



Academic Program Year ~~2023-2024~~ Annual Report on Sexual Assault and Sexual Harassment at the
United States Merchant Marine Academy

Academic Program Year 2023-2024
Annual Report on Sexual Assault and Sexual Harassment
at the United States Merchant Marine Academy

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I. 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) 2023-2024, which occurred between July 1, 2023, and June 30, 2024. The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, codified at 46 U.S.C. § 51318(d), requires submission of this report, which summarizes AY 2023-2024 reported sexual misconduct offenses and the disposition of completed cases at USMMA. Midshipmen reported 24 incidents to the Academy in AY 2023-2024, a decrease from 31 incidents reported in AY 2022-2023. In AY 2021-2022, 21 total incidents were reported, 15 in AY 2020-2021, and 10 in AY 2019-2020.

Additionally, this report describes the results of focus groups conducted at USMMA, which identified factors which negatively impact reporting sexual misconduct to USMMA, including the apprehension of female Midshipmen in reporting sexual misconduct for fear of retaliation, a theme consistent with findings outlined in the 2018 and 2022 USMMA Service Academy Gender Relations (SAGR) Surveys.

The report continues by describing policies and procedures active at the Academy to prevent and respond to sexual misconduct, and an Action Plan for AY 2024-2025, including 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 misconduct. Pursuant to Congressional requirements, this report is provided to the following members of Congress:

The Honorable Ted Cruz
Chair, Senate Committee on Commerce, Science, and Transportation

The Honorable Maria Cantwell
Ranking Member, Senate Committee on Commerce, Science, and Transportation

The Honorable Sam Graves
Chair, House Committee on Transportation and Infrastructure

The Honorable Rick Larsen
Ranking Member, House Committee on Transportation and Infrastructure

The Honorable Cindy Hyde-Smith
Chair, Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

The Honorable Kirsten Gillibrand
Ranking Member, Senate Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

The Honorable Steve Womack
Chair, House Subcommittee on Transportation, Housing and Urban Development and Related Agencies

The Honorable James E. Clyburn
Ranking Member, House Subcommittee on Transportation, Housing and Urban Development and Related Agencies

Should you require additional assistance, please do not hesitate to contact OST's Office of Congressional and Public Affairs at (202) 366-1716.

II. Executive Summary

This report begins with the legislative requirement, continues with a description of the most-recent Service Academy Gender Relations Survey (SAGR) and focus groups conducted at the Academy, followed by the policies and procedures related to sexual misconduct prevention and response in place during AY 2023-2024, a description of the complaint and investigative processes, incident reports made to USMMA in AY 2023-2024, and the action plan for the current academic year, AY 2024-2025.

Midshipmen reported a total of 24 incidents of sexual assault, sexual harassment, sex-based harassment, relationship violence, stalking, and retaliation to the Academy in AY 2023-2024, a decrease from 31 incidents reported in AY 2022-2023. In AY 2021-2022, 21 total incidents were reported, 15 in AY 2020-2021, and 10 in AY 2019-2020. Summary data for incidents reported in AY 2023-2024 is provided below:

Reported Incidents in Academic Year 2023-2024

Sexual Assault	2
Sexual Harassment, including Sex-Based Harassment, and Retaliation	19
Stalking	0
Relationship Violence	3
Total	24

A notable data point in the past academic year is the continued proportional increase in unrestricted reports: 70% of reports in AY 2023-2024 were unrestricted as compared to restricted, with an unrestricted report signifying that Midshipmen wanted the incident investigated. This represents an increase from 61% in AY 2022-2023, 48% in AY 2021-2022, and 27% in AY 2020-2021. In AY 2019-2020 50% of all reports were unrestricted.

The most recently available SAGR data found an estimated unwanted sexual contact rate of 26.2% for USMMA women (55 Midshipmen) and 2.8% of USMMA men (21 Midshipmen) in AY 2021-2022. The same survey found an estimated 60% of USMMA women (126 Midshipmen) and 11% of USMMA men (81 Midshipmen) experienced sexual harassment in the

same academic year. Consequently, much work remains to both bring down the prevalence of sexual misconduct and to encourage Midshipmen to report misconduct when it occurs.

