



U.S. Department
of Transportation

**Maritime
Administration**

ADMINISTRATOR

1200 New Jersey Avenue, SE
Washington, DC 20590

ACTION MEMORANDUM TO THE SECRETARY

From: Mark H. Buzby
Maritime Administrator
X61719

Per RAB 12 MAR 18

Prepared by: RDML Sue Dunlap, USMS
Deputy Superintendent
(516) 726-5814

Through: Maria Lefevre, Executive Director
Office of the Under Secretary of Transportation for Policy
X64540

Subject: 2016-2017 Academic Program Year Annual Report on Sexual Harassment
and Sexual Assault at the United States Merchant Marine Academy

ACTION REQUIRED

The Maritime Administration (MARAD) requests the Secretary's review and approval of the 2016-2017 Academic Program Year Annual Report to Congress on Sexual Harassment and Sexual Assault at the U.S. Merchant Marine Academy (USMMA or Academy), and the letters transmitting the material to Congress.

DUE DATE AND STATEMENT OF LATENESS

This report was due to Congress on January 12, 2018. Preparation and MARAD internal review delayed submitting the report for OST/OMB clearance until January 03, 2017. Subsequent to that date, MARAD had to address the edits and comments received, resulting in the further delay of the report being submitted to the Secretary's Executive Secretariat.

SUMMARY

The attached report was prepared pursuant to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, which requires that the Academy conduct an annual assessment to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault involving Midshipmen or Academy personnel. This report includes the results of focus group sessions conducted with Midshipmen, faculty and staff.

BACKGROUND

In May 2017, the Office of People Analytics (OPA), formerly the Defense Manpower Data Center (DMDC), conducted ten focus group sessions with randomly selected Midshipmen, faculty and staff, scheduled in 90-minute sessions. The primary purpose of these was to evaluate programs addressing sexual assault and sexual harassment and to provide a qualitative measure of those programs to complement the 2016 Service Academy Gender Relations (SAGR) Survey quantitative assessment. The Academy received OPA's final report on December 4, 2017. OPA's findings from the focus group sessions validate the 2016 SAGR Survey results and provide valuable feedback on perception of our policies, training and procedures for sexual harassment and sexual assault.

The Academy continues to work with the MARAD to fully restore commercial vessel inventory for Sea Year. MARAD's Shipboard Climate Compliance Team (SCCT) – formed to assess commercial shipping company policies and procedures to ensure that incidents of sexual assault, harassment, hazing, coercion, retaliation and bullying occurring onboard their ships are handled appropriately – is streamlining the requirements to become Sea Year Eligible (SYE) to accommodate smaller operators. Ten companies are currently SYE and the sea-time earned from commercial ships in number of days is now similar to what it was before the stand-down.

The Academy is using data and information from the 2016 SAGR Survey and the OPA Focus Group sessions to ensure the Plan of Action for Academic Year 2017-2018 addresses survey results and focus group themes. Separately, the Academy is tracking completion of recommendations made in the Middle States Commission on Higher Education Accreditation report and the Logistics Management Institute (LMI) culture audit to ensure a holistic approach to continuous improvement of the learning and living experience on campus. The LMI audit identified the root causes of the current climate and culture at the Academy to be “lack of respect for personal dignity and personal differences, lack of trust, and lack of personal ownership,” which then “create barriers (victim blaming, denial of the problem, etc.) and manifest in behaviors such as ostracism and inaction.” That climate and culture has been conducive for sexual harassment and sexual assault to occur. The Academy is implementing LMI's recommendations for culture change to build a climate of trust and respect on campus and at sea.

Currently, the authority to send this report to Congress is reserved to the Secretary pursuant to Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), title XXXV – Maritime Administration, section 3507. If you approve the recommendation, you are authorizing MARAD Administrator Mark H. Buzby to sign the letters forwarding the report to Congress.

RECOMMENDATION

The MARAD recommends the Secretary review and approve the 2016-2017 Academic Program Year Annual Report to Congress on Sexual Harassment and Sexual Assault at the Academy, and the letters transmitting the material to Congress.

Attachments

- Transmittal Letters
- Report to Congress

The Secretary

APPROVED:

 J. L. Chao

DISAPPROVED:

COMMENTS:

DATE:

4-2-18



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

April 2, 2018

The Honorable John Thune
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed is the 2016 – 2017 Academic Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy (Academy), which covers the Academic Year of July 1, 2016 to June 30, 2017, and is submitted to meet the requirement of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), Title XXXV-Maritime Administration, Section 3507 (Act).

The Act requires the Academy to prescribe a policy and conduct an assessment during each Academic Year (AY) to determine the effectiveness of its policies, training and procedures with respect to prevention of and response to sexual harassment and sexual assault involving Midshipmen and other Academy personnel. For each Academic Year beginning in an even-numbered year, the Academy conducts focus group sessions.

As in past years, the Academy contracted with the U.S. Department of Defense's Office of People Analytics (OPA), formerly the Defense Manpower Data Center (DMDC), to administer the focus groups in 2017. In May 2017, OPA conducted ten focus group sessions with 81 randomly selected Midshipmen, faculty and staff. The primary purpose of these focus groups was to evaluate current Academy programs addressing sexual assault and sexual harassment and to provide a qualitative measure of those programs to complement the quantitative assessment resulting from the 2016 Service Academy Gender Relations (SAGR) Survey. The Academy received OPA's final report on December 4, 2017.

OPA found four overarching themes that emerged from the focus group discussions. First, students are heavily influenced by their peers and pay attention to Midshipmen in leadership roles. For sexual assault and sexual harassment to be taken seriously at the Academy, student leaders and groups need to take an active role in setting the tone on campus. Second, there is a protectionist mindset among Midshipmen; they are protective of the Academy and its culture, with Sea Year identified as a significant part of the school's identity. Fear of a second Sea Year stand down could emerge as an additional barrier to reporting. Third, students, faculty, and staff lack trust in the system and sexual assault and sexual harassment prevention policies are regarded with suspicion. Midshipmen do not trust that the restricted reports they make will remain private. They claim that they trust one another, but they consider a fellow student who reports misconduct to be "untrustworthy" or a "snitch." Finally, Midshipmen, faculty and staff see many opportunities for improving training, especially training provided by facilitators who are familiar with the Academy environment and understand life at sea.

The Honorable John Thune

During AY 2016-2017, the Academy had nine reports of sexual assault involving Midshipmen compared to four reports received in AY 2015-2016, a 225 percent increase in one year. During this same period, there were no reported formal complaints of sexual harassment.

OPA's findings from the focus group sessions provide valuable information on perception of the Academy's sexual harassment and sexual assault policies, training, and procedures, as well as the climate that exists on campus. The Academy is using this information to refine its Plan of Action for AY 2017-2018 and to ensure it addresses focus group themes as well as data-driven concerns derived from the 2016 SAGR Survey. Separately, the Academy is tracking completion of recommendations made in the Middle States Commission on Higher Education Accreditation report and the Logistics Management Institute's culture audit of the Academy to ensure there is a holistic approach to continuous improvement of the learning and living experience on campus.

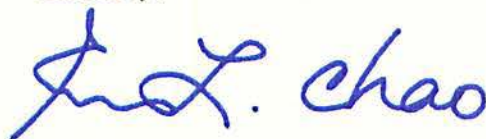
The Plan of Action comprises five areas:

- Climate: Engage Midshipmen leaders in building a culture intolerant of sexual assault and sexual harassment, and the behaviors that enable it;
- Prevention: Involve members of the maritime industry to discuss sexual assault and sexual harassment onboard ships; teach bystander intervention techniques; develop leaders of moral character who stand against sexual harassment and sexual assault; communicate that shipping companies have taken positive action to prevent and respond to sexual misconduct, eliminating the need for another Sea Year stand down;
- Response: Build trust among Midshipman, faculty, and staff by maintaining the confidentiality of sexual assault and sexual harassment victims; teach Midshipmen that the benefits of receiving medical and counseling services outweigh the stigma of reporting;
- Accountability: Complete revision of policies that address sexual assault and sexual harassment, including the Midshipman Regulations, and communicate them clearly to Midshipmen, faculty, and staff; and
- Assessment: Conduct a program self-evaluation and modify objectives, if necessary.

The Department, the Maritime Administration, and the Academy take seriously the safety and well-being of every one of our Midshipmen, faculty, and staff. The Academy is committed to eradicating sexual harassment and sexual assault, in keeping with its values of respect, honor, and service to the Nation.

Similar letters have been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation and the Chairman and the Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

April 2, 2018

The Honorable Bill Nelson
Ranking Member, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Senator Nelson:

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As in past years, the Academy contracted with the U.S. Department of Defense's Office of People Analytics (OPA), formerly the Defense Manpower Data Center (DMDC), to administer the focus groups in 2017. In May 2017, OPA conducted ten focus group sessions with 81 randomly selected Midshipmen, faculty and staff. The primary purpose of these focus groups was to evaluate current Academy programs addressing sexual assault and sexual harassment and to provide a qualitative measure of those programs to complement the quantitative assessment resulting from the 2016 Service Academy Gender Relations (SAGR) Survey. The Academy received OPA's final report on December 4, 2017.

OPA found four overarching themes that emerged from the focus group discussions. First, students are heavily influenced by their peers and pay attention to Midshipmen in leadership roles. For sexual assault and sexual harassment to be taken seriously at the Academy, student leaders and groups need to take an active role in setting the tone on campus. Second, there is a protectionist mindset among Midshipmen; they are protective of the Academy and its culture, with Sea Year identified as a significant part of the school's identity. Fear of a second Sea Year stand down could emerge as an additional barrier to reporting. Third, students, faculty, and staff lack trust in the system and sexual assault and sexual harassment prevention policies are regarded with suspicion. Midshipmen do not trust that the restricted reports they make will remain private. They claim that they trust one another, but they consider a fellow student who reports misconduct to be "untrustworthy" or a "snitch." Finally, Midshipmen, faculty and staff see many opportunities for improving training, especially training provided by facilitators who are familiar with the Academy environment and understand life at sea.

