on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Sam Graves  
Ranking Member  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Graves:

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Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable David E. Price  
Chairman, Subcommittee on Transportation, and  
Housing and Urban Development, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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A similar letter has been sent to the Ranking Member of the House Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,

  
Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Mario Diaz-Balart  
Ranking Member, Subcommittee on Transportation, and  
Housing and Urban Development, and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Diaz-Balart:

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Sincerely,



Elaine L. Chao

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THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Jack Reed  
Ranking Member, Subcommittee on Transportation,  
Housing and Urban Development, and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Senator Reed:

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OPA found four overarching themes that emerged from the focus group discussions. First, culture at the Academy is heavily influenced by the higher ratio of men compared to women, and women reported having to act like "one of the boys" to fit in. Second, while Midshipmen are willing to intervene to prevent the most egregious behaviors, such as seeing someone being sexually assaulted or seeing someone making repeated attempts to establish an unwanted relationship, there is a "gray area" of behavior in which they may or may not intervene. Third, there are still barriers to sexual assault and sexual harassment reporting, including fear of reprisal from peers, social stigmatization, and ostracism. Finally, Midshipmen suggested that binge drinking is common and they expressed that training they receive on alcohol use and abuse does not resonate with them.

During AY 2018-2019, the Academy had nine reports of sexual assault involving Midshipmen compared to 13 reports received in AY 2017-2018, a 69 percent decrease in one year. During this same period, there were two reports of sexual harassment and one report of retaliation.

OPA's findings from the focus group sessions provide valuable information on perception of the Academy's sexual harassment and sexual assault policies, training, and procedures, as well as the climate

that exists on campus. The Academy is using this information to refine its Plan of Action for AY 2019-2020 and to ensure it addresses focus group themes as well as data-driven concerns derived from the 2018 SAGR Survey. Separately, the Academy is tracking completion of requirements from the 2017 and 2020 National Defense Authorization Acts. In addition, the Strategic Priority Two Working Group: Institutional Culture is developing a Plan of Action and Milestones aimed at changing the Academy culture to build a climate of trust and respect on campus and at sea.

The Plan of Action comprises the following five areas:

- **Climate:** Engage Midshipmen leaders in breaking down a culture of toxic masculinity and in building a culture that provides for the respect and dignity of all members of the Kings Point community.
- **Prevention:** Teach Midshipmen bystander intervention techniques that they can use to identify and prevent “gray area” behaviors; continue senior leadership communication and messaging; conduct meaningful training for Midshipmen leaders.
- **Response:** Build trust among Midshipmen, faculty, and staff by working to eliminate barriers to reporting; teach Midshipmen that the benefits of receiving medical and counseling services outweigh the stigma of reporting.
- **Accountability:** Engage Academy alumni and members of the maritime industry in alcohol training.
- **Assessment:** Conduct a program self-evaluation and modify objectives, if necessary.

The Department, the Maritime Administration, and the Academy take seriously the safety and well-being of every one of our Midshipmen, faculty, and staff. The Academy is committed to eradicating sexual harassment and sexual assault, in keeping with its values of respect, honor, and service to the Nation.

A similar letter has been sent to the Chairman of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

September 9, 2020

The Honorable Susan Collins  
Chairman, Subcommittee on Transportation,  
Housing and Urban Development and Related Committees  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:

Enclosed is the 2018-2019 Academic Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy (Academy), which covers the Academic Year of July 1, 2018 to June 30, 2019, and is submitted to meet the requirement of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), Title XXXV-Maritime Administration, Section 3507 (the Act).

The Act requires the Academy to prescribe a policy and conduct an assessment during each academic year (AY) to determine the effectiveness of its policies, training and procedures with respect to prevention of and response to sexual harassment and sexual assault involving Midshipmen and other Academy personnel. For each academic year beginning in an even-numbered year, the Academy conducts focus group sessions.

As in past years, the Academy contracted with the U.S. Department of Defense's Office of People Analytics (OPA), formerly the Defense Manpower Data Center, to administer the focus groups in 2019. In March 2019, OPA conducted ten focus group sessions with 81 randomly selected Midshipmen, faculty and staff. The primary purpose of these focus group sessions was to evaluate current Academy programs addressing sexual assault and sexual harassment and to provide a qualitative measure of those programs to complement the quantitative assessment resulting from the 2018 Service Academy Gender Relations (SAGR) Survey. The Academy received OPA's final report on January 30, 2020.

OPA found four overarching themes that emerged from the focus group discussions. First, culture at the Academy is heavily influenced by the higher ratio of men compared to women, and women reported having to act like "one of the boys" to fit in. Second, while Midshipmen are willing to intervene to prevent the most egregious behaviors, such as seeing someone being sexually assaulted or seeing someone making repeated attempts to establish an unwanted relationship, there is a "gray area" of behavior in which they may or may not intervene. Third, there are still barriers to sexual assault and sexual harassment reporting, including fear of reprisal from peers, social stigmatization, and ostracism. Finally, Midshipmen suggested that binge drinking is common and they expressed that training they receive on alcohol use and abuse does not resonate with them.

During AY 2018-2019, the Academy had nine reports of sexual assault involving Midshipmen compared to 13 reports received in AY 2017-2018, a 69 percent decrease in one year. During this same period, there were two reports of sexual harassment and one report of retaliation.

OPA's findings from the focus group sessions provide valuable information on perception of the Academy's sexual harassment and sexual assault policies, training, and procedures, as well as the climate

that exists on campus. The Academy is using this information to refine its Plan of Action for AY 2019-2020 and to ensure it addresses focus group themes as well as data-driven concerns derived from the 2018 SAGR Survey. Separately, the Academy is tracking completion of requirements from the 2017 and 2020 National Defense Authorization Acts. In addition, the Strategic Priority Two Working Group: Institutional Culture is developing a Plan of Action and Milestones aimed at changing the Academy culture to build a climate of trust and respect on campus and at sea.

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- **Response:** Build trust among Midshipmen, faculty, and staff by working to eliminate barriers to reporting; teach Midshipmen that the benefits of receiving medical and counseling services outweigh the stigma of reporting;
- **Accountability:** Engage Academy alumni and members of the maritime industry in alcohol training; and
- **Assessment:** Conduct a program self-evaluation and modify objectives, if necessary.

The Department, the Maritime Administration, and the Academy take seriously the safety and well-being of every one of our Midshipmen, faculty, and staff. The Academy is committed to eradicating sexual harassment and sexual assault, in keeping with its values of respect, honor, and service to the Nation.

A similar letter has been sent to the Ranking Member of the Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies; the Chairman and Ranking Member of the Committee on Commerce, Science, and Transportation; the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Subcommittee on Transportation, Housing and Development, and Related Agencies.

Sincerely,



Elaine L. Chao

Enclosure



**2018-2019 Academic Program Year Annual Report**

**on**

**Sexual Harassment and Sexual Assault at the**

**United States Merchant Marine Academy**

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## Foreword

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417) requires that the United States Merchant Marine Academy (Academy or USMMA) conduct an annual assessment to determine the effectiveness of the Academy's policies, training, and procedures with respect to sexual harassment and sexual assault prevention.

The Academy contracted with the Office of People Analytics (OPA)<sup>1</sup> to conduct Gender Relations Focus Group sessions with Midshipmen, faculty, and staff. The Academy uses the OPA to administer both its written survey and focus group sessions, enabling it to standardize its survey methodology, align results with the other four Federal service academies, and compare its findings with each of the service academies. This has allowed the Academy to better identify sexual assault prevention and response program deficiencies, determine their root causes, analyze trends, and update its Plan of Action and Milestones to prevent sexual harassment and sexual assault.

In Academic Program Year 2018-2019, the Academy's Sexual Assault Prevention and Response (SAPR) Program was challenged by billet gaps and turnover in the staff. One Victim Advocate/Prevention Educator (VA/PE) position remained unfilled until a hire was made in September 2018 and the Special Victim Advisor position was not filled until November 2018. Subsequently, the former Sexual Assault Prevention and Response Program Office (SAPRO) Manager departed the Academy in January 2019 and for the remainder of the academic year, the Civil Rights Officer/Equal Employment Opportunity employee filled the role of acting SAPRO Manager. The new SAPRO Manager reported to the Academy in October 2019. The Academy anticipates that a stable lineup of full-time personnel in the SAPRO will engender trust with the Midshipmen and encourage them to take advantage of all the resources that the office has to offer.

During the academic year, the Academy expanded and improved its library of SAPR policies and procedures and has continued to refine initiatives that were already underway from the previous year. The Academy closed seven (of ten) recommendations made by the Department of Transportation (DOT) Office of the Inspector General (OIG) in its March 2018 report, *Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness*, resulting in implementation of two Superintendent Instructions and six Standard Operating Procedures. The Academy exercised its first option year with the Rape, Abuse, and Incest National Network (RAINN) for a global 24/7 hotline, which has successfully augmented the Academy's organic 24/7 hotline and, given its world-wide reach, served as a resource to Midshipmen on Sea Year. In accordance with the National Defense Authorization Act of 2017, the Academy purchased sufficient Garmin In Reach Global Positioning System texting devices to allow every Midshipman to have a device in his/her possession while on sea duty; the devices were first issued to Midshipmen in October 2018. It is now standard protocol to issue a Garmin device to each Midshipman departing on sea duty. The Garmin devices are monitored twenty-four hours a day and audited weekly through a communications check, and they have proven to be an

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<sup>1</sup> Formerly the Defense Manpower Data Center (DMDC).

effective tool in providing information from the Academy to Midshipmen at sea. In addition, the Academy successfully observed Sexual Assault Awareness Month, which was planned and carried out primarily by Midshipmen and SAPR staff.

The Maritime Administration's (MARAD) Shipboard Climate Compliance Team (SCCT) continued to screen commercial shipping companies to ensure they provide a safe environment for Midshipmen. Companies are determined to be Sea Year Eligible (SYE) when they have met the conditions set forth in the *Shipboard Climate Compliance Team Sea Year Eligibility Requirements* document. The four requirements in the document leverage federal, state, and local mandated policies and processes already in place for public-owned vessels; all federal vessels are already approved for hosting Midshipmen. For the 22 companies that are currently SYE, MARAD has confirmed that they are in compliance with crew training, policy requirements, and Midshipmen onboarding processes. In order to ensure that SYE shipping companies maintain their eligibility, Academy Training Representatives (ATR) and/or other MARAD designated staff will visit not less than ten percent of all commercial vessels carrying Midshipmen every two years to verify that companies continue to conform to SYE requirements.

A successful SAPR Program can be measured to the extent that the campus community extends compassion and support to survivors of sexual assault and sexual harassment. The Academy's goal is to change its institutional culture into one of respect and dignity for all, where survivors feel safe and accepted. In its Strategic Plan 2018-2023, signed by the Maritime Administrator and the Superintendent on 07 August 2018, Strategic Priority 2 calls for the Academy to "cultivate an institutional culture in which every Academy community member is respected, valued, and can fulfill his or her maximum potential as a leader of exemplary character." The Strategic Priority 2 Working Group was tasked to identify ideas, activities, and learning objectives that contribute to improving campus culture and increasing opportunities for inclusion. The Academy looks forward to seeing and implementing, in the near future, the initiatives developed by the working group.

The Academy's SAPR program is more robust than ever, with an office full of highly-trained professionals skilled in providing the prevention and response resources necessary for Midshipmen to make informed decisions in conducting a bystander intervention or reporting an incident of sexual assault or sexual harassment. Armed with the globally-accessible RAINN hotline number and GPS texting devices, Midshipmen on sea duty are more prepared than ever to request information or seek help. As a result of implementing multiple OIG recommendations, the Academy has a firmer foundation in policy for responding to reports of sexual assault, maintaining an accurate record of reports, and conducting disciplinary proceedings for Midshipmen accused of sexual assault incidents.

The Academy will work directly with the Regiment to change its culture to one of dignity for all, where Midshipmen can live their core values of honor, respect, and service each and every day. DOT, MARAD, and the Academy are committed to ensuring the security of Midshipmen at sea or ashore and to providing a safe learning environment where they can grow and flourish.

Elaine L. Chao  
Secretary of the U.S. Department of Transportation

## Executive Summary

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Duncan Hunter Act) (P.L. 110-417) requires the Academy to prescribe a policy on sexual harassment and sexual violence and conduct an assessment at the Academy during each Academic Year (AY) to determine the effectiveness of sexual harassment and sexual assault prevention policies, training, and procedures. The Duncan Hunter Act states that in even-numbered academic years [*i.e.*, Academic Years that start in an even number year and extend through the following odd numbered year], the Academy performs a self-assessment that includes an analysis of data and reporting of changes to policies, training, and procedures. This report is for AY 2018-2019.

