



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

October 25, 2016

The Honorable Peter King
U.S. House of Representatives
Washington, DC 20515

Dear Congressman King:

I am providing answers to the specific questions you posed regarding the U.S. Merchant Marine Academy (USMMA or the Academy), as I indicated I would in my letter of September 28.

As you note in your letter, Sea Year is a unique training opportunity for the men and women of the Academy. While we acknowledge the educational strength of this productive experience, the need to ensure that all Midshipmen are safe and are treated with respect—on campus and at Sea Year—is of the utmost importance to the U.S. Department of Transportation. Effective learning can only take place when men and women feel secure in a supportive environment.

To date, the Academy's leadership has focused on prevention of sexual assault and sexual harassment, responding appropriately to incidents, and creating a leadership development program to address campus climate issues. As the Department began to assess steps for reinstating Sea Year on commercial vessels, however, it became evident that inappropriate behaviors at sea may be inextricably linked to offensive conduct and related behavior, such as bullying, hazing, coercion, and retaliation, on campus. We understand that we cannot address one environment without addressing the other; this entire set of behaviors must be addressed.

The Department has chosen to take a proactive approach to institutionalizing change within the culture at the Academy and its connection with Sea Year. Over the next several months, independent experts experienced in assessing institutional and organizational culture will examine all aspects of USMMA culture, both on campus and at sea. As these experts attempt to identify root causes and offer possible short-term and long-term corrective actions to address these issues, resumption of Sea Year on commercial vessels will be delayed.

The Department will make every effort to ensure that all Midshipmen receive the number of sea days necessary to take the examination for their Merchant Marine Credential and, furthermore, that they receive their training in a safe environment. We will keep you apprised as we move forward to stand up the commercial Sea Year training. The Department will, however, continue assigning Midshipmen to Federal vessels, including training ships on loan to the State Maritime Academies, so they can obtain their required sea days.

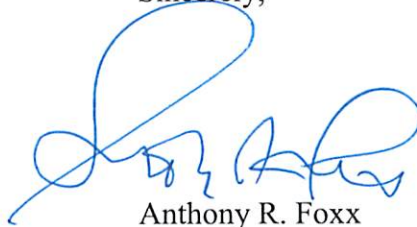
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The Honorable Peter King

We appreciate your interest in these issues and look forward to working with you as we strengthen and improve the experience of our Midshipmen on campus and during Sea Year.

The enclosed document provides answers to your questions regarding the Sea Year stand down. Thank you for your continued support of the Academy. I have sent a similar response to each cosigner of your letter. If I can provide further information or assistance, please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony R. Foxx", with a large, stylized initial "A" that loops back.

Anthony R. Foxx

Enclosure

1. The Middle States Commission on Higher Education (MSCHE) issued a warning to the Academy requiring it take actions to address deficiencies in five of fourteen standards. What steps has the Academy taken to date to address these requirements? How long does the Academy anticipate it will take to address the MSCHE requirements?

On September 7, 2016, the Academy leadership, senior faculty, and staff met with the assigned MSCHE Liaison for the USMMA. That meeting was productive and provided insights into the upcoming MSCHE followup visit scheduled for March 2017. It is important to note that that the Academy remains accredited while we work with MSCHE to address the requirements and recommendations and ensure the highest caliber education for the Academy's Midshipmen. The Academy has two years to reach compliance.

Following MSCHE's determination, the Academy immediately began to take action on the recommendations provided by MSCHE to meet standards in the five areas that were considered deficient. Most notably, the Academy reviewed its program for sexual assault awareness and prevention, including Midshipmen training as well as the creation of reporting and response procedures that include confidential reporting, trained volunteer victim advocates who can serve as confidential reporting sources, and the use of Midshipmen survey and focus groups to better measure progress and inform program improvements. Efforts will continue to change the culture the Academy to create a safe environment and an atmosphere of mutual respect that allows each Midshipman to grow and thrive.

Efforts are also under way to address the governance structure issues identified by MSCHE, including the Academy's financial restrictions and governance.

Additionally, the Academy—in coordination with the Department and MARAD—will begin the development of a new strategic plan in the fall of 2016, which will include greater involvement from staff, faculty, Midshipmen, and other stakeholders. The Academy has filled key personnel vacancies identified by MSCHE, including the Director of Public Safety and Security, the Director of Admissions, and the Director of Academy Financial Management. A new Deputy Commandant has been selected and started September 19. The new Director of Institutional Assessment was hired in May 2016, and the position was reassigned from the Dean's Office to Superintendent's Office to shift focus from just academic assessment to institutional issues.

2. When were requirements identified by the MSCHE Evaluation Team in April 2016 reported to USMMA administrators? What actions did USMMA administrators take, between when they were notified about these requirements and when the MSCHE determination was announced on June 30, 2016, to prevent USMMA from being placed on warning status?

The MSCHE June 2016 determination is based strictly on the information gathered in the April 2016 MSCHE Team Evaluation. The next MSCHE evaluation will be in March 2017 and will encompass an evaluation of USMMA actions between April 2016 and March 2017. In the meantime, the USMMA has been analyzing the report and has hired a new director of institutional assessment to lead the planning effort to ensure the Academy takes appropriate action on the recommendation of the MSCHE Evaluation Team.