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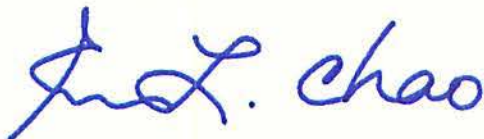
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Similar letters have been sent to the Chairman of the Senate Committee on Commerce, Science, and Transportation and the Chairman and the Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

April 2, 2018

The Honorable Bill Shuster
Chairman, Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Sincerely,



Elaine L. Chao

Enclosure



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

April 2, 2018

The Honorable Peter A. DeFazio
Ranking Member, Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Congressman DeFazio:

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Similar letters have been sent to the Chairman of the House Committee on Transportation and Infrastructure and the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

Sincerely,



Elaine L. Chao

Enclosure



2016-2017 Academic Program Year Annual Report
on
Sexual Harassment and Sexual Assault at the
United States Merchant Marine Academy

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Foreword

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417) requires that the United States Merchant Marine Academy (Academy or USMMA) conduct an annual assessment to determine the effectiveness of the Academy's policies, training, and procedures with respect to sexual harassment and sexual assault prevention.

The Academy contracted with the Office of People Analytics (OPA)¹ to conduct Gender Relations Focus Group sessions with Midshipmen, faculty, and staff. The Academy uses the OPA to administer both its written survey and focus group sessions, enabling it to standardize its survey methodology, align results with the other four Federal service academies, and compare its findings with each of the service academies. This has allowed the Academy to better identify sexual assault prevention and response program deficiencies, determine their root causes, analyze trends, and update its Plan of corrective Actions to prevent sexual harassment and sexual assault.

The Academy has continued to expand and improve its Sexual Assault Prevention and Response (SAPR) Program. Perhaps the most significant change was expansion of the program office from a single Sexual Assault Response Coordinator (SARC) to a four-person office by adding a Sea Year Liaison Officer and two Prevention Educator/Victim Advocate positions. The Sea Year Liaison position has been filled by a U.S. Navy Strategic Sealift Officer and one Prevention Educator/Victim Advocate has been hired to date. To provide more comprehensive support to victims, the Academy has written a position description and plans to add a Special Victim Advisor to the MARAD Office of Chief Counsel. Another significant addition was contracting with the Rape, Abuse, and Incest National Network (RAINN) for a global 24/7 hotline. The RAINN hotline will replace the Academy's organic 24/7 hotline and, given its world-wide reach, also serve as a resource to Midshipmen on Sea Year. The Academy's contract with RAINN is now in place. In addition, the Academy purchased two Garmin InReach Global Positioning System texting devices that it has sent to sea with Midshipmen to test the global capability of the devices. One device is being sent with a Midshipman to Antarctica and the other is scheduled to circumnavigate the globe.

The SARC position was in transition during the 2016-2017 Academic Year. The Academy's SARC departed in December 2016 and the current SARC came onboard in July 2017. In the interim, the lead Victim Advocate (VA), a faculty member, was charged with victim response while the Deputy Superintendent administered the program and the Sea Year Liaison Officer provided training. The Academy successfully observed Sexual Assault Awareness Month which was planned and carried out primarily by Midshipmen. The current SARC is updating the Academy's policies and expanding the pool of VAs. Her most important responsibility is to convince the Midshipmen that they own the problem of sexual assault and sexual harassment and their crucial role in its eradication at the Academy.

The Academy continues to work with the Maritime Administration (MARAD) to fully restore commercial vessel inventory for Sea Year. MARAD's Shipboard Climate Compliance Team

¹ Formerly the Defense Manpower Data Center (DMDC).

(SCCT) – formed to assess commercial shipping company policies and procedures to ensure that incidents of sexual assault, harassment, hazing, coercion, retaliation, and bullying occurring onboard their ships are handled appropriately, is streamlining the requirements to become Sea Year Eligible (SYE) to accommodate smaller operators. Ten companies have been declared SYE. Additionally, the Academy continues to address recommendations made by LMI in its December 2016 campus climate audit, which identified the root causes of the current climate and culture at the Academy to be “lack of respect for personal dignity and personal differences, lack of trust, and lack of personal ownership,” which then “create barriers (victim blaming, denial of the problem, etc.) and manifest in behaviors such as ostracism and inaction.” That climate and culture has been conducive for sexual harassment and sexual assault to occur. The Academy is implementing LMI’s recommendations for culture change to build a climate of trust and respect on campus and at sea.

The number of officially reported sexual assault incidents rose 225 percent from AY 2015-2016 (four reports) to AY 2016-2017 (nine reports). This is a strong indicator that the Academy climate is changing or that there is increasing trust in the leadership of the Academy to respond appropriately and confidentially. While the increased number of reports is encouraging, the number reported still does not correlate with the anonymous 2016 Service Academy Gender Relations (SAGR) Survey, in which 18.4 percent (± 0.1 percent to ± 12.20 percent) of women and 0.8 percent (± 0.1 percent to ± 5.0 percent) of men reported experiencing unwanted sexual contact. The Academy must continue to nurture Midshipmen’s trust and confidence so that all victims of sexual assault and sexual harassment feel comfortable coming forward to make a report.

The Academy’s culture campaign is addressing additional factors that may dissuade Midshipmen from making a report, including victim shaming and retaliation. The leadership of the Academy, MARAD, and the U.S. Department of Transportation (DOT) are building an environment where Midshipmen can feel safe and confident in reporting displays/behavior of sexism, episodes of sexual harassment, and incidents of sexual assault. In addition, the Regiment of Midshipmen must change the way it treats victims of sexual assault and its role in eliminating incidents of shaming and retaliation. The SARC, faculty, and staff will provide training to make Midshipmen aware of these behaviors, and provide support for the ongoing culture change initiative.

The Academy has made great strides in ensuring resource availability, training VAs and providing for the quick and unbiased adjudication of sexual harassment and sexual assault incidents. Leadership must now work to eliminate the Academy’s corrosive culture, train Midshipmen in bystander intervention, and push responsibility for the program to the Midshipmen themselves. DOT, MARAD, and the Academy are committed to supporting the Regiment in its introspection, and to creating a living and working environment that provides security, respects the dignity of every Midshipman and members of the faculty and staff, and upholds the Academy’s core values.

Elaine L. Chao
Secretary of the U.S. Department of Transportation

Executive Summary

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417) requires the Academy to prescribe a policy on sexual harassment and sexual violence and conduct an assessment at the Academy during each Academic Year to determine the effectiveness of sexual harassment and sexual assault prevention policies, training and procedures. The Act states that in even-numbered academic years [*i.e.*, Academic Years that start in an even number year and extend through the following odd numbered year], the Academy performs a self-assessment that includes an analysis of data and reporting of changes to policies, training and procedures. This report is for AY 2016-2017.

In AY 2016-2017, the Academy had three unrestricted reports of sexual assault, which involved three Midshipmen victims. Two Midshipmen and one staff member were the alleged perpetrators. Under unrestricted reporting, both Academy senior leadership and law enforcement are notified of the sexual assault. A detailed breakdown of these incidents is provided in the body of this Report. During the reporting period, there were also six restricted reports of sexual assault. The reported prevalence of unwanted sexual contact (USC) reported by female respondents in 2016 was 18.4 percent (± 0.1 percent to ± 12.20 percent) which equates to 9-45 women. For male respondents, USC was reported at 0.08 percent (± 0.1 to ± 5.0) or 1-35 men. There were no reports of sexual harassment.

The Academy's Policy on Sexual Assault Prevention and Response was in effect throughout the AY, and is being revised to encompass sexual harassment² as a prohibited practice. The policy includes training for all Plebe Candidates (freshmen) during Indoctrination, Third Class (sophomores) and Second Class (juniors) embarking on Sea Year, and Midshipmen selected for Regimental leadership positions. Additionally, annual training is provided to all faculty, administrators, staff, Academy first responders, and VAs. Standard Operating Procedures (SOPs), adopted in October 2014, set guidelines for investigating unrestricted reports of sexual assault, processing a restricted report of sexual assault, and maintenance of restricted and unrestricted report records. The Academy is working on a SOP that will address reports of sexual assault or sexual harassment during Sea Year. The Sexual Assault Review Board (SARB), composed of senior leadership and representatives from the Academy faculty and staff, continues to provide guidance and oversight for the SAPR program. The SARB policy is also under review.

During AY 2016-2017, all Plebe Candidates received training during Indoctrination and all Midshipmen received prevention education training. Midshipmen also participated in nationally-recognized speaker and training programs such as "Hook Up Culture – Stop Hooking Up and Start Loving Bravely," presented by Dr. Alexandra Solomon.

In addition, Midshipmen participated in small group training, Sexual Assault Awareness Month events, leadership discussions, classroom lectures, and Regimental briefings. Most importantly,

² Sexual harassment is currently prohibited under Superintendent Instruction 2013-02, *Policy against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen*. However, as a precursor to sexual assault, stalking and relationship violence, it is more appropriate to include it in the sexual assault policy.

the Regiment spearheaded its own “Be KP” culture campaign, designed to increase peer-led initiatives that encourage trust and support of each other, and adherence to the Academy’s core values of honor, respect, and service.

The SAPR program 24/7 hotline for Midshipmen is operated by the SAFE Center of Long Island, which offers immediate and comprehensive services on and off Academy grounds. The Academy contracted in January 2018 with the Rape, Abuse, and Incest National Network (RAINN) for a global 24/7 hotline. The RAINN hotline will take the place of the Academy’s organic 24/7 hotline and, due to its world-wide capability, will also serve as a resource to Midshipmen on Sea Year. In June 2017, the Academy had five VAs in place to take reports of sexual assault and to inform victims of available services; currently there are only three VAs and more will be trained. Additionally, Midshipmen Human Relations Officers are designated and trained to provide support and resources for victims seeking information and referrals within the Regiment.

The Academy introduced Reintegration sessions to welcome Midshipmen back from sea, inform them of changes within the Regiment, and provide them with an opportunity to share stories of their experiences. Facilitators were available help discuss sensitive topics. These sessions gave Midshipmen a definitive opportunity to address issues about which they were uncertain and to provide anonymous feedback via a confidential Sea Year Survey. Feedback has already been used to shape the Reintegration curriculum to topics more useful to Midshipmen, and will be used in the future to make improvements to Sea Year preparations and the Sea Year itself.

As a follow up to the 2016 Service Academy Gender Relations (SAGR) Survey, the Academy contracted again with OPA to conduct the Gender Relations Focus Group sessions to obtain open and honest feedback from students, faculty, and staff. The focus group sessions augment the SAGR Survey in that Midshipmen are questioned about the results of the survey, whether they agree with the data, what they think the data means, and why they think their peers might have responded the way they did. The focus group sessions provide context to the raw SAGR Survey data obtained the year before. OPA provided a final report to the Academy on December 4, 2017. The results of the 2017 focus group sessions suggest that the Academy is making measurable progress toward raising awareness of zero tolerance for sexual assault and sexual harassment on campus.