An independent firm, TNG Consulting, conducted eight focus groups in August 2023 and February 2024 by TNG facilitators with subject-matter expertise in preventing and responding to sexual misconduct at institutions of higher education. TNG Consulting manages the leading national professional association in the field of sexual misconduct response at higher education institutions, the Association of Title IX Administrators, and was hired after a competitive federal procurement process. Focus groups included 6-10 Midshipmen, with six focus groups consisting of mixed-sex Midshipmen chosen randomly within class cohorts, and two focus groups of female Midshipmen. Four focus areas were identified: (1) the nature and extent of sexual assault, sexual harassment, sex-based harassment, relationship violence, stalking, and retaliation (collectively, sexual misconduct) at the Academy; (2) the effectiveness of training on sexual misconduct; (3) persistent structural or organizational barriers or deficiencies that prevent the Academy from reducing the level of sexual misconduct; and (4) barriers to reporting sexual misconduct and the causes of these barriers.

Focus groups held in AY 2023-2024 illustrate cultural challenges to reporting sexual misconduct previously identified in the 2022 and 2018 SAGR Surveys. The focus groups highlight an inappropriate “locker room” culture at USMMA wherein women disclosed feeling discomfort reporting sexual misconduct because they fear retaliation for reporting. This theme is consistent with the findings outlined in the 2018 and 2022 USMMA SAGR Surveys. Specifically, USMMA men and women reported that “victim blaming” occurs at the Academy (15% in 2018 to 23% for men and 52% in 2018 to 64% in 2022 for women) and that a Midshipman’s reputation affected whether their peers believed that they were sexually assaulted (26% in 2018 to 42% in 2022 for men and 63% in 2018 to 70% in 2022 for women).

The focus groups found that the demographics of the Academy have a major impact on the campus culture as it relates to sexual misconduct. There is a distinct difference in the experiences of males and females on campus and during Sea Year, identified by both faculty and Midshipmen, and a “locker room” culture that permeates all levels of the Academy. This “locker room” culture has created a space where women disclosed feeling discomfort reporting sexual misconduct concerns due to a fear of retaliation.

The size of the campus is another factor that impacts the campus culture. With less than 1,000 enrolled Midshipmen and generally around 800 Midshipmen on campus because of Sea Year, anonymity and confidentiality in reporting issues of concern is difficult to achieve. In general, most interviewed identified sexual misconduct as a problem at the Academy, consistent with most institutions of higher education. The focus group facilitators concluded that the cultural issues outlined above are the main structural and organizational barriers that prevent the reduction of sexual misconduct at the Academy.

Focus group interviewers found that perhaps the most consistent peripheral theme that arose during interviews and focus groups is that of the Academy’s unique identity as a federal service academy and an institution of higher education. As one of the five federal service academies, USMMA is charged with training officers for the United States Merchant Marine. Unique to the

Academy, even amongst other maritime academies, is the Sea Year, which is an integral part of the Academy experience and the Midshipmen identity, involving Midshipmen spending a year as cadets on vessels belonging to the U.S. Merchant Marine during the course of their study at the Academy divided in two separate sailings over the course of their four years at USMMA, lasting four and eight months, respectively.

The following section outlines the policies, procedures, and processes in place at the Academy during AY 2023-2024 related to the prevention of sexual misconduct. Among other elements, the Academy's Plan of Action for AY 2024-2025 includes mandated in-person training for Midshipmen, faculty, and staff, based on a curriculum which progressively builds on previous units of instruction. In AY 2024-2025, USMMA will confidentially interview all Midshipmen after their second sailing, completion of Sea Year and return to the Academy. Additionally, all Midshipmen returning after their first sailing of Sea Year will be given the option for the same confidential, in-person interview. Interviews are conducted following a protocol developed with assistance from experts in conducting data analysis relating to sexual misconduct at institutions of higher education, including those at the Department of Defense's Office of People Analytics who conduct the SAGR Survey at USMMA and other federal service academies.

The USMMA Sexual Assault Prevention and Response Office's (SAPRO) Sexual Assault Prevention and Response Ambassador Program will continue to grow as a source of Midshipman-led peer training and prevention activities. SAPRO staff and SAPR Ambassadors will work closely with USMMA Midshipman Human Resource Officers to facilitate and attend trainings which attend to the mental health of their fellow Midshipmen. These efforts will continue in AY 2024-2025, in coordination with the USMMA Chaplain and USMMA's Office of Health Services.

On December 15, 2021, MARAD released 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 assault and sexual harassment. 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 September 30, 2024, there are 22 carriers enrolled in EMBARC. This includes all vessel operators statutorily required per 46 U.S.C. 51307 to carry USMMA cadets and comply with the EMBARC standards. 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.

