



**Academic Program Year 2022-2023
Annual Report on Sexual Assault
and Sexual Harassment at the
United States Merchant Marine Academy**

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Foreword

This Annual Report on Sexual Assault and Sexual Harassment at the U.S. Merchant Marine Academy (USMMA or Academy) covers Academic Program Year (AY) 2022-2023 (July 1, 2022, through June 30, 2023). The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 requires submission of this report, which summarizes AY 2022-2023 reported sexual assault, sexual and gender-based harassment, stalking, relationship violence, or retaliation offenses and the disposition of completed cases at USMMA.

This report also describes the actions the U.S. Department of Transportation (DOT), the Maritime Administration (MARAD), and the Academy are taking to prevent violence and mitigate harms faced by victim-survivors of sexual assault and sexual harassment.

Finally, this report describes results from the Service Academy Gender Relations (SAGR) survey administered at the Academy by the Department of Defense's Office of People Analytics (OPA) in March and August 2022.

Executive Summary

Report Summary: The first part of this report summarizes AY 2022-2023 reported sexual assault and sexual harassment offenses and the disposition of completed cases at USMMA. Included are reported sexual assault, sexual harassment, gender-based harassment, relationship violence, and stalking offenses, including the statuses of completed cases. A total of 31 incidents were reported in AY 2022-2023 to the Academy, an increase from 21 reported incidents in AY 2021-2022, and 15 in AY 2020-2021. Summary data are provided below:

Reported Incidents in Academic Year 2022-2023

Sexual Assault	12
Sexual Harassment, including Gender-Based Harassment, and Retaliation	16
Stalking	1
Relationship Violence	2

This report also describes results from the Service Academy Gender Relations (SAGR) survey administered at the Academy by the Department of Defense's Office of People Analytics (OPA) in March and August 2022. This survey reveals a rise in the prevalence of sexual assault and sexual harassment experienced at the Academy—which is consistent with findings at other federal service academies.¹ The SAGR survey does not indicate a definitive reason for the rise in reported incidents. Any instance of assault or harassment is unacceptable, and the Academy is urgently working to address these findings.

This report describes the actions the U.S. Department of Transportation (DOT), the Maritime Administration (MARAD), and the Academy are taking to reduce sexual assaults and other offenses and mitigate harms faced by victim-survivors of sexual assault and sexual harassment. For example, in AY 2022-2023, the Academy revised its Regimental Honor Code, Sea Year Handbook, and fraternization policy; drafted new policies on medical leaves of absence and disenrollment; mandated, consistent with the *NCAA Board of Governors Policy on Campus Sexual Violence*², that student-athletes report previous discipline related to sexual, interpersonal or other acts of violence; launched a counseling assessment team to improve mental health support for Midshipmen; and created a new program to involve Midshipmen in the prevention of sexual and relationship violence.

The Academy's Plan of Action for AY 2023-2024 includes a progressive prevention curriculum, with mandated training for Midshipmen, faculty, and staff on the Academy's expectations of appropriate behavior and how to report misconduct, as well as educating Midshipmen on healthy relationships, and encouraging bystanders to become upstanders to intervene in potentially abusive situations. An external assessment of the Academy's prevention and response program is due to the Academy in March 2024, with the Academy working to revise its policies and procedures and incorporate recommendations from the assessment over the remainder of the academic year.

¹ OPA also reports that the prevalence of sexual assault and sexual harassment at three of the four other federal service academies has risen from 2018 to 2022. See 2022 Service Academy Gender Relations Survey Overview Report, pp. v-ix, 17, 35-36, 63, 81-82, 107, 125-126, accessible at: <https://www.opa.mil/research-analysis/health-well-being/gender-relations/2022-service-academy-gender-relations-survey/2022-service-academy-gender-relations-survey-overview-report/>.

² [NCAA Board of Governors Policy on Campus Sexual Violence - NCAA.org](https://www.ncaa.org/sportscampus/sexual-violence)

Additionally, on December 15, 2021, MARAD released the Every Mariner Builds a Respectful Culture (EMBARC) Standards. Since that time, the Department, MARAD, and USMMA have required all U.S.-flag vessel commercial operators, who employ USMMA Midshipmen, to adopt and follow the EMBARC Standards—a set of policies, programs, procedures, and practices to help strengthen a culture of sexual assault and sexual harassment prevention and response and support appropriate responses to incidents of sexual violence and sexual harassment and other forms of misconduct. Enrollment into EMBARC must be completed as a prerequisite before U.S.-flag vessel commercial operators will be authorized to employ USMMA students as cadets aboard their vessels. These EMBARC Standards replace earlier commitments made by vessel operators to comply with sea-year eligibility requirements previously established by MARAD's Shipboard Climate Compliance Team prior to their employment of USMMA students as cadets aboard their vessels.

