



**Combined Academic Program Years 2019-2020, 2020-2021, 2021-2022,  
and 2022-2023 (through 12/15/22)  
Annual Report  
on  
Sexual Harassment and Sexual Assault at the  
United States Merchant Marine Academy**

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## Foreword

This Combined Report covers the Academic Years (AY) of July 1, 2019 to June 30, 2020; July 1, 2020 to June 30, 2021; July 1, 2021 to June 30, 2022; and July 1, 2022 to December 15, 2022 and is submitted to meet the requirement of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. The U.S. Department of Transportation (DOT), the Maritime Administration (MARAD), and the United States Merchant Marine Academy (USMMA) understand the critical importance of reporting timely data on sexual assault and sexual harassment and are working to ensure that future reports are made pursuant to statutory deadlines.

It is critical that the extraordinary Midshipmen who attend USMMA receive a world class education in an environment that prioritizes their safety—ashore and at sea. In November 2021, MARAD and USMMA paused Sea Year training so that DOT, MARAD, and USMMA could strengthen policies and procedures to help prevent sexual assault and harassment, improve the support provided to survivors, and support a culture of accountability at sea. In December 2021, MARAD introduced the “Every Mariner Builds a Respectful Culture” (EMBARC) program, which enumerates sexual assault and sexual harassment prevention and response procedures that commercial carriers must implement to be eligible to carry USMMA cadets.

In December 2021, MARAD and USMMA also introduced a new Superintendent’s Instruction to govern Sea Year and a revised Sea Year guide. These policies strengthen the support we provide to cadets in many ways. For example, the policies require all cadets be equipped with USMMA-furnished satellite phones during Sea Year. Cadets are authorized to use those phones to call the Academy or anyone in their support networks—including family and friends. The USMMA also updated the amnesty policy for Midshipmen to encourage reporting by those who experience or witness sexual assault or harassment; this revised policy applies at sea and on the USMMA campus.

On December 22, 2021, MARAD lifted the Sea Year pause. Embarkations at sea initially began on vessels operated by the Military Sealift Command (MSC), the U.S. Navy, and the U.S. Coast Guard. With extraordinary support from these Federal partners, the Class of 2023 is positioned to take their licensing exams on time and graduate from the Academy on time.

As of December 15, 2022, there are 14 carriers enrolled in EMBARC and several additional carriers are considering enrollment. Enrolled companies are working to increase the number of ships carrying cadets. As additional operators have enrolled in EMBARC, cadet embarkations aboard commercial vessels have increased.

MARAD and the Academy are also working to strengthen the Sexual Assault Prevention and Response office at the Academy, and to assess, strengthen, and better communicate Academy-wide sexual assault and sexual assault prevention and response policies.

Critically, we understand that these are just the first steps in what must be an ongoing and urgent effort to improve safety for USMMA Midshipmen—at sea and on campus. The U.S. Department of Transportation is committed to continuing to work closely with Congress—and

with USMMA Midshipmen, leadership, faculty, and staff; as well as industry; labor; the State Maritime Academies; our Federal partners; and other stakeholders—to advance urgently needed culture change throughout the maritime industry to strengthen safety for all mariners.

## Executive Summary

**Report Summary:** This Combined Report summarizes Academic Years (AYs) 2019-2020, AY 2020-2021, AY 2021-2022, and AY 2022-2023 (through 12/15/22) reported sexual assault and sexual harassment offenses and the disposition of completed cases at the United States Merchant Marine Academy (USMMA or Academy).

For AYs 2019-2020, AY 2020-2021, AY 2021-2022, and AY 2022-2023 (through 12/15/22), this combined report provides reported sexual assault, sexual harassment, gender-based harassment, relationship violence, and stalking offenses, including the statuses of completed cases. Summary data are provided below:

<b>Academic Year</b>	<b>Reported Cases of Sexual Assault</b>	<b>Reported Cases of Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking</b>
<b>2019-2020</b>	6	4
<b>2020-2021</b>	9	6
<b>2021-2022</b>	6	15
<b>2022-2023 (through 12/15/22)</b>	5	10