OPA’s report stresses that the Academy must make every effort to improve communication with the Regiment regarding prevalence, processing, and final disposition of sexual misconduct cases to show that the system is working. OPA believes that transparency in communication will show Midshipmen why there is a need for training, will encourage reporting, and provide evidence of support for victims of sexual harassment and assault. Data also suggests that training efforts need to target faculty and staff so that they are more proactive and feel capable of providing information, education, and referral for support services if necessary; faculty are a Midshipmen-identified resource for positive messaging and support that is being underutilized. The results also indicate that the Academy must continue to work toward an environment in which victims of sexual assault and sexual harassment feel that they can come forward for help and be believed, supported, and offered the necessary resources to heal and succeed without fear of retaliation from leadership or the Regiment.

The focus group data enabled OPA to identify four main issues. First, students are heavily influenced by their peers and pay attention to Midshipmen in leadership roles. For sexual assault and sexual harassment to be taken seriously at the Academy, student leaders and groups need to take an active role in setting the tone on campus. Second, there is a protectionist mindset among Midshipmen; they are protective of the Academy and its culture, with Sea Year identified as a significant part of the school's identity. Fear of a second Sea Year stand down could emerge as an additional barrier to reporting. Third, students, faculty, and staff lack trust in the system, and sexual assault and sexual harassment prevention policies are regarded with suspicion. Midshipmen do not trust that the restricted reports they make will remain private. They claim to trust one another but consider a fellow student who reports misconduct to be "untrustworthy" or being a "snitch." Finally, Midshipmen, faculty, and staff see many opportunities for improving training, especially training provided by facilitators who are familiar with the Academy environment and understand life at sea.

Along with the Middle States Commission on Higher Education Accreditation report, the LMI report, and the SAGR Survey, the focus group sessions provide a wealth of data to guide the Academy in its efforts to combat sexual misconduct. Using all its data sources, the Academy continues to revise and enhance its Plan of Action, included in this AY 2016-2017 Report to Congress, and is making progress toward eliminating sexual assault and sexual harassment.

Legislative Requirement

This report is produced in compliance with the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), title XXXV – Maritime Administration, section 3507.³ The Act requires that the Academy perform an annual assessment to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault involving its personnel.

The Duncan Hunter Act requires that in odd-numbered academic years (*e.g.*, AY 2011-2012), the annual assessment consists of an anonymous voluntary survey of Midshipmen, an analysis of the survey results, and formulation of a Plan of Action. In even-numbered years (*e.g.*, AY 2012-2013), the Academy performs a self-assessment that includes an analysis of data and reporting of changes to policies, training, and procedures. For AY 2016-2017, the Academy contracted with OPA to conduct Focus Group sessions as a direct follow-up to the previous year's survey to support the self-assessment. This is the eighth report submitted to Congress since the implementation of the Duncan Hunter Act's requirements.

Existing Policies, Procedure and Processes

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

- Superintendent Instruction 2006-10, *Confidentiality at USMMA*
- Superintendent Instruction 2012-07, *Statement of Student Rights under the Family Educational Rights and Privacy Act (FERPA)*
- Superintendent Instruction 2013-02, *Policy Against Discrimination and Harassment, Including Sexual Harassment of Midshipmen*
- Superintendent Instruction 2013-04, *Sexual Assault Review Board (SARB)*
- Superintendent Instruction 2016-02, *Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, Stalking, Prevention Education, and Response Policy*

Superintendent Instruction 2013-02 is under revision to remove sexual harassment against Midshipmen (which will now be included in the revision to Superintendent Instruction 2016-02) and strengthen the sanctions against discriminatory behavior. Superintendent Instruction 2016-02 is being revised to add sexual harassment against Midshipmen to the list of prohibited behaviors. Superintendent Instruction 2013-04 has been revised to prohibit supernumeraries from attending meetings in place of the designated SARB member and is now active policy. The remaining revisions should be completed by 28 February 2018. The Academy is also drafting a new Standard Operating Procedure (SOP) for addressing reports of sexual assault during Sea Year. This SOP will capture both the commercial shipping company and Academy responses to incidents of sexual assault and sexual harassment that occur during Sea Year.

³ Relevant text appears in Appendix A.

The term “sexual assault” is defined in Superintendent Instruction 2016-02 as:

Sexual assault, a crime of violence, is the intentional touching of a sexual nature against the will (by the use of force, physical threat, or abuse of authority), or without the consent of the victim. The victim of sexual assault may be male or female and the perpetrator of the sexual assault may be of the same or opposite sex. Sexual assault includes, but is not limited to the following:

- Unwanted kissing, groping, fondling or other more aggressive physical acts, such as rape, nonconsensual sodomy (oral or anal sex) or attempts to commit these acts;
- Sexual contact with someone whom you reasonably should have known was impaired due to the use of alcohol or drugs (including prescription medications);
- Sexual contact with someone who is “passed out,” sleeping or otherwise incapacitated;
- Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation; and
- Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.

The term “restricted reporting” is described in Superintendent Instruction 2016-02 as:

Restricted reporting allows Midshipmen who are sexual assault victims to disclose, on a confidential basis, the details of their assault to specifically identified individuals and receive medical treatment and counseling at a location of the victim’s choice (on or off-campus), without triggering the official investigative process. Midshipmen who are sexually assaulted and desire restricted reporting under this policy can report the assault only to the Academy’s SARC, a VA or an Academy Health Care Provider (HCP), each of whom must immediately forward the report to the SARC. VAs or HCPs who fail to report sexual assaults to the SARC will be held accountable for such failure. Midshipmen may also report an assault to the Academy’s Chaplain. This policy on restricted reporting is in addition to the current protections afforded under privileged communications with a Chaplain and does not alter those protections.

Restricted reports cannot be made to anyone other than those identified in the paragraph above.

Midshipmen who initially elect to make a restricted report can, at any time after their initial restricted report, decide to pursue unrestricted reporting, which will result in the initiation of criminal and administrative investigatory proceedings. Sexual assault forensic exam evidence kits collected from victims are only retained for a short period of time after the initial report of the sexual assault. Thus, victims have a limited window of opportunity to convert a restricted report to an unrestricted report and still have all of the physical evidence available for investigation.

The term “unrestricted reporting” is described in Superintendent Instruction 2016-02 as:

Unrestricted reporting allows Midshipmen who are sexually assaulted and desire medical treatment, counseling and an official investigation of their allegations to report their assault to the SARC, law enforcement, through the chain of command (including Company Officers

and other Commandant's uniformed staff members), a VA, an Academy HCP, a Midshipman Human Relations Officer, or any trusted advisor, faculty, or staff member. A report of sexual assault made to anyone other than the SARC must immediately be forwarded to the SARC, who will have primary responsibility for handling the report, including notifying appropriate law enforcement personnel and the Academy staff responsible for the administrative investigation. Individuals who fail to report sexual assaults to the SARC will be held accountable for such failure. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. Use of the unrestricted reporting option is encouraged as it provides for immediate formal criminal and administrative investigations. It is the only option that can lead to accountability (i.e., offenders held accountable) and prevent offenders from re-offending.

The term "sexual harassment" is defined in Superintendent Instruction 2013-02 as:

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature or conduct directed at a person because of his or her gender, including, but not limited to, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of status in a course, program or activity, including Regimental duties, or
- Submission to or rejection of such conduct is used as a basis for an academic or Regimental decision affecting the individual, or for a decision regarding an individual's status in a course, program or activity, including Regimental duties, or
- Such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual, of substantially interfering with an individual's academic or Regimental performance, or
- Such conduct has the purpose or effect when judged from the perspective of a reasonable person in the position of the complaining individual, of creating an intimidating, hostile or offensive learning environment.

Midshipmen who are sexually harassed can report through the chain of command (including Company Officers and other Commandant's uniformed staff members), to the SARC or a VA, an Academy Health Care Provider, a Midshipman Human Relations Officer, or any trusted advisor, faculty, or staff member. There is no restricted reporting option for sexual harassment. A report of sexual harassment triggers an administrative investigation which will be adjudicated within the Academy's disciplinary system. Incidents of sexual harassment committed by staff and faculty members are investigated and adjudicated through the Academy's Civil Rights Office.

Sea Year Training Policies

Both Academy policy and Federal law require Midshipmen to complete creditable sea service to be eligible for the Merchant Marine Officer License exam during their First Class (senior) Year. Sea service requirements vary by major, but, in general, require over 300 days at sea, which is served on U.S.-flag⁴ commercial vessels.

MARAD's Shipboard Climate Compliance Team (SCCT) has confirmed that ten commercial shipping companies are Sea Year Eligible (SYE), which means that they have complied with requirements to have policies and procedures in place to ensure that incidents of sexual assault, harassment, hazing, coercion, retaliation, and bullying occurring onboard their ships are handled appropriately and that they have conducted training for their crews. As part of their preparation for at-sea training, Midshipmen are informed that the shipping companies with which they will sail have zero tolerance policies for sexual assault and sexual harassment and established written procedures defining harassment and discrimination, including an explanation of how to report such incidents and the disciplinary measures that will be taken to punish offenders. The Academy has a database of shipping company SYE documents posted on its Intranet so that Midshipmen can review individual company policies prior to embarking on Sea Year.

The Academy Office of Professional Development and Career Services (PDCS) team has added a hyperlink from their Intranet page to the Ship Operators Cooperative Program (SOCP) website where the newly created industry *Best Practices Guide* can be accessed by all Midshipmen. The SOCP has also developed a computer-based training option for the maritime industry to use in performing annual training whether at sea or ashore. These materials are made available to all through the SOCP at no cost, and are available to serve as or augment sexual assault/sexual harassment prevention and response training offered by the industry.

PDCS continued to enhance its Sea Year sexual harassment and sexual assault training by incorporating a briefing specific to Sea Year challenges, which was alternately provided by the Sea Year Liaison Officer, a Prevention Educator/Victim Advocate, or the SARC. PDCS also continued its practice of conducting an all-female session, led by a recent female Academy graduate who is currently sailing in the maritime industry, to provide advice and guidance to the female Midshipmen.