In AY 2018-2019, the Academy had three unrestricted reports of sexual assault which involved three female Midshipmen victims. Under unrestricted reporting, an administrative investigation is undertaken by the Academy's Department of Public Safety, and, at the victim's request, a criminal investigation is conducted by Federal law enforcement. A detailed breakdown of these incidents is provided in the body of this Report. During the reporting period, there were also six restricted reports of sexual assault. The reported prevalence of unwanted sexual contact (USC) reported by female respondents in 2018 was 10.6 percent ( $\pm 0.3$  percent to  $\pm 2.3$  percent). For male respondents, USC was reported to be 1.4 percent ( $\pm 0.3$  percent to  $\pm 2.3$  percent). There were two reports of sexual harassment and one report of retaliation.

AY 2018-2019 policies and procedures were influenced by the Department of Transportation (DOT) Office of the Inspector General (OIG) report, *Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness*, and the National Defense Authorization Act (NDAA) for Fiscal Year 2018. The Fiscal Year 2018 NDAA required the Academy to expand its policy language to include sexual assault, sexual or gender-based harassment, relationship violence, and stalking, and the OIG Report recommended that policies and procedures contain more information on reporting, investigating, and resolving incidents. As a result, the Academy's 2016 policy on Sexual Assault Prevention and Response was revised in May 2018 to create two new instructions – a core instruction on general policy and a second instruction on reporting, investigating, and resolving complaints. The Academy created a third instruction in May 2018 to answer an additional requirement in the FY 2018 NDAA to define retaliation and designate it as a Class I violation of the Midshipman Regulations. This requirement coincided with a review of the Midshipman Regulations, which were subsequently codified into a Superintendent Instruction. All four instructions were in effect throughout the Academic Year.

As a result of the OIG Report, three Standard Operating Procedures (SOPs) were reviewed and updated, and two new SOPs were created. The updated SOPs, which included those for investigating unrestricted reports of sexual assault, processing restricted and unrestricted reports of sexual assault, and maintenance of restricted and unrestricted report records, were refined to make recordkeeping more clear and concise. New procedures included SOPs for outlining the disciplinary process for Midshipmen accused of sexual assault or sexual harassment and for validating the sexual assault, sexual or gender-based harassment, relationship violence and stalking case tracker. In conjunction with the Fiscal Year 2018 NDAA requirement to provide

satellite communication devices, the Academy developed an SOP to establish guidelines and procedures for the use, management, oversight, and maintenance of the devices. All SOPs were in effect throughout the Academic Year.

The Sexual Assault Review Board (SARB), composed of senior leadership and representatives from the Academy faculty and staff, continued to meet on a monthly basis and provide guidance and oversight for the SAPR program. Although SARB policy calls for case management review on an *ad hoc* basis, the new SAPRO Manager has formalized case management review as a monthly follow-on meeting after the SARB, and has revised the format of the meeting to improve the efficiency of case management. The improved process examines any systemic or underlying issues that affect victim advocacy or prevention. This change will be reflected in a forthcoming revision of the SARB governing instruction.

In April 2019, Midshipmen participated in various Sexual Assault Awareness Month (SAAM) events, including guest speakers, leadership discussions, Denim Day, and a 5K run. One of the highlights of SAAM was a kick-off training session conducted by Difference Makers LLC called "10 Strong." This group of professional speakers and survivors of sexual assault addressed Midshipmen, faculty, and staff on an intellectual and personal level, covering a variety of topics such as male victimization, bystander intervention, and culture change. Following the opening presentation, Midshipmen, faculty, and staff members were encouraged to select and attend breakout sessions – including survivor testimonies, bystander intervention and culture change scenario-based training, and understanding male victimization – to explore and discuss these topics further.

The Academy exercised option year one of its contract with the Rape, Abuse, and Incest National Network (RAINN) for a global 24/7 hotline, which has successfully augmented the Academy's organic 24/7 hotline. The SAPRO Manager, Victim Advocate/Prevention Educators (VA/PE), and Sea Year Liaison share in the rotation of carrying the hotline phone. All personnel in the SAPRO are credentialed by the National Organization for Victim Assistance (NOVA) and are trained in crisis response. In addition to the full-time employees in the SAPR office, there are four faculty members and three Midshipmen who are NOVA-credentialed and serve as Victim Advocates. Midshipmen who volunteer to serve as Victim Advocates are carefully screened, to include an interview with the Superintendent, and they are a resource to survivors who might feel more comfortable reporting to a peer advocate rather than an Academy employee. In fact, of the 12 reports of sexual assault, sexual harassment, and retaliation received by the Academy, four of those were taken by Midshipmen Victim Advocates.

As a follow up to the 2018 Service Academy Gender Relations (SAGR) Survey, the Academy contracted again with OPA to conduct the Gender Relations Focus Group sessions to obtain open and honest feedback from students, faculty, and staff. The focus group sessions augment the SAGR Survey in that Midshipmen are questioned about the results of the survey, whether they agree with the data, what they think the data means, and why they think their peers might have responded the way they did. OPA provided a final report to the Academy on January 30, 2020. The key themes of the 2019 focus group sessions included the following:

- Midshipmen leaders vary in quality
- Midshipmen recognize senior leaders are doing a better job on issues related to sexual assault
- Female Midshipmen are tolerating “bro” culture in order to fit in
- There is a “gray area” in the range of sexually harassing behaviors that impacts intervention decisions
- Bystander intervention training is not resonating with Midshipmen
- Midshipmen lack knowledge about the SAPR office and resources available
- Turnover in the SAPR office hinders development of Midshipman rapport with staff
- There are still persistent barriers that keep Midshipmen from reporting sexual assault
- Many Midshipmen use alcohol<sup>2</sup> to relieve stress

Lastly, students want training tailored to their environment. They want to know how to address sexual assault and sexual harassment incidents that might occur during Sea Year and they want to hear from individuals who understand their unique environment, such as Academy alumni. The Academy’s Sea Year Guide has been updated to provide information on how to handle unwanted sexual contact and drinking issues while on sea duty, and the Midshipmen also receive a live briefing from the SAPRO Strategic Sealift Officer, who happens to be an alumnus of the Academy. The briefing covers the subjects of command climate, toxic leadership, personal safety, and available resources while at sea. While the Academy believes it is delivering the type of tailored training requested by Midshipmen, it will still look for opportunities to do more.

Using all its data sources, the Academy continues to revise and enhance its Academic Year 2019-2020 Plan of Action. The closed out Plan of Action for Academic Year 2018-2019 is included in this Report to Congress at Appendix E.

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<sup>2</sup> According to the Centers for Disease Control, alcohol is a contributing factor in many sexual assaults. See <https://www.cdc.gov/alcohol/fact-sheets/womens-health.htm>.

## Legislative Requirement

This report is produced in compliance with the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Duncan Hunter Act) (P.L. 110-417), title XXXV – Maritime Administration, section 3507.<sup>3</sup> The Duncan Hunter Act requires that the Academy perform an annual assessment to determine the effectiveness of its policies, training, and procedures with respect to sexual harassment and sexual assault involving its personnel.

The Duncan Hunter Act requires that in odd-numbered academic years (e.g., AY 2011-2012), the annual assessment consists of an anonymous voluntary survey of Midshipmen, an analysis of the survey results, and formulation of a Plan of Action. In even-numbered years (e.g., AY 2012-2013), the Academy performs a self-assessment that includes an analysis of data and reporting of changes to policies, training, and procedures. For AY 2018-2019, the Academy contracted with OPA to conduct Focus Group sessions as a direct follow-up to the previous year's survey to support the self-assessment. This is the tenth report submitted to Congress since the implementation of the Duncan Hunter Act's requirements.

## Existing Policies, Procedure and Processes

The policies and procedures related to the SAPR program were in effect during the reporting period and are listed below. These policies and procedures are available to Midshipmen and Academy personnel through the Academy's Intranet.

- Superintendent Instruction 2006-10, *Confidentiality at USMMA*
- Superintendent Instruction 2012-07, *Statement of Student Rights under the Family Educational Rights and Privacy Act (FERPA)*
- Superintendent Instruction 2013-02, *Policy Against Discrimination and Harassment, Including Sexual Harassment of Midshipmen*
- Superintendent Instruction 2016-02, *Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, Stalking, Prevention Education, and Response Policy*
- Superintendent Instruction 2017-03, *Sexual Assault Prevention and Response Framework*
- Superintendent Instruction 2018-01, *Sexual Assault Review Board (SARB)*
- Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking and Retaliation Policy*
- Superintendent Instruction 2018-05, *Reporting, Investigating and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*
- Superintendent Instruction 2018-06, *Retaliation Reporting, Investigating, and Resolving Complaints of Retaliation Against Midshipmen*
- Superintendent Instruction 2018-07, *Midshipman Regulations*
- Superintendent Instruction 2019-06, *Plan to Combat Retaliation*

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<sup>3</sup> Relevant text appears in Appendix A.

- Standard Operating Procedure for Processing a Restricted or Unrestricted Report of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence or Stalking Against a Midshipman at the United States Merchant Marine Academy
- Standard Operating Procedure for Investigating Unrestricted Reports of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence or Stalking at the United States Merchant Marine Academy
- Standard Operating Procedure for the Maintenance of Reports and Training Materials in the Sexual Assault Prevention and Response Office at the United States Merchant Marine Academy
- Standard Operating Procedure for Satellite Texting Devices
- Standard Operating Procedure for a Superintendent's or Executive Board Disciplinary Hearing in the Case of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and/or Stalking

One procedure related to the SAPR program was in effect during the reporting period but was not posted on Academy's Intranet because it applies to internal operations only. The procedure is as follows:

- Standard Operating Procedure for Validation of the Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Case Tracker

The Academy's library of policies and procedures expanded greatly in AY 2018-2019 due to the OIG report, *Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness*, and the 2018 NDAA. The 2018 NDAA required the Academy to expand its policy language to include sexual assault, sexual or gender-based harassment, relationship violence, and stalking, and the OIG report recommended that policies and procedures contain more information on reporting, investigating and resolving incidents. As a result, the Academy's 2016 policy on Sexual Assault Prevention and Response was revised in May 2018 to create two new instructions – a core instruction on general policy and a second instruction on reporting, investigating, and resolving complaints. The Academy created a third instruction in May 2018 to answer an additional requirement in the FY 2018 NDAA to define retaliation and designate retaliation as a Class I violation of the Midshipman Regulations. This requirement coincided with a review of the Midshipman Regulations, which were subsequently codified into a Superintendent Instruction.

As a result of the OIG Report, three Academy Standard Operating Procedures (SOPs) were reviewed and updated, and two new SOPs were created. The updated SOPs, which included those for investigating unrestricted reports of sexual assault, processing restricted and unrestricted reports of sexual assault, and maintenance of restricted and unrestricted report records, were refined to make recordkeeping more clear and concise. New procedures included SOPs for outlining the disciplinary process for Midshipmen accused of sexual assault or sexual harassment and for validating the sexual assault, sexual or gender-based harassment, relationship violence and stalking case tracker. In conjunction with the 2018 NDAA requirement to provide satellite communication devices, the Academy developed an SOP to establish guidelines and procedures for the use, management, oversight, and maintenance of the devices.

Superintendent Instructions 2006-10 and 2013-02 are scheduled to be revoked since the information contained in them is repetitious or has been updated in newer instructions.

The term “sexual assault” is defined in Superintendent Instruction 2018-04 as:

Sexual assault is a crime of violence defined as intentional touching of a sexual nature against the will (by use of force, physical threat, coercive conduct, or abuse of authority) or without the consent of another person, or where that person is incapacitated (e.g., “passed out,” sleeping, or impaired due to the use of alcohol or drugs, including prescription medications) or otherwise incapable of giving consent. The other person can be male or female and the perpetrator of the sexual assault can be of the same or opposite sex. Sexual assault includes, but is not limited to, the following:

- (1) Sexual intercourse, including anal, oral or, vaginal penetration, however slight, with a body part (e.g., penis, finger, hand or tongue) or an object;
- (2) Kissing, touching, groping, fondling, or other intentional contact with the breasts, buttocks, groin, or genitals (over or under an individual’s clothing) for purposes of sexual gratification or when such private body parts are otherwise touched in a sexual manner;
- (3) Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation; or
- (4) Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.

The term “sexual or gender-based harassment” is defined in Superintendent Instruction 2018-04 as:

Sexual harassment is any unwelcome sexual advance, request for sexual favors or other unwelcome verbal, non-verbal, graphic or physical conduct of a sexual nature, including, but not limited to the following:

- (1) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual’s employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of an Academy program or activity, including Regimental duties (quid pro quo);
- (2) Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual (quid pro quo); or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual’s learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or

offensive learning, working, or living environment under both an objective – a reasonable person’s view – and subjective – the Complainant’s view – standard (hostile environment).