3. What is the status of the ABET (Accreditation Board for Engineering and Technology) accreditation process for engineers?

Two degrees offered by USMMA are accredited by ABET. The Marine Engineering Systems program and the Marine Engineering and Shipyard Management program are accredited by ABET through September 30, 2018. The Department of Marine Engineering is currently conducting a self-study of both programs with an anticipated reaccreditation evaluation visit in the fall of 2017.

4. The 2016 USMMA Advisory Board Report did not identify many of the deficiencies cited in the MSCHE Evaluation Team report. What are the reasons for this discrepancy? Are there any efforts under way to make reforms to the Advisory Board as a result?

The Advisory Board reports in 2014, 2015, and 2016 noted issues—including governance structure and sexual harassment and assault—that were later identified by the MSCHE Team Report, and the final report by the MSCHE commended the Advisory Board and recognized that the Board’s advice was sound. The Department has no intention of revising or reforming the Advisory Board other than to appoint two new members to replace those who completed their term on the Board.

5. What data did the Academy and MARAD administrators provide to the Secretary of Transportation to inform Secretary Foxx’s decision to suspend Sea Year?

The decision to stand down Sea Year was based on information from the annual reports to Congress on sexual assault and sexual harassment at the Academy, as well as information gained from group discussions and individual interviews with Midshipmen who have returned from Sea Year. While anecdotal, these discussions provided supporting information to the formal surveys and focus groups reports submitted to Congress. This information included examples of Midshipmen being subjected to a variety of inappropriate behaviors while at sea, such as hazing, coercion, harassment, and retaliation. The lack of reporting of sexual assault and these types of incidents was pervasive enough for us to take action.

6. Why has MARAD permitted State Maritime Academy students to sail on commercial vessels from which MARAD removed USMMA Midshipmen for safety and climate concerns?

MARAD does not have the authority to direct State Maritime Academies (SMAs) to place or remove students from vessels other than those ships that the Maritime Administration owns.

7. What planning was done with industry, faculty (including the Shipboard Training Management Office), and the Midshipmen prior to removing Midshipmen from their assigned ships? What planning was done in consultation with U.S. Transportation Command and the U.S. Navy regarding the impact these actions might have on the supply of licensed mariners?

In January 2016, the Administrator began discussing the issue with industry representatives. In April 2016, he met with ship owners/operators during a National Defense Transportation Association meeting. He specifically discussed the urgent need to address the issue and that MARAD would plan an industry meeting for the spring. That “Call-to-Action” meeting was eventually scheduled for June 24. On June 13, faced with the evidence described in Question 5 and with the pending start of another Sea Year period, Secretary Foxx directed the stand down.

Between June 13 and the Call-to-Action on June 24, a group of commercial operators met to draft a framework for addressing the issues. They presented their work at the Call-to-Action. MARAD has remained engaged with industry ever since.

The Administrator informed U.S. Transportation Command (USTRANSCOM) and Military Sealift Command leadership in April 2016 that combating sexual harassment and sexual assault would require additional focus and action by the industry. The Deputy Commander of USTRANSCOM recommended we contact the U.S. Department of Defense Director for Sexual Assault Prevention and Response for assistance and ideas. That contact helped facilitate the participation of Major General Camille Nichols, U.S. Army, in MARAD’s Call-to Action. Additionally, Vice Admiral Sandra Stosz, U.S. Coast Guard, Deputy Commandant for Mission Support, also participated, as did the U.S. Navy’s U.S. Fleet Forces Command immediate superior in command of Military Sealift Command (MSC).

The actions taken to date should have little to no impact on the supply of U.S. Coast Guard–credentialed Merchant Mariners.

8. MARAD’s Shipboard Climate Compliance Team (SCCT) has been assessing packages submitted by commercial shipping companies for compliance with MARAD’s seven requirements for Sea Year Eligibility (SYE). Please provide an explanation for the Department of Transportation’s decision not to reinstate Sea Year aboard vessels that show SYE until the recently announced independent assessment of the institutional and organizational culture at the USMMA is complete.

Secretary Foxx has decided to delay the resumption of Sea Year on commercial vessels until an independent assessment of the Academy’s institutional and organizational culture on campus and the culture at sea has been completed. The intent is to identify the root causes of inappropriate behavior and possible short-term and long-term corrective actions that can be taken to address it prior to resuming Sea Year on commercial vessels. While the Sea Year program has partially resumed on Federal and SMA vessels, closer examination of the problem revealed that it is evident the inappropriate behaviors students experience at sea cannot be addressed without

addressing the campus culture. The Department, MARAD, and the USMMA are committed to a transformational change at the Academy, one that creates a culture that protects these young women and men and ensures respect for everyone.

We believe the assessment will help further inform and clarify what requirements are necessary to ensure the safety of our students at sea. We appreciate the efforts of the commercial shipping companies who submitted proposals to become Sea Year Eligible, and we will continue to engage with them as the independent institutional assessment is completed.