In the event of an incident during Sea Year, such as a sexual assault, Midshipmen are trained to utilize the shipping company's policy by reporting the incident, whether it occurred at sea or ashore, to their Captain, Chief Engineer, Union Representative, or Designated Person Ashore. If members of the shipping company fail to act on a report of sexual assault, Midshipmen may contact Academy leadership directly. Alternatively, Midshipmen may contact Academy training representatives using a pre-arranged code word to communicate their situation. Once a Midshipman contacts the Academy, the training representative arranges for the Midshipman's immediate safe return to the Academy or other location, as deemed appropriate. The Academy SARC provides support services to individuals sexually assaulted at sea and serves as a liaison

⁴ Prior to the Sea Year stand down, a limited number of Midshipmen were permitted to sail on foreign-flag carriers. This opportunity is not currently available.

with the vessel owner/operator to ensure that the complaint is handled promptly and appropriately.

Reported Sexual Assault and Sexual Harassment Offenses

During AY2016-2017, the Academy had three unrestricted reports of sexual assault involving Midshipmen. One incident occurred on-campus and two incidents occurred off-campus. The incidents were investigated and adjudicated administratively, with due process afforded to the accused. One perpetrator was responsible for two incidents and his cases were adjudicated per the Academy's SOP for "Procedures for Superintendent's Disciplinary Hearing in the Case of Sexual Assault/Harassment." One alleged perpetrator was a staff member who had submitted his resignation to leave the Academy prior to the report and the subsequent investigation. The staff member denied the allegations against him.

There were six restricted reports of sexual assault. Two of the assaults were at sea while the Midshipmen were on sea year rotation, two were on campus, and the other two off campus.

The 2016 SAGR Survey showed that of the 18.4 percent of women reporting unwanted sexual contact, 10 percent reported the situation to a military authority or organization, compared to the four reports received by the Academy last year. This year, the Academy received nine reports, a substantial increase over last year and one that starts to match the number of reported incidents in the anonymous survey. This is an indicator that Midshipmen are beginning to have trust and confidence in leadership to protect their privacy, ensure their safety and treat them with respect and dignity.

There were no reported cases of sexual harassment in AY 2016-2017. This is a concern as the data from the 2016 SAGR Survey states that 53 percent of female Midshipmen and eight percent of males experienced some form of sexual harassment, with 14 percent of women and 2 percent of men claiming that they discussed the sexual harassment with or reported to an authority or organization. There is no clear reason why the Academy did not receive these reports; possibilities include lack of trust in the reporting system, lack of training in identifying what is sexual harassment and whom to report it, or fear of retaliation.

Midshipmen in the Focus Group sessions validated these reasons and stated that harassment is a grey area that makes elevating an issue to the Regiment or leadership level difficult, as harassment-related policies and procedures are difficult to comprehend for some. They identified a further barrier in that having relationships with members of the opposite sex is in direct conflict with Midshipmen Regulations that prohibit fraternization, a violation of which has higher stakes than the benefits associated with reporting sexual harassment.

The actions listed in Appendix C demonstrate the Academy's continued efforts to increase levels of trust and confidence in the program. Moving forward, the Academy must address the reasons why Midshipmen do not report sexual harassment to Academy officials, and develop the 2017-2018 Plan of Action to encourage both restricted and unrestricted reporting of sexual assaults.

Disposition of Completed Investigations

Table 1 shows the disposition of officially reported cases of sexual assault during AY 2016-2017. There were three unrestricted reports of sexual assault with two female victims and one male victim. There were six restricted reports of sexual assault with four female and two male victims. Of the nine alleged offenders, eight were male and one was female (she had no relationship to the Academy). The incidents occurred both on and off campus, and at sea. Alcohol use was reported for either the victim or the alleged perpetrator in 30 percent of reported cases. Unrestricted cases were investigated and, when appropriate, adjudicated administratively per the Academy's SOP for "Procedures for Superintendent's Disciplinary Hearing in the Case of Sexual Assault/Harassment."

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

Review of 2015-2016 Service Academy Gender Relations (SAGR) Survey Results

The number of unwanted sexual contact incidents being anonymously reported via the 2016 SAGR Survey was 18.4 percent for women and .08 percent for men. Although OPA reported that there was no statistically significant difference in the 2016 female numbers compared to 2012 (14.4 percent) and 2014 (17.1 percent), the trend line for women is still heading in the wrong direction. For men, there was a statistically-significant decrease in unwanted sexual contact compared to 2014 (2.0 percent) and no statistically-significant change from 2012 (1.3 percent). To place these numbers in context, the 2016 SAGR Survey asked Midshipmen about

| Table 1: Disposition of Officially Reported Cases of Sexual Assault during the 2016-2017 Academic Year | | | | |
|---|-------------------|---|----------------------|---|
| Incident | Victim | Subject | Investigation | Result |
| 1 | Midshipman Female | Other | None | Restricted |
| 2 | Midshipman Male | Midshipman | None | Restricted |
| 3 | Midshipman Female | Midshipman | None | Restricted |
| 4 | Midshipman Female | Midshipman | None | Restricted |
| 5 | Midshipman Male | Acquaintance- (no relation to the Academy) | None | Restricted |
| 6 | Midshipman Female | Midshipman | None | Restricted |
| 7 | Midshipman Female | Midshipman | Referred | Perpetrator disenrolled |
| 8 | Midshipman Female | Midshipman | Referred | Perpetrator disenrolled ⁵ |
| 9 | Midshipman Male | Academy Staff Member | Referred | Alleged perpetrator submitted resignation from the Academy prior to the report and investigation ⁶ |

the one situation of unwanted sexual contact that had the greatest effect on them. Results from this section are not reportable⁷ for men. In 2016, of the 18.4 percent of women who experienced unwanted sexual contact, 61 percent said that it happened on Academy grounds in the dormitory or living area; in 2014, of the 17.1 percent of women who experienced unwanted sexual contact, 60 percent reported the same. Of the 18.4 percent of women who experienced unwanted sexual contact in 2016, 19 percent of women said that it happened off Academy ground at an Academy-sponsored event; in 2014, of the 17.1 percent of women who experienced unwanted sexual contact, less than 1 percent reported the same. In 2016, of the 18.4 percent of women reporting unwanted sexual contact, 60 percent reported that the alleged offender was a fellow Academy student in the same class; in 2014, of the 17.1 percent of women who reported unwanted sexual contact, 58 percent reported the same. In 2016, of the 18.4 percent of women reporting

⁵ Same perpetrator as incident number 7.

⁶ Alleged staff member submitted resignation prior to the allegation being made against him which he denied.

⁷ A specific result may be “not reportable” due to low reliability. Estimates of low reliability are not presented based on criteria defined in terms of not having a sufficient number of respondents (fewer than five), an effective number of respondents (fewer than 30), or relative standard error (greater than 0.3).

unwanted sexual contact, 52 percent indicated that the incident occurred after duty hours on a weekend; in 2014, of the 17.1 percent of women who reported unwanted sexual contact, 42 percent reported the same. The 2016 survey location question provided Midshipmen with the option to select maritime duty; of the 18.4 percent of women who experienced unwanted sexual contact, 35 percent reported that it happened while they were at sea.⁸ This option was not provided in the 2014 SAGR Survey, so there is no comparison data available. Survey results point to the need to address unwanted sexual contact on Academy grounds and by fellow students, with a secondary focus on unwanted sexual assault experienced during Sea Year.

The use and/or abuse of alcohol has been recognized as a risk factor in sexual assault and other unwanted gender-related behaviors. The 2016 SAGR Survey included new questions to ask Midshipmen who experienced unwanted sexual contact whether they or an alleged offender had been drinking before or after a sexual assault. Of the 18.4 percent of women who experienced unwanted sexual contact, nearly half (48 percent) reported that they had been drinking, and 61 percent indicated that the alleged offender had been drinking as well. More than half of the women (57 percent) who reported drinking before or after unwanted sexual contact said that the alleged offender gave or bought them alcohol to drink. Results to this question for men are not reportable.

The culture around sexual assault and sexual harassment can influence rates of unwanted behaviors. Research indicates that organizations tolerating sexual harassment can increase the prevalence of sexual assault⁹. Senior leaders (55 percent of women and 68 percent of men), coaches and trainers (50 percent of men and 60 percent of women), and other athletics representatives and advisors (43 percent of women and 59 percent of men) drew high marks from Midshipmen who believe that these cohorts make honest efforts to stop sexual harassment and assault to a large or very large extent. The lowest ranks went to Midshipmen leaders and other Midshipmen (not leaders), with only 27 percent of women and 54 percent of men believing that Midshipmen leaders make those efforts to a large or very large extent and only 20 percent of women and 46 percent of men believing that Midshipmen (not leaders) make those efforts to a large or very large extent. Notably, in a separate question related to the Academy culture, the percent of students reporting “cadet/midshipman leaders enforce rules (e.g., fraternization, drinking) to a larger extent or higher” showed statistically significant increases for both women (from 35 percent in 2014 to 47 percent in 2016) and men (47 percent in 2014 to 52 percent in 2016). While assessments of Midshipmen leadership have improved, there is room for them to set the right tone in eliminating sexual assault and sexual harassment on campus.

Over the last two years, the Academy has promoted bystander intervention techniques, in which students maintain vigilance and act to prevent sexual assault. The 2016 SAGR Survey asked students whether they had observed a situation where they believed a sexual assault was about to occur, and if so, how had they intervened. Results show that very few Midshipmen observed such situations (11 percent of women and 6 percent of men in 2016, statistically unchanged from 2014), but that the majority of those who do see such situations developing take some sort of

⁸ The distinction between “maritime duty” and “summer experience/training/sea duty” which was another choice for the population surveyed remains unclear. This question will be rephrased in future years.

⁹ Office of People Analytics, *2016 United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 69.

action to stop it (greater than 99 percent for women and 91 percent for men). The SAGR Survey also asked students to rate the extent to which they would be willing to point out to someone that they had “crossed the line” with gender-related comments or jokes. The vast majority (93 percent of women and 87 percent of men) reported that they would be willing to intervene in this way to a moderate, large, or very large extent (no change from 2014). This data suggests that bystander intervention is effective and that the Academy should continue to pursue training in bystander intervention programs.

Only 10 percent of women who experienced unwanted sexual contact in AY 2015-2016 said that they made a report.¹⁰ Of women who chose not to report sexual assault, these were the reasons given:

- 1) They did not want more people to know (58 percent);
- 2) They took care of the problem by avoiding the alleged offender (53 percent);
- 3) They thought it was not serious enough to report (47 percent);
- 4) They took care of the problem by confronting the alleged offender (47 percent); or
- 5) They felt uncomfortable making a report (43 percent).