As of October 15, 2023, there are 19 carriers enrolled in EMBARC and several additional carriers considering enrollment. Enrollment in EMBARC has not negatively impacted the Academy's ability to carry out the Sea Year training as there are sufficient vessels enrolled in the program to provide berthing for all USMMA cadets. MARAD is preparing an interim final rule that will implement EMBARC.

The Plan of Action also includes the work of the United States Merchant Marine Academy Advisory Council, which held public meetings at the USMMA on August 7, 2023, and November 16, 2023. This group, governed by 46 U.S.C. 51323, will advise the Secretary of Transportation on matters related to improving the Academy on all matters of importance, including the prevention of sexual assault and sexual harassment. Their first report is due to MARAD in the summer of 2024. USMMA is also in the process of standing up a Student Advisory Board and Sexual Assault Advisory Council. Senior DOT staff will continue to meet regularly with MARAD and USMMA leadership to oversee coordination on these issues.

The work of reducing and appropriately responding to sexual assault, sexual and gender-based harassment, stalking, relationship violence, and retaliation continues to be a long-term, determined effort by DOT, MARAD and the Academy to make the maritime industry a secure, equitable and welcoming workplace for all mariners.

Service Academy Gender Relations (SAGR) Survey

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, codified at 46 U.S.C. § 51318(d). The Duncan Hunter Act requires that in academic years ending with odd numbers, e.g., AY 2021-2022, the Academy contracts with the U.S. Department of Defense’s Office of People Analytics (OPA) to provide the Service Academy Gender Relations (SAGR) Survey and a quantitative assessment of this survey data collected from students. In academic years ending with even numbers, e.g., AY 2022-2023, the Academy conducts focus group sessions, which provide a qualitative interpretation of the previous year’s survey data.

The SAGR is normally fielded every other year. However, the SAGR was not administered in 2020 due to restrictions on travel in response to the COVID-19 pandemic. Therefore, it has been four years since the last SAGR administration in 2018. For AY 2021-2022, OPA conducted SAGR surveys in March and August 2022, with the August session scheduled for Midshipmen out at sea during the March data collection. The survey results were released to the Academy by OPA in September 2023 and are described below.

Students were required to attend a survey session but actual completion of the survey was voluntary. 89% of USMMA female students and 72% of USMMA male students completed the survey. Survey data was weighted, making estimates representative and generalizable to the Academy’s student population. The USMMA’s weighted response for the 2022 SAGR was 76% (89% for women, 72% for men). Of the 950 midshipmen at the Academy (209 women and 741 men), 722 midshipmen responded to the survey (187 women and 535 men). A comprehensive report on these 2022 SAGR findings will be finalized and released publicly by OPA in AY 2023-2024.

According to the 2022 SAGR rates of unwanted sexual contact (a proxy for sexual assault) for both USMMA women and men increased since 2018. An estimated 26.2% of USMMA women (55 Midshipmen) and 2.8% of USMMA men (21 Midshipmen) experienced unwanted sexual contact in the past academic year (AY 2021-2022). These estimates reflect an increase compared to 2018 when the rate was 11.0% for women and 1.4% for men.³ This increase in the rate of unwanted sexual contact for USMMA students mirrors the increase in the rate of unwanted sexual contact in the SAGR survey reports of the other federal service academies.⁴ Comparing USMMA’s estimated prevalence of sexual assault to other institutions of higher education, the last major climate survey on U.S. campuses revealed that 26.4% of undergraduate women and 6.8% of men experience rape or sexual assault through physical force, violence, or incapacitation.⁵

An estimated 60% of USMMA women (126 Midshipmen) and 11% of USMMA men (81 Midshipmen) experienced sexual harassment in AY 2021-2022. These estimates reflect an

³ The Department of Defense’s Office of People Analytics expects to publish the 2022 U.S. Merchant Marine Academy Service Academy General Relations Survey Overview Report on its website in AY 2023-2024.

⁴ See note 1 above.

⁵ David Cantor, Bonnie Fisher, Susan Chibnall, Reanna Townsend, et. al. Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (January 17, 2020), see pp. ix-xii, 14-16, accessible at: [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_\(01-16-2020_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf)

increase compared to 2018 when the rate was 41% for women and 4% for men. An estimated 33% of USMMA women (70 Midshipmen) and 5% of USMMA men (39 Midshipmen) experienced gender discrimination in AY 2021-2022. The adjusted gender discrimination prevalence estimate for USMMA women is 35% and reflects an increase compared to 2018 when the rate was 20%. The adjusted estimate for USMMA men is 6%, which is an increase compared to the rate of 1% in 2018.⁶ This increase in the rate of sexual harassment for USMMA students mirrors the increase in the rate of unwanted sexual contact in the SAGR survey reports of the other Federal Service Academies.⁷

The 2022 SAGR findings do not indicate the reason for the reported increases compared to 2018, but the Academy is determined to take all necessary actions to ensure the safety and well-being of its Midshipmen and will use these findings to inform and continue to refine its efforts. Further sections of this report outline the policies, procedures, and processes in place at the Academy during the AY 2022-2023 that are related to sexual assault and sexual harassment prevention and response, as well as the Academy's plan of action for AY 2023-2024.