Under unrestricted reporting, for complaints occurring on campus, administrative investigations are currently undertaken by the Academy's Department of Public Safety. However, the Academy is in the process of contracting with a company to provide additional investigatory services. On September 23, 2022, the State of New York accepted concurrent jurisdiction over crimes committed at USMMA when it signed the Notice of Relinquishment executed by the Deputy Secretary of Transportation. On October 19, 2022, MARAD entered into a Memorandum of Understanding (MOU) with the New York State Office of Attorney General, the Nassau County District Attorney's Office (NCDA), the Nassau County Police Department (NCPD), and the Kings Point Police Department (KPPD), under which local authorities will investigate and may prosecute misdemeanor crimes of sexual assault, relationship violence, stalking, and felonies (except those involving national security or committed against the Federal government) occurring on Academy grounds. Previously, criminal investigations were conducted by Federal law enforcement. Concurrent jurisdiction will provide another avenue of redress for survivors who wish to pursue a criminal investigation. Both the NCDA and NCPD have dedicated Special Victims' Units, staffed by personnel with significant expertise in the investigation and prosecution of sexual assault cases.

For unrestricted reports of incidents occurring at sea, administrative investigations are undertaken by the shipping or operating company (and, if a Midshipman is involved as a potential perpetrator, by USMMA), and criminal investigations at sea are conducted by the United States Coast Guard. Criminal investigations off campus are conducted by the law enforcement agency with criminal jurisdiction over the incident.

**Disruptions Due to the COVID-19 Pandemic:** In AY 2019-2020, the Academy was due to conduct a Service Academy Gender Relations (SAGR) survey. Although the U.S. Department of Defense's Office of People Analytics (OPA) remained under contract to conduct SAGR surveys and focus group sessions with USMMA Midshipmen, faculty, and staff, the survey was canceled in AY 2019-2020 due to the Coronavirus Disease 2019 (COVID-19) pandemic.

In AY 2020-2021, the Academy was due to conduct focus group sessions. However, due to the disruptions caused by the COVID-19 pandemic and the cancellation of the AY 2019-2020 survey, OPA conducted a Mixed Methods Study that included a voluntary online survey and virtual focus group sessions. From the end of February 2021 through the beginning of March 2021, OPA solicited Midshipmen participation in an online web survey. Subsequently, OPA conducted three virtual focus group sessions in 2021 on March 29, April 6, and April 8.

**Combined Report:** Given the delays in the development of the AY 2019-2020 and AY 2020-2021 Annual Reports on Sexual Harassment and Sexual Assault, the two Reports have been combined into this single Report. To improve transparency, we have also reported the data from AY 2021-2022 and AY 2022-2023 (through 12/15/22). The Combined Report also includes an Annual Plan setting forth the actions that are being taken to help strengthen prevention of and response to sexual harassment and sexual violence involving Midshipmen and other Academy personnel.

## Legislative Requirement

This report is produced in compliance with the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Duncan Hunter Act or the Act) (P.L. 110-417), title XXXV – Maritime Administration, section 3507, codified at 46 U.S.C. § 51318(d). 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 Act also requires the Academy to prescribe a policy on sexual harassment and sexual violence and to develop a Plan of Action for the upcoming year. In a survey year, the Academy contracts with the U.S. Department of Defense’s Office of People Analytics (OPA) to provide an analysis of data collected from students (quantitative assessment). In the year after a survey year, the Academy conducts focus group sessions, which provide a qualitative interpretation of the previous year’s survey data.

In AY 2019-2020, the Academy was due to conduct a survey. Although OPA remained under contract to conduct Service Academy Gender Relations (SAGR) surveys and focus group sessions with USMMA Midshipmen, faculty, and staff, the survey was canceled in AY 2019-2020 due to the Coronavirus Disease 2019 (COVID-19) pandemic. Surveys—and focus groups—usually contain the information MARAD uses to fulfill the assessment requirement of 46 U.S.C. § 51318(c). The absence of the survey in AY 2019-2020 foreclosed MARAD’s ability to provide the assessment information responsive to section 51318(c) for AY 2019-2020.

In AY 2020-2021, the Academy was due to conduct focus group sessions. However, due to the disruptions caused by the COVID-19 pandemic and the cancellation of the AY 2019-2020 survey, OPA conducted a Mixed Methods Study that included a voluntary online survey and virtual focus group sessions.

From February 2021 through the middle of March 2021, OPA solicited Midshipmen participation in an online web survey to support OPA’s 2021 Academy Climate and Networking Study. Specifically, OPA examined the characteristics of influential USMMA students as well as students’ social norms. OPA’s study at USMMA on these topics was consistent with studies of the same topic conducted by OPA at other service academies during 2021.