- (4) Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature. Examples of sexual or gender-based harassment include, but are not limited to, the following:
- i. Unwanted flirtation, advances or propositions of a sexual nature;
  - ii. Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendos, or unwelcome comments about an individual’s sexual orientation or gender identity;
  - iii. Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive, or relate in an unwelcome manner to an individual’s sexual orientation or gender identity.

The term “relationship violence” is defined in Superintendent Instruction 2018-04 as:

Relationship violence, refers to controlling, abusive behavior, including any act of violence or threatened act of violence, against a person who is, or has been involved, in a sexual, dating, domestic, cohabitating or married relationship with that person. Relationship violence can take place in heterosexual or same-sex relationships, and sometimes also involves violence against the children in the family. Relationship violence can take a number of forms including physical, verbal, emotional, economic and sexual abuse, or any combination thereof.

- (1) Domestic violence: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the applicable jurisdiction.
- (2) Dating violence: The term “dating violence” means violence committed by a person (a) who is or has been in a social relationship or a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

The term “stalking” is defined in Superintendent Instruction 2018-04 as:

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Such conduct includes, but is not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. It includes cyber-stalking, in which electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Stalking can occur in a dating relationship, friendship, or past relationship, or can be perpetrated by a stranger.

The term “restricted reporting” is described in Superintendent Instruction 2018-05 as:

Restricted Reporting: Restricted reporting allows Midshipmen who have been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking to, on a confidential basis, disclose the details of the incident to the individuals identified below, and receive medical treatment and/or counseling at a location of the individual’s choice (on or off-campus), without triggering an official investigation.

Restricted reports may only be made to the following individuals:

- (a) Director of the Sexual Assault, Prevention and Response Office (SAPRO)/Sexual Assault Response Coordinator (SARC)
- (b) Victim Advocate/Prevention Educator (VA/PE) or Volunteer Victim Advocate (VVA)

All restricted reports taken by VA/PEs or VVAs will also be immediately forwarded to the SAPRO Director/SARC. Each academic year, a Superintendent Notice will list all of the current VA/PEs and credentialed VVAs. Midshipmen may also confidentially discuss such incidents with the Academy’s Chaplain, Academy Health Care Providers (HCPs), and/or the Special Victim Advisor (SVA). The Chaplain, HCPs, and the SVA will not, without the individual’s consent, forward the report to the SAPRO Director/SARC.

Midshipmen who initially elect to make a restricted report can, at any time after their initial restricted report, decide to convert their report to unrestricted, which will result in the initiation of an administrative investigation, and, at the Midshipman’s option, a report to law enforcement, which may result in a criminal investigation.

The term “unrestricted reporting” is described in Superintendent Instruction 2018-05 as:

Unrestricted reporting allows Midshipmen who have been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking access to advocacy support, medical treatment, and counseling. In addition, an unrestricted report will result in the initiation of an administrative investigation of the allegations.

An unrestricted report can be made to the SAPRO Director/SARC, a VAPE, a VVA, and Academy Health Care Provider (HCP), the Regimental Human Relations Officer (RHRO), a Company Human Relations Officer (CHRO), the Regimental Sexual Assault Victim Advocate (RSAVA), the Office of Public Safety, through the chain of command (including Company Officers and other Commandant's uniformed staff members), or to any trusted advisor, faculty, or staff member. A report made to anyone other than the SAPRO Director/SARC must immediately be forwarded to him/her, who will have primary responsibility for handling the report, including notifying the Superintendent and Deputy Superintendent within 24 hours of notification.

An individual making an unrestricted report, or converting a restricted report to an unrestricted report, also has the option to notify law enforcement, with or without the assistance of Academy personnel, or to decline to notify law enforcement. Notification to law enforcement may result in a criminal investigation.

The Academy will maintain the confidentiality of an unrestricted report to the greatest extent practicable, with the goal of conducting a thorough and complete investigation, providing any needed accommodations or protective measures, and effecting any appropriate remedial action. Details regarding the incident will be limited to only those personnel who have legitimate need to know.

### **Sea Year Training Policies**

Both Academy policy and Federal law require Midshipmen to complete creditable sea service to be eligible for the Merchant Marine Officer License exam during their First Class (senior) Year. Sea service requirements vary by major, but, in general, require over 300 days at sea, which are served on U.S.-flag<sup>4</sup> commercial vessels.

All commercial vessels that embark Midshipmen for Sea Year are now vetted and cleared through MARAD's SCCT. SCCT requires that vessels have an onboarding process for Midshipmen that includes identification of their supervisor, an affirmation of sexual assault and sexual harassment prevention training for the vessel crew, a statement of zero tolerance for romantic or sexual relationships between Midshipmen and crew members, and company submission of all relevant policies and documents.

As part of at-sea training, Midshipmen are informed that companies are required to have a zero tolerance policy for sexual assault and sexual harassment, and established written procedures defining harassment and discrimination, including an explanation of how to report such incidents and the disciplinary measures that will be taken to punish offenders. Midshipmen are advised to learn the sexual assault, sexual harassment, and discrimination policies of the shipping company with which they are placed. In addition, the Academy has a database of policies from the

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<sup>4</sup> Prior to the Sea Year stand down, a limited number of Midshipmen were permitted to sail on foreign-flag carriers.

companies on whose ships Midshipmen are assigned, which is available to Midshipmen through the Academy's Intranet.

Sea Year sexual harassment and sexual assault training includes a briefing specific to Sea Year challenges and is delivered by the Sexual Assault Prevention and Response Office (SAPRO). An all-female session is further provided by the Office of Professional Development and Career Services (OPD&CS), which arranges for a presentation by a recent female Academy graduate who is currently sailing in the maritime industry to provide advice and guidance to the female Midshipmen. Midshipmen also complete computer-based training developed in 2017 by the Ship Operations Cooperative Program (SOCP) for all mariners. In order to ensure that SYE shipping companies maintain their eligibility, ATRs and/or other MARAD designated staff will visit not less than ten percent of all commercial vessels carrying Cadets every two years to verify that companies continue to conform to SYE requirements.

In addition, the SCCT will continue to work with stakeholders to improve and implement best practices in SAPR training and in other areas. This effort has been aided by the SOCP, which published their *Best Practices Guide on Prevention of Sexual Assault & Sexual Harassment in the U.S. Merchant Marine* in June 2017. Many of the best practices outlined in the guidebook mirror the SCCT requirements above.

In the event of an incident during Sea Year, such as a sexual assault, Midshipmen are trained to utilize the shipping company's policy by reporting the incident, whether it occurred at sea or ashore, to their Captain, Chief Engineer, Union Representative, or Designated Person Ashore. If members of the shipping company fail to act on a report of sexual assault, Midshipmen may contact the Academy SAPRO directly. Alternatively, Midshipmen may contact Academy training representatives using a pre-arranged code word to communicate their situation through a GPS enabled Garmin texting device that is issued to them prior to departure. Once a Midshipman contacts the Academy, the training representative arranges for the Midshipman's immediate safe return to the Academy or other location, as deemed appropriate. The Academy SAPRO provides support services to individuals sexually assaulted at sea and serves as a liaison with the vessel owner/operator to ensure that the complaint is handled promptly and appropriately.

### **Reported Sexual Assault and Sexual Harassment Offenses**

During Academic Year 2018-2019, the Academy had three unrestricted reports of sexual assault involving Midshipmen. All three incidents occurred off-campus while Midshipmen were on sea duty. Two cases were referred to the United States Navy for adjudication and the third case was reported to California law enforcement officials.

There were six restricted reports of sexual assault. Three incidents occurred off-campus, two occurred on-campus, and one occurred while Midshipmen were on sea duty.

The Academy also had one unrestricted and one restricted report of sexual harassment involving Midshipmen. The unrestricted incident occurred off-campus while the Midshipman was on sea duty and an investigation was conducted by MARAD. The case was set to be resolved by

mediation, but the complainant declined to participate. The restricted incident occurred on-campus.

The 2018 SAGR Survey showed that of the 10.6 percent of women reporting unwanted sexual contact, 47 percent reported the situation to a military authority or organization. This year, the Academy received six reports from women, which approximates the number of reported incidents in the anonymous survey. The SAGR Survey showed that of the 1.4 percent of men reporting unwanted sexual contact, 32 percent reported the situation to a military authority or organization. The Academy received three reports from men. This is an indicator that Midshipmen have trust and confidence in leadership to protect their privacy, ensure their safety, and treat them with dignity and respect.

### Disposition of Completed Investigations

Table 1 shows the disposition of officially reported cases of sexual assault during AY 2018-2019.

Incident	Victim	Subject	Investigation	Result
1	Midshipman Female	Other	None	Restricted
2	Midshipman Female	Other	None	Restricted
3	Midshipman Female	Other	None	Restricted
4	Midshipman Male	Other	None	Restricted
5	Midshipman Male	Midshipman	None	Restricted
6	Midshipman Male	Midshipman	None	Restricted
7	Midshipman Female	Ship Crew member	Yes	Ongoing investigation by Navy
8	Midshipman Female <sup>5</sup>	Ship Crew member	Yes	Ongoing investigation by California law enforcement
9	Midshipman Female	Ship Crew member	Yes	Ongoing investigation by Navy

<sup>5</sup> This was initially a restricted report. The victim subsequently chose to convert the restricted report to an unrestricted report.

For both unrestricted and restricted reports, the victim is offered medical care, counseling, and support services that are critically important following an incident. If a victim initially chooses to make a restricted report, he/she may elect to pursue an investigation at a later time by changing the report to unrestricted.

## **Review of 2017-2018 Service Academy Gender Relations (SAGR) Survey Results**

The number of unwanted sexual contact incidents anonymously reported via the 2018 SAGR Survey was 10.6 percent for women and 1.4 percent for men. Compared to 2016, when 18.4 percent of women reported experiencing unwanted sexual contact, the drop to 10.6 percent was significant. OPA reported that this was the lowest level recorded for Academy females since tracking began in 2012. This drop could be attributed to increased trust by students in the ability of leadership to provide services, ensure safety, and adjudicate cases. However, OPA noted that the sharp decline could be specifically attributed to junior and senior Academy females, which was not consistent with female results at other military service academies. OPA suggested that one possible explanation for the decline was that junior and senior women, who were most affected by the Sea Year<sup>6</sup> stand down, may have self-censored their experiences of unwanted sexual contact in order to avoid another potential shut down of the Sea Year experience. While OPA could not conclusively determine that women had deliberately misrepresented their answers to the survey, they did issue a caution about the interpretation of results, and stated that “while rates appear to have declined for USMMA women, there is no concrete evidence this decrease was a true decrease in the prevalence of unwanted sexual contact for women in 2018.”<sup>7</sup>

For men, there was an increase in unwanted sexual contact compared to 2016 (0.8 percent).

To place these numbers in context, the 2018 SAGR Survey asked Midshipmen about the one situation of unwanted sexual contact that had the greatest effect on them. In 2018, of the 10.6 percent of women who experienced unwanted sexual contact, two-thirds (66 percent) said that it happened on Academy grounds in the dormitory or living area; in 2016, of the 18.4 percent of women who experienced unwanted sexual contact, 61 percent reported the same. Of the 10.6 percent of women who experienced unwanted sexual contact in 2018, 46 percent of women said that it happened off Academy grounds; in 2016, of the 18.4 percent of women who experienced unwanted sexual contact, 33 percent reported the same. In 2018, of the 10.6 percent of women reporting unwanted sexual contact, 58 percent reported that the alleged offender was a fellow Academy student in the same class; in 2016, of the 18.4 percent of women who reported unwanted sexual contact, 60 percent reported the same. In 2018, of the 10.6 percent of women reporting unwanted sexual contact, 54 percent indicated that the incident occurred after duty hours on a weekend; in 2016, of the 18.4 percent of women who reported unwanted sexual contact, 52 percent reported the same. Of the 10.6 percent of women who experienced unwanted sexual contact, 24 percent reported that it happened while they were at sea; in 2016, of the 18.4

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<sup>6</sup> The Sea Year stand down occurred from June 2016 to March 2017 and was a suspension of the Academy’s year at sea program for students.

<sup>7</sup> Office of People Analytics, *2016 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 16.

percent of women who experienced unwanted sexual contact, 35 percent reported the same. As in previous years, survey results point to the need to address unwanted sexual contact on Academy grounds and by fellow students, with a secondary focus on unwanted sexual contact experienced during Sea Year.