AY 2022-2023 Policies, Procedures, and Processes

Policies, procedures, and processes related to sexual assault and sexual harassment prevention and response in effect at the Academy during the AY 2022-2023 reporting period are listed below. These policies and procedures were either available to Midshipmen and Academy personnel on the Academy's Intranet, or are available upon request from USMMA.

- 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, *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 2022-06, *Regimental Honor Program*
- Superintendent Instruction 2022-10, *Sea Year Safety and Security and Sea Year Guide*⁸
- Superintendent Instruction 2023-01, *Midshipmen Medical Leave of Absence (MLOA) and Medical Disenrollments*

⁶ See note 4 above.

⁷ See also attendant rise in the estimated prevalence of sexual harassment at three of the four other federal service academies. See 2022 Service Academy Gender Relations Survey Overview Report, pp. viii-ix, 35-36, 81-82, 125-126, accessible at: <https://www.opa.mil/research-analysis/health-well-being/gender-relations/2022-service-academy-gender-relations-survey/2022-service-academy-gender-relations-survey-overview-report/>.

⁸ The USMMA Sea Year Handbook, Revision 17, is included as an attachment to this Superintendent Instruction.

- Superintendent Instruction 2023-05, *Compliance with NCAA Board of Governors Policy on Campus Sexual Violence*
- Superintendent Instruction 2023-07, *Fraternization Policy*
- Superintendent Notice 2022-02, *Collateral Misconduct (Amnesty)*
- Superintendent Notice, 2023-02, *Restricted Reporting Sources for Academic Year 2022-2023; Updates to Superintendent Instructions 2018-04 and 2018-05*
- Superintendent Notice 2023-07, *Superintendent Notice to Improve Midshipman Mental Health Support*
- Superintendent Notice, 2023-13, *USMMA Student Advisory Board*
- Sexual Assault Prevention and Response Office (SAPRO) 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
- SAPRO 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
- SAPRO Standard Operating Procedure for Validation of the Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Case Tracker⁹
- SAPRO Standard Operating Procedure for Prioritization of Responses to External Recommendations for Improving the Sexual Assault Prevention and Response Program¹⁰
- SAPRO Standard Operating Procedure for Ensuring USMMA Staff and Faculty Support the Sexual Assault Prevention and Response (SAPR) Program
- SAPRO Standard Operating Procedure for the Maintenance of Reports and Training Materials in the Sexual Assault Prevention and Response Office at USMMA¹¹
- SAPRO 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 Academy¹²
- SAPRO Standard Operating Procedure for Use of Satellite Phone and Satellite Texting Devices¹³
- SAPRO Standard Operating Procedure for Cadets Using a Designated Code Word, or SOS Button, to Return from Sea Year Assignment¹⁴
- SAPRO Standard Operating Procedure for the Sexual Assault Prevention and Response Ambassador Program¹⁵

Five new or revised Academy Superintendent Instructions, three new Superintendent Notices, and one new Academy Standard Operating Procedure were created during AY 2022-2023.

- Superintendent Instruction 2022-06, *Regimental Honor Program*, revises the Regimental Honor Program and the Honor Code which reaffirms the Regiment's commitment to doing what is right and identifies ethical and moral obligations to promote trust and

⁹ This SOP is available upon request.

¹⁰ This SOP is available upon request.

¹¹ This SOP is available upon request.

¹² This SOP is available upon request.

¹³ This SOP can be found in Superintendent Instruction 2022-10, *Sea Year Safety and Security*.

¹⁴ This SOP can be found in Superintendent Instruction 2022-10, *Sea Year Safety and Security*.