The OPA survey was voluntary and confidential and the response rate at USMMA was 44.9%. As part of the survey, Midshipmen were asked to nominate five Academy peers whom they:

- looked up to;
- respected;
- thought was a good leader in sports and other extracurricular activities;
- would want to command the unit into which they commission; and
- had a presence on social media that they liked, followed, or enjoyed.

Midshipmen were also asked to nominate five Academy peers to whom they felt close.

In April 2021, OPA conducted six virtual meetings with the Midshipmen most often identified as influential or as being part of a social network.

In a presentation dated August 30, 2022, USMMA and MARAD received from OPA the near-final results of the 2021 mixed method study. Overall, the OPA study found that Midshipmen have appropriate expectations of one another but that actual behavior does not meet these norms. Further, for some norms, such as encouraging healthy drinking behaviors or holding others accountable to Academy rules, Midshipmen were found to have lower expectations of one another. Based on these findings, OPA recommended that USMMA review its prevention plan to ensure that the plan addresses (1) the mismatch between Midshipmen's expectations of one another and their actual behavior, and (2) persistent behavioral problems. OPA also recommended that USMMA's prevention plan be Midshipmen driven, including allowing for personal discussion; identifying roles for influential students; and evaluating/assessing effectiveness in reducing harmful behavior.

In AY 2021-2022, OPA conducted Service Academy Gender Relations (SAGR) surveys. These surveys were conducted in March and August 2022, and the survey results are expected to be released to the Academy by OPA during AY 2022-2023.

### **Policies, Procedures, and Processes** **AYs 2019-2020, 2020-2021, 2021-2022, and 2022-2023 (as of 12/15/22)**

The policies and procedures related to the SAPR program that were in effect during the AY 2019-2020 reporting period are listed below. These policies and procedures were available to Midshipmen and Academy personnel through the Academy's Intranet.

- Superintendent Instruction 2013-10, *Statement of Student Rights under the Family Educational Rights and Privacy Act (FERPA)*
- 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*
- Superintendent Instruction 2022-05, *Campus Security Authority*
- Superintendent Instruction 2022-10, *Sea Year Safety and Security and Sea Year Guide*
- Superintendent Notice 2022-02, *Collateral Misconduct (Amnesty)*
- 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 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
- Standard Operating Procedure for Validation of the Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Case Tracker<sup>1</sup>
- Standard Operating Procedure for Prioritization of Responses to External Recommendations for Improving the Sexual Assault Prevention and Response Program<sup>2</sup>
- Standard Operating Procedure for Procedure for Ensuring USMMA Staff and Faculty Support the Sexual Assault Prevention and Response (SAPR) Program
- 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<sup>3</sup>
- 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<sup>4</sup>
- Standard Operating Procedure for Use of Satellite Phone and Satellite Texting Devices<sup>5</sup>
- Standard Operating Procedure for Cadets Using a Designated Code Word, or SOS Button, to Return from Sea Year Assignment<sup>6</sup>

Four new Academy Standard Operating Procedures (SOPs) were created during the time period covered by this combined report.

- The SOP—"Prioritization of Responses to External Recommendations for Improving the Sexual Assault Prevention and Response Program"—develops and implements procedures for prioritizing responses to recommendations based on risk and aligning resources accordingly.
- The SOP—"Procedure for Ensuring USMMA Staff and Faculty Support the Sexual Assault Prevention and Response (SAPR) Program"—develops and implements controls to ensure staff at all levels and faculty are held accountable for taking actions to support the SAPR program, including completing assigned action items.
- The SOP—"Procedure for Use of Satellite Phone and Satellite Texting Devices"—develops and implements guidance for students who are using their satellite devices at sea.
- The SOP—"Procedure for Cadets Using Designated Code Word, or SOS Button to Return from Sea Year Assignment"—develops and implements procedures to ensure students can request removal from a ship during their sea year while maintaining confidentiality.

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<sup>1</sup> This SOP is not posted on the Academy's Intranet since it concerns only internal SAPR Office procedures.

<sup>2</sup> This SOP is not posted on the Academy's Intranet since it concerns only internal SAPR Office procedures.

<sup>3</sup> This SOP is not posted on the Academy's Intranet since it concerns only internal SAPR Office procedures.

<sup>4</sup> This SOP is not posted on the Academy's Intranet since it concerns only internal SAPR Office procedures.

