

**MEETING OF THE U.S. MERCHANT MARINE ACADEMY  
BOARD OF VISITORS  
Capitol Visitors Center  
Room SVC 201-00  
13 July 2016**

**ATTENDEES**

BOARD OF VISITORS (BOV) MEMBERS: Rep. Peter King; (R-NY), Chairman; Sen. Deb Fisher (R-NE); Rep. John Garamendi (D-CA), RADM Thomas K. Shannon; Commander, Military Sealift Command; RADM David A. Score, Director, National Oceanic and Atmospheric Administration (NOAA) Corps; RADM Linda L. Fagan, U.S. Coast Guard Deputy Commandant for Operations, Policy and Capabilities; Mr. Gary Gilbert ; Sharon vanWyk, PhD, U.S. Merchant Marine Academy (USMMA) Advisory Board Chair

BoV Guests: Rep. Dennis Ross (R-FL) and USMMA Advisory Board Member Bill Pennella, Vice Chairman of the Board and Executive Vice President of Crowley Maritime Corporation

Maritime Administration (MARAD) Officials: Paul Jaenichen, Administrator; Michael Rodriguez, Deputy Administrator; Mr. Joel Szabat, Executive Director; RADM James Helis, U.S. Maritime Service, Superintendent, USMMA; Michael Novak, Director Office of Congressional and Public Affairs; Brian Blower, MARAD Academy Liaison and BOV Designated Federal Official

**PURPOSE**

As required by law, the BOV met to receive a briefing on the state of the U.S. Merchant Marine Academy (USMMA or Academy) and to hear the findings in the June 10, 2016 Annual Report to the Secretary of Transportation (Secretary) by the Academy's Advisory Board.

Maritime Administrator Jaenichen opened the meeting at 1:35 p.m. followed by welcoming remarks from the Board Chairman, Rep. Peter King. After the Chairman's remarks, Administrator Jaenichen introduced the BOV members, MARAD and Academy representatives in attendance.

**SUPERINTENDENT'S BRIEFING**

Superintendent Helis provided an overview of the state of the Academy beginning with statistics for the incoming USMMA class of 2020 which started indoctrination on June 28, 2016 with 278 Midshipmen (M/N). He noted that the class is comprised of 19 percent women and 24 percent minorities – one of the most diverse classes in history.

RADM Helis then briefed the status of the Academy's accreditation visit by the Middle States Commission on Higher Education (MSCHE). He noted that while the Academy received a "warning," the institution remains accredited. RADM Helis summarized the MSCHE identified shortcomings in management/planning and campus climate. He stated that the Academy has already started working with MARAD and the Department of Transportation (DOT) to devolve certain authorities from Headquarters in Washington, D.C. back to the Academy as recommended by MSCHE and that USMMA staff has developed a matrix of critical tasks that must be addressed. He expressed optimism that all 14 of the accreditation requirements can be met within the two year period allowed by MSCHE.

**REPRESENTATIVE KING'S REMARKS:**

Rep. King thanked the USMMA Parents Association and the Alumni Association and Foundation (AAF) for their interest and active participation in the Academy activities and Congressional affairs affecting the Academy.

#### **REPRESENTATIVE GARAMENDI'S REMARKS:**

Rep. Garamendi provided an update on the status of the National Defense Authorization and the ongoing negotiations in Conference Committee.

#### **SENATOR FISHER'S REMARKS:**

Sen. Fisher highlighted some of the provisions in Senate bill S. 2829, the Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017, of which she is co-sponsor. She also suggested that the sexual harassment and assault (SA/SH) training at the Academy is inadequate and the M/N require 24 hr/day access to the Sexual Assault Response Coordinator (SARC).

#### **ADVISORY BOARD REPORT TO THE BOV:**

Dr. Sharon vanWyk provided information about the Advisory Board members, the Charter, and the methodology used to develop the finding of the Annual report to the Secretary. She noted that all 47 of the Government Accounting Office (GAO) findings from the 2009 report have been satisfactorily resolved, that the Alumni Association and Foundation (AAF) Freedom of Information Act (FOIA) lawsuit has been settled, the capital improvement plan is properly funded and is being implemented, funding has been restored for faculty development and a new leadership development course is being integrated into the Academy curriculum. Overall, the Academy has been moving in the right direction. However, she stated there still remain three areas of immediate concern to the Advisory Board members:

1. Safety of Midshipmen – Preventing and Ending Sexual Harassment and Assault
2. Governance, Leadership and Administration – Maintaining Regional Accreditation
3. Strategic Plan and Performance Measures – Advancing Strategic Goals and Objectives

1. Safety of Midshipmen – Dr. vanWyk reported that there is clear evidence the Academy has deployed reasonable and customary methods used at other institutions of higher education and Federal service academies to prevent sexual harassment, assault and retaliation for resisting or reporting it, but sexual harassment, assault and retaliation are still occurring on campus, at sea and ashore. She stated that in order to gain a better understanding of M/N experiences of sexual harassment, an Advisory Board member met with M/N who had completed both their first and second sailing periods. The M/N said that sexual harassment at sea was a common occurrence and provided specific examples of harassment that they personally experienced or observed.