In 2018, of the 1.4 percent of men who experienced unwanted sexual contact, 42 percent indicated that the incident happened on Academy grounds in the dormitory or living area; in 2016, the results for men were not reportable.<sup>8</sup> Of the 1.4 percent of men who experienced unwanted sexual contact, slightly more than one-third (39 percent) said that it happened off Academy grounds; in 2016, the results were not reportable. In 2018, of the 1.4 percent of men reporting unwanted sexual contact, nearly two-thirds indicated that the alleged offender was someone affiliated with the Academy and/or an Academy student, often someone in the same class year (39 percent); in 2016, the results were not reportable. In 2018, of the 1.4 percent of men reporting unwanted sexual contact, nearly half (42 percent) indicated that the incident occurred after duty hours on a weekend or holiday; in 2016, the results were not reportable. Of the 1.4 percent of men who experienced unwanted sexual contact, slightly more than one-third (39 percent) reported that it happened while they were at sea; in 2016, the results were not reportable. The results show that men experienced unwanted sexual contact from the same demographic of alleged offender (fellow student) as women, and in the same location and context (on Academy grounds and after duty hours on a weekend or holiday) as women.

The use and/or abuse of alcohol has been recognized as a risk factor in sexual assault and other unwanted gender-related behaviors. Of the 10.6 percent of women who experienced unwanted sexual contact, nearly half (46 percent) reported that they had been drinking; in 2016, of the 18.4 percent of women experiencing unwanted sexual contact, 48 percent reported the same. In 2018, more than half (55 percent) indicated that the alleged offender was drinking as well; in 2016, 61 percent of women indicated that the alleged offender had been drinking. More than half of the women (66 percent) who reported drinking before or after unwanted sexual contact said that the alleged offender gave or bought them alcohol to drink; in 2016, 57 percent of women reported the same. Results on alcohol use for men are not reportable.

The culture around sexual assault and sexual harassment can influence rates of unwanted behaviors. Research indicates that organizations tolerating sexual harassment can increase the prevalence of sexual assault.<sup>9</sup> Senior leaders (62 percent of women and 75 percent of men), coaches and trainers (61 percent of women and 79 percent of men), and other athletics representatives and advisors (56 percent of women and 76 percent of men) drew high marks from Midshipmen who believe that these cohorts make honest efforts to stop sexual harassment and assault to a large extent. The lowest rankings went to Midshipmen leaders and other Midshipmen (not leaders), with only 47 percent of women and 72 percent of men believing that Midshipmen leaders make those efforts to a large extent and only 39 percent of women and 62 percent of men believing that Midshipmen (not leaders) make those efforts to a large extent.

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<sup>8</sup> A specific result may be “not reportable” due to low reliability. Estimates of low reliability are not presented based on criteria defined in terms of not having a sufficient number of respondents (fewer than five), an effective number of respondents (fewer than 30), or relative standard error (greater than 0.3).

<sup>9</sup> Office of People Analytics, *2017 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 114.

Notably, in a separate question related to the Academy culture, the percent of students reporting “cadet/midshipman leaders enforce rules (against fraternization and drinking in the dormitory)” to a large extent showed statistically significant increases for both women (from 47 percent in 2016 to 54 percent in 2018) and men (52 percent in 2016 to 60 percent in 2018). While assessments of Midshipmen leadership have improved, there is more room for them to set the right tone in eliminating sexual assault and sexual harassment on campus.

The Academy has promoted bystander intervention techniques, in which students maintain vigilance and act to prevent sexual assault. The 2018 SAGR Survey asked students whether they had observed at least one situation where they believed a sexual assault was about to occur, and if so, had they intervened. Results showed that few female Midshipmen observed such situations (24 percent of women in 2018 compared to 11 percent in 2016), but that the majority of those who do see such situations developing take some sort of action to stop it (95 percent in 2018 compared to 99 percent in 2016). Significantly more men reported observing such situations (68 percent in 2018 compared to 6 percent in 2016) and the majority of men who do see such situations developing reported taking some sort of action to stop it (90 percent in 2018 and 91 percent in 2016). The SAGR Survey also asked students to rate the extent to which they would be willing to point out to someone that they had “crossed the line” with gender-related comments or jokes. The vast majority (97 percent of women and 95 percent of men) reported that they would be willing to intervene in this way to a moderate/small or large extent (compared to 93 percent of women and 87 percent of men in 2016). This data suggests that bystander intervention is effective and that the Academy should continue to pursue training in bystander intervention programs.

Of the 10.6 percent of women who experienced unwanted sexual contact, 53 percent chose not to make a report.<sup>10</sup> Of women who chose not to report sexual assault, these were the reasons given:

- 1) They did not want more people to know (58 percent in 2016 and 34 percent in 2018);
- 2) They felt shame or embarrassment (34 percent in 2016 and 52 percent in 2018);
- 3) They thought it was not serious enough to report (47 percent in 2016 and 82 percent in 2018);
- 4) They took care of the problem by confronting the alleged offender (47 percent in 2016 and 49 percent in 2018); or
- 5) They did not want people talking or gossiping about them (33 percent in 2016 and 50 percent in 2018).

The decision to report is driven by cost-benefit considerations, and many women clearly see the alternatives to reporting as less costly or more beneficial than reporting. The Academy should counter this perception by conducting training to emphasize the benefits of reporting. The Academy should also show support for those who do come forward to report by protecting their privacy, ensuring their safety, and treating them with dignity and respect. Trust in the system was generally lower for women than men, with 36 percent of women and 59 percent of men saying they would trust the Academy to a large extent to protect their privacy, 44 percent of women and 66 percent of men to a large extent to ensure their safety, and 40 percent of women and 63 percent of men to a large extent to treat them with dignity and respect. These ratings

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<sup>10</sup> Data for reasons for not reporting were not reportable for men.

point to a need for leadership to increase the students' level of trust in the system, particularly among women.

For the first time, in 2016, OPA followed guidelines, developed by RAND Corporation<sup>11</sup> to use new measures of sex-based Military Equal Opportunity (MEO) experiences that were designed to align with criteria for a Department of Defense (DoD) MEO violation. The measures were designed to align with military law and policy that outline criteria for a MEO violation, and incorporate behaviors and follow-up criteria to derive estimated prevalence rates. The categories of behaviors include sexual harassment (i.e., sexually hostile work environment and sexual quid pro quo) and gender discrimination. Now that these guidelines have been applied over two successive surveys, the Academy can begin to develop a trend. In 2018, 40 percent of women and 4 percent of men indicated that they had experienced sexual harassment (compared to 53 percent of women and 8 percent of men in 2016). In 2018, 19 percent of women and 1 percent of men indicated they had experienced gender discrimination (compared to 28 percent of women and 3 percent of men in 2016).

Sexual harassment is a precursor for sexual assault. Organizations that show tolerance for sexual harassment and gender discrimination are more likely to create a permissive environment for sexual assault. In addition, behaviors such as telling sexual jokes or discussing sexual activity may be grooming behaviors for more serious actions. The "continuum of harm" is generally used to describe behavior which progresses from offensive verbal behaviors to sexual assault. Therefore, the Academy must continue to be vigilant in eradicating gender discriminatory and sexually harassing behavior within its faculty and staff, and it must enlist upperclassmen to eliminate these behaviors in the Regiment of Midshipmen.

## **Plan of Action**

The Academy has closed out the Plan of Action for AY 2018-2019 and continues a Plan of Action for AY 2019-2020. The Plan of Action carries forward ongoing issues that still need to be addressed and includes new areas identified for improvement. The closed out Plan of Action and initiatives can be found in Appendix E.

## **Summary of Focus Group Results for Midshipmen**

Focus groups included randomly selected Midshipmen and self-selected personnel from the faculty and staff. Participation in focus group sessions was entirely voluntary. Feedback and themes provided from these sessions are qualitative and cannot be generalized to the full population. Themes should be viewed as a cross-section of the attitudes and opinions of focus group participants and not representative of the opinions of all the students, faculty, and staff.

The SAGR Focus Group sessions were held on March 25-28, 2019, and involved a total of 59 Midshipmen from all four classes (freshmen, sophomores, juniors, and seniors) and 22

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<sup>11</sup> Morral, Gore, & Schell, 2014. *RAND Military Workplace Survey*.

employees (athletic, Regimental staff, other staff and faculty members).<sup>12</sup> Separate 90-minute sessions were conducted. Of the focus groups with student participants, four groups were all male Midshipmen by class year, four groups were female Midshipmen by class year, and one group was male and female Midshipmen who were peer leaders. A total of ten groups, each of which met only once, were facilitated. OPA provided a final report to the Academy on January 30, 2020.

OPA designed its Focus Group questions to qualitatively validate the quantitative data in the 2018 SAGR Survey. OPA analysts looked for follow-up topics that might clarify or expand upon findings from the previous year's survey. The focus group guide was broken into four sections: Academy culture, prevention of sexual assault and sexual harassment, reporting, and alcohol use. Five question areas were developed by OPA. The Student Focus Group Guide, used to facilitate the sessions, can be found in Appendix D of this report. Those areas of interest, with a summary of findings, are as follows:

### 1. **Academy Culture:**

Participants were asked to describe the culture at the Academy as if they had to explain it to someone who had never visited the Academy. Students described a unique institution, even different when compared to the other military service academies. They described a rigorous schedule that was at times taxing and stressful. Of particular impact on culture is the large number of males on campus compared to the relatively small number of females (women are only about 25 percent of the student population). A male-dominated environment prevails, replete with locker room behavior, sexual innuendo, and vulgar language. Females reported having to act like "one of the guys" to fit in. Some women felt discomfort in having to act like "one of the guys" to fit in, but others said they did not mind it. In addition to being male-dominated, the student population is small (less than 1,000), which means there is an active rumor mill. Specifically, female freshmen said "it seems like they are under a microscope, noting that often everyone knows who they are and what they do in all aspects of their academic and professional lives."<sup>13</sup>

Academy culture is deeply influenced by the higher ratio of men to women. Women feel like they need to act like "one of the guys" in order to fit in and there is wide tolerance of inappropriate language, sexual jokes and gestures, and physical horseplay. Acceptance of these sexual harassing behaviors places Midshipmen at increased risk for sexual assault through the continuum of harm. This culture is passed year to year between peers or from upperclassmen to lowerclassmen, and negative attitudes towards women are perpetuated when Midshipmen go to sea and serve on commercial ships. Changing this culture is a challenge for the Academy, particularly when it cannot directly control the shipboard environment that Midshipmen experience during Sea Year.

Both male and female Midshipmen described the general culture at the Academy as "one of a close-knit community where students support each other, considering themselves to be part

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<sup>12</sup> Participation in the focus groups was voluntary; however, OPA ensured that the sample size was sufficient.

<sup>13</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 9.

of a brotherhood and sisterhood.”<sup>14</sup> Midshipmen said that they had feelings of comradery and developed familial relationships with their schoolmates, particularly in an environment of shared stress. Bonds between peers started as early as freshmen year, during a rigorous indoctrination period. Participants related that male Midshipmen feel protective of and look out for their female schoolmates. This is an interesting observation, considering that the majority of unwanted sexual contact is between male and female Midshipmen who are typically in the same class, but also explains why Midshipmen may be reluctant to report unwanted sexual contact. Midshipmen who have experienced unwanted sexual contact may fear repercussions from reporting on a schoolmate, or may not want to get a schoolmate in trouble. This may explain why upperclassmen teach underclassmen to handle issues at the lowest level possible, preferably within one’s own company. Focus group participants said they took a dim view of schoolmates who reported issues up the chain of command rather than through the company. This is because there is a level of distrust in the administration and concern that the administration will deal with an issue more severely than Midshipmen think they should.

Despite describing Academy culture as a close-knit brotherhood and sisterhood, Midshipmen acknowledged that there was a tension between women and men. This was attributed to male perceptions that women are held to different standards than men, such as in physical training, or that the Academy holds a quota for women when assigning peer leadership positions. Males also thought that women received special treatment, such as more leniency in academic standards, because there is “a need for the administration to keep female Midshipmen in the Academy.”<sup>15</sup> The Sea Year stand down stood out as a source of tension. Midshipmen perceived that the administration cracked down on sexual assault and sexual harassment after the stand down ended; they said that schoolmates were unjustly accused and expelled from school. Male Midshipmen said that, as a result, they act carefully when interacting with females in the dormitory for fear of getting accused of sexual assault or sexual harassment.