<sup>5</sup> This SOP can be found in Superintendent Instruction 2022-10, *Sea Year Safety and Security and Sea Year Guide*.

<sup>6</sup> This SOP can be found in Superintendent Instruction 2022-10, *Sea Year Safety and Security and Sea Year Guide*.

Two existing SOPs were revised:

- The SOP—“Procedure for the Maintenance of Reports and Training Materials in the Sexual Assault Prevention and Response Office at the United States Merchant Marine Academy”—sets out records maintenance procedures at SAPRO.
- The SOP—“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”—describes the procedure for processing reported cases at USMMA.

### **AY 2019-2020 Reported Sexual Assault, Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking Offenses**

During AY 2019-2020, the Academy had two unrestricted<sup>7</sup> reports of sexual assault, involving Midshipmen. One of these incidents occurred on-campus and one occurred off-campus. There were four restricted reports of sexual assault. One incident occurred off-campus, one occurred on-campus, and the remaining two occurred while the Midshipmen were on sea duty. In AY 2019-2020, the Academy received four reports of sexual assault from women, one report from a man, and one report from an individual whose gender is unknown, as reflected in Table 1 below.

In AY 2019-2020, there were three unrestricted reports of sexual harassment, gender-based harassment, relationship violence, or stalking and one restricted report involving Midshipmen. All four cases occurred on campus. In one of the unrestricted incidents, an investigation was conducted and the perpetrator was disenrolled. In another unrestricted incident, an investigation was conducted, but there was insufficient evidence to determine that a violation occurred. In the final unrestricted incident, the alleged perpetrator resigned from the Academy before the investigation commenced. As a result, the Academy could no longer require the alleged perpetrator to participate in the investigation, and would not have been able to impose discipline against the alleged perpetrator had there been a finding of misconduct. Therefore, no investigation was conducted. By comparison, during AY 2018-2019, the Academy 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. The restricted incident occurred on-campus.

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<sup>7</sup> 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 Sexual Assault Response Coordinator or Victim Advocates only, and receive medical treatment and/or counseling at a location of the individual's choice (on or off-campus), without triggering an official investigation. 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 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.

## Disposition of Completed Investigations

Table 1 shows the disposition of officially reported cases of sexual assault during AY 2019-2020.

Incident	Survivor	Subject	Investigation	Result
1	Midshipman Unknown	Midshipman	No	Restricted
2	Midshipman Female	Midshipman	Yes	Unrestricted <sup>8</sup> Perpetrator disenrolled
3	Midshipman Female	Crew Member	None	Restricted
4	Midshipman Female	Midshipman	None	Restricted
5	Midshipman Male	Other	None	Restricted
6	Midshipman Female	Midshipman	Yes	Unrestricted <sup>9</sup> Perpetrator disenrolled

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

<sup>8</sup> This was initially a restricted report made in May 2020. The survivor opted to unrestrict the report in October 2020 in order to initiate an administrative investigation into the incident.

<sup>9</sup> This was initially a restricted report made in December 2018. The survivor opted to unrestrict the report in June 2020 in order to initiate an administrative investigation into the incident.

Table 2 shows the disposition of officially reported cases of sexual harassment, gender-based harassment, relationship violence, or stalking during AY 2019-2020.

<b>Table 2: Disposition of Officially Reported Cases of Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking during the 2019-2020 Academic Year</b>				
<b>Incident</b>	<b>Survivor</b>	<b>Subject</b>	<b>Investigation</b>	<b>Result</b>
1	Midshipman Female	Midshipman	Yes	Unrestricted Perpetrator disenrolled
2	Midshipman Male	Midshipman	Campus security	Unrestricted Insufficient evidence to find a violation
3	Midshipman Female	Midshipman	Campus security	Unrestricted Subject resigned before investigation commenced
4	Midshipman Male	Civilian	None	Restricted

### **AY 2020-2021 Reported Sexual Assault, Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking Offenses**

During AY 2020-2021, the Academy had one unrestricted report of sexual assault involving a Midshipman. This incident occurred during Sea Year. There were eight restricted reports of sexual assault. Five incidents occurred on-campus and three occurred during Sea Year. Seven reports of sexual assault were made by women, and two were made by men as reflected in Table 3 below.