¹⁵ This SOP is available upon request.

confidence within the Regiment of Midshipmen;¹⁶

- Superintendent Instruction 2022-10, *Sea Year Safety and Security*, provides USMMA staff, faculty, and students with specific policy guidance and procedures reinforcing the safety and security of all personnel involved in Sea Year activities around the globe;¹⁷
- Superintendent Instruction 2023-01, *Midshipman Medical Leave of Absence (MLOA) and Medical Disenrollments*, allows students with documented medical or psychological conditions, including those arising from sexual assault or sexual harassment for which the student has or is being treated by a medical or psychological provider to take a medical leave of absence;¹⁸
- Superintendent Instruction 2023-05, *Compliance with NCAA Board of Governors Policy on Campus Sexual Violence*, establishes a policy to ascertain whether USMMA student-athletes have previously been disciplined under Title IX¹⁹ at other educational institutions or have been found criminally responsible for actions related to sexual, interpersonal, or other acts of violence;
- Superintendent Instruction 2023-07, *Fraternization Policy*, updates the policy concerning fraternization between Federal employees, volunteers, and/or contractors and Midshipmen;
- Superintendent Notice 2023-02, *Restricted Reporting Sources for Academic Year 2022-2023; Updates to Superintendent Instructions 2018-04 and 2018-05*, updates the list of restricted reporting sources and makes technical revisions to the reporting process at USMMA;
- Superintendent Notice 2023-07, *Counseling Assessment Team to Improve Midshipman Mental Health Support*, establishes a working group to create a safe learning environment where all students thrive and learn and have access to the support they need;
- Superintendent Notice, 2023-13, *USMMA Student Advisory Board*, names the members of a committee to select Midshipmen members of the Student Advisory Board; and
- SAPRO Standard Operating Procedure, *Sexual Assault Prevention and Response Ambassador Program*, develops the structure of a new program involving Midshipmen in education and prevention of sexual assault, sexual and gender-based harassment, stalking, relationship violence, and retaliation at USMMA.

AY 2022-2023 Reported Sexual Assault, Sexual Harassment, Gender-Based Harassment, Relationship Violence, and Stalking Incidents

Midshipmen victim-survivors at USMMA may make either restricted or unrestricted reports to the Academy. Restricted reporting allows Midshipmen to disclose the details of the incident to the Academy's Sexual Assault Response Coordinator and Victim Advocates, to receive services

¹⁶ The Regimental Honor Program and the Honor Code describe disciplinary standards and values promoted by the Academy and its leadership to Midshipmen, and thereby relate to the primary prevention of sexual assault and sexual harassment.

¹⁷ The USMMA Sea Year Handbook, Revision 17, is included as an attachment to this Superintendent Instruction.

¹⁸ Midshipmen seeking a Medical Leave of Absence (MLOA) coordinate with the USMMA's Office of Health Services (OHS) to obtain the necessary medical documentation from either the midshipman's own health care provider or from a health care provider to whom they have been referred by OHS.

¹⁹ Title IX, Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.

such as medical treatment or counseling at a location of the Midshipman's choice (on- or off-campus) without triggering an official administrative or criminal investigation. Midshipmen also have the option to have confidential discussions with the Special Victim Advisor, the Chaplain and healthcare professionals which will not trigger a report of any kind. Unrestricted reporting offers the same support services as a restricted report. However, an unrestricted report will include an administrative investigation of the alleged misconduct.

Administrative investigations of unrestricted reports of incidents that occur on campus are handled one of three ways: by contracted investigators (since January 2023) with subject-matter expertise in investigating sexual and intimate partner violence; by the Academy's Department of Public Safety for complaints against Midshipmen; or by staff in MARAD's Office of Human Resources for complaints against faculty or staff. The Deputy Superintendent will, contingent on the administrative needs of the Academy, determine the appropriate investigator for a particular case.

In September 2022, the State of New York accepted concurrent jurisdiction over certain crimes committed at USMMA. In October 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 may investigate and prosecute misdemeanor crimes of sexual assault, relationship violence, and stalking, and most felonies (except those involving national security or committed against the Federal government) occurring on Academy grounds. Previously, criminal investigations were solely conducted by Federal law enforcement. Concurrent jurisdiction provides another avenue of redress for victim-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 and relationship violence cases. Criminal investigations of incidents occurring on campus are undertaken only upon a victim-survivor's request.

For unrestricted reports of incidents occurring at sea, administrative investigations are undertaken by the shipping or operating company (and the USMMA when a Midshipman is involved as a potential perpetrator). The Every Mariner Builds a Respectful Culture (EMBARC) Standards, issued by MARAD in December 2021, mandate that these companies have sexual assault and sexual harassment policies requiring thorough investigations. The companies' policies shall also meet best practices for sexual assault and sexual harassment investigations, and interviews shall be conducted using trauma-informed interview methods.²⁰

Criminal investigations at sea are conducted by the United States Coast Guard, either upon a victim-survivor's request or when reported consistent with the provisions of 46 U.S.C. § 10104 by the shipping company. Criminal investigations of off-campus incidents are conducted by the law enforcement agency with criminal jurisdiction over the incident. Additionally, if an off-campus incident involves both a Midshipman victim-survivor and an alleged Midshipman perpetrator, the Academy may conduct an administrative investigation if deemed appropriate.