After relaying examples of SA/SH that the Maritime Administrator has shared in public settings, Dr. vanWyk reported that M/N said that they did not report the behavior they experienced at sea or ashore because they were afraid their future career opportunities could be affected and M/N frequently do not report sexual harassment, assault and retaliation on campus because the fear repercussions from peers (including being ostracized or talked about).

Despite all the well-intentioned efforts by the Academy, sexual harassment, assault and retaliation are continuing and as such, the Advisory Board members, as educators, maritime leaders and citizens, are not comfortable with the status quo. While not prescribing a solution, she noted that many M/N are likely to be subjected to sexual harassment in the coming months and some will be assaulted if the status quo continues. She stated that the Advisory Board has discussed their concerns with the Academy and MARAD leaders and additional actions have been initiated to reduce sexual harassment, assaults and retaliation. The Academy's policy against SA/SH and retaliation have been updated and expanded

through a more comprehensive and specific Superintendent's Instruction, roles and responsibilities for preventing SA/SH and retaliation have been clarified and communicated, and a new Assistant Sexual Assault Response Coordinator position has been approved. MARAD has initiated discussions with seafaring union leaders and U.S. Flag Fleet ship owners/operators by convening a "Call To Action" on June 24, 2016, to discuss SA/SH with industry leaders and Department of Defense experts and develop strategies to reduce the occurrences on campus and at sea.

Dr. van Wyk pointed out that while the Federal service academies are not bound by Title IX of the Education Amendments of 1972, the Academy seeks to comply with this statute as shown in its revised sexual harassment and assault policies. Title IX of the Education Amendments of 1972 protects men and women from sex discrimination in education programs or activities that receive Federal financial assistance.

One of the requirements of this statute is that institutions must take immediate steps to address any sex discrimination, sexual harassment or sexual violence to prevent it from affecting students further. If an institution knows or if it is reasonable to expect that the institution should know about discrimination, harassment or violence that is creating a hostile environment for any student, it must act to eliminate it, remedy the harm caused and prevent its recurrence.

To increase the safety of M/N on campus and at sea, the Advisory Board provided the following recommendations:

1. The Academy and MARAD should work with maritime industry leaders, and seafaring union leaders to take precautions to ensure that the M/N who join their crews will be safe from harassment and assaults. This process has begun.
  2. Performance indicators should be established to measure progress so that M/N and the Academy Administration can be confident that M/N will not be at undue risk, that incidents will be addressed promptly and forthrightly, and that there will be zero tolerance for retaliation against victims who report harassment or assault.
  3. MARAD, maritime industry leaders, and seafaring union leaders must take a strong stand against sexual harassment, assault, and retaliation; and recognize that sexual harassment is not an acceptable practice that mariners should expect because of industry characteristics.
  4. MARAD, maritime industry leaders, and seafaring union leaders should develop appropriate incentives and consequences for vessel Masters and Chief Engineers, owners, and crew members to maintain a safe working and learning environment for M/N and all mariners.
  5. The Academy's faculty, Regiment, and staff should seek out and implement best practices from other state maritime academies (SMAs) and service academies and higher education institutions to greatly reduce victims' fear of reporting sexual harassment and assault crimes, and eliminate the retribution that victims experience, which is too often the norm.
  6. The Academy's faculty, Regiment, and staff should create an interdisciplinary program to develop a leadership culture in which M/N have empathy towards victims and stand up to perpetrators, instead of ostracizing and retaliating against victims.
2. Governance, Leadership and Administration – Dr. van Wyk observed that the Academy is regionally accredited by the Middle States Commission on Higher Education and is in the process of seeking decennial (10-year) reaccreditation and that DOT/MARAD, and the Academy will all need to make changes in the current governance and administration policies and statutes in order for the Academy to maintain its regional accreditation.