Senior DOT staff will continue to meet regularly with MARAD and USMMA leadership to oversee coordination on all of these issues related to sexual misconduct prevention and response at the Academy.

III. 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, codified at 46 U.S.C. § 51318 (c) and (d), which read:

(c) Annual Assessment.—

(1) In general.—The Secretary, in cooperation with the Superintendent, shall conduct an assessment at the Academy, during each Academy program year, to determine the effectiveness of the policies, procedures, and training program of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

(2) Biennial survey.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel

(A) to measure-

(i) the incidence, during that program year, of sexual harassment and sexual assault events involving cadets or other Academy personnel, on or off the Academy campus, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual assault events involving cadets or other Academy personnel, on or off the Academy campus, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of cadets and other Academy personnel on-

(i) the policies, procedures, and training programs of the Academy on sexual harassment and sexual assault involving cadets or other Academy personnel;

(ii) the enforcement of the policies described in clause (i);

(iii) the incidence of sexual harassment and sexual assault involving cadets or other Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual assault involving cadets or other Academy personnel.

(3) Focus groups for years when survey not required.—In any year in which the Secretary is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

(d) Annual Report.—

(1) In general.— For each Academy program year, the Superintendent shall submit to the Secretary a report that provides information about sexual harassment and sexual assault involving cadets or other Academy personnel.

(2) Contents.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

(A) the number of sexual assaults, rapes, and other sexual offenses, including sexual harassment, involving cadets or other Academy personnel that have been reported to Academy officials;

(B) the number of the reported cases described in subparagraph (A) that have been substantiated;

(C) the policies, procedures, and training implemented by the Superintendent and the leadership of the Academy in response to incidents of sexual harassment and sexual assault involving cadets and other Academy personnel; and

(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, incidents of sexual harassment and sexual assault involving cadets and other Academy personnel.(3) Survey and focus group results.—

(A) Survey results.— 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).

(B) Focus group results.— Each report under paragraph (1) for an Academy program year in which the Secretary is not required to conduct the survey described in subsection (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

(4) Reporting requirement.—

(A) By the superintendent.—For each incident of sexual harassment or sexual assault reported to the Superintendent, the Superintendent shall provide to the Secretary and the Board of Visitors of the Academy a report that includes—

(i) the facts surrounding the incident, except for any details that would

reveal the identities of the people involved; and

(ii) the Academy's response to the incident.

(B) By the secretary.— Not later than January 15 of each year, the Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary's comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

IV. Service Academy Gender Relations (SAGR) Survey and Focus Group Results

The Duncan Hunter Act requires that during academic years beginning with an odd year, e.g., AY 2023-2024, the Academy collect survey data, a requirement fulfilled by contracting 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. The Duncan Hunter Act requires that during academic years beginning with an even year, e.g., AY 2024-2025, the Academy conduct focus group sessions, which provide a qualitative interpretation of the previous year's survey data.

OPA published its *2022 U.S. Merchant Marine Academy Service Academy General Relations Survey Overview Report* on its website in June 2024, covering survey administrations in March and August 2022 (for AY 2021-2022).¹ For AY 2023-2024, OPA conducted SAGR surveys in March, August, and December 2024, with August and December sessions scheduled for Midshipmen out at sea during the initial March data collection. The results and data analysis from this survey administration are expected to be released later in 2025.

An independent firm, TNG Consulting, conducted eight focus groups in August 2023 and February 2024 by TNG facilitators with subject-matter expertise in preventing and responding to sexual misconduct at institutions of higher education. TNG Consulting manages the leading national professional association in the field of sexual misconduct response at higher education institutions, the Association of Title IX Administrators, and was hired after a competitive federal procurement process.

Focus group participants were identified through a randomized selection of Midshipmen across class years, and additional participants suggested by Academy faculty and staff, coupled with the availability and willingness of these Midshipmen to attend. Participants were provided with an explanation of the purpose for the discussion and were promised anonymity before questions were asked following the themes designated in the interview protocol. Focus groups included 6-10 Midshipmen, with six focus groups consisting of mixed-sex Midshipmen chosen randomly

¹ This report is accessible at: <https://www.opa.mil/research-analysis/health-well-being/gender-relations/2022-service-academy-gender-relations-survey/2022-u-s-merchant-marine-academy-usmma-gender-relations-survey-overview-report>.

within class cohorts, and two focus groups of female Midshipmen. The procedures used to collect qualitative data involved the development of an interview protocol to assist with conducting focus groups and ensuring consistency of the core questions asked. The initial development of the interview protocol consisted of clarifying the purpose of the evaluation, identifying focus areas for evaluation, and developing interview questions linked to each of these focus areas. Four focus areas were identified: (1) the nature and extent of sexual assault, sexual harassment, sex-based harassment, relationship violence, stalking, and retaliation (collectively, sexual misconduct) at the Academy; (2) the effectiveness of training on sexual misconduct; (3) persistent structural or organizational barriers or deficiencies that prevent the Academy from reducing the level of sexual misconduct; and (4) barriers to reporting sexual misconduct and the causes of these barriers.