While acknowledging that sexual assault and sexual harassment incidents occur on campus, most women reported that they felt safe. Female Midshipmen described the campus community as a family, and that male Midshipmen were brothers who would protect them. Women did report feeling particularly susceptible to the campus rumor mill, since there are so few of them, and they said that men are often dismissive of their abilities. Despite evidence to the contrary, Midshipmen related “a commonly held belief that many of the issues that occur happen off campus or out at sea.”<sup>16</sup>

Midshipmen appear to be uncomfortable talking about gender relations, yet conversations between the sexes would allow them to express their misgivings and enable facilitators to

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<sup>14</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 9.

<sup>15</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 13.

<sup>16</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 19.

address their misconceptions. The Academy's Strategic Priority 2 Working Group should consider establishing small group discussion sessions between men and women to open up the conversation about gender relations. The SAPRO now provides direct supervision over the Company Human Relations Officers (CHRO) and meets with them weekly; this can also create opportunities for improved communication and address concerns.

Strategic Priority Working Group 2 members must read and evaluate the 2019 OPA Focus Group analysis in order to help it develop a culture change Plan of Action and Milestones. The Focus Group analysis can provide the Working Group with some insight into Midshipman culture and give it some targets for action. For example, the Working Group could look specifically at ways to address or reduce the influence of the rumor mill, or it could take on the culture of toxic masculinity that causes Academy females to act like "one of the guys" to fit in. It could also engage with the maritime industry to consider ways in which females might feel more accepted onboard commercial ships. While culture change certainly does not revolve entirely around SAPR issues, the OPA Focus Group analysis is still a good tool for understanding the Midshipman mindset and the concerns that help drive the current climate.

## **2. Prevention Through Intervention and Leadership:**

Focus group participants were asked to participate in an exercise to rank problematic behaviors that they might observe into categories where they felt they "would definitely intervene" or "definitely would not intervene." There was a third category called a "gray area" for behaviors in which Midshipmen were uncertain if they would intervene. Virtually all Midshipmen who participated said they believed they would intervene in the most extreme and severe behaviors, like seeing someone being sexual assaulted, seeing someone taking advantage of another person who drank too much or is passed out, seeing someone sharing sexual pictures or videos of another Midshipman, or seeing someone making repeated attempts to establish an unwanted relationship. On the other hand, Midshipmen said they would not intervene in problematic behaviors such as horseplay or roughhousing, hearing someone talk about their sexual activity, or hearing someone ask another person about sexual activity. Unfortunately, acceptance of this behavior could be leading to higher rates of sexual assault through the continuum of harm. Midshipmen grouped a number of problematic behaviors into the "gray area," including seeing someone touch another person, seeing someone make sexual advances or gestures, hearing someone make comments based on gender, sharing sexual pictures or videos of themselves, or hearing someone tell sexual jokes.

Midshipmen explained that the context of events is very important when deciding whether to intervene in a "gray area" problematic behavior. They related that they consider a number of factors when deciding to intervene, "such as the relationship between the two individuals, the relationship between the bystander and individuals (e.g., friends or strangers), and the setting in which the behavior is occurring."<sup>17</sup> Midshipmen noted that the most important factor they consider when deciding to intervene is perceived consent. This led to further discussion of

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<sup>17</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 23.

perceptions of consent. Some Midshipmen said they would try to judge whether the individuals involved in problematic behavior appeared to be comfortable or giving consent. Others said they would try to gauge the body language of the people involved. Still others said that their intervention would depend upon the location of the problematic behavior. For example, telling sexual jokes in the library where other Midshipmen were studying would merit an intervention, they said; an intervention would not be necessary for the same jokes told in the privacy of a dorm room. Except for the most egregious behaviors, there was no clear standard that would prompt Midshipmen to make an intervention, with “gray area” activity as a particularly difficult area for Midshipmen to navigate.

Although some Midshipmen said that bystander intervention training had not resonated with them, female Midshipmen overall felt that the training had better equipped them to intervene in problematic situations. The Academy has attempted to implement several different bystander intervention programs, including Green Dot and Bringing in the Bystander. Besides being expensive, these programs have not inspired some Midshipmen to perform interventions nor have they done enough to inform them about how to intervene in “gray area” behaviors. The Academy’s SAPRO Manager has built his own bystander intervention program, tailored to the unique needs of the institution. The program introduces the “bystander effect”<sup>18</sup> and then breaks Midshipmen up into small groups to learn the process of intervention, such as noticing and interpreting a problematic situation. The small groups practice bystander intervention strategies, including how to interact safely in what might be a highly-charged and emotional moment. The SAPRO Manager will incorporate “gray area” behavior into the interpretation portion of the training to give Midshipmen the confidence to stop behaviors lower on the continuum of harm so that they do not escalate to more damaging behaviors on the high end of the scale.

Focus group participants discussed leadership at both the peer level and the senior administration level. Many said that peer leaders try their best to address sexual assault and sexual harassment and are supportive of their peers, but they do not have enough authority to have a meaningful impact. Other participants indicated that there is a disconnect between what peer leaders say during official briefings and trainings and how they speak and act privately. Some participants noted peer leaders have trouble keeping incidents confidential, and some make jokes about the training or rules and perpetuate a belief in false reporting. Due to their unique position, peer leaders are often looked up to by other Midshipmen. Those peer leaders “who are setting bad examples may be contributing to the creation of the toxic culture”<sup>19</sup> at the Academy.

Superintendent Instruction 2018-04 requires that Midshipmen officers “receive leadership and bystander intervention education in an effort to prepare them to prevent and respond effectively to incidents of sexual assault, sexual and gender-based harassment, relationship

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<sup>18</sup> “The bystander effect occurs when the presence of others discourages an individual from intervening in an emergency situation. The greater the number of bystanders, the less likely it is for any one of them to provide help to a person in distress.” From *Psychology Today* at <https://www.psychologytoday.com/us/basics/bystander-effect>.

<sup>19</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 49.

violence, stalking, and retaliation.”<sup>20</sup> This training is supposed to be provided once per rotation (there are two rotations of Midshipmen officers per academic year). Due to staff turnover in AY 2018-2019, this training was not provided on a consistent basis. The new SAPRO Manager will ensure this training is conducted, to include addressing the importance of maintaining the confidentiality of reports and the effects of joking about training. The SAPRO Manager will also create a lesson training guide to enable acting SAPRO Managers or VA/PEs to provide the training in the absence of a full-time SAPRO Manager.

At the time of the focus groups, there had been a shift in senior leadership, but Midshipmen said they felt that the new leadership was “doing a better job at addressing sexual assault and sexual harassment than in the past.”<sup>21</sup> They clearly understand that the administration has a no tolerance policy. They appreciated that the new Superintendent was previously employed in the maritime industry, and expressed the desire to have leaders who understood the Academy and its unique culture. However, Midshipmen were unhappy with senior leaders because they felt that there was a lack of transparency regarding sexual assault and sexual assault cases, particularly in sharing the details regarding incidents of sexual assault and sexual harassment and the results of those cases. They noted that the prevailing attitude on campus is “guilty until proven innocent,” not just for cases of sexual assault and sexual harassment, but also for cheating or conduct offenses. A few male participants said that “it appears as though the administration always implements the harshest punishment for sexual assault and sexual harassment offenses, which is often being expelled or set back a year.”<sup>22</sup>

While acknowledging that Midshipmen want more transparency, senior leadership must also consider the privacy rights of both survivors and alleged perpetrators. Senior leaders have contemplated issuing “XYZ” reports to the Regiment of Midshipmen, but are concerned, since the Academy is such a small campus, that details in the “XYZ” reports could be linked to specific individuals, who would then find their privacy rights compromised. The Academy resists releasing “XYZ” reports even for incidents involving Midshipmen who have graduated, since the maritime industry itself is small and close-knit, and the risk that events will be matched to identities is too great. Senior leaders will continue to resist Midshipman calls for more transparency while helping them to understand that the institution must safeguard the confidentiality of all individuals involved in a sexual assault incident. Midshipmen, faculty, and staff had multiple suggestions for improving training at the Academy. It was the consensus of the focus groups that training should be “more interactive, applicable, practical, and convenient.”<sup>23</sup> Midshipmen said that they liked the idea of smaller discussion groups rather than large group Power Point lectures, and female Midshipmen said that they would like to see members of administration attending some of the SAPR training. Additionally, females expressed interest in training that would help them learn how to protect

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<sup>20</sup> Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy*, dated 31 May 2018, pg. 7.

<sup>21</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 49.

<sup>22</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 29.

<sup>23</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 31.

themselves in situations in which they are vulnerable, such as being the only woman on a ship full of men with a heavy drinking culture. Faculty focus group participants acknowledged that they need to attend training and to engage in the SAPR program since they are the primary influencers of Midshipmen, and if the faculty does not buy into the culture, the Midshipmen will not either.

The SAPRO Manager will evaluate focus group comments for improving training, particularly the suggestion that training be delivered in the format of smaller discussion groups rather than large group Power Point lectures. A review of the training schedule at Appendix B shows that Midshipmen were frequently broken up into smaller groups for training. The administration has endeavored to attend sexual assault and sexual harassment training alongside the Midshipmen, and in fact, the Superintendent or Deputy Superintendent kicked off 11 sessions of SAPR training during freshmen indoctrination for the Class of 2022. The OPD&CS runs a program specifically for women in which an Academy alumna meets with them to address their concerns about the shipboard environment, such as being the only woman on a ship full of men with a heavy drinking culture. And while faculty members who participated in the focus groups acknowledged that they need to attend training and to engage in the SAPR program since they are the primary influencers of Midshipmen, the majority of faculty members do not agree with this perspective and are reluctant to be part of the SAPR program. With the Dean's help, the SAPRO Manager will continue to work with the faculty to have them embrace their role in influencing Midshipman culture.

### **3. Reporting: SAPR Office, Barriers, and Opportunities:**

In order to determine how comfortable they were with the SAPR reporting process, Midshipmen participants were asked about their familiarity with the SAPR office, who they would see to discuss issues of sexual assault and sexual harassment, and what barriers would keep them from filing a report at the Academy. Midshipmen reported "low levels of knowledge about SAPR resources and that they did not typically perceive the SAPR office as the first stop in dealing with sexual assault."<sup>24</sup> Indeed, some Midshipmen reported that they did not even know where the SAPR office was located, or did not know that the previous Sexual Assault Response Coordinator (SARC) had left the Academy and been replaced by a new employee. Midshipmen said that many SAPR materials on campus were outdated, and listed the names of faculty and staff who were no longer serving as victim advocates. The SAPR office drew mixed reviews from Midshipmen who were asked if they would report a sexual assault to SAPR staff. Upperclassmen said they would feel comfortable making a report to the SAPR office while underclassmen said that they would not feel comfortable.

A number of Midshipmen stated that the first person they would talk to about a sexual assault incident would be a friend, not a SAPR professional. Some Midshipmen noted that the Academy does have a 24/7 hotline for reporting, but said that other students had told them that they were unable to get through or get connected to anyone, which gave them the perception that the office was unreliable. Many Midshipmen expressed that they would feel more comfortable with victim advocates in the peer reporting chain or the Chaplain, who is

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<sup>24</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 32.

not a mandatory reporter. There was confusion over the definition of a mandatory reporter, and confusion over whether student Emergency Medical Technicians were unrestricted or restricted reporters.

Midshipmen listed the following as barriers to reporting:

- a. Fear of jeopardizing ability to graduate or commission on time;
- b. Fear that the Sea Year experience will be cancelled again;
- c. Fear that the Academy will be shut down;
- d. Culture of loyalty to the Regiment and fellow students;
- e. Fear of getting a schoolmate expelled from the Academy;
- f. Fear of becoming part of the rumor mill;
- g. Fear of retaliation and ostracism;
- h. Getting a reputation for reporting;
- i. Desire to handle incidents at the lowest level possible;
- j. Perceptions of false reporting;
- k. Lack of trust in reporting process; and,
- l. Fear of being labeled as a victim.

Focus group sessions revealed weaknesses in the reporting process itself. Midshipmen said that the investigative and punishment processes are not clear. Male Midshipmen, in particular, were confounded by the process. They said, “there is no defined process and that they believe the SAPR office makes a recommendation to the Superintendent and he decides on a course of action, but they do not understand the why and the how and do not have insight into the role of the Dean or the Vice<sup>25</sup> Deputy Commandant in these situations.”<sup>26</sup> Some male and female Midshipmen related that they would not report because of the bureaucracy involved and the hassle of getting involved in an investigation. Midshipmen continued to stress that they would prefer to handle less serious offenses and incidents at the lowest level possible instead of making a report. And even though victims have the option of making a restricted report, Midshipmen said that they do not trust that reports will remain confidential because of the rampant Regimental rumor mill.