There were three unrestricted reports of sexual harassment, gender-based harassment, relationship violence, or stalking, and three restricted reports involving Midshipmen. One of the restricted cases occurred on-campus. The remaining five restricted and unrestricted cases were cyber incidents.<sup>10</sup> Of the three unrestricted cyber incidents, one was referred to the FBI and the other two were found by the OIG to be unsubstantiated. Two reports were made by women, and four were made by men as reflected in Table 4 below.

<sup>10</sup> A cyber incident is sexual or gender-based harassment associated with the internet or technology (such as cell phones), which may include either: (a) 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, or (b) sexual exploitation, which may include, among other behaviors, disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's affirmative consent. Cyber incidents also include, but are not limited to, cyberstalking and revenge porn, as well as cyber bullying and cyber impersonation, when such conduct is sexual in nature or premised on an individual's sexual orientation or gender identity.

## Disposition of Completed Investigations

Table 3 shows the disposition of officially reported cases of sexual assault during AY 2020-2021.

<b>Table 3: Disposition of Officially Reported Cases of Sexual Assault during the 2020-2021 Academic Year</b>				
Incident	Survivor	Subject	Investigation	Result
1	Midshipman Female	Crew Member	None <sup>11</sup>	Restricted
2	Midshipman Male	Midshipman	None	Restricted
3	Midshipman Female	Midshipman	None	Restricted
4	Midshipman Female	Midshipman	None	Restricted
5	Midshipman Female	Crew Member	Yes, by shipping company <sup>12</sup>	Unrestricted Shipping company demoted crew member
6	Midshipman Female	Crew Member	None	Restricted
7	Midshipman Female	Crew Member	None	Restricted
8	Midshipman Female	Midshipman	None	Restricted
9	Midshipman Male	Midshipman	None	Restricted

<sup>11</sup> Investigations are not conducted for restricted reports.

<sup>12</sup> The Academy cannot conduct administrative investigations at sea when the subject is a crew member. Coast Guard Investigative Service was not contacted per the survivor's wishes.

Table 4 shows the disposition of officially reported cases of sexual harassment, gender-based harassment, relationship violence, or stalking during AY 2020-2021.

<b>Table 4: Disposition of Officially Reported Cases of Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking during the 2020-2021 Academic Year</b>				
<b>Incident</b>	<b>Survivor</b>	<b>Subject</b>	<b>Investigation</b>	<b>Result</b>
1	Midshipman Female	Midshipman	None	Restricted
2	Midshipman Male	Unknown	Survivor directed to FBI Internet Crime Complaint Center <sup>13</sup>	Cyberharassment incident Unrestricted (converted from restricted) Held by FBI
3	Midshipman Female	Unknown	OIG, working with local law enforcement	Cyberharassment incident Unrestricted Complaint not substantiated
4	Midshipman Male	Unknown	None	Cyberharassment incident Restricted
5	Midshipman Male	Unknown	OIG	Cyberharassment incident Unrestricted Complaint not substantiated
6	Midshipman Male	Unknown	None	Cyberharassment incident Restricted

### **AY 2021-2022 Reported Sexual Assault, Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking Offenses**

During AY 2021-2022, the Academy had one unrestricted report of sexual assault; this case is pending investigation by the Coast Guard Investigative Service (CGIS). The Academy had five restricted reports of sexual assault. All of the survivors in these cases were women.

There were 15 reports of sexual harassment, gender-based harassment, relationship violence, or stalking involving Midshipmen, including six restricted reports and nine unrestricted reports. Twelve reports were made by women, and three were made by men as reflected in Table 6 below.

<sup>13</sup> Campus security does not have the capability to investigate cybercrimes, although the Director of Public Safety may still interview witnesses and survivors in some cases. In this instance, the survivor did not want the matter referred to OIG.

## Disposition of Completed Investigations

Table 5 shows the disposition of officially reported cases of sexual assault during AY 2021-2022.

<b>Table 5: Disposition of Officially Reported Cases of Sexual Assault during the 2021-2022 Academic Year</b>				
<b>Incident</b>	<b>Survivor</b>	<b>Subject</b>	<b>Investigation</b>	<b>Result</b>
1	Midshipman Female	Other	No	Restricted
2	Midshipman Female	Crew member	Yes	Unrestricted CGIS investigation pending
3	Midshipman Female	Crew member	None	Restricted
4	Midshipman Female	Crew member	None	Restricted
5	Midshipman Female	Midshipman	None	Restricted
6	Midshipman Female	Other	None	Restricted

Table 6 shows the disposition of officially reported cases of sexual harassment, gender-based harassment, relationship violence, and stalking during AY 2021-2022.