In addition to the focus groups of Midshipmen, 27 staff and faculty stakeholders from throughout the Academy were interviewed by the subject-matter experts in one-on-one interviews conducted by videoconference. Throughout the interview sessions, verbal and nonverbal communication and clarifying questions were used to encourage the participants to provide information and further share their experiences and or thoughts about the Academy's climate related to sexual misconduct and the effectiveness of SAPR. Each interview session began with introductory information and rapport building between the consultant(s) and the participant(s). The interview then transitioned to the pre-determined questions. The interview concluded with the open-ended question, "What else should we know?" to allow participants the ability to share any additional information not previously addressed. The results of these focus groups and interviews are described below.

The sex demographics of the Academy have a major impact on the campus culture as it relates to sexual misconduct, given that 80% of Midshipmen are male.² There is a distinct difference in the experiences of males and females on campus and during Sea Year, identified by both faculty and Midshipmen, and an inappropriate "locker room" culture that permeates all levels of the Academy and creates a space where women disclosed feeling discomfort reporting sexual misconduct concerns due to a fear of retaliation. This theme is consistent with the findings outlined in the 2018 and 2022 USMMA SAGR Surveys. Specifically, USMMA men and women reported that "victim blaming" occurs at the Academy (15% in 2018 to 23% for men and 52% in 2018 to 64% in 2022 for women) and that a Midshipman's reputation affected whether their peers believed that they were sexually assaulted (26% in 2018 to 42% in 2022 for men and 63% in 2018 to 70% in 2022 for women).

The size of the campus is another factor that impacts the campus culture. With less than 1,000 enrolled Midshipmen and generally around 800 Midshipmen on campus as the rest are at sea for training, anonymity and confidentiality in reporting issues of concern is difficult to achieve. Faculty and Midshipmen cited the size of the campus as a reporting barrier due to the perception that there is no way for a complainant's identity to remain confidential. Interviewees indicated that sexual harassment and sex-based harassment at the Academy are pervasive. Female interviewees expressed that the inappropriate "locker room culture" referenced above makes the

² Per the National Center for Education Statistics based on 2022 enrollment. See: <https://nces.ed.gov/collegenavigator/?q=united+states+merchant+marine+academy&s=all&id=197027#enrolmt>.

Academy an uncomfortable place for them. Female Midshipmen identified that this culture pervades their classrooms (from both peers and faculty), their peer leadership, and is prevalent with their peers in general. They identified that this pervasive inappropriate “locker room culture” can be attributed, in part, to a culture of bystander apathy and felt there was a significant need for positive peer pressure to change that culture.

Sexual misconduct at the Academy is generally perceived to be a problem; however, the demographic background of the individual responding to the question impacted their answer, with women likelier than men to identify sexual misconduct to be a problem at USMMA. In general, most interviewed identified sexual misconduct as a problem at the Academy, consistent with most institutions of higher education. The focus group facilitators concluded that the cultural issues outlined above are the main structural and organizational barriers that prevent the reduction of sexual misconduct at the Academy.

Focus group interviewers found that perhaps the most consistent peripheral theme that arose during interviews and focus groups is that of the Academy’s unique identity as a federal service academy and an institution of higher education. As one of the five Federal Service Academies, the Academy is charged with training officers for the United States Merchant Marine. Midshipmen are trained in marine engineering, navigation, ship administration, maritime law, personnel management, international law, customs, and several other subjects consistent with the operation and administration of merchant ships. Unique to the Academy, even amongst other maritime academies, is the Sea Year, which is an integral part of the Academy experience and the Midshipmen’s identity, involving Midshipmen spending a year as cadets on vessels belonging to the U.S. Merchant Marine during the course of their study at the Academy divided in two separate sailings over the course of their four years at USMMA, lasting four and eight months, respectively.