During Academic Year 2022-2023, the Academy received twelve reports of sexual assault from Midshipmen. Seven of the reports were restricted and five unrestricted. Two of the five unrestricted reports were made by third parties. In one of these two third-party reports, the

²⁰ Maritime Administration (MARAD) Every Mariner Builds A Respectful Culture (EMBARC) Sexual Assault and Sexual Harassment Prevention Mandatory Standards, Standard (III)(8)(a), see p. 5, available at: www.maritime.dot.gov/sites/marad.dot.gov/files/2021-12/EMBARC_Standards.pdf

victim-survivor's identity was unknown, and in the other, the subject's identity was unknown. Three of the victim-survivors were male Midshipmen, and nine were female Midshipmen. Ten of the subjects were male, one was female, and one subject's gender was unknown. Ten of the subjects were Midshipmen, one was a crewmember, and one was unknown.

USMMA received sixteen reports of sexual harassment, gender-based harassment, and retaliation in AY 2022-2023. Three of the reports were restricted and thirteen unrestricted. Two of the incidents involved retaliation, and two of the incidents involved gender-based harassment. Five of the victim-survivors were male Midshipmen, and eleven were female Midshipmen. Thirteen of the subjects were male, two were female, and one case involved multiple subjects of mixed gender. In five of these cases, the subjects were Midshipmen, with an additional case involving multiple Midshipmen as subjects. In four other cases the subjects were crewmembers, with another case involving an at-sea contractor. In the five remaining cases, the subjects were USMMA employees.

The Academy received one report of stalking in AY 2022-2023. This report was unrestricted and the victim-survivor was a female Midshipman. The subject was a female Midshipman. USMMA received two reports of relationship violence in AY 2022-2023. Both of these reports were restricted. In one report the victim-survivor was a male Midshipman, and in the other, a female Midshipman. In one report the subject was a female Midshipman, and in the other, a male Midshipman.

When an entity outside of USMMA conducts an investigation (e.g., a criminal investigation by law enforcement; an administrative investigation by a shipping company) USMMA will not typically have access to the final disposition without express consent from the victim-survivor.

Disposition of Completed Investigations

Table 1 shows the disposition of reported incidents of sexual assault in AY 2022-2023.

Table 1: Disposition of Reported Incidents of Sexual Assault in AY 2022-2023				
Incident	Victim-Survivor	Subject	Investigation	Result
1	Female Midshipman	Male Midshipman	N/A	Restricted Report
2	Male Midshipman	Male Midshipman	N/A	Restricted Report
3	Male Midshipman	Male Midshipman	N/A	Restricted Report
4	Female Midshipman	Unknown Male	N/A	Unrestricted third-party report—Victim-survivor’s and subject’s identities unknown
5	Female Midshipman	Male Midshipman	Yes	Unrestricted report (converted from restricted) – Subject resigned
6	Female Midshipman	Male Crewmember	N/A	Restricted Report
7	Female Midshipman	Unknown Midshipman	Yes	Closed—Victim-survivor chose not to participate
8	Female Midshipman	Male Midshipman	N/A	Restricted Report
9	Female Midshipman	Male Midshipman	N/A	Restricted Report
10	Male Midshipman	Female Midshipman	N/A	Restricted Report
11	Female Midshipman	Male Midshipman	Yes	Subject disciplined
12	Female Midshipman	Male Midshipman	N/A	Unrestricted third-party report—Subject’s identity unknown

Table 2 shows the disposition of reported incidents of sexual harassment, including gender-based harassment, and retaliation in AY 2022-2023.

Table 2: Disposition of Reported Incidents of Sexual Harassment, including Gender-Based Harassment, and Retaliation in AY 2022-2023				
Incident	Victim-Survivor	Subject	Investigation	Result
1 ²¹	Female Midshipman	Male Midshipman	N/A	Restricted Report
2 ²²	Female Midshipman	Multiple Midshipmen	Yes	Subjects disciplined
3	Male Midshipman	Male Crewmember	Yes	Unrestricted shipping/operating company investigation
4	Female Midshipman	Male Crewmember	Yes	Unrestricted Shipping/Operating Company Investigation – Subject disciplined
5	Female Midshipman	Male Midshipman	Yes	Subject counseled
6 ²³	Male Midshipman	Male Crewmember	Yes	Unrestricted shipping and/or operating company investigation – Subject found not responsible
7	Male Midshipman	Male Midshipman	Yes	Subject counseled
8 ²⁴	Female Midshipman	Male USMMA Employee	Yes	Subject counseled
9	Female Midshipman	Male USMMA Employee	Yes	Subject counseled
10 ²⁵	Female Midshipman	Male USMMA Employee	Yes	Subject disciplined
11	Female Midshipman	Male USMMA Employee	Yes	Subject disciplined
12	Male Midshipman	Male Midshipman	Yes	Subject resigned
13	Female Midshipman	Male USMMA Employee	Yes	Closed – Survivor chose not to participate
14	Female Midshipman	Male At-Sea Contractor	N/A	Restricted Report
15	Female Midshipman	Female Midshipman	N/A	Restricted Report
16 ²⁶	Male Midshipman	Female Crewmember	Yes	Unrestricted shipping/operating company investigation

Some reports made to USMMA contained allegations of multiple types of misconduct. Reports are included under a single type of misconduct to avoid double-counting. Reports containing multiple types of misconduct are noted below:

²¹ This incident involved both cyber stalking and cyber sexual harassment.