<b>Table 6: Disposition of Officially Reported Cases of Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking during the 2021-2022 Academic Year</b>				
<b>Incident</b>	<b>Survivor</b>	<b>Subject</b>	<b>Investigation</b>	<b>Result</b>
1	Midshipman Male	Midshipman	None	Restricted
2	Midshipman Female	Crew Member	Yes	Unrestricted CGIS investigation pending
3	Midshipman Female	Crew Member	Yes	Unrestricted Shipping company determined violation did occur; action taken against crew member and documented
4	Midshipman Male	Crew member	None	Unrestricted Letter of warning issued to crew member
5	Midshipman Female	Midshipman	None	Restricted Cyber
6	Midshipman Female	Port Employee	Yes	Unrestricted Currently Unknown
7	Midshipman Female	Other	None	Restricted
8	Midshipman Female	Unknown	Yes	Unrestricted Cyber – complaint unsubstantiated
9	Midshipman Female	Midshipman	None	Restricted
10	Midshipman Male	Midshipman	None	Restricted
11	Midshipman Female	Crew Member	Yes	Unrestricted Currently Unknown
12	Midshipman Female	Midshipman	None	Restricted
13	Midshipman Female	Crew Member	Yes	Unrestricted Currently Unknown
14	Midshipman Female	Crew Member	Yes	Unrestricted Currently Unknown
15	Midshipman Female	Crew Member	Yes	Unrestricted Currently Unknown

## **AY 2022-2023 (through 12/15/22) Reported Sexual Assault, Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking Offenses**

During AY 2022-2023, the Academy had received five reports of sexual assault from Midshipmen through December 15, 2022. Four of the reports were restricted. A fifth report was made by a third-party and was unrestricted, but the survivor’s identity is unknown to the Academy.

In AY 2022-2023, the Academy had received 10 reports of sexual harassment, gender-based harassment, relationship violence, or stalking including seven unrestricted reports and three restricted reports through December 15, 2022. Four of the survivors were men and six of the survivors were women.

### **Disposition of Completed Investigations**

Table 7 shows the disposition of officially reported cases of sexual assault during AY 2022-2023 (through 12/15/22).

Incident	Survivor	Subject	Investigation	Result
1	Midshipman Female	Midshipman	None	Restricted Report
2	Midshipman Male	Midshipman	None	Restricted Report
3	Midshipman Male	Midshipman	None	Restricted Report
4	Midshipman Female	Other	None	Unrestricted third-party report—survivor’s name not provided
5	Midshipman Female	Midshipman	None	Restricted Report

Table 8 shows the disposition of officially reported cases of sexual harassment, gender-based harassment, relationship violence, or stalking during AY 2022-2023 (through 12/15/22).

<b>Table 8: Disposition of Officially Reported Cases of Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking during the 2022-2023 Academic Year, to Date (through 12/15/2022)</b>				
<b>Incident</b>	<b>Survivor</b>	<b>Subject</b>	<b>Investigation</b>	<b>Result</b>
1	Midshipman Female	Midshipman	None	Restricted Report
2	Midshipman Female	Midshipman	Yes	Unrestricted Subject pending discipline
3	Midshipman Male	Crew Member	Yes	Unrestricted Shipping/Operating Company Investigation – Result Unknown
4	Midshipman Female	Crew Member	Yes	Unrestricted Shipping/Operating Company Investigation – Result Unknown
5	Midshipman Female	Midshipman	Yes	Unrestricted Investigation pending
6	Midshipman Male	Midshipman	None	Restricted Report
7	Midshipman Female	Midshipman	Yes	Unrestricted Investigation pending
8	Midshipman Female	Midshipman	None	Restricted Report
9	Midshipman Male	Crew Member	No	Unrestricted Academy in contact with survivor
10	Midshipman Male	Midshipman	No	Unrestricted Perpetrator counseled

## Plan of Action

The Duncan Hunter Act requires the Academy to provide in each Annual Report an Annual Plan setting forth 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 Midshipmen and other Academy personnel. Provided below is an outline of actions that the Academy and MARAD is taking in AY 2022-2023 to improve efforts to prevent sexual assault and sexual harassment on the USMMA campus and during Sea Year and to support a culture of accountability.