Many Midshipmen suggested that reporting could be improved in numerous ways. Some stated that reporting might increase if the disciplinary system were modified so that punishments were based upon the severity of the offense, with lesser offenses punished less harshly and expulsion reserved for only the most serious cases. Male Midshipmen thought that remediation would be effective for lesser offenses. Peer leadership felt that reporting might increase if victims saw that they would receive support from schoolmates rather than criticism. Finally, faculty and staff focused on culture, and said that the culture needs to change to make reporting acceptable. They said that the way to do this was to indoctrinate freshmen with a new mindset before they were influenced by the existing culture.

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<sup>25</sup> The Academy does not have a Vice Deputy Commandant. It does have a Deputy Commandant. As this quote is lifted directly from the OPA report, it must have been an error in transcribing the recorded oral session.

<sup>26</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 39.

The first step to improving reporting statistics is to let Midshipmen know where they can get help. The Academy must do a better job at publicizing the existence of the SAPRO and the resources available in the office. Even though the Academy released an “all users” message to announce the departure of the old SAPRO Manager and her replacement by an acting manager, the Academy must do more to keep the SAPRO Manager in the spotlight so that the entire community knows who he is. The Academy will conduct a review of website and printed material to ensure that all of it contains the most up to date information, especially the listing of faculty, staff, and Midshipmen victim advocates. Above all, the SAPRO must project itself as a safe refuge for Midshipmen, staffed with compassionate, caring advocates who can provide them with information about safe relationships or take a report from a victim while ensuring the utmost confidentiality and availability of services.

In addition, the SAPRO must aggressively advertise all the ways in which Midshipmen can connect with resources, including the 24/7 hotline, the RAINN hotline, and victim advocate phone numbers and email addresses. Since many Midshipmen expressed that they would feel more comfortable with victim advocates in the peer reporting chain, the SAPRO must continue to solicit volunteer victim advocates from the student body. The SAPRO must do a better job of explaining the status of mandatory and confidential reporters. Finally, the SAPRO and Special Victim Advisor must demystify the Academy’s investigative and disciplinary processes. Although the Academy has investigative and disciplinary process SOPs that are available for Midshipmen to read on its Intranet, it is clear that Midshipmen are either not reading the SOPs or not understanding them. An explanation of the processes needs to be part of the Midshipman training regimen.

In developing initiatives to change the Academy’s culture, Strategic Priority Working Group 2 must consider all of the barriers to reporting that were listed by Midshipmen focus group participants. It should be the goal of the Working Group to eliminate the barriers while encouraging a culture that recognizes the dignity and respect that every member of the Academy community deserves. In particular, the Working Group should help the Regiment to understand that victims of sexual assault and sexual harassment require support, not condemnation. The Working Group needs to enlist the assistance of faculty and staff members in culture change, since all employees need to speak with one voice and deliver a consistent message. Cultural change messaging must target freshmen early, since they must develop a new mindset before they are influenced by the existing culture.

#### **4. Alcohol Use and Prevention Training:**

Heavy drinking has long been part of the maritime profession, and Midshipmen have embraced the drinking culture as their own. Freshmen are first exposed to drinking as part of the Academy’s college culture and male Midshipmen insisted that “they believe their drinking behaviors are not different or worse compared to that of a ‘typical’ college.”<sup>27</sup> Both male and female Midshipmen said that they drank to relieve stress, and noted that their propensity to drink off campus and on weekends is probably what gives faculty and staff the impression that they are alcoholics and binge drinkers. As sophomores and juniors on their

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<sup>27</sup> Office of People Analytics, *2018 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 44.

Sea Year experience, Midshipmen see professional mariners drinking heavily and they are encouraged to participate in this activity. Due to lax ship oversight and pressure to conform, many Midshipmen drink during Sea Year even though they may be underage.

Midshipmen do receive training on alcohol use and abuse, but they reported that the training they receive does not resonate with them. Midshipmen thought that the training focused too much on official policy and not breaking the rules. They suggested that training should address the mental and physical effects of drinking, and that messages regarding responsible drinking and moderation would be received more favorably. They also expressed a desire to have a trainer who understands their unique environment, like an alumnus of the Academy. Finally, Midshipmen advocated for re-opening of the campus pub, which they said provided the opportunity for them to learn how to drink responsibly in a social setting.

It is clear that the Academy must do more in the way of training Midshipmen about the dangers of alcohol abuse and binge drinking. Instead of simply telling Midshipmen that they should not drink, training should focus on the effects alcohol has on the human body and how alcohol reduces inhibitions that could lead to unwanted sexual contact. While training should stress responsible drinking, there are also many opportunities for Midshipmen of age to learn responsible drinking at Academy-sponsored social events, such as the Lanier Lecture series and Battle Standard Dinner. These events allow Midshipmen to drink in a controlled setting and interact with Academy leadership. Midshipmen of age can also drink in the Midshipman Pub, which the Academy reopened, albeit with controls in place to reduce the chance that they might over imbibe. Controls included replacing the Midshipman bartender with an employee who would monitor individual alcohol consumption and limiting the hours that the Pub was open. Additionally, Midshipmen do have the opportunity to interact with alumni in a social setting with alcohol. The annual Senior Luau, which is sponsored by the Alumni Association and Foundation, enables Midshipmen to meet and talk with alumni with alcohol available (limit of two beers per Midshipman).

## **Conclusions**

OPA's SAGR Focus Groups analysis provide the Academy with tremendous insight into the views and perceptions of Midshipmen, faculty, and staff regarding the SAPR program. It also provides the Academy with actionable recommendations for improving the program. Many of the recommendations are already being acted upon, such as offering small group training and providing opportunities for Midshipmen to practice responsible drinking. In other areas, the Academy has much to work on, such as promoting the SAPRO, advertising SAPRO resources, evaluating format and content of training, and pursuing culture change. With the exception of culture change, the areas to work on are readily achievable, and the Academy looks forward to reporting progress in awareness of the SAPRO and conduct of training. The Academy sees culture change as a multi-year project, with incremental shifts in thinking over time. With continued effort, the Academy will achieve this goal as well. The Academy's mission is to educate and graduate students of exemplary character to serve in the maritime industry or armed forces. It is the job of the Academy, aided by the SAPRO, to ensure that the mission is accomplished safely, with respect and dignity for all. The OPA's focus group sessions provide valuable assistance in helping the Academy, aided by the SAPRO, to produce the world's finest leaders and mariners.

**Appendix A - Excerpt from the Duncan Hunter National Defense  
Authorization Act for Fiscal Year 2009 (P.L. 110-417)**

**SEC. 3507. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.**

(a) **REQUIRED POLICY.** —The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) **MATTERS TO BE SPECIFIED IN POLICY.** —The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or non-forcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) **ANNUAL ASSESSMENT.** —

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

- (i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;
- (ii) the enforcement of such policies;
- (iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and
- (iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT. —

(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year. (C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4) (A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.

(B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

## Appendix B – Sexual Assault Prevention and Response Training

The following table shows SAPR training conducted during the 2018-2019 Academic Year.

<b>Training Provided or Overseen by the Sexual Assault Prevention and Response Office Academic Year: 2018/2019</b>					
Name of Training/Event	Audience	Date	Required?	Description	
SARB – Close out	Sexual Assault Review Board (SARB)	Monthly	Staff/Yes	A monthly review of all cases and utilized as training for senior staff	
Plebe Candidate (Class of 2022) Indoctrination Prevention Education Training	Approximately 300, broken down into groups of 25-30	July 2 SAPR I (101)	Yes	<u>SAPR I</u> : Academy mission statement. Learn to identify healthy and unhealthy relationship characteristics. Introduce the “continuum of harm.” Define bullying, hazing, joking, dating violence and stalking. Review on-line safety and introduction to the Safe Center.	
		SAPR I (102)			
		SAPR I (201)			
		SAPR-I (202)			
		July 3 SAPR I (B01)			
		SAPR I (B02)			
		SAPR I (301)			
		SAPR I (302)			
		July 5 SAPR I (401)			<u>Bystander Intervention</u> : Train students to take action and be active bystanders. Address barriers to intervening in bad situations and assessing situations. Train them to take action even if action is simply elevating to higher authority.
		SAPR I (402)			
SAPR I (501)					
		SAPR I			

		<p>(502)</p> <p>Bystander Intervention</p> <p>July 6 BIT (101) BIT (102)</p> <p>July 7 BIT (201) BIT (202)</p> <p>July 9 BIT (301) BIT (302)</p> <p>July 10 BIT (B01) BIT (B02)</p> <p>July 11 BIT (401) BIT (402)</p> <p>July 12 BIT (501) BIT (502)</p>		Utilize CDC approved MVP BIT.
Pre-Sea Training - 1 <sup>st</sup> sailing for 2020A	Approximately 175 Midshipmen	7/30/18	Yes	Where to find vessel policies on sexual assault and sexual harassment (SASH), reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies.
Bystander Intervention Class of 2020	Approximately 100 Midshipmen broken down into four groups of 25	7/30/18	Yes	<u>Bystander Intervention</u> : Train students to take action and be active bystanders. Address how to assess situations and barriers to intervention. Train them to take action even if action is simply elevating to higher authority. Utilize CDC approved MVP BIT.

Pre-Sea Training - 1 <sup>st</sup> sailing for 2021 A	Approximately 125 Midshipmen	8/27/18	Yes	Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies.
Bystander Intervention Class of 2020 and 2021	Approximately 100 Midshipmen broken down into four groups of 25	8/27/18	Yes	<u>Bystander Intervention:</u> Train students to take action and be active bystanders. Address how to assess situations and barriers to intervention. Train them to take action even if action is simply elevating to higher authority. Utilize CDC approved MVP BIT.
Fraternization led by Human Relations Officers	Approximately 125 Midshipmen Class of 2022	9/17/18	Yes	Student leadership addressed underclassmen in the dynamics of fraternization. Provided definitions, explained why it is toxic and how to avoid it. Encouraged maintaining healthy relationships.
New Employee Orientation for faculty and staff	Approximately 2	9/17/18	Yes	Introduction to the SAPR program, policies, reporting options, victim advocate program, and Executive Board procedures. Briefing on resources available on Academy campus.
Fraternization led by Human Relations Officers	Approximately 130 Midshipmen Class of 2021	9/20/18	Yes	Student leadership addressed underclassmen in the dynamics of fraternization. Provided definitions, explained why it is toxic and how to avoid it. Encouraged maintaining healthy relationships.
Bystander Intervention Class of 2020 and 2021	Approximately 73 Midshipman broken down into four groups	10/12/18	Yes	<u>Bystander Intervention:</u> Train students to take action and be active bystanders. Address how to assess situations and barriers to intervention. Train them to take action even if action is simply elevating to higher authority. Utilize CDC approved MVP BIT.

Bystander Intervention Class of 2020 and 2021	Approximately 6 Midshipman	10/15/18	Yes	<u>Bystander Intervention:</u> Train students to take action and be active bystanders. Address how to assess situations and barriers to intervention. Train them to take action even if action is simply elevating to higher authority. Utilize CDC approved MVP BIT.
Faculty and staff annual training	Approximately 125 faculty and staff	10/19/18	Yes	VA/PE instructed faculty and staff on reporting options available on campus, culture of sexual assault, impact of victim blaming.
Faculty and staff annual training "Neurology of Trauma"	Approximately 150 faculty and staff	11/05/18	Yes	NYPD Detective Lisa Lastorino described the implications of trauma as it affects memory and day to day life functions.
Pre-Sea Training - 2 <sup>nd</sup> sailing for 2021B	Approximately 51 Midshipmen	12/03/18	Yes	Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training.
New Employee Orientation	Approximately 7 faculty and staff	12/10/18	Yes	Introduction to the SAPR program, policies, reporting options, victim advocate program, and Executive Board procedures. Briefing on resources available on Academy campus.
Faculty and staff annual training make up	Approximately 22 personnel	12/11/2018	Yes	VA/PE instructed faculty and staff on reporting options available on campus, culture of sexual assault, impact of victim blaming.
Bystander Intervention Class of 2021	Approximately 124 Midshipmen	1/14/19	Yes	<u>Bystander Intervention:</u> Train students to take action and be active bystanders. Address how to assess situations and barriers to intervention. Train them to take action even if action is simply elevating to higher authority. Utilize CDC approved MVP BIT.
Showing of <i>The Invisible War</i> and	Approximately 194	1/14/19	Yes	Students watched <i>The Invisible War</i> , a documentary on sexual

discussion panel Class of 2019	Midshipmen			assault in the armed forces. Students then broke down into three groups for panel discussions, which involved senior leadership.
Sea Year Lecture Class of 2021B	70 Midshipman	2/14/19	Yes	Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training.
Male Victimization	85 Midshipman Regimental Training	3/25/19	Yes	Defined male victimization, discussed common male reactions to trauma to include myths vs facts of sexual violence. Provided psychoeducation regarding psychological, physical, and emotional impacts of sexual violence.
Sea Year Lecture Class of 2022B	Approximately 125 Students	3/25/2019	Yes	Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training.
Day of Observance – Sexual Assault Awareness Month (SAAM) Pep Rally	Approximately 700 Midshipmen	4/1/2019	Yes	Leadership provided opening statements regarding perspective, support and sexual assault prevention.
Pier 142 Open Discussion Midshipmen Led Session 1 of 3 SAAM	Approximately 15 Midshipmen	4/2/2019	No	Informational session. Midshipmen led table discussions regarding, restricted vs. unrestricted reporting options, confidential sources, mandated reporters, and ethics.