The following sections of this report outline the policies, procedures, and processes in place at the Academy during AY 2023-2024 that are related to sexual assault and sexual harassment prevention and response, as well as the Academy’s plan of action for AY 2024-2025.

V. Policies and Procedures in AY 2023-2024

Policies, procedures, and processes related to sexual assault and sexual harassment prevention and response in effect at the Academy during the AY 2023-2024 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.³

- 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)*

³ Policies using the term “gender-based harassment” pre-date Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*. These policies have since been revised to comply with this Executive Order.

- 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*⁴
- Superintendent Instruction 2023-01, *Midshipmen Medical Leave of Absence (MLOA) and Medical Disenrollments*
- 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*
- Superintendent Notice 2024-08, *Restricted Reporting Sources for Academic Year 2023-2024*
- 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 Tracker
- SAPRO Standard Operating Procedure for Prioritization of Responses to External Recommendations for Improving the Sexual Assault Prevention and Response Program
- 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 USMMA
- 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 Academy

⁴ The USMMA Sea Year Handbook, Revision 18, is included as an attachment to this Superintendent Instruction.

- SAPRO Standard Operating Procedure for Use of Satellite Phone and Satellite Texting Devices
- SAPRO Standard Operating Procedure for Cadets Using a Designated Code Word, or SOS Button, to Return from Sea Year Assignment
- SAPRO Standard Operating Procedure for the Sexual Assault Prevention and Response Ambassador Program

VI. Complaint and Investigative Processes at USMMA

Midshipmen-Complainants at USMMA may make either restricted or unrestricted reports to the Academy to report sexual misconduct, encompassing sexual assault; sexual harassment, including sex-based harassment; relationship violence; stalking; and retaliation for reporting these categories of misconduct. 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 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 located at USMMA 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 and, at the Midshipman-Complainant's request, a criminal investigation.

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

The State of New York has concurrent jurisdiction over certain crimes committed at USMMA. MARAD's active 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) allows these local law enforcement agencies to investigate and prosecute misdemeanor crimes of sexual assault, relationship violence, and stalking. The MOU also covers most felonies occurring on USMMA property, except those involving national security or committed against the Federal government. 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 staff Special Victims' Units 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 respondent. The Every Mariner Builds a Respectful Culture (EMBARC) Standards mandate that these companies have sexual assault and sexual harassment policies requiring thorough investigations. The EMBARC Standards require that company policies meet best practices for sexual assault and sexual harassment investigations, and interviews be conducted using trauma-informed interview methods.⁵

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 deemed appropriate, when an off-campus incident involves both a Midshipman-Complainant and a Midshipman-Respondent, the Academy may conduct an administrative investigation.

VII. Incident Reports Made to USMMA in AY 2023-2024

During Academic Year 2023-2024, the Academy received two reports of sexual assault from Midshipmen. Both were restricted reports, and both complainants were female. One of the respondents was a male Midshipman and one was a male stranger.

USMMA received nineteen reports of sexual harassment, sex-based harassment, and retaliation in AY 2023-2024. Four of the reports were restricted and fifteen unrestricted. Twelve of the cases were reports of sexual harassment, with one of these cases also involving retaliation. Six of the cases involved sex-based harassment with two of those cases also involving retaliation. One of the cases was a separate case of retaliation. Four of the complainants were male Midshipmen, and fifteen were female Midshipmen. Seventeen of the respondents were male, one case involved multiple respondents, of mixed sex, and in one case the respondent's sex was unknown. In five of these cases, the respondents were Midshipmen, with an additional four cases involving multiple Midshipmen as respondents. In nine other cases the respondents were crewmembers. In one other case, the respondent was a stranger.

The Academy received zero reports of stalking and three reports of relationship violence in AY 2023-2024. One of the relationship violence reports was restricted and two were unrestricted. In all three reports the complainant was a female Midshipman. In all three reports the respondent was a male Midshipman.

When an entity external to USMMA investigates, e.g., a law enforcement criminal investigation, or a shipping company administrative investigation, USMMA will typically not have access to the final disposition. Tables displaying dispositions of reported incidents of sexual assault; sexual harassment, including sex-based harassment, and retaliation; and relationship violence made to USMMA in AY 2023-2024 are found on succeeding pages of this report.

Table 1 shows the disposition of reported incidents of sexual assault in AY 2023-2024.

⁵ 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.