²² This incident involved both sexual harassment and retaliation.

²³ This incident involved both gender-based harassment and retaliation.

Table 3 shows the disposition of reported incidents of stalking in AY 2022-2023.

Table 3: Disposition of Reported Incidents of Stalking in AY 2022-2023				
Incident	Victim-Survivor	Subject	Investigation	Result
1	Female Midshipman	Female Midshipman	Yes	Closed—Insufficient evidence to find subject responsible

Table 4 shows the disposition of reported incidents of relationship violence in AY 2022-2023.

Table 4: Disposition of Reported Incidents of Relationship Violence in AY 2022-2023				
Incident	Victim-Survivor	Subject	Investigation	Result
1 ²⁷	Male Midshipman	Female Midshipman	N/A	Restricted Report
2 ²⁸	Female Midshipman	Male Midshipman	N/A	Restricted Report

²⁴ Incidents #8 and #9 involved the same subject and the misconduct occurred at the same time.

²⁵ Incidents #10, #11, #13 involved the same subject.

²⁶ This incident involved gender-based harassment.

²⁷ This incident involved both relationship violence and stalking.

²⁸ This incident involved both relationship violence and stalking.

Plan of Action for AY 2023-2024

The Duncan Hunter Act requires the Academy to provide, in each Annual Report, an annual plan setting forth the actions to be taken in the following Academy program year to prevent and respond to sexual assault and sexual harassment involving Midshipmen and Academy personnel. Provided below is an outline of actions that the Academy and MARAD plan to take, or are taking in AY 2023-2024, to continue to address sexual violence at the Academy, encourage victims to report incidents, educate USMMA and maritime industry community members, and further develop USMMA and MARAD capabilities in appropriately responding to sexual assault and sexual harassment.

Preventing Sexual Assault and Sexual Harassment: In AY 2022-2023, USMMA's Sexual Assault Prevention and Response Office (SAPRO) worked to centralize, update, align, and communicate policies across the Academy. In AY 2023-2024, SAPRO is continuing its work in coordination with USMMA's Sexual Assault Review Board and Academy senior leadership to communicate updates and progress on this work with the USMMA community and other stakeholders.

Specifically, in AY 2023-2024, all students will receive a minimum of 2 hours of instruction, and faculty and staff will receive 1 hour. Additionally, Plebe Candidates received 3 hours of instruction during Indoctrination to the Academy in July 2023. First responders, and other groups of Midshipmen, faculty, and staff likely to interact with victim-survivors will receive specialized, supplemental instruction.

The prevention curriculum for students builds on previous units of instruction, starting with a focus on the basics of sexual and relationship violence awareness, the elements of healthy relationships, and upstander intervention for Plebes (freshman students), with instruction on preparing for Sea Year, and reintegrating into the Regiment, among other topics for third-class (sophomore) and second-class (junior) Midshipmen. Learning objectives for first-class (senior) Midshipmen focus on the necessary tools for sexual assault and harassment prevention as junior leaders in the maritime industry or as commissioned officers in the Armed Services. Whenever appropriate and possible, training is co-facilitated in smaller groups by professional staff together with Midshipman leaders and Sexual Assault Prevention and Response Ambassadors.

Strengthening the USMMA Sexual Assault Prevention and Response Office: The Academy's intention is to fully staff SAPRO in AY 2023-2024. A fully staffed office requires one additional hire of a Victim Advocate/Prevention Educator. In AY 2022-2023, USMMA hired a Director, a Sexual Assault Response Coordinator, and a Victim Advocate/Prevention Educator. The Fiscal Year 2024 budget request includes resources to hire a Victim Advocate/Prevention Educator.

SAPR Program External Assessment: In March 2023, a contractor with subject-matter expertise in leading the national professional association of Title IX administrators began its work to assess the SAPR program. Over the course of twelve months, this contractor will conduct a full-scale evaluation of USMMA's prevention and response efforts related to sexual assault, sexual and gender-based harassment, stalking, relationship violence, and retaliation, including:

- reviewing all policies, procedures and training materials;
- conducting outreach and information gathering with stakeholders, including interviews and focus groups;

- analyzing accountability measures, including the investigation and disciplinary process;
- evaluating the roles and responsibilities of USMMA personnel; and based on these measures
- providing recommendations to strengthen the SAPR program at the Academy.