The decision to report is driven by cost-benefit considerations, and many women clearly see the alternatives to reporting as less costly or more beneficial than reporting. The Academy should counter this perception by conducting training to emphasize the benefits of reporting. The Academy should also show support for those who do come forward to report by protecting their privacy, ensuring their safety, and treating them with dignity and respect. Trust in the system was generally lower for women than men, with 41 percent of women and 60 percent of men saying they would trust the Academy to protect their privacy, 57 percent of women and 70 percent of men to ensure their safety, and 52 percent of women and 70 percent of men to treat them with dignity and respect. These ratings point to a need for leadership to increase the students’ level of trust in the system, particularly among the women students.

For the first time, in 2016, OPA followed guidelines, developed by RAND Corporation¹¹ to use new measures of sex-based Military Equal Opportunity (MEO) experiences that were designed to align with criteria for a Department of Defense (DoD) MEO violation. The measures were designed to align with military law and policy that outline criteria for a MEO violation, and incorporate behaviors and follow-up criteria to derive estimated prevalence rates. The categories of behaviors include sexual harassment (i.e., sexually hostile work environment and sexual quid pro quo) and gender discrimination. Because of this new methodology for determining the prevalence rates, the 2016 SAGR Survey results for sexual harassment and gender discrimination cannot be compared to previous surveys. In 2016, 53 percent of women and 8 percent of men indicated that they had experienced sexual harassment. The gender discrimination rates were slightly better, with only 28 percent of women and 3 percent of men reporting that they had experienced it.

Sexual harassment is a precursor for sexual assault. Organizations that show tolerance for sexual

¹⁰ The number of men reporting sexual assault via the 2016 SAGR Survey was statistically insignificant.

¹¹ Morral, Gore, & Schell, 2014. *RAND Military Workplace Survey*.

harassment and gender discrimination are more likely to create a permissive environment for sexual assault.¹² In addition, behaviors such as sexual harassment and stalking may be grooming behaviors for more serious actions. The “continuum of harm” is generally used to describe behavior which progresses from verbal behaviors to physical. Therefore, the Academy must continue to be vigilant in eradicating gender discriminatory and sexually harassing behavior within its faculty and staff, and it must enlist upperclassmen to eliminate these behaviors in the Regiment of Midshipmen.

Plan of Action

The Academy has closed out the Plan of Action for AY 2016-2017 and developed a new Plan of Action for AY 2017-2018. The Plan of Action carries forward ongoing issues that still need to be addressed and includes new areas identified for improvement. The new Plan of Action and initiatives can be found in Appendix E.

The Plan of Action comprises five areas:

- Climate: Engage Midshipmen leaders in building a culture intolerant of sexual assault and sexual harassment, and the behaviors that enable it;
- Prevention: Involve members of the maritime industry to discuss sexual assault and sexual harassment onboard ships; teach bystander intervention techniques; develop leaders of moral character who stand against sexual harassment and sexual assault; communicate that shipping companies have taken positive action to prevent and respond to sexual misconduct, eliminating the need for another Sea Year stand down;
- Response: Build trust among Midshipman, faculty and staff by maintaining the confidentiality of sexual assault and sexual harassment victims; teach Midshipmen that the benefits of receiving medical and counseling services outweigh the stigma of reporting;
- Accountability: Complete revision of policies that address sexual assault and sexual harassment, including the Midshipman Regulations and clearly communicate these policies to Midshipmen, faculty and staff; and
- Assessment: Conduct a program self-evaluation, and modify objectives if necessary.

¹² Office of People Analytics, 2016 *United States Merchant Marine Academy Service Academy Gender Relations Survey*, p. 69.

Summary of Focus Group Results for Midshipmen

Focus Groups included randomly selected Midshipmen and self-selected personnel from the faculty and staff. Participation in focus group sessions was entirely voluntary. Feedback and themes provided from these sessions are qualitative and cannot be generalized to the full population. Themes should be considered as the attitudes and opinions of focus group participants only and not the opinions of all the students, faculty and staff.

The SAGR Focus Group sessions were held on March 27-30, 2017, and involved a total of 81 personnel: 59 Midshipmen from all four classes (freshmen, sophomores, juniors and seniors) and 22 employees (athletic, Regimental staff, other staff and faculty members).¹³ Separate 90-minute sessions were conducted. Student groups were broken out by gender and class year, with juniors and seniors combined. Five juniors and seniors also participated in one mixed-gender group. Faculty groups were split by academic, athletic and military cadre. A total of ten groups, each of which met only once, were facilitated. OPA provided a final report to the Academy on December 4, 2017.

OPA designed its Focus Group questions to qualitatively validate the quantitative data in the 2016 SAGR Survey. OPA analysts looked for follow-up topics that might clarify or expand upon findings from the previous year's survey. The focus group guide was broken into four sections: Academy culture, perceptions of perceived sexual assault and perceived sexual harassment, reporting and retaliation, and training and prevention. Five question areas were developed by OPA. The Student Focus Group Guide, used to facilitate the sessions, can be found in Appendix D of this report. Those areas of interest, with a summary of findings, are as follows:

1. Academy Culture: The Focus Groups began with OPA sharing the prevalence rates of sexual assault at the Academy from the 2016 SAGR survey. Some participants believed that Midshipmen may have fabricated their responses to the survey, and therefore they felt the rates reported to the Academy were not entirely accurate. Some Midshipmen and faculty found it difficult to judge the rates as no one from the Academy had discussed the results of the survey with them. Others explained there is general distrust of the survey data because they have not seen or heard of any incidents at the Academy. Some participants believed the increase in rates was not necessarily a result of more assaults occurring but of people feeling more comfortable reporting their experiences on a survey or to other people. Because of the disproportionate rate of females to males, some believe this to be the reason for higher rates of assault and harassment for females. Some report that females are more favorably inclined to reporting since they believe that leadership is more serious about this topic compared to previous years. Both male faculty and students surveyed agreed men can be victims of assault and harassment though to a less severe degree than female Midshipmen.

Focus Group sessions included questions on bystander intervention. Students, especially females, felt their peers had their backs around strangers or at sea. They reported a high level of comradery that they believed would keep Midshipmen from harming each other. Students and

¹³ Participation in the focus groups was voluntary; however, OPA ensured that the sample size was sufficient.

faculty members said that some bystander interventions are not reported because the Midshipmen do not want to get each other in trouble. They believe such decisions will impact general awareness of what is going on and may even make it hard to believe that they occur on campus. Some Midshipmen said it would be more difficult to intervene in a situation involving sexual harassment; sexual harassment was regarded as a “gray” area or less severe than sexual assault, and the potential intervener would be labeled negatively by peers as someone who could not take a joke.

These findings do not agree with SAGR Survey results. Although Midshipmen may have said that they would look out for each other, the SAGR Survey showed that the majority of perpetrators are fellow Academy students. Focus group discussions revealed that Midshipmen are reluctant to intervene in situations that may lead to sexual assault and that they do not understand the “continuum of harm,” in which tolerance of sexual harassment creates an environment conducive to sexual assault. In addition, Midshipmen need to better understand what behaviors constitute sexual harassment and how they can better police their peers without feeling uncomfortable or causing a confrontation. The Plan of Action will reflect the need for this training and continued investment in a bystander training program.

The majority of students and faculty agreed that alcohol plays a large role in the sexual harassment and sexual assault incidents involving Midshipmen. Participants recognized that alcohol lowers inhibitions and impairs the ability to use good judgment, also making it difficult to determine if and when a potential sexual partner has given consent. Students noted that the Academy has strict rules about alcohol use and that drinking on campus is prohibited except for select dates and times, which they said had the effect of driving students off campus to drink and, sometimes, to drink to excess.

These findings support the 2016 SAGR results. Nearly half of all women who experienced unwanted sexual contact reported that they had been drinking and more than half said that their alleged offender had been drinking too. Of concern, more than a quarter of these women indicated that their alleged offender had given or purchased alcohol for them, pointing to attempts by the alleged offenders to groom their victims or lower their inhibitions, making it easier for them to take advantage of a victim’s weakened defenses. Although the Academy does already provide training on alcohol use, instruction should concentrate more on the relationship between alcohol and sexual misconduct, and Midshipmen should be made aware of grooming behaviors to help them recognize if they are a potential victim. The Plan of Action has been updated to include this training topic.

Focus Group participants said that they believed it more likely that sexual assaults would occur off campus or at sea. This notion is reinforced by lack of information about sexual assault case disposition, so that a majority of Midshipmen believe – erroneously – that most reported sexual assaults happen off campus or at sea. A few faculty members and Midshipmen indicated that a small minority at the Academy may still question whether or not women belong there. That these views are often discussed openly causes female Midshipmen to not trust their command or other Midshipmen. Relationships between Midshipmen do occur on campus, but a few male Midshipmen said they would be hesitant to engage in a relationship lest some miscommunication would result in an accusation of sexual harassment and/or assault.

These findings reflect a lack of knowledge about SAGR Survey results; Midshipmen need to be educated that statistics show that the majority of sexual assaults occur on campus. The Academy can certainly share SAGR Survey results and this has been added to the Plan of Action. It is more problematic to share sexual assault case disposition with the campus community, as students are protected by the Family Educational Rights and Privacy Act (FERPA). FERPA prohibits disclosure of information from student records without the consent of the student and applies even after students have graduated from the Academy. This means that case results cannot be revealed even after the parties involved have left the Academy. Faculty, staff, and Midshipmen simply are not entitled to know the details about an adjudicated case of sexual assault. The SAGR Survey results should suffice to indicate that the Academy has a problem with sexual assault and sexual harassment.

Clearly there is a sexist bias on campus and if faculty and staff are participating in conversations that encourage discrimination against women, this must be stopped. Academy faculty and staff had “Prevention of Sexist Bias” training presented by members of the DOT Civil Rights Office in February 2016, but it is clear that this training needs to be provided more often. Per the Plan of Action, Midshipmen are scheduled to have diversity and inclusion training, presented by the Academy’s Diversity/Civil Rights Director, in the near future.

Although dating between fellow Midshipmen is discouraged, they do form relationships and sometimes miscommunication does result in accusations of sexual misconduct. Not only do Midshipmen need to learn to communicate, they also need more education on healthy relationship dynamics. The Academy will look for further opportunities to train about relationships and consent, especially in small group settings where there is more student engagement.