**Improving EMBARC Standards:** Consistent with the EMBARC standards, MARAD is committed to continuous improvement of the EMBARC program. On March 30, 2022, MARAD published the EMBARC Standards in the Federal Register as a [“Request for Comments.”](#) With this request, MARAD sought opinions and suggestions from the public on how EMBARC may be amended to enhance our support for Midshipmen. The comments we received are being reviewed and will help inform revisions to the EMBARC policy.

In July 2022, MARAD hosted the first quarterly EMBARC meeting at the United States Department of Transportation (DOT) Headquarters in Washington, D.C. Nearly 100 participants representing a wide range of stakeholders—including carriers, labor organizations, and the state maritime academies—attended the meeting. During this meeting, participants discussed how to improve the implementation of the EMBARC standards and how to continue to support culture change throughout the maritime industry. Over AY 2022-2023, MARAD will continue to hold quarterly stakeholder meetings to assess the EMBARC standards.

In September 2022, MARAD finalized a cooperative agreement with the Ship Operations Cooperative Program (SOCP). Under this agreement, the SOCP will update existing SOCP sexual assault and sexual harassment prevention and response training materials. The materials, which were created several years ago, must be updated to reflect EMBARC requirements and to incorporate the most current best practices. The materials will also address topics such as bystander intervention that are not addressed in current versions.

On December 23, 2023, President Biden signed the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023. Among other provisions, this law codifies the requirement that MARAD/USMMA maintain a program like EMBARC, authorizes MARAD to withhold subsidy payments from commercial carriers that are not in compliance with agency standards, and requires certain vessels sailing under the U.S. flag to include in their safety management systems specific sexual assault and sexual harassment prevention and responses policies. In addition, the law includes numerous provisions requiring MARAD and the USMMA to take specific actions to help improve safety on the Academy campus and at sea. MARAD and USMMA will be working as quickly as possible to implement the requirements of the NDAA for Fiscal Year 2023 consistent with the deadlines established by the law. The Academy recognizes that some policies may need to be updated to comply with these new requirements.

**Improving Sea Year Policies and Procedures:** In 2022, MARAD contracted a Subject Matter Expert (SME) to review and recommend additional improvements in the EMBARC Standards as

well as in the Superintendent Instruction that governs USMMA's Sea Year and in the Sea Year guide given to cadets before they begin their Sea Year assignments. The Sea Year guide and the Instruction have been revised based on the SME's recommendations and a review by a panel of USMMA Midshipmen to reflect current best practices and lessons learned. The Academy's goal is to ensure that cadet safety is always prioritized and that barriers to reporting are eliminated.

**MARAD Office of Cadet Training At-Sea Safety:** To strengthen MARAD's oversight of the EMBARC program, MARAD established and is currently in the process of staffing the MARAD Office of Cadet Training At-Sea Safety (OCTAS) within the office of the Deputy Associate Administrator for Maritime Education and Training. The new Director of the office reported to MARAD on August 15, 2022, along with two analysts who reported in August and September. MARAD continues to staff the office and is in the process of hiring three additional analysts, one of whom will serve as the lead analyst. This office will manage EMBARC enrollments and compliance reviews. Training of the initial audit team has been completed. From the establishment of EMBARC through December 15, 2022, MARAD through OCTAS has successfully completed 6 vessel assessments, reviewed EMBARC enrollment packages for 18 commercial carriers, and enrolled 14 commercial operators to carry USMMA Cadets. Over the course of AY 2022-2023, OCTAS personnel will continue vessel assessments and will also advance work on intermediate and long-term EMBARC requirements. This office will manage EMBARC enrollments and compliance reviews. Training of the initial audit team has been completed and vessel compliance reviews are underway. Over the course of AY 2022-2023, OCTAS personnel will continue vessel assessments. The OCTAS will also advance work on intermediate and long-term EMBARC tasks.

**Strengthening the USMMA Office of Sexual Assault Prevention and Response:** During AY 2022-2023, USMMA will continue working to strengthen the Sexual Assault Prevention and Response (SAPR) office. The Academy added a new GS-15 Director position in the office and, using direct hire authority provided in the 2022 National Defense Authorization Act (NDAA) (Pub. L. 117-81), filled the position with a new employee who reported to the Academy on September 25, 2022. The Academy has also used the direct hire authority to recruit a new Victim Advocate/Prevention Educator, who reported on September 11, 2022. The Academy's new Sexual Assault Response Coordinator (SARC) was appointed on November 7, 2022 and started the job on November 20. The employee filling the position previously served as an Academy Victim Advocate/Prevention Educator and was the Acting SARC before officially assuming the SARC title. Her promotion vacates one of two Victim Advocate/Prevention Educator positions, and the Academy will work to fill the vacancy.