The contractor will deliver recommendations to improve the program, training curriculum, prevention efforts, and campus culture in a final report due by March 2024. The report will be shared with the Advisory Council (see below) and the Academy will work expeditiously to incorporate the contractor's recommendations, aligning them with the values, mission, and culture of USMMA over the remainder of AY 2023-2024 and through AY 2024-2025.

Meeting the Medical and Counseling Needs of Midshipmen: In July 2023, the USMMA's Office of Health Services expanded its hours to include weekend availability. The Academy expects Midshipmen, including victim-survivors, to significantly benefit from expanded access in services. In addition, during AY 2023-2024, the Academy will explore giving students the opportunity to access a mobile application providing peer-to-peer mental health support, with oversight by professional mental health clinicians. This application would allow Midshipmen to access mental health support 24/7/365 at the Academy, at home, or at sea.

Administrative Investigations: In Fall 2022, USMMA contracted with a firm with national expertise in providing trauma-informed administrative investigations of unrestricted reports of sexual assault, sexual and gender-based harassment, stalking, relationship violence, and retaliation occurring on the Academy's campus. This contract ensures the timely completion of investigations.

Criminal Investigations: In Fall 2022, the State of New York accepted, via Memorandum of Agreement (MOA), concurrent jurisdiction over certain crimes committed at USMMA. The Memorandum of Agreement provides for local law enforcement authority to investigate and prosecute sexual assault, stalking, and dating and domestic violence crimes on Academy property, and provides another avenue of redress for victim-survivors who wish to pursue a criminal investigation.

EMBARC Standards: On December 15, 2021, MARAD released the Every Mariner Builds a Respectful Culture (EMBARC) Standards. Since that time, DOT, MARAD, and USMMA have required all U.S.-flag vessel commercial operators, who hire Midshipmen, to adopt and follow the EMBARC Standards—a set of policies, programs, procedures, and practices to help strengthen a culture of sexual assault and sexual harassment prevention and response and support appropriate responses to incidents of sexual violence and sexual harassment and other forms of misconduct. Enrollment into EMBARC must be completed before U.S.-flag vessel commercial operators will be authorized to employ USMMA students as cadets aboard their vessels. These EMBARC Standards replace earlier commitments made by vessel operators to comply with sea-year eligibility requirements previously established by MARAD's Shipboard Climate Compliance Team prior to their employment of USMMA students as cadets aboard their vessels. On December 23, 2022, President Biden signed the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (FY 2023). Among other provisions, this law codifies the requirement that carriers comply with the sexual assault and sexual harassment prevention standards established by MARAD if they carry cadets. MARAD is preparing an interim final rule that will implement this authority.

DOT, MARAD and USMMA are committed to regular engagement with all stakeholders to assess implementation and discuss options to further strengthen the EMBARC program. To fulfill this

ongoing commitment, MARAD hosts EMBARC quarterly meetings. The first and second EMBARC quarterly meetings were held at DOT Headquarters in Washington, D.C. July 12 and October 25, 2022. Nearly 100 participants representing a wide range of stakeholders - including carriers, labor organizations, and the state maritime academies - attended the meeting. These meetings encourage sharing best practices, learning certain operational and implementation challenges faced by vessel operators, receiving direct feedback on the policies and any unintended consequences, and are facilitating a forum for open dialog with stakeholders, thereby promoting a change in the industry culture. During these meetings, participants discussed how to improve the implementation of the EMBARC Standards and how to continue to support culture change throughout the maritime industry.

MARAD hosted its third EMBARC quarterly meeting on January 23, 2023, at the Academy with industry and government stakeholders. This meeting was also attended by USMMA Midshipmen to observe and participate in the conversation and share experiences from being at sea on EMBARC-enrolled vessels. This meeting included Ann C. Phillips, Maritime Administrator; Lucinda Lessley, then Deputy Maritime Administrator; VADM Joanna Nunan, USMS, USMMA Superintendent; RDML Wayne R. Arguin Jr., Assistant Commandant for Prevention Policy, U.S. Coast Guard; Mr. Jeremy Gauthier, Director, Coast Guard Investigative Services; and Mr. Anton Tripolskii, Director, SAPRO, on a panel providing remarks, and responding to questions from participants.

MARAD hosted its fourth and fifth EMBARC quarterly meetings again at DOT Headquarters on May 15, and August 28, 2023. The meetings continue to be widely attended and feedback is implemented for continuous improvement of the program.