2. Sea Year Stand Down: In June 2016, then-Secretary of Transportation Anthony Foxx directed a stand down of the Academy Sea Year in an effort to improve safety and inculcate a climate of respect for Midshipmen aboard commercial ships. The stand down was intended to create heightened awareness of sexual assault, sexual harassment, bullying, coercion and hazing and to prompt commercial vessel operators to intensify prevention efforts aboard their ships. Although Sea Year was officially restored in February 2017, the effects of the stand down continue to be at the forefront of discussions about sexual assault and sexual harassment. Focus group session participants expressed a range of emotions regarding Sea Year, from anger to praise. Those who were unhappy with the stand down pointed to its negative repercussions for the reputations of both the Academy and the commercial shipping industry, the way the stand down was communicated to the Academy community, the impact on graduation, and the lack of an end date to the stand down. Others stated that the stand down was an attempt to keep people safe and saw it as a serious attempt to address a legitimate problem. Some female Midshipmen reported that upon commencement of sea year, there were noticeable differences in how female cadets were treated aboard ships; several women said that because of crews’ concerns on sexual allegations, the opportunity to do certain jobs on board were withheld. Midshipmen considered this as a form of retaliation against the stand down by the shipping companies.

Ten commercial shipping companies have resumed embarking Midshipmen. MARAD, Academy leadership, and PDCS have been tracking the number of sea days accrued by all Midshipmen who were affected by the Sea Year stand down, and currently there is no problem anticipated with graduating affected Midshipmen on time. This has been communicated to Midshipmen in various ways and at multiple times. MARAD and the Academy will continue to work with the commercial shipping industry to ensure Midshipmen obtain challenging and satisfying experiences at sea and to assure them that the stand down was not aimed at the industry, but truly in the interest of ensuring Midshipmen safety.

The 2016 SAGR Survey results showed that of the 18.4 percent of women who reported unwanted sexual contact, 26 percent said that the offender was a person affiliated with the maritime industry and 35 percent said that the unwanted sexual contact had occurred during sea duty.¹⁴ In addition, the Academy continues to receive anecdotal evidence that sexual harassment and gender bias are still occurring onboard commercial vessels. Fortunately, industry has been engaged through a MARAD co-operative program to help create a better working and living environment on ships. The Ship Operators Cooperative Program (SOCP) recently released a *Best Practices Guide* and a computer-based sexual assault prevention and awareness training (CBT) program, both available to all at no cost. The MARAD SCCT continues to screen commercial ship operators for Sea Year eligibility, ensuring that the companies have up-to-date policies and procedures and are conducting ongoing training. Although focus group participants roundly criticized the Sea Year stand down, there is no question that it raised the awareness of sexual assault, sexual harassment and gender bias onboard commercial vessels.

3. Perceptions of Sexual Assault and Sexual Harassment: Midshipmen and faculty respondents reported that they understood the definitions of sexual assault and sexual harassment and how to report them. This was attributed to the increase in training and education offered compared to previous years. Some faculty members said that they would discuss these topics with Midshipmen, who were receptive to the conversations. Generally, focus group participants believed that the Academy takes prevention of and response to sexual assault and sexual harassment very seriously and that training has addressed gender-related issues as well.

As with Sea Year stand down, Midshipmen were critical about the perceived severity of the problem and the Academy's response to it. Some felt that sexual assault and sexual harassment were not a big deal and that the Sea Year stand down and increase in training were just checks in the box by MARAD and Academy officials to achieve reaccreditation. As in paragraph 1 of this section, Midshipmen said that leadership's lack of communication regarding the prevalence of sexual assault and their failure to communicate the outcomes of sexual misconduct hearings has had a negative effect on peer and faculty buy-in for culture change. Many participants said they had not seen or heard of any actual Academy cases and that having sexual assault and sexual harassment be at the forefront of decision-making about dormitory life and Sea Year seemed unwarranted. Despite what they felt was the absence of factual information, Midshipmen reported a perception that their school does much better than other institutions of higher education.

¹⁴ See Note 8 regarding the lack of clarity for this question which will be revised in future surveys.

Midshipmen explained that each person has a different threshold for what is considered unwanted behavior and that some people are more tolerant of sexually-oriented comments and jokes than others. But this made it difficult, they said, to know how people would react and who would be offended, making the definition of sexual harassment fluid and dependent upon one's tolerance level. Some Midshipmen said that sexual harassment was more likely to happen at the Academy than sexual assault, just because sexual harassment happens openly and sexual assault occurs privately. Others said that while the majority of sexual harassment incidents are perpetrated by men against women, women had been observed sexually harassing males, perhaps as a female attempt to fit in to the male-dominated culture. Males indicated that, due to a double standard, those women were never punished.

These comments generally accord with the results of the 2016 SAGR Survey. Midshipmen ranked senior leaders¹⁵ highest on the list (55 percent of women and 68 percent of men) of those who they believe make honest efforts to stop sexual harassment and assault to a large or very large extent, which supports the focus group finding that the Academy takes the problem seriously. In addition, 73 percent of women and 86 percent of men said that they would be willing to seek help from the chain of command and more than half of both men and women said that they would trust the Academy to ensure their safety and treat them with respect and dignity. Survey results also supported training efforts, with 98 percent of women and 96 percent of men reporting that they received sexual assault prevention and response training. The Plan of Action calls for continued leadership engagement, particularly at training and SAPR observance events, and for ongoing small group training sessions.

As noted in paragraph 2 of this section, the Sea Year stand down was controversial and divisive, in part because of differing views regarding the severity of the sexual assault and sexual harassment problem aboard commercial vessels. The Academy has multiple sources that document such incidents, including the Middle States Commission on Higher Education Accreditation Report of June 2016, the LMI culture audit of December 2016, the Advisory Board's 2016 Annual Report to the Secretary of Transportation and the comments from Focus Group. In addition, the Academy continues to receive anecdotal reports that Midshipmen are experiencing sexual misconduct, sexual harassment, hazing and bullying onboard commercial vessels. The Academy can share the results of all of its surveys with Midshipmen, but the Plan of Action will focus primarily on briefing the 2016 SAGR Survey results and the focus group findings. Data from these surveys should convince Midshipmen that there is a problem. Also, as discussed above, the Academy cannot provide Midshipmen with examples of sexual assault and sexual harassment occurring on campus because it is prohibited by FERPA from disclosing information from student records without the consent of the student.

Some Midshipmen mistakenly believe that what constitutes sexual harassment is a certain number of sexually-charged jokes or harassing behaviors the victim is willing to tolerate, and that women are not reported for sexually harassing men. This does not agree with the SAGR Survey, which asked students the extent to which they would be willing to become involved in preventing or responding to sexual harassment. The majority of women (93 percent) said that they would point out to someone that they had "crossed the line," to a large extent, by making

¹⁵ Defined as Superintendent, Deputy Superintendent, Commandant, Deputy Commandant, Academic Dean and Assistant Academic Dean.

gender-related comments or telling jokes, and 87 percent of men said that they would point out to someone that they had “crossed the line,” to a large extent. The survey results suggest that Midshipmen do a good job policing themselves, but the results of the focus group session imply a tolerance for bad behavior, or a high threshold of tolerance for “crossing the line” comments. As discussed earlier in this Report, tolerance for sexual harassment and gender discrimination creates an environment conducive to sexual assault. Thus, it is even more important that the Academy follow through on its Plan of Action items to provide bystander intervention training and eliminate the “continuum of harm.”

4. Reporting and Retaliation: Many students and faculty report never having heard of anyone making a report of sexual assault or sexual harassment, and that perhaps increased awareness would increase reporting. The majority of Midshipmen knew the difference between restricted and unrestricted reporting options, who at the Academy could take each type of report, and what the options were for making a sexual misconduct report while at sea. Focus Group participants said that the absence of a SARC¹⁶ had a negative effect on reporting and expressed concern that the SAPR office was not fully staffed, even interpreting the office vacancies as a lack of priority by the Academy. Midshipmen and faculty liked having as many designated persons as possible to whom they could make a report, and faculty said that they would like better training to be able to comfortably offer assistance, while acknowledging that ultimately they would feel most comfortable knowing they could just refer a victim to the SARC. Midshipmen indicated that in addition to the SARC and SAPR office staff members, they would be comfortable talking to athletic coaches and faculty members as they see these persons on a regular basis and it makes sharing or reporting something easier.

Midshipmen and faculty said that students may be choosing not to report sexual assault due to a variety of reasons, including fear that officials would initiate another Sea Year stand down, fear that making a report would tarnish their reputation at the Academy and in the maritime industry, and fear of getting a fellow Midshipman in trouble. Midshipmen were also afraid that making a report would result in disciplinary action for their own misbehavior, even though Academy policy grants amnesty from punishment for those who are engaged in misconduct at the time they are sexually assaulted. Midshipmen said that they were reluctant to report sexual harassment because there is no private way to report it and therefore they would try to resolve the situation on their own. Both male and female Midshipmen said that they thought their peers might consider them overly sensitive if they were to make a report of sexual harassment.

This portion of the Focus Group session results revealed inconsistencies within the report. The OPA report says that Midshipmen and faculty repeatedly denied that there was a problem or that they had heard of any Midshipmen making an official report of sexual assault. However, in the same sessions, Midshipmen cited lack of privacy as a major motivator for not reporting sexual assault or sexual harassment, with one sophomore male saying, “you can’t keep anonymity in this school,” an underclass female saying, “we know things within 30 minutes of something happening,” and a faculty member saying, “the communication network is extremely fast.” Few Midshipmen even believed that a restricted report would stay private due to the nature of how

¹⁶ The SARC position was vacant from December 2016 until July 2017. The delay in hiring a SARC was due to a government hiring freeze.

quickly rumors spread. The 2016 SAGR Survey results confirmed that privacy was a problem, with 58 percent of women¹⁷ who experienced unwanted sexual contact saying that they did not report it because they did not want people to know and 61 percent of women¹⁸ who experienced sexual harassment saying they did not report it because they did not want people talking or gossiping about them. Less than half of women (41percent) said that they would trust the Academy to protect their privacy¹⁹. That this contradiction exists may reflect the repercussions of the Sea Year stand down, with Midshipmen and staff reluctant to admit outright to OPA that they know there is a problem even when they suggest that community rumors and gossip are widespread enough to keep Midshipmen from reporting.