Open discussion Q&A table during lunch period ( <i>Patten in Delano</i> ) Session 1 of 4 SAAM	Approximately 400 Midshipmen	4/4/2019	No	Informational session focused on SANE policy/procedures, what happens in the ER, evidence collection, and patient advocacy. SAFE Center of LI representative present.
Open discussion Q&A table during lunch period ( <i>Patten in Delano</i> ) Session 2 of 4 SAAM	Approximately 400 Midshipmen	4/11/2019	No	Informational session focused on emergency response on campus. EMs assisted with providing knowledge base regarding response procedures in medical emergencies and on call services.
Speaker event	Approximately 500 Midshipmen	4/15/2019	Yes	" <i>Toxic Masculinity</i> " presented by The Safe Center Long Island LLC
Pier 142 Open Discussion Midshipmen Led Session 2 of 3 SAAM	Approximately 17 Midshipmen	4/16/2019	No	Midshipmen led table discussions regarding consent. Discussions included cultural background influences on consent, Midshipmen perspectives, and how to ask for consent with peers.
Open discussion Q&A table during lunch period ( <i>Patten in Delano</i> ) Session 3 of 4 SAAM	Approximately 400 Midshipmen	4/18/2019	No	Informational session focused on recovery and care. Medical representative present and assisted discussions on counseling services provided at USMMA, medical moderating, and returning to duty after injury.
Pier 142 Open Discussion Midshipmen Led Session 3 of 3 SAAM	Approximately 17 Midshipmen	4/23/2019	No	Midshipmen led table discussions regarding sexual assault and harassment issues while on sea duty.

Denim Day	Midshipmen, faculty and staff invited to wear denim jeans	4/24/2019	No	Denim Day shows solidarity with victim of Italian rape case in which judge said the woman's jeans were too tight for the perpetrator to remove, therefore she could not have been raped.
SAAM 5K Run	25 Midshipmen	4/28/2019	No	United as a group, Midshipmen showed unity to promote awareness and prevention of sexual violence and harassment at the Academy and at sea.
SAAM Recreational Day	100 Midshipman	4/29/2019	No	Faculty, staff, and Midshipmen participated in multiple activities to express unity and awareness for sexual violence.
SAAM Close Out Event	400 Midshipmen	4/30/2019	Yes	USMMA leadership closed out SAAM with remarks. Leadership reflected key points during the past four weeks and challenged all Midshipmen to treat each other with dignity and respect.
Fraternization Training - Indoctrination Cadre for class of 2023	Approximately 80 students	6/03/2019	Yes	Leadership addressed training cadre in the dynamics of fraternization. Provided definitions, explained why it is toxic and how to avoid it. Encouraged maintaining healthy relationships.

## **Appendix C - Sexual Assault Prevention and Response Program Campaign**

For AY 2018-2019, the Academy implemented numerous actions while modifying existing policies to meet the program's goals and objectives. Below are key actions that were implemented or modified to prevent sexual assault and sexual harassment.

### **Climate**

- Completed the *U.S. Merchant Marine Academy Strategic Plan 2018-2023: Navigating Towards the Future Together*
- Formed Strategic Plan Working Group 2: Institutional Culture to examine ways in which to influence Regimental culture so that women feel more accepted and victims of sexual assault and sexual harassment feel supported by their schoolmates.

### **Prevention**

- Continued freshmen class indoctrination to include scenario-based sexual assault prevention and response training.
- Required freshmen to complete EverFi Haven training. Haven is computer-based training designed to comply with educational requirements relating to sexual misconduct in Title XI and the Clery Act.
- Conducted more than 60 training and awareness events.
- Renewed the Academy's 24/7 hotline, contracted through the Rape, Abuse and Incest National Network, and enabling Midshipmen to talk to a counselor any time of the day or night from anywhere in the world.
- Conducted "Sea Year" surveys to enable anonymous Midshipman feedback regarding the Sea Year experience.
- Continued to employ interactive computer based training, developed by the Ship Operators Cooperative Program, in preparing Midshipmen for their Sea Year experience.
- Academy representatives attended the "National Discussion on Sexual Assault and Sexual Harassment at America's Colleges, Universities and Service Academies," a two day-long plenary and seminar session event on sexual assault prevention and response topics.
- Developed a comprehensive program for Sexual Assault Awareness Month, featuring guest speakers, seminars, and showing of the movie *The Invisible War* with panel discussion afterward.
- Allowed students to wear jeans in lieu of uniforms to the evening meal to promote "Denim Day," a world-wide awareness campaign that debunks myths about rape.

### **Response**

- Recruited and trained Midshipmen, faculty and staff Victim Advocates.

- Trained Emergency Medical Service personnel and Human Relations Officers in sexual assault prevention and response.
- Hired a Special Victim Advisor.
- Hired one Prevention Educator/Victim Advocate.
- Trained Midshipman Human Relations Officers (HROs) in each company to serve as a resource for information regarding sexual harassment and sexual assault within the Regiment of Midshipmen.
- Provided advocacy services for Midshipmen requesting support.

### **System Accountability**

- Closed seven (of ten) recommendations made by the DOT OIG in its report, *Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness*.
- Drafted Superintendent Instruction 2019-06, *Plan to Combat Retaliation*.
- Drafted Standard Operating Procedure for Processing a Restricted or Unrestricted Report of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence or Stalking Against a Midshipman at the United States Merchant Marine Academy.
- Drafted Standard Operating Procedure for Investigating Unrestricted Reports of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence or Stalking at the United States Merchant Marine Academy.
- Drafted Standard Operating Procedure for the Maintenance of Reports and Training Materials in the Sexual Assault Prevention and Response Office at the United States Merchant Marine Academy.
- Drafted Standard Operating Procedure for Satellite Texting Devices.
- Drafted Standard Operating Procedure for Validation of the Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Case Tracker.
- Continued monthly Sexual Assault Review Board comprised of senior Academy personnel with the goal of addressing systemic issues surrounding sexual assault prevention, and victim advocacy issues. The Board is chaired by the Superintendent or the Deputy Superintendent.
- Provided Garmin InReach GPS texting devices to Midshipmen, giving them the ability to contact the Academy while they are on sea duty.

## Appendix D – 2019 Student Focus Group Guide

### Part 1: Introduction to the Focus Groups (8 min)

Hello everyone. Thank you for taking the time to meet with us today. My name is \_\_\_\_\_. My colleague, \_\_\_\_\_, and I are here on behalf of the DoD Office of People Analytics, also known as OPA. While I will be leading today's discussion \_\_\_\_\_ will be taking notes, so that I can concentrate on what everyone is saying today.

I want to mention a couple of things before we get started.

- **This is intended to be a conversation among peers.** I was hired to run this focus group so you won't hurt my feelings or offend me with whatever you say. I don't have a personal stake in these results.
- **There are no wrong answers.** As staff members at this academy you know a lot about the topics we plan to discuss, and I'm here to listen to you and get your perspective. Please speak up, especially if what you have to say is different than what someone else is saying. You may represent what a lot of other people think.
- **We are not trying to come to consensus.** It's OK for there to be disagreement and in fact I welcome different points of view. Please share what is true for you. In the spirit of this, I ask that you remain respectful of each other's opinions during our discussion. Everyone in this room may see things differently and we want to hear everyone's perspective.
- **Your participation is completely voluntary,** meaning that you do not have to answer every question and you can withdraw from this study at any time. However, I do encourage your full participation today to ensure that I am getting a representative response.
- As I mentioned, my colleagues are here for notetaking purposes. **We will be recording comments but will not be recording names or other identifying information.** We are interested in what is being said, not who is saying what.
- We will be **audio-recording today's session.** The audio files will be transcribed and then destroyed after 90 days.
- **This is a non-attribution session.** To the extent permitted by law, OPA does not publish or share anything outside this room that can be attributed to any one of you specifically. We ask your cooperation in protecting the privacy of the comments made within this session by not saying anything that would identify you or other participants. For example, do not state your name. In addition, we also ask that you do not discuss the focus group proceedings after you leave.

Today, we will be discussing sensitive topics of gender-related issues, including sexual assault and harassment. I know this can be a fairly awkward topic to discuss but it is an important discussion to have. I want to emphasize that we are here to learn from you and your perceptions here, so please feel free to speak candidly. Your knowledge and experiences offer valuable insight on these important issues. However, I do not want to discuss any specific cases of sexual assault or sexual harassment. I would like to discuss these issues more generally so we can provide guidance to leadership to create the best environment possible for the students here at the Academy.

The information you provide today is a part of a larger study that will help DoD leadership to better understand gender-related issues here as well as at the other service academies.

In the interest of time, we may need to move on from one topic to get to another area of interest.

Does anyone have any questions?

Before we begin, I'd like to take a moment to go around the room and get to know each other a little bit better.

What is something you like to do here at <<Academy>> in your off time?

## Part 2: Gender Relations at the Academy, Leadership, and Resources (18 min)

### Gender Relations

**Warm up Question:** Thinking about your day-to-day at the Academy, what is your role here at the Academy?

**Warm up Question:** Who do you consider some of the most influential people for cadets'/midshipmen's Academy life?

**Probe:** What makes them influential?

When it comes to topics related to men and women here at the Academy, who influences the cadets'/midshipmen's beliefs?

### Grading Leadership

*MODERATOR NOTE: Hand out grading exercise for Senior Leadership*

Now, I would like everyone to take a moment and think about Academy Senior Leadership, including the Superintendent, Commandant, Vice/Deputy Commandant, and Dean in your definition. How would you grade their handling of issues related to sexual assault at the Academy? How would you grade their handling of issues related to sexual harassment at the Academy?

I understand this grade may depend on an individual person, but let's start by grading leadership as a whole.

A B C D F

**Probe:** Tell me some reasons for your "grade?"

**Probe:** What are some things they do to handle issues related to sexual assault that sets them apart from others?

**Probe:** What are some things they do to handle issues related to sexual harassment that sets them apart from others?

**Probe:** What can they do to get a higher grade?

*MODERATOR NOTE: Collect Academy senior leadership handout AND hand out peer leadership exercise*

Now I would like you to grade cadet/midshipmen leadership on the same issue. Peer leaders could include students higher in the chain of command, student unit leaders, and battalion commanders. What grade would you give cadet/midshipmen leadership on their handling of issues related to sexual assault at the Academy?

What grade would you give cadet/midshipmen leadership on their handling of issues related to sexual harassment at the Academy?

A B C D F

**Probe:** Tell me some reasons for your "grade?"

**Probe:** What are some things they do to handle issues related to sexual assault that sets them apart from others?

**Probe:** What are some things they do to handle issues related to sexual harassment that sets them apart from others?

**Probe:** What can they do to get a higher grade?

*MODERATOR NOTE: Collect Academy cadet/midshipmen peer leadership handout*

### SAPR/SHARP Office

When I mention the SAPR/SHARP office, NOT the SAPR/SHARP training, what are some words that come to mind?

*MODERATOR NOTE: Keep the conversation on resources and reporting and separate from training.*

**Probe:** How comfortable are students going to the SAPR/SHARP office?

**Probe:** Are you comfortable sending students to the SAPR/SHARP office?

**Probe:** When it comes to SAPR/SHARP related issues, who do you consider as the go-to person? Why?

### **Part 3: Rules and Culture at the Academy (18 min)**

#### **Culture**

Now I would like to take some time to talk about the culture here at the Academy.

If you had to describe the culture here to someone that had never been stationed at the Academy, what would you tell them?

#### **Official and Unofficial Rules**

What are some of the official rules at the Academy that affect how men and women interact together?

**Probe:** What are some of the positive effects?

**Probe:** What are some of the negative effects?

What are some of the “unwritten” rules the cadets/midshipmen learn to do but are not in any rule book?

**Probe:** How do some of these unwritten rules affect how men and women interact together?

**Probe:** Who teaches the cadet/midshipmen those unwritten rules?

**Probe:** When do they learn these unwritten rules?

**Probe:** Who else was there when they learned some of these unwritten rules?

What are the unwritten rules for different class years?