In September 2022, MARAD finalized a cooperative agreement with the Ship Operations Cooperative Program (SOCP). Under this agreement, the SOCP will update existing sexual assault and sexual harassment prevention and response training materials published in 2017.

MARAD Office of Cadet Training At-Sea Safety: To strengthen MARAD's oversight of the EMBARC program, MARAD established the Office of Cadet Training At-Sea Safety (OCTAS). Within the office of the Deputy Associate Administrator for Maritime Education and Training, OCTAS is responsible for coordinating the agency's implementation of the EMBARC program and to ensure enrolled vessel operators' adherence to EMBARC Standards.

In one year, MARAD completed all hiring actions to fully staff the newly established six-person office. The office is comprised of a Director, Lead Analyst, and Four Maritime Safety and Social Responsibility Analysts. Each OCTAS staff member has attended International Safety Management (ISM) Code Auditing and International Standards Organization (ISO) 9001:2015 Lead Auditor training. Since establishment of EMBARC through September 30, 2023, MARAD through OCTAS has enrolled 19 commercial operators in the EMBARC Standards program. This includes all 16 vessel operators statutorily required per 46 U.S.C. 51307 to carry USMMA cadets and comply with the EMBARC standards. Outreach efforts are ongoing by OCTAS to engage additional operators to submit EMBARC enrollment packages to increase the number of commercial vessels available to carry USMMA cadets for Sea Year training and exhaust all available training opportunities.

Consistent with the 46 U.S.C. § 51322 mandated requirement to conduct checks of vessels hosting USMMA cadets, OCTAS completed 22 vessel checks in Fiscal Year 2023. OCTAS provides ongoing technical assistance to industry and vessel operators to implement the EMBARC Standards Program to improve industry wide SASH prevention and response.

Partnering with the U.S. Coast Guard: MARAD is working in close partnership with the U.S. Coast Guard in its regulatory efforts to combat sexual assault and sexual harassment on board commercial vessels. A safe workplace is foundational to mariner recruitment and retention, and MARAD is committed to achieving this standard to support USMMA cadets and all mariners.

Advisory Council: The 2022 NDAA required the Secretary of Transportation to establish an Advisory Council to provide advice to help strengthen the USMMA. 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 and sexual harassment prevention and response; infrastructure maintenance and redevelopment; Midshipmen health and welfare; governance and administrative policies; and other matters.

On July 13, 2023, MARAD announced to the public the 13 selectees making up the USMMA Advisory Council. The Appointees to the Advisory Council are drawn from academia, the maritime industry and maritime labor, the senior ranks of the U.S. military, and five federal agencies—including the Coast Guard, Military Sealift Command, Naval War College, the Department of Health and Human Services, and the Naval Facilities Engineering Systems Command. The Appointees include experts in administering institutions of higher learning; sexual assault and sexual harassment prevention and response; infrastructure and facilities management; and diversity, equity, and inclusion (DEI).

On August 7 and November 16, 2023, the Advisory Council met to discuss and formulate independent advice and recommendations on improving the Academy, including 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. As part of this work, the Council will develop strategies and recommendations to address the issues identified in the 2021 National Academy of Public Administration's *Comprehensive Assessment of the U.S. Merchant Marine Academy* report. The first set of recommendations are due in Summer, 2024.

Focus Groups and Service Academy Gender Relations Survey: USMMA hosted focus groups with students in August 2023, with additional focus groups held with students, faculty, and staff in February 2024. These focus groups were facilitated by the Academy's external consultancy which was contracted to evaluate its sexual assault prevention and response efforts. Results from these focus groups are included in a final report due to the Academy by March 2024. The Academy is arranging for OPA to facilitate its SAGR Survey at USMMA through three separate administrations in March, August, and November 2024.

USMMA Student Advisory Board and Sexual Assault Advisory Council: MARAD and USMMA stood up a USMMA Student Advisory Board, with membership consisting of currently enrolled Midshipmen, in December 2023. The Council will identify health and well-being, diversity, and sexual assault and sexual harassment challenges at the Academy. Further, MARAD and USMMA are planning to create and stand up a Sexual Assault Advisory Council by the end of May 2024.

Oversight by DOT: DOT is overseeing and supporting USMMA policies and programs related to sexual assault, sexual and gender-based harassment, stalking, relationship violence, and retaliation. Currently, senior Department staff meet regularly with MARAD and USMMA leadership to oversee coordination on these issues.

DOT,, MARAD, and USMMA are committed to and understand the urgency of securing the safety of USMMA Midshipmen. The prevention of and appropriate response to sexual assault, sexual and gender-based harassment, stalking, relationship violence, and retaliation is an immediate priority. The work of prevention continues to be a long-term effort to strengthen safety for Midshipmen and reduce and respond to this type of unacceptable misconduct.