Similarly, Midshipmen and faculty reported that retaliation for reporting was not happening at the Academy to a great extent, if at all. One sophomore male said, “I don’t know myself or anyone else who thinks there’s a retaliation problem.” Yet fear of retaliation was also cited as a barrier to reporting. Midshipmen indicated that they would be considered a “rat” for reporting on their peers or would be excluded from their peer group. Even worse, Midshipmen said, was that someone who reported another student might carry a reputation as a “snitch” that would be known throughout the maritime industry. As one faculty member put it, “everyone talks, just like everyone said here, it’s a very small community.”

Clearly, the Academy has work to do in rebuilding trust with the Regiment of Midshipmen, informing the Kings Point community of survey findings, and explaining policies, particularly the amnesty policy. The Plan of Action already contains items to make leadership more visible at SAPR events, brief survey results, and outline policies. But the Regiment of Midshipmen also has work to do, by hearing survey results, quelling internal rumors and gossip, refusing to tolerate sexual harassment and gender discrimination, and declining to engage in victim shaming. The Academy is encouraging Midshipmen to change their outlook on and reaction to sexual assault, sexual harassment and gender discrimination through its support for the culture campaign. Although culture change takes years to occur, the Academy is committed to this process for the long haul.

Both Midshipmen and faculty indicated that they desired as many designated persons as possible to whom they could report incidents and obtain information. The Academy had expanded the SAPR office prior to receiving the focus group session results, to include a Sea Year Liaison Officer and two Prevention Educator/Victim Advocate positions, and added a Special Victim Advisor to the Office of Counsel. One Prevention Educator/Victim Advocate position was filled in June 2017 and the SARC position²⁰ was filled in July 2017. A new Sea Year Liaison reported to the Academy in November 2017²¹. The Academy expects to advertise for a second Prevention Educator/Victim Advocate in January 2018. In addition, the Academy maintains a roster of three faculty victim advocates who can take reports of sexual assault and refer victims

¹⁷ Results were not reportable for men.

¹⁸ Men did not indicate that lack of privacy would prevent them from reporting sexual harassment, but only 8 percent of men even reported experiencing sexual harassment.

¹⁹ The statistic was a little better for men, with 60 percent indicating that they would trust the Academy to protect their privacy.

²⁰ The SARC position had been vacant since December 2016.

²¹ The Sea Year Liaison position was initially filled in September 2016 and vacated in September 2017.

to the SARC for further care. Since some faculty expressed interest in knowing more about how to respond if a victim confides in them that they have experienced sexual assault, the Plan of Action has been annotated with an item to provide this training.

Effective marketing, rather than training, was cited as the reason why Midshipmen knew of different reporting options and whom to report while at sea or ashore. The Plan of Action has been updated to include several marketing actions, including an item to hang informative flyers across campus and to purchase branded materials for distribution to the Midshipmen. The Academy holds several sexual assault and sexual harassment awareness events throughout the Academic Year, with SAAM as one of the biggest dedicated opportunities to reach the Kings Point community with information; these events are perfect for handing out materials labeled with SAPR information and contact phone numbers.

5. Training and Prevention: Most Midshipmen indicated that they had received several trainings on sexual assault and harassment, but mentioned they felt some students did not always take the training seriously. Midshipmen referenced the previous “Green Dot: Bystander Intervention” program and stated it was ineffective in the long run as it became something to joke about, such as calling out “red dot” in response to innocuous comments. Midshipmen shared concern about training fatigue saying that the amount of training had grown to a level that was counterproductive, and that oversaturation with the topic had led to student cynicism.

Suggestions to improve training included continued emphasis on small group sessions led by persons familiar with the unique culture of the Academy. Participants largely stated they would like more survivor stories, a refocus on scenario-driven training, and an expansion of bystander intervention training – but not Green Dot. In scenario-based training, Midshipmen said they would like to see more diverse cases and suggested removing gender as much as possible from the scenarios. Midshipmen, faculty and staff agreed that more emphasis on bystander intervention would promote the greatest success in prevention.

Midshipmen may have panned the Green Dot program, but according to the 2016 SAGR survey, they are employing bystander intervention techniques to prevent sexual assault from happening. Of the 11 percent of women and 6 percent of men who took action when they saw a sexual assault was occurring or about to occur, 53 percent of women and 19 percent of men stepped in and separated the people involved in the situation; 37 percent of women and 26 percent of men asked the person who seemed to be at risk if they needed help. Women (9 percent) were more likely to create a distraction to cause one or more of the people to disengage from the situation rather than confronting the person who seemed to be causing the situation (0 percent). Among the 6 percent of men who took action, 29 percent confronted the perpetrator. The Plan of Action will include an item to conduct more bystander intervention training, even if it is not through the Green Dot organization.

Midshipmen, faculty and staff felt that the most important factor in sexual assault and sexual harassment training and prevention was student “buy-in.” Peer-to-peer messaging was seen as a key component to a successful sexual assault and sexual harassment prevention program. This finding points to the need for continued faculty and staff support of the culture change campaign, and continued efforts to reduce sexist attitudes within the faculty. Young people look at faculty

members as role models, and if faculty members engage in sexist or discriminatory language, students are likely to follow suit. Further, faculty tolerance of sexist behavior creates an environment conducive to sexual assault. The Plan of Action calls for additional faculty and staff training to combat these attitudes and behaviors.

Conclusions

OPA found that four key themes emerged from focus group discussions:

1. **Academy Influencers:** Many midshipmen, faculty, and staff believe that many students are not aware of sexual assault and sexual harassment incidents at the Academy as they are preoccupied with their hectic daily schedule and are therefore not fully inclined to learn about gender-related issues. However, students are heavily influenced by their peers and pay attention to Midshipmen in leadership roles. For sexual assault and sexual harassment to be taken seriously at the Academy, student leaders and groups need to take an active role in setting the tone on campus. When respected Midshipmen take a clear stance on prevention, others will follow that role model. Additionally, athletic, academic, and Academy leadership who have regular exposure to Midshipmen have a unique opportunity to deliver the message on prevention. Midshipmen respond well to leaders who understand the culture and traditions of USMMA.
2. **Protectionist Mindset:** Midshipmen are protective of the Academy and its culture, with Sea Year identified as a significant part of the school's identity. The Sea Year stand down rocked the Midshipmen's world and they are desperate to prevent anything like the stand down from happening again. Fear of a second Sea Year stand down could emerge as an additional barrier to reporting. Midshipmen have a culture of nonreporting, and attempt to protect each other from punishment for any misconduct. This includes the tendency to not report incidents of sexual assault or sexual harassment, and doing so only in extreme cases.
3. **Trust:** There is a lack of trust in the system and policies surrounding sexual assault and sexual harassment prevention among students, faculty, and staff. Midshipmen are skeptical about the confidentiality of any restricted reports they make. The culture of not reporting fellow midshipmen for misconduct of any kind leads to those who report being labeled as "untrustworthy" or a "snitch." Additionally, if the alleged perpetrator has the reputation of being a "good midshipman," there may be additional implications for the reporter, such as retaliation in the form of ostracism. Midshipmen saw the suspension of Sea Year and the lack of clear communication about it as a betrayal of trust, and they fear that it may be used again in the future as a form of punishment.
4. **Training and Prevention Opportunities:** Midshipmen, faculty, and staff see many opportunities for improving training, especially training provided by facilitators who are familiar with the Academy environment and understand life at sea. Midshipmen voiced a desire to hear about real situations that relate to their life at the Academy. They wanted to see examples of multiple types of victims and perpetrators in their scenario-based trainings, and hear from survivors of sexual assault. Women did not want to be seen as the only victims and males did

not want to be seen always as perpetrators. Students also asked for non-gender-specific scenarios in training. Midshipmen would like to receive their training and prevention messaging from facilitators who understand and respect their culture or offer expertise in the area. They believe that they can help prevent sexual assault by becoming active bystanders. They want to further understand their role in preventing sexual assault.

For the Academy, response to these themes means building trust and conducting innovative and meaningful training. Academy leaders should consider the protectionist mindset of the Regiment and think outside the box in determining the best way to use the uniqueness of that culture in influencing their attitude toward victims and perpetrators. As the most respected cohort at the Academy, Midshipman leadership should be at the forefront of prevention efforts, and faculty and staff must nurture their involvement. Further Midshipmen, faculty, and staff investment in the culture change campaign is also warranted.

**Appendix A - Excerpt from the Duncan Hunter National Defense
Authorization Act for Fiscal Year 2009 (P.L. 110-417)**

**SEC. 3507. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE
UNITED STATES MERCHANT MARINE ACADEMY.**

(a) **REQUIRED POLICY.**—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy on sexual harassment and sexual violence prescribed under this section shall include—

- (1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;
- (2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

- (3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;
- (4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or non-forcible; and
- (5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) **ANNUAL ASSESSMENT.**—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

- (B) to assess the perceptions of Academy personnel of—
 - (i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;
 - (ii) the enforcement of such policies;
 - (iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and
 - (iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.
- (d) ANNUAL REPORT.—
 - (1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.
 - (2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:
 - (A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.
 - (B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.
 - (C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.
 - (3) 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).
 - (4)
 - (A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.
 - (B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

Appendix B – Sexual Assault Prevention and Response Training

The following table shows SAPR training conducted during the 2016-2017 Academic Year.