She noted that as a result of the 2009 GAO report, Congress directed DOT to implement extensive financial oversight procedures to more closely monitor the Academy's monthly budget management,

hiring and procurement activities. While necessary at the time, these procedures add a layer of complexity to the management and operations of the Academy which has resulted in significant negative, unintended consequences. Funds are not typically disbursed in a reasonable timeframe, procurement authority is severely restricted impacting all procurement including emergency maintenance and requirements, and the process of recruiting and hiring positions unique to higher education regularly extend over 200 days. Critical and essential positions remain unfilled for long periods of time.

To support the Academy in reaching its governance, leadership, and administration goals and maintaining regional accreditation, the Advisory Board provided the following recommendations:

1. MARAD and Congress should initiate an expedited process to change DOT policies and remove statutory language to restore to the Superintendent the standard discretionary authority and management resources that are typically afforded to all other DOT modal administrators and senior administrators at academic institutions, including the other four Federal service academies.
2. The Advisory Board reiterated a recommendation they made in 2015 for the governance, leadership, and administration requirements for accreditation to be analyzed so as to understand the expectations of the Academy's accreditors, articulate key entities' roles, including their responsibilities for oversight and execution, and adjust policies and statutes to adopt best practices and requirements necessary for accreditation.

### 3. Strategic Plan and Performance Measures

Dr. vanWyk pointed out that an institution of higher education typically develops a strategic plan to shape its programs and practices and evaluate success. The strategic plan is usually developed by faculty, staff, and students in collaboration with the institution's governing body. However, the Academy's current Strategic Plan was driven by previous DOT Headquarters senior staff. As a result, some of the Academy faculty and staff reported to the Board that they were not committed to the goals and objectives contained in the Strategic Plan. They felt that the Plan did not address some important aspects of the Academy and that some of the performance measures contained in the Plan are not relevant to an academic institution. Consequently, it has been difficult for the Academy, as a whole, to work cohesively towards meeting the Plan's objectives.

The current strategic plan runs through 2017 and is due to be updated shortly, presenting an opportunity to resolve differences about the Plan's objectives and performance measures during the next strategic planning process.

To obtain greater buy-in and support to achieve the next strategic plan objectives, the Advisory Board provided the following recommendation:

1. The Superintendent and a representative group of members of the Academy should investigate strategic planning best practices from other institutions of higher education and choose a more collaborative and comprehensive strategic planning approach to foster greater buy-in and ownership of the plan from faculty, staff and the Academy's administration, Regiment, and governing bodies

Dr. vanWyk noted that details about the progress that the Academy and MARAD have made towards specific aspects of the 2012-2017 Strategic Plan, the Secretary's 2014 directives and recommendations in prior Advisory Board reports are summarized in the appendices of their 2016 report.

## **CONCLUSION:**

Dr. vanWyk noted that progress has been made in advancing the Academy's management, leadership, curriculum, student support services, culture, faculty development, and infrastructure and the Academy is moving in the right direction.

USMMA, MARAD and DOT should continue to work towards full implementation of the Capital Improvement Plan and the Secretary's 2014 Directives; immediately address the issues of SA/SH and retaliation on campus and at sea; address the findings of the MSCHE without delay and begin the strategic planning process in earnest in the very near future, or the Academy will soon be operating without substantive guiding vision and strategy.

The Board recommends that the current administration prioritize the three areas discussed in their report for the remainder of 2016 and recommends that these issues should be the priority of the next Secretary and his/her administration.

**Superintendent Helis and Administrator Jaenichen responded to questions from Professional Staff:**

*Q: What resources are available to M/N on ships in the event of an incident of SH/SA?*

A: All companies have processes and procedures in place to deal with SA/SH both on and off the ship as well as a designated person ashore (DPA) whom the M/N can contact. M/N also have Academy resources including a "safe word" for immediate removal from a vessel and 24-hour access to their training representative.

*Q: Incident reporting in 2014-2015 is down from previous years. What inputs caused the recent Sea Year Stand Down?*

A: No specific incident prompted the Stand down, however feedback through focus groups, interviews with M/N and staff by MARAD, the Advisory Board and MSCHE revealed increasing evidence that a significant problem exists. The Academy changed the survey a few years ago to match that of the other Federal service academies administered by the Defense Manpower Data Center in order to standardize comparison of the results.

*Q: How is SA/SH handled on campus?*

A: RADM Helis explained the difference between restricted and non-restricted reporting along with the procedures for handling both types of reports and the method by which assistance is available 24-hrs per day.