Table 1: Disposition of Reported Incidents of Sexual Assault in AY 2023-2024				
Incident	Complainant	Respondent	Investigation	Result
1	Female Midshipman	Male Midshipman	N/A	Restricted Report
2	Female Midshipman	Male Stranger	N/A	Restricted Report

Table 2 shows the disposition of reported incidents of sexual harassment, including sex-based harassment, and retaliation in AY 2023-2024.

Table 2: Disposition of Reported Incidents of Sexual Harassment, including Sex-Based Harassment, and Retaliation in AY 2023-2024				
Incident	Complainant	Respondent	Investigation	Result
1	Male Midshipman	Male Stranger	Yes	Unrestricted Report; Local law enforcement investigation
2	Female Midshipman	Male Midshipmen	Yes	Unrestricted Report; Sexual harassment complaint withdrawn; Respondents disciplined for related offenses
3	Female Midshipman	Male Midshipmen	Yes	Unrestricted Report; Respondents Disciplined
4	Female Midshipman	Male Midshipman	N/A	Restricted Report
5	Female Midshipman	Male Midshipman	N/A	Restricted Report
6	Male Midshipman	Male Midshipmen	N/A	Restricted Report
7	Female Midshipman	Male Crewmember	Yes	Unrestricted Report; Shipping/operating company investigation
8 ⁶	Female Midshipman	Unknown Midshipman	Yes	Unrestricted Report; Closed—Insufficient evidence
9	Female Midshipman	Male Midshipman	Yes	Unrestricted Report; Respondent disciplined

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:

⁶ This incident involved both sexual harassment and retaliation.

Incident	Complainant	Respondent	Investigation	Result
10	Female Midshipman	Male Midshipman	Yes	Unrestricted Report; Respondent found not responsible
11 ⁷	Female Midshipman	Male & Female Midshipmen	Yes	Unrestricted Report; First respondent found not responsible; Charges dismissed against remaining respondents
12 ⁸	Female Midshipman	Male Crewmember	Yes	Unrestricted Report; Shipping/operating company investigation
13	Male Midshipman	Male Crewmember	Yes	Unrestricted Report; Shipping/operating company investigation – Respondent disciplined
14	Female Midshipman	Male Crewmember	N/A	Restricted Report
15	Male Midshipman	Male Crewmember	Yes	Unrestricted Report; Shipping/operating company investigation – Respondent disciplined
16	Female Midshipman	Male Crewmember	Yes	Unrestricted Report; Shipping/operating company investigation – insufficient evidence
17	Female Midshipman	Male Crewmember	Yes	Unrestricted Report; Coast Guard Investigative Service administrative investigation
18	Female Midshipman	Male Crewmember	Yes	Unrestricted Report; Coast Guard Investigative Service administrative investigation
19	Female Midshipman	Male Crewmember	Yes	Unrestricted Report; Shipping/operating company investigation – Respondent disciplined

⁷ This incident involved both sex-based harassment and retaliation.

⁸ This incident involved both sex-based harassment and retaliation.

Table 3 shows the disposition of reported incidents of relationship violence in AY 2023-2024.

Table 3: Disposition of Reported Incidents of Relationship Violence in AY 2023-2024				
Incident	Complainant	Respondent	Investigation	Result
1	Female Midshipman	Male Midshipman	N/A	Restricted Report
2	Female Midshipman	Male Midshipman	Yes	Unrestricted Report; Closed—insufficient evidence
3	Female Midshipman	Male Midshipman	Yes	Unrestricted Report; Closed—insufficient evidence

VIII. Action Plan for AY 2024-2025

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 are taking or have taken in AY 2024-2025, to continue to address sexual violence at the Academy, encourage victim-survivors to report incidents, educate USMMA and maritime industry community members, and further develop USMMA and MARAD capabilities in appropriately responding to sexual misconduct, including assault and sexual harassment.

SAPR Program Assessment; Policy and Programmatic Revisions: From March 2023-March 2024, a contractor with national subject-matter expertise conducted a comprehensive assessment of USMMA's efforts to prevent and respond to sexual misconduct, to include: 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 delivered recommendations shared with the USMMA Advisory Council. The Academy incorporated some of the contractor's recommendations in AY 2023-2024, and is working to or has incorporated many remaining recommendations on policies, the training curriculum, prevention efforts, and campus culture over the course of AY 2024-2025, as part of a comprehensive policy revision process.

Focus Groups and Service Academy Gender Relations Survey: The latest administration of the SAGR Survey was facilitated at the Academy by the Department of Defense's Office of People Analytics in three separate administrations during March, August, and December 2024. Results from this SAGR Survey are expected later in 2025. Additionally, in this same academic year, USMMA will facilitate focus groups at the Academy.