9. Many USMMA Midshipmen rely on Sea Year stipends to defray expenses. Will cadets assigned to training vessels be compensated for these lost wages?

No. Midshipmen serving on commercial vessels that receive a stipend (i.e. vessels in the Maritime Security Program) are employees of the commercial company and therefore are paid as such. Aboard MSC vessels, they have been considered employees and are paid, although it is not required by law.

Midshipmen serving on Federal assets, including SMA and Academy training vessels and Ready Reserve Force (RRF) vessels, are not considered Federal Government employees and there is no legal requirement to pay them. Even before the commercial Sea Year stand down, Midshipmen often earned sea days training on the USMMA training vessels T/V *Kings Pointer* and T/V *Liberator*, as well as SMA training ships, all without pay. We now have Midshipmen training on RRF vessels without pay. Our top priority for the Midshipmen adversely affected by the commercial Sea Year Stand Down is to get them aboard Federal ships in order to get the sea days and training needed to meet the U.S. Coast Guard Merchant Mariner Credentialing requirements so they can graduate on time.

Of note, Midshipmen pay no tuition, and unlike students at other Federal service academies that pay their students as Federal employees, Midshipmen do not pay for course books or uniforms. USMMA Midshipmen are responsible for paying fees only for barber/hair stylist, tailoring, and laundry, which total \$1,167 per year (\$389 per trimester). They pay these fees only when in residence at the Academy, not during their Sea Year training. Thus, each Midshipman's financial obligation for attending USMMA is approximately \$3,500.

10. Will there be changes made to the Sea Project grading rubric to accommodate affected Midshipmen?

No. USMMA complies with established academic standards and its U.S. Coast Guard-approved Merchant Mariner Credentialing program, which complies with the International Maritime Organization (IMO) and the established Standards of Training Certification and Watchkeeping (STCW) that go into effect worldwide in January 2017. Sea projects are part of that program, and Midshipmen must complete their projects in order to sit for their U.S. Coast Guard credentialing examination to meet requirements for graduating from USMMA. The rubrics for evaluating sea projects ensure that Midshipmen are held to high standards and also take into account each Midshipman's unique sailing experience. The rubrics are designed to help Midshipmen succeed, ensuring their professional competence and confidence.

The faculty recognizes that no two Midshipmen will have the exact same sailing experience, even on the same ship, and sea project evaluation takes this into account. Midshipmen are routinely assigned to MSC and RRF vessels and should have no difficulties in completing their sea projects while assigned to those vessels during the current sailing period. In cases in which Midshipmen may not have had time to complete their sea projects due to circumstances associated with the stand down, those projects will be deferred to the second sailing period or a make-up sailing period between the end of this sailing period and graduation.

11. Does MARAD require additional appropriations to fund the expenses associated with the Sea Year Stand Down? How much does MARAD project the Stand Down to cost?

The estimated cost for arranging the alternative training arrangements for the Academy midshipmen during Fiscal Year 2016 was approximately \$1 million. The USMMA was able to reprioritize its funding to cover the Fiscal Year 2016 costs. It is too early to determine the total cost for Sea Year Stand Down for Fiscal Year 2017.

12. Is MARAD considering making changes to graduation requirements so that USMMA may award degrees to Midshipmen that cannot obtain the sea days necessary for current graduation and licensure requirements? What will happen to these Midshipmen's eligibility as commissioned active duty military?

No. USMMA and MARAD are committed to doing everything possible to ensure that affected Midshipmen can graduate on time. The graduation requirements are set in statute, and the credentialing standards are established by the U.S. Coast Guard in compliance with international conventions developed at the IMO and cannot be waived. Midshipmen apply for Active Duty commissions in the fall of their senior year. A delay in graduation would not affect their opportunities to be commissioned in the U.S. Armed Forces. Their active duty accession would be deferred until they graduated.

13. Admission representatives, most of whom are parents and/or alumni, have told us that they are finding it difficult to recruit qualified applicants to USMMA for future years because of the current issues pertaining to SASH and accreditation. Does MARAD have a plan in place to improve attrition and recruitment? Please provide details of that plan.

By all measures of academic and leadership achievements and potential, the class of 2020 is as good as any in recent years. USMMA admitted its highest percentage of women this year and among the highest percentages of minorities ever. Other Federal service academies have experienced public scrutiny and criticism over gender relations and sexual misconduct but have continued to recruit high-quality, diverse students for each of their incoming classes. The Department, MARAD, and the Academy believe the educational and career opportunities offered by USMMA will continue to attract high-quality applicants. The Academy will continue to emphasize the commitment by leaders from DOT, MARAD, and USMMA to addressing the challenges we face. The Department, MARAD, and the Academy are confident that the Academy will meet all reaccreditation requirements in a timely manner.

14. Are the Department of Transportation and MARAD considering plans to close the United States Merchant Marine Academy (USMMA), either temporarily or permanently?

No, the Department has no plan to close the Academy either temporarily or permanently.