*Q: How are on campus SA/SH incidents prosecuted?*

A: The Academy is Federal property, so the Federal Bureau of Investigation (FBI) has jurisdiction. In the event of a non-restricted report, the DOT Office of the Inspector General (OIG) secures the scene and preserves the evidence and the FBI conducts an investigation. The Academy Director of Public Safety works in cooperation with the FBI and OIG to support their efforts for unrestricted cases and conducts administrative activities for restricted reporting events.

*Q: What proportion of SA/SH take place at sea versus on campus?*

A: Approximately 40-50 percent of incidents take place at sea, but only one quarter of the student population is at sea at any given time.

*Q: Is there a lack of reporting of SA/SH while at sea?*

A: Yes, there is the same fear of retaliation while on board ships as there is on campus.

*Q: Does the Sea Year Stand Down affect accreditation?*

A: The MSCHE was very concerned about SA/SH and in the out brief by the Visit Team, reported that the Academy was willingly and knowingly sending M/N to sea where a significant number of them would experience either harassment or assault. SA/SH is addressed in the MSCHE report which requires that we take action in the next two years. It is included the campus culture/climate standard and thus is an accreditation issue.

*Q: Did MARAD evaluate State Maritime Academy's (SMA) SA/SH policies?*

A: MARAD recently used SMA training vessels to get sea time for USMMA M/N because they are a more controlled environment with additional supervision and instructors on board.

*Q: What will be the criteria to restart Sea Year?*

A: The Academy and MARAD are finalizing the criteria, but it is expected to include short term actions such as communications from the shipping company/vessel owner Chief Executive Officers to the crews, assignment of mentors for the M/N on the vessels, annual training requirements - to be standardized eventually and commitment by each commercial operator/company to zero tolerance of SA/SA and fraternization. There must be demonstrated continuous improvement over time and there will be periodic review of the Sea Year Eligible (SYE) companies.

#### **MARITIME ADMINISTRATOR'S COMMENTS:**

Administrator Jaenichen commended the industry for submitting an action plan to MARAD to address SA/SH industry wide at the "Call to Action." He noted that MARAD and industry are working together to finalize the action plan to allow the resumption of Sea Year on commercial vessels. In the interim, sea training will be conducted primarily on Federal vessels including Military Sealift Command (MSC) and MARAD's Ready Reserve Force vessels.

#### **DEPUTY MARITIME ADMINISTRATOR'S COMMENTS:**

Deputy Administrator Rodriguez mentioned that he had personally contacted all of the shipping companies and labor unions that are affected by the Sea Year Stand Down and that the industry is providing good support.

Mr. Rodriguez provided an overview of the process for certifying companies as SYE and detailed the duties of the Shipboard Climate Compliance Team (SCCT) that MARAD has created to review company submissions and monitor continued compliance.

#### **RADM SHANNON'S COMMENTS:**

RADM Shannon said that MSC is "all in" and he is willing to use whatever resources he has at his disposal to assist in this effort. He wants USMMA to be the college of choice for merchant marine officers and he wants all parents to have confidence in the safety of their children. As the nation's largest employer of maritime officers, MSC needs USMMA graduates as employees.

RADM Shannon noted that he sent an update to MSC's Maritime Training Policy yesterday to his entire command and MSC's Fleet of vessels which includes a formal check list for Captains, Chief Engineers and M/N, training requirements, alcohol and curfew regulations, and directions to update the training handbooks to include formally debriefing a M/N at the end of every voyage.

#### **RADM FAGAN'S COMMENTS:**

RADM Fagan affirmed the commitment of the U.S. Coast Guard to assisting in whatever way they can and that they are willing to share their best practices and policies.

**RADM SCORE'S COMMENTS:**

RADM Score commended the Advisory Board's report and stated the need for thorough benchmarking with the expectation that incident reporting will initially increase.

**Mr. GILBERT'S COMMENTS:**

Mr. Gilbert pointed out that Sea Year is what makes USMMA unique and this is a defining moment in history of the Academy. He pointed out that the Captain is in charge at sea and needs to be held accountable for any incidents on his vessel. He stressed the need to stand back up the Sea Year as quickly as possible.

**CHAIRMAN'S CLOSING REMARKS:**

Rep. King highlighted the Academy's unique and outstanding significance to the nation and noted the importance of Sea Year in the quality of the education provided. He mentioned that several of the members had expressed outrage to him over the findings of the Advisory Board and stated that the problem must be corrected immediately.

There being no further questions or discussion, the meeting was adjourned at 1504.

Submitted by:  
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