Preventing Sexual Misconduct: In AY 2023-2024, the USMMA Sexual Assault Prevention and Response Office (SAPRO) continued its work in coordination with the Academy community, USMMA's Sexual Assault Review Board, and Academy senior leadership to communicate its commitment to preventing and appropriately responding to sexual misconduct. Responding to recommendations made after the conclusion of the comprehensive assessment referenced-above, SAPRO made the following improvements, among others, to training format and delivery related to sexual misconduct prevention, whenever possible. This work continued in AY 2024-2025:

- Reducing the amount of training incorporated into Indoctrination to distribute training more evenly throughout the course of the Plebe year
- Emphasizing bystander intervention training provided to Midshipmen
- Providing peer-led discussions in small groups to follow instruction provided in large groups
- Avoiding the use of overly large training spaces
- Train faculty and staff in-person
- Sharing reporting statistics and trends with the Academy community

In AY 2024-2025 all Midshipmen will or have received a minimum of two units of instruction on preventing and responding to sexual misconduct, with faculty and staff receiving one unit. Plebe Candidates received two units of instruction during their Indoctrination to the Academy before the beginning of the academic year. Groups of Midshipmen, faculty, and staff likely to interact with victim-survivors, e.g., Midshipman Human Resource Officers, Midshipman Emergency Medical Technicians, will receive specialized, supplemental instruction.

The prevention curriculum for Midshipmen 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 additional instruction on healthy relationships, preparing for Sea Year, including sexual misconduct, satellite phone and SAPRO hotline operation, EMBARC requirements, barriers to reporting and retaliation, and reintegrating into the Regiment of Midshipmen, 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, sexual harassment, and relationship violence prevention as emerging 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 Sexual Assault Prevention and Response Ambassadors and other Midshipman leaders.

In AY 2024-2025, USMMA continued its tradition of having a nationally-recognized speaker on sexual assault and sexual harassment prevention present to the entire Regiment of Midshipmen during Sexual Assault Awareness Month in April 2025, Dana Fleitman of the Stalking Prevention, Awareness, and Response Center, following the presentation by U.S. Army Master Sergeant (Retired) Aaron Stone focusing on the experiences of male victims-survivors of sexual assault during Sexual Assault Awareness Month in April 2024.

Growing the Sexual Assault Prevention and Response Ambassador Program: In AY 2024-2025, the USMMA SAPRO Sexual Assault Prevention and Response Ambassador Program (SAPR Ambassadors) continued to grow as a source of Midshipman-led peer training prevention education and outreach activities. SAPRO staff, the acting Provost, the Director of Admissions, and SAPR Ambassadors attended the *2024 National Discussion on Sexual Assault and Sexual Harassment at America's Colleges, Universities, And Service Academies* hosted at the U.S. Air Force Academy in September 2024. The strengthening of relationships between USMMA and the other federal service academies continued in AY 2024-2025 at the 64th annual Conference of Service Academy Superintendents, to be hosted at USMMA in April 2025.

At the National Discussion, SAPRO staff and SAPR Ambassadors met with their peer sexual misconduct prevention professionals and Cadet-Midshipmen at other federal service academies and exchanged best practices in prevention. SAPRO staff and SAPR Ambassadors work closely with USMMA Midshipman Human Resource Officers to facilitate and attend trainings which attend to the mental health of their fellow Midshipmen. These efforts continued in AY 2024-2025, in coordination with the USMMA Chaplain and USMMA's Office of Health Services.

Strengthening the USMMA Sexual Assault Prevention and Response Office: A fully staffed SAPRO requires an additional hire of a Victim Advocate/Prevention Educator. The Fiscal Year 2025 budget includes a request to fill this position. In AY 2024-2025, SAPRO onboarded a Maritime Safety and Welfare Officer, a new position at the Academy. SAPRO's current staffing consists of a Director, a Sexual Assault Response Coordinator, a Victim Advocate/Prevention Educator, a Sea Year Victim Advocate/Prevention Educator, and a Maritime Safety and Welfare Officer. These last two positions are staffed by U.S. Navy Strategic Sealift Officers who are also USMMA alums.