The first year of the Director's tenure will mostly be focused on issues at the tactical level. The Director will be asked to conduct an immediate review of SAPR policies and procedures to become familiar with the Program, focusing first and foremost on ensuring that the Academy has a robust and appropriate protocol for responding to incidents of sexual assault, sexual or gender-based harassment, relationship violence, and stalking. The Director will review office paperwork—including intake forms, the case tracker, and training rosters—to ensure that it is organized and up to date. When these tasks are completed, the Director can turn their attention to prevention efforts, including bystander intervention and scenario-based training as well as Sexual Assault Awareness Month. The added benefit of working on the tactical level to start is that the Director will be able

to work closely with the SAPR consultant discussed below. The Director will be responsible for implementing any recommendations for improvement made by the consultant.

**SAPR Program Assessment:** The Academy anticipates procuring a consultant in AY 2022-2023 to perform a comprehensive assessment of its SAPR Program. The consultant will review all policies, procedures, and training materials; conduct outreach and information gathering with stakeholders; analyze accountability measures (including disciplinary actions for offenders); evaluate the roles and responsibilities of Academy personnel; and, based on these measures, provide recommendations to strengthen the SAPR program.

**Investigative Services:** The Academy is in the process of procuring a firm to provide trauma-informed investigators and conduct administrative investigations of unrestricted reports of sexual assault/sexual harassment occurring on campus. The Academy currently has only one trained trauma-informed investigator and this individual also serves as the Academy's Director of Public Safety. The contract will provide the Academy with flexibility in appointing investigators to ensure the timely completion of investigations, and enable the Director to focus on public safety.

**Concurrent Jurisdiction:** The Academy has been working with the State of New York and local authorities, including the Nassau County District Attorney's Office (NCDA), the Nassau County Police Department (NCPD) and the Kings Point Police Department (KPPD), to extend state jurisdiction of criminal matters to the Academy campus. On September 23, 2022, the State of New York accepted concurrent jurisdiction over crimes committed at USMMA when it signed the Notice of Relinquishment executed by the Deputy Secretary of Transportation. The Memorandum of Agreement among MARAD, the New York State Office of Attorney General, the NCDA, the NCPD, and the KPPD—under which local authorities will investigate and prosecute these crimes—became effective when the Maritime Administrator provided the final signature on October 19, 2022. Concurrent jurisdiction will provide another avenue of redress for survivors who wish to pursue a criminal investigation. Both the NCDA and NCPD have dedicated Special Victims' Units, staffed by personnel with significant expertise in the investigation and prosecution of sexual assault cases.

**Advisory Council:** The 2022 NDAA requires the Secretary of Transportation to establish an Advisory Council to provide advice to help strengthen the USMMA. The creation of such a council was recommended by a report issued in November 2021 by the National Academy of Public Administration (NAPA) that detailed the significant and long-standing challenges facing the USMMA and offered 67 recommendations to address these challenges. On March 30, 2022, Transportation Secretary Buttigieg approved the charter for the Advisory Council, which charges the Council to provide independent advice and recommendations in the areas of curriculum development and training programs; diversity, equity, and inclusion; sexual assault prevention and response; infrastructure maintenance and redevelopment; midshipmen health and welfare; governance and administrative policies; and other matters. On April 5, MARAD published a notice in the Federal Register soliciting applications from those interested in serving on the Advisory Council. Applications were due by June 14, and MARAD received more than 130 applications before the final application deadline. During AY 2022-2023, MARAD will appoint the members of the Advisory Council and convene the Council's first meetings to begin to receive advice regarding the urgent issues facing the Academy, including how the Academy's

efforts to combat sexual assault and sexual harassment and support culture change in the maritime industry can best be advanced. MARAD will also seek the Council's advice regarding the operations of the Academy's SAPR program.

Critically, we understand that these are just the first steps in what must be an ongoing and urgent effort to improve safety for USMMA Midshipmen—at sea and on campus. We must also remove barriers that have prevented survivors and witnesses from reporting sexual assault and sexual harassment. We are committed to making continuous improvements in all MARAD/USMMA policies to strengthen safety for Midshipmen.