What are the unwritten rules for women here?

What are some of the unwritten rules for men here?

How would you describe the relationship between class years?

#### **Culture**

What role do you play in Academy culture?

What are some of the things you try to teach cadets/midshipmen during their time at the Academy?

What aspects of Academy culture do you think should change?

**Probe:** What are some ways the Academy can encourage this change?

#### **#metoo at the Academy**

Starting in 2017 a number of high profile sexual misconduct cases gained attention in the media, causing #metoo, and other hashtags to take off.

Now, we could spend our entire focus group speaking about this issue, however, I would like us to focus our conversation here at the Academy rather than speaking about our Nation as a whole.

How has #metoo affected the Academy?

**Probe:** What types of conversations have you heard around #metoo here at the academy?

**Probe:** What, if any, are some positive effects you have seen here at the Academy?

**Probe:** What, if any, are some negative consequences of #metoo, here at the Academy?

## Part 4: Reporting (15 minutes)

### Role in Reporting

What is your role in the reporting process?

What tools do you use to fulfill your role?

What additional resources would you want that you do not currently have to help assist you in the reporting process?

**Probe:** Without speaking about a specific case, what are some of the challenges to interacting with potential victims?

**Probe:** What about potential perpetrators?

### Barriers to Reporting

Now I would like to speak about the reporting of sexual assault and sexual harassment here at <<Academy>>. Here at <<Academy>> the number of people that made an official report of sexual assault last school year was far less than the number of incidents that occur. This includes both cadets/midshipmen who make restricted and unrestricted reports. Based on your knowledge of the Academy and your fellow students, how would you close this gap?

**Probe:** What are some things the Academy can do to get those reluctant to report the options they need?

**Probe:** What do you think causes the difference between the number of reports versus the number of incidents?

**Probe:** What specific barriers are there to reporting incidents of sexual assault?

**Probe:** Are there any barriers specific to class year?

**Probe:** How might there be a difference in reporting for men versus women?

*Moderator note: If false reporting does not come up naturally, probe around the topic. Example probes: What kind of things do people say about false reporting here at the academy? How prevalent do you think false reporting is at the academy? What steps are in place to prevent false reporting? How does this impact reporting overall/true reports?*

There was also a gap between the official reports of sexual harassment and the number of incidents that occur.

**Probe:** What are the barriers for reporting sexual harassment?

**Probe:** Do cadets/midshipmen know how to report sexual harassment?

**Probe:** How are these different than barriers to reporting sexual assault?

## Part 5: Boundaries and Intervention (12 min)

### Intervention

*MODERATOR NOTE: Hand out exercise for Intervention*

Please turn to the handout in front of you. When interacting with cadets/midshipmen, leaders, friends, or coworkers we all have different boundaries.

You will see a line down the middle of the paper. I want that line to represent where you think most cadets'/midshipmen's boundary for when they would intervene in a situation they are witnessing. You will also see a set of stickers with words and phrases. I would like you to stick these words and phrases on either the left or the right side of the line: those that they would not intervene in on the left side and those that they would intervene in on the right side. I also understand that some things might be in a gray area, you can place those on the line.

When placing these stickers on the sheet please think about a cadet/midshipman witnessing a situation occurring between two cadets/midshipmen that they do not know well.

*LIST OF BEHAVIORS TO INTERVENE IN: telling sexual jokes, making sexual gestures, sharing sexual pictures or videos of themselves, sharing sexual pictures or videos of another cadet/midshipman, bullying on social media, talking about their sexual activity, asking about sexual activity or preferences, making repeated attempts to establish a romantic or sexual relationship with the same person, touching someone, making comments based on gender, making sexual advances, horseplay or rough housing, taking advantage of someone who is passed out, taking advantage of someone who drank too much, sexually assaulting someone*

*Moderator Note: Participants should not try to move the stickers around during the discussion.*

**Probe:** What behaviors did you place on the "would intervene" side?

**Probe:** Tell me your thinking behind placing those items on that side?

**Probe:** What behaviors did you place on the "would not intervene" side?

**Probe:** Tell me your thinking behind placing those items on that side.

**Probe:** (If there are stickers in "gray area") What would move that sticker to the left or right side of the page?

*MODERATOR NOTE: Collect first handout and hand out second exercise for Intervention*

Now look at the next handout. I would like you to do the same exercise, but imagine that the cadet/midshipman is witnessing a situation occurring between two cadets/midshipmen that they know well.

**Probe:** For those who had scenarios changed sides, tell me about your thought process.

**Probe:** How might the behavior change sides if the cadets/midshipmen involved were in a romantic relationship?

**Probe:** How might the behavior change sides if the cadets/midshipmen involved were upper-classmen?

**Probe:** How might the behavior change sides if the cadets/midshipmen involved were lower-classmen?

**Probe:** How might the behavior change sides if the witnessing cadet/midshipmen knew the person who allegedly perpetrated the act, but not the potentially victimized person?

**Probe:** How might the behavior change sides if the witnessing cadet/midshipmen knew the potentially victimized person, but not the person who allegedly perpetrated the act?

*Moderator Note: Collect the handouts.*

What are some intervention techniques cadets/midshipmen have been taught that they would use if they felt someone was crossing their boundary?

**Probe:** Which behaviors would they use that technique for?

What are some intervention techniques cadets/midshipmen have been taught that they would use if they felt that they were witnessing a situation that was crossing someone else's boundary?

**Probe:** Which behaviors would they use that technique for?

Thinking about the intervention training they have received, what techniques do you think would be more realistic to use in real life?

**Probe:** What are some of the reasons you think they would or would not use that method.

How does intervention change when cadets/midshipmen are off-campus versus on-campus?

## **Part 6: Training (16 min)**

### **Alcohol Training**

Here at the Academy there are a variety of trainings. I would like to take some time to talk about some of those trainings.

What are some trainings students receive regarding alcohol usage?

**Probe:** How do cadets/midshipmen view these trainings?

**Probe:** What from these trainings do you think are impactful?

**Probe:** What messages miss the mark?

**Probe:** What changes would you make to the alcohol trainings?

### **SAPR/SHARP Training**

Now I would like to speak about SAPR/SHARP trainings.

What is your role in SAPR/SHARP trainings?

What are some things that you find most helpful or useful from the various trainings you receive on sexual assault?

What are some things that you find most helpful or useful from the various trainings you receive on sexual harassment?

What are some things that you find least helpful or useful from the various trainings you receive on sexual assault?

What are some things that you find least helpful or useful from the various trainings you receive on sexual harassment?

What are some things people need to know, but don't, regarding sexual assault?

What are some things people need to know, but don't, regarding sexual harassment?

Thinking about the trainings the students receive, how effective are they in preparing cadets/midshipmen to be an officer?

**Probe:** How can the SAPR/SHARP trainings better prepare cadets/midshipmen to be an officer?

**Probe:** If a future subordinate came to them to discuss being the victim of unwanted sexual contact, how has the training they received helped them to assist that person?

**Part 7: Conclusion (3 min)**

That wraps up my prepared questions for today, but if you have anything you would like to add to today's discussion I open the floor to you.

Thank you for taking the time to speak with me today. Your insights have provided valuable feedback.

**Appendix E - Intimate Partner Violence, Sexual Harassment,  
and Sexual Assault Prevention Action Plan**

**Academic Year 2018-2019**

Reports	Responsible	Status	Target	Complete	Amended
Submit Interim Report to Congress	Deputy Superintendent, SARC		12/18	Complete	
Final Report to Congress	SARC, Deputy Superintendent	OPA has not yet provided final analysis	4/19		Carry over to 2019-2020 Plan of Action
OPA set up for 2018-2019 Focus Group SAGR student survey	Lead: Commandant SARC	Ongoing	4/19	Complete	
Clery Report and Annual Security report for DOE	DPS COM SARC		10/18	Complete	
Climate	Responsible	Status	Target	Complete	Amended
Provide NDAA mandated training.  Those to be trained under this requirement: Commandant, Deputy Commandant, Regimental Officer, Company Officers, Command Duty Officers, Sexual Assault Response Coordinator, Sea Year Liaison, Victim Advocate/Prevention Educators, Volunteer Victim Advocates, Patten Health Clinic Counselors, Chaplain, SASH Investigator, Executive Board members, Superintendent, Deputy Superintendent, Regimental Human Relations Officer, Company Human Relations Officers, Regimental Sexual Assault	SARC, DEP SUP, CMDT		10/18		Carry over to 2019-2020 Plan of Action

Victim Advocate.					
Confer with other federal service academies and universities to obtain and share best practices in prevention and response strategies	Superintendent, Commandant, Dean, Professional Development and Career Services (PDCS), SARC	Superintendent attended COSAS in April 2019; Deputy Superintendent attended service academy summit at USNA in April 2019		Complete	
Domestic Violence Awareness Month Stalking Awareness Month Dating Violence Awareness Month	SARC, HRO's, Student Activities Director, Patten, Athletics, Commandant, Dean				Carry over to 2019-2020 Plan of Action
Sexual Assault Awareness Month	SARC, Superintendent, HRO's, Student Activities Director, Athletics Commandant, Dean, Deputy Superintendent, Patten		4/19	Complete	
Appoint Human Relations Officers for a yearlong commitment	Commandant, SARC		4/19	Complete	
Provide focused training for staff and faculty and administration	SARC, Dean, Civil Rights HR Executive Officer		6/19		Carry over to 2019-2020 Plan of Action
<b>Prevention</b>	<b>Responsible</b>	<b>Status</b>	<b>Target</b>	<b>Complete</b>	<b>Amended</b>
Conduct Plebe Indoctrination Training Plan for the Class of 2022	Commandant, SARC	Complete	7/18	Complete	

Develop Plebe Indoctrination Training Plan for the Class of 2023	Commandant, Deputy Superintendent SARC		5/19	Complete	
Athletics / NCAA  Each team will sign a code of conduct policy under athletics	AD, SARC		6/19	Complete	
Conduct training for all MN, faculty and staff, IAW SI 2018-05	SARC, Prevention Educators, Deputy Superintendent, Dean CMDT PDCS		6/19	Complete	
Retaliation Working Group to complete plan for reducing barriers for reporting	CMDT SARC DEAN AD Deputy Superintendent PDCS Naval Science	No product from Retaliation Working Group; plan crafted by Samantha Goodwin	12/18	75%	
Provide alcohol awareness education and partner with other service academies and universities to enhance alcohol awareness efforts	Lead: Commandant	Worked with USNA to use some of their training materials and information	6/19	Complete	
<b>Response</b>	<b>Responsible</b>	<b>Status</b>	<b>Target</b>	<b>Complete</b>	<b>Amended</b>
Engage returning Sea Year midshipman and reintegrate into Academy life and professional environment	PDCS, Commandant, Dean, SARC		Following each sea year rotational return ending 6/19	Complete	
Conduct sea year brief/training with	PDCS, SARC		6/19	Complete	

emphasis on reporting avenues and bystander intervention					
Train any new personnel who will serve as Campus Security Authorities (CSA)	DPS, SARC		8/18 4/19	Complete	
Train new employees on SASH response options, office location, policy	SARC		Bi-Annually	Complete	
<b>Accountability</b>	<b>Responsible</b>	<b>Status</b>	<b>Target</b>	<b>Complete</b>	<b>Amended</b>
Adhere to SI policy changes that encourage reporting and bystander intervention	SUPT, DEP SUPT Legal		6/19	Complete	
<b>Assessment</b>	<b>Responsible</b>	<b>Status</b>	<b>Target</b>	<b>Complete</b>	<b>Amended</b>
Work with Campus Labs to assess effectiveness of prevention/Intervention approaches	SARC, Institutional Assessment, CAMPUS LABS		6/19	Complete	
Assess Student Activities for effectiveness (attendance, feedback etc.)	Student Activities Director  Institutional Assessment  CMDT		6/19	Complete	
CHRO/RHRO/RSAVA student leadership involvement in awareness and diversity month events, conflict resolution, SAAM	Institutional Assessment  Regimental Leadership  CMDT SARC OCR		6/19	Complete	
Assess effectiveness of student recreation	Commandant		6/19	N/A	Combine with

programs (attendance, feedback, etc.)					assessment of Student Activities
<b>Administrative</b>	<b>Responsible</b>	<b>Status</b>	<b>Target</b>	<b>Complete</b>	<b>Amended</b>
Update SI 2013-02, Policy against Discrimination and Harassment	Civil Rights, SARB, Legal		12/18		
Develop 2019-2020 Plan of Action	SARB	In progress	6/19		
Close out 2018-2019 Plan of Action	SARB		6/18	Complete	