Launching Confidential Sea Year Interviews: All Midshipmen at the Academy complete Sea Year, a year-long experience of sailing on public and commercial vessels, divided into two sailing periods. The first, shorter sailing takes place during a Midshipman's third-class (sophomore) year, and the second, longer sailing period takes place either mostly or entirely during a Midshipman's second-class (junior) year. The National Defense Authorization Act for Fiscal Year 2023 requires USMMA to conduct confidential exit interviews of all Midshipmen who have completed Sea Year, conducted by personnel who are not involved in the assignment of Midshipmen to a Sea Year vessel.

In AY 2024-2025 USMMA confidentially interviewed all Midshipmen after their completion of Sea Year and return to the Academy. Additionally, all Midshipmen returning after their first sailing were given the option for the same confidential, in-person interview with SAPRO's Maritime Safety and Welfare Officer. These interviews are conducted following a protocol developed by SAPRO, with assistance from experts in conducting data analysis relating to sexual misconduct at institutions of higher education, including those at the Department of Defense's Office of People Analytics who conduct the SAGR Survey at USMMA and other federal service academies.

Meeting the Medical and Counseling Needs of Midshipmen: Midshipmen, including Midshipman victim-survivors of sexual and relationship violence, have benefited from expanded weekend access to services launched in July 2023 by USMMA's Office of Health Services. USMMA continues to explore giving Midshipmen 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.

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 host Midshipmen for Sea Year 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 assault and sexual harassment. 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. The National Defense Authorization Act for Fiscal Year 2023 codified into law the requirement that carriers comply with the sexual assault and sexual harassment prevention standards established by MARAD if they carry cadets.

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. These meetings bring together stakeholders from across the maritime industry and all vessel operators who participate in the EMBARC program, allowing MARAD to work collaboratively to improve the program, increase participation, promote best practices, elevate the safety onboard vessels carrying cadets and work to achieve overall improvement in shipboard work environment. The eighth EMBARC quarterly meeting was held at USMMA in Kings Point, NY on September 19, 2024. The meeting had over 75 participants in person and over 100 virtual participants, representing a wide range of stakeholders—including carriers, labor organizations, and the State Maritime Academies.

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) in early 2022. 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.

The success of this program is the result of consistent industry engagement and maintaining good working relations with all vessel operators. This is accomplished in several ways by the OCTAS staff who work closely with all operators, providing technical assistance at any time, upon request, meeting with vessel operators through scheduled office visits, attending vessel crew conferences, and reviewing operator's annual self-assessments. MARAD also hosts quarterly meetings with all EMBARC stakeholders.

The office is comprised of a Director, Lead Analyst, and Four Maritime Safety 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, 2024, MARAD through OCTAS has enrolled 22 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 all additional eligible 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 35 vessel checks in Fiscal Year 2024, exceeding the congressional mandate to check 5% of all commercial vessels which host cadets, annually.

Partnering with the U.S. Coast Guard: MARAD continues to work 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 National Defense Authorization Act (NDAA) required the Secretary of Transportation to establish an Advisory Council to provide advice to help strengthen the USMMA. This council was established in March 2022, and is charged to provide independent advice and recommendations in several areas, including curriculum development and training programs, sexual assault and sexual harassment prevention and response, infrastructure maintenance and redevelopment, Midshipmen health and welfare, and governance and administrative policies.

In July 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, the 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, and infrastructure and facilities management.

As part of this work, the Council is developing 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 Council last met in December 2024, submitted their draft report, and is soon expected to finalize this report and its recommendations.

USMMA Student Advisory Board: MARAD and USMMA stood up a USMMA Student Advisory Board, with membership consisting of currently enrolled Midshipmen, in December 2023. Pursuant to 46 U.S.C. § 51326(f), the Board is charged, in part, with identifying health and well-being, sexual assault and sexual harassment challenges at the Academy, and improvements to leadership development. The Board is required to meet with the Secretary of Transportation not less than once each academic year and meet in person with the Maritime Administrator not less than twice each academic year. The Board must also submit an annual report on its findings for each of the five years after the date of enactment.

IX. Conclusion

The Department of Transportation is overseeing and supporting USMMA policies and programs related to sexual assault, sexual and sex-based harassment, stalking, relationship violence, and retaliation. DOT, MARAD, and USMMA are committed to and understand the urgency of securing the safety of USMMA Midshipmen. Preventing and appropriately responding to sexual misconduct remains an immediate priority. Mitigating the impact of sexual misconduct at USMMA and in the maritime industry continues to be a long-term effort by DOT, MARAD, and USMMA, as is the push to strengthen the safety and quality of working, living, and learning environment of Midshipmen—and all mariners.