| Training Provided or Overseen by the Sexual Assault Prevention and Response Office Academic Year: 2016/2017 | | | | |
|--|---|--|-----------|--|
| Name of training/Event | Audience | Date | Required? | Description |
| SARB – Close out | Sexual Assault Review Board (SARB) | 6/23/16 | Staff/Yes | Reviewed Plan of Action for 2015-2016; carried over ongoing items and created new items for Plan of Action 2016-2017 |
| Plebe Candidate (Class of 2020) Indoctrination Prevention Education Training | Approximately 260, broken down into groups of 25-30 | <p>June 30 SAPR I (201) SAPR I (402) SAPR I (102) SAPR-I (101)</p> <p>July 1 SAPR I (B) SAPR I (302) SAPR I (202)</p> <p>July 5 SAPR I (401) SAPR I (301) SAPR II (302)</p> <p>July 6 SAPR II (202) SAPR II (402) SAPR II (301) SAPR II (401)</p> <p>July 7 SAPR II (102) SAPR II (B)</p> <p>July 8 SAPR II (201)</p> <p>July 11 SAPR II (101)</p> | Yes | <p><u>SAPR I:</u> Academy mission statement. Learn to identify healthy and unhealthy relationship characteristics. Introduce the “continuum of harm.” Define bullying, hazing, joking, dating violence and stalking. Review on-line safety and introduction to the Safe Center.</p> <p><u>SAPR II:</u> Review last module and readdress the “continuum of harm.” Sexist behaviors exercise. Definition of sexual assault and sexual harassment. Myths and facts. Command climate, relationship between sexist behavior, sexual assault and sexual harassment. Restricted and unrestricted reporting. Impact of assault on victims. Alcohol use and abuse. Resources for help on campus/off campus and consent.</p> |

| | | | | |
|--|---|--|-----|--|
| | | Bystander Intervention (BI) (401) BI (202) July 12 BI (102) BI (302) BI (101) BI (301) July 13 BI (402) July 14 BI (B) BI (210) Total 27 trainings | | <u>Bystander Intervention (Green Dot Overview)</u> : Interactive training designed to equip targeted participants with the necessary knowledge and skill to increase their proactive and reactive bystander behaviors in reducing sexual violence, intimate partner violence and stalking. |
| Pre-Sea Training - 1 st sailing for 2019A, 2 nd CO | Approximately 20 Midshipmen | 8/1/16 | Yes | Where to find vessel policies on sexual assault and sexual harassment (SASH), reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies. |
| Pre-Sea Training- 1 st sailing for 2019A, 3 rd CO | Approximately 19 Midshipmen | 8/8/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies. |
| EMS Super Training Day on responding to sexual assault | Approximately 54, split into two groups | 8/13/16 | Yes | Training on EMS response to sexual assault on campus. Emergency first responder training and transport. |
| Pre-Sea Training- 1 st sailing for 2019A, 4 th CO | Approximately 28 Midshipmen | 8/15/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies. |
| Training on new sexual assault, | Commandant's Department, | 8/18/16 | Yes | Changes to the SI, specifically the amnesty language. |

| | | | | |
|---|--|---------|-----|--|
| dating violence and stalking Superintendent Instruction (SI) | approximately 11 | | | Reviewed the Academy's Intranet resources. |
| Training on new sexual assault, dating violence and stalking Superintendent Instruction (SI) | Faculty Forum, approximately 61 | 8/18/16 | No | Changes to the SI, specifically the amnesty language. |
| Pre-Sea Training- 1 st sailing for 2019A, Band CO | Approximately 14 Midshipmen | 8/22/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies. |
| Pre-Sea Training- 1 st sailing for 2019A, 1 st CO | Approximately 21 Midshipmen | 8/29/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, case studies. |
| Shipboard training Sea Year lecture for 2019A | Approximately 87 Midshipmen | 8/29/16 | Yes | Industry video on sexual harassment, reporting options, resources for reporting. |
| Pre-Sea Training - 2 nd sailing for 2018A, 1 st CO | Approximately 21 Midshipmen | 9/12/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training. |
| Training on new sexual assault, dating violence and stalking Superintendent Instruction (SI) | Regimental Staff | 9/12/16 | Yes | Changes to the SI, specifically the amnesty language. Reviewed the Academy's Intranet resources. |
| Training on new sexual assault, dating violence and stalking Superintendent Instruction (SI) | 2 nd CO, approximately 125 Midshipmen | 9/15/16 | Yes | Changes to the SI, specifically the amnesty language. Reviewed the Academy's Intranet resources. |

| | | | | |
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| Pre-Sea Training - 2 nd sailing for 2018A, 2 nd CO | Approximately 24 Midshipmen | 9/19/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training. |
| Training on new sexual assault, dating violence and stalking Superintendent Instruction (SI) | 1 Company Officer | 9/22/16 | Yes | Changes to the SI, specifically the amnesty language. Reviewed the Academy's Intranet resources. |
| Pre-Sea Training - 2 nd sailing for 2018A, 3 rd CO | Approximately 21 Midshipmen | 9/26/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training. |
| Pre-Sea Training - 2 nd sailing for 2018A, 4 th CO | Approximately 20 Midshipmen | 10/3/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training. |
| Pre-Sea Training - 2 nd sailing for 2018A, Band | Approximately 18 Midshipmen | 10/14/16 | Yes | Where to find vessel policies on SASH, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, Sea Year stand down, ways to improve Sea Year preparation and SAPR training. |
| Tattoo for Plebes by company, led by Company Human Relations Officers | Approximately 20-30 Midshipmen per company | 10/17/16 | Yes | Review healthy vs. unhealthy dating relationships and resources to reach out for help if |

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| | | | | experiencing unhealthy relationships. |
| Shipboard Training Pizza Night | 13 female Midshipmen | 10/19/16 | No | Female graduate from Academy (currently sailing) comes to speak and answer questions for females preparing for sea. |
| Escalation (dating violence) ONELOVE.ORG | Approximately 10 Midshipmen | 10/21/16 | No | Viewing of the film "Escalation" about dating violence. Led by the Regimental Sexual Assault Victim Advocate |
| SAPR program overview for Athletics (Women's Basketball) | 2 Coaches | 10/24/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| SAPR program overview for Athletics (Football) | 5 Coaches | 10/26/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| SAPR program overview for Athletics (Wrestling) | 2 Coaches | 10/26/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| SAPR program overview for Athletics (Baseball) | 2 Coaches | 11/2/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. |

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| | | | | Where and how to access resources on the Intranet. |
| SAPR program overview for Athletics (Soccer) | 2 Coaches | 11/4/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| Reintegration | 116 Midshipmen | 11/7/16 | Yes | Provide a safe space to reflect and conceptualize Sea Year experiences, gain comfort in sharing with others, integrate leadership training at sea with overall Academy leadership development, enhance your leadership toolbox, provide tangible structure and outline for enhancing communication skills and human relations. Re-connect with family, friends, and community. |
| SAPR Reintegration training for 2018B 4 th Co | 17 Midshipmen | 11/14/16 | Yes | Academy resources, changes to the SI, anonymous reporting page, Midshipman Intervention Team, campus Victim Advocates, SAPR Intranet page and resources, OPA statistics and SAGR Survey results. |
| SAPR Program overview for Athletics (Men's Basketball) | 2 Coaches | 11/16/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| SAPR Reintegration training for 2018B Band CO | 9 Midshipmen | 11/28/16 | Yes | Academy resources, changes to the SI, anonymous reporting page, Midshipman Intervention Team, campus Victim Advocates, SAPR Intranet page |

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| | | | | and resources, OPA statistics and SAGR Survey results. |
| SAPR Program overview for Athletics (Department of Public Safety) | 5 staff members | 12/1/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| Reintegration | 61 Midshipmen | 12/3/16 | Yes | Provide a safe space to reflect and conceptualize Sea Year experiences, gain comfort in sharing with others, integrate leadership training at sea with overall Academy leadership development, enhance your leadership toolbox, provide tangible structure and outline for enhancing communication skills and human relations. Re-connect with family, friends, and community. |
| SAPR Reintegration training for 2018B 2CO | 24 Midshipmen | 12/5/16 | Yes | Academy resources, changes to the SI, anonymous reporting page, Midshipman Intervention Team, campus Victim Advocates, SAPR Intranet page and resources, OPA statistics and SAGR Survey results. |
| SAPR Program overview for Athletics (Swimming and Diving) | 2 Midshipmen | 12/6/16 | Yes | Staff responsibilities with respect to SASH, dating violence and stalking on campus. SAPR Program overview and update to SAPR Superintendent Instruction, especially the amnesty clause. Where and how to access resources on the Intranet. |
| SAPR Reintegration training for 2018B 1 st CO | 17 Midshipmen | 12/12/16 | Yes | Academy resources, changes to the SI, anonymous reporting page, Midshipman Intervention Team, campus Victim Advocates, SAPR Intranet page |

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| | | | | and resources, OPA statistics and SAGR Survey results. |
| SAPR Reintegration training for 2018B 1 st CO | 24 Midshipmen | 12/19/16 | Yes | Academy resources, changes to the SI, anonymous reporting page, Midshipman Intervention Team, campus Victim Advocates, SAPR Intranet page and resources, OPA statistics and SAGR Survey results. |
| “It’s on Us” Pledge led by Athletics to stand up against sexual assault | Offered to all Midshipmen | 2/11/17 | No | Voluntary invitation to take the “Its on Us” Pledge, www.itsonus.org sponsored by Physical Education and Athletics Department |
| Sexual Assault Roundtable discussions | Approximately 24 in Midshipmen leadership | 2/23/17 | No | Breakfast discussion on current trends in SASH culture in the NAVY, led by the Chaplain and Sea Year Liaison |
| Campus Security Authorities and SAPR Superintendent Instruction training | Approximately 160 faculty, staff and contractors | 4/4/17 | Yes | What and who are Campus Security Authorities, Academy SAPR policies |
| Day of Observance – Sexual Assault Awareness Month (SAAM) | Approximately 200 3 rd and 4 th Class Midshipmen X 2 sessions | 4/6/2017 | Yes | Human Trafficking –informed bystander training presented by The Safe Center Long Island LLC |
| Day of Observance – SAAM | Approximately 200 3 rd and 4 th Class Midshipmen X 2 sessions | 4/6/2017 | Yes | “Trauma Informed Bystander Training – Neurobiology of Trauma” presented by The Safe Center Long Island LLC |
| Day of Observance – SAAM | Approximately 200 1 st and 2 nd Class Midshipmen X 2 sessions | 4/6/2017 | Yes | “Hookup Culture” presented by Dr. Alexandra Solomon |
| Day of Observance – SAAM | Approximately 200 1 st and 2 nd Class Midshipmen X 2 sessions | 4/6/2017 | Yes | Panel of maritime representatives from industry speaking on sexual assault and sexual harassment in industry |

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| Showing of <i>The Invisible War</i> and discussion panel | Approximately 62 Midshipmen planning for active duty military service and 7 faculty and staff | 4/18/17 | Yes | Sexual assault in the military. |
| Showing of <i>The Hunting Ground</i> and discussion panel | Approximately 16 Midshipmen and 7 faculty and staff | 4/20/17 | No | Sexual assault on college campuses. |
| Denim Day | Midshipmen, faculty and staff invited to wear denim jeans | 4/26/17 | No | Denim day shows solidarity with victim of Italian rape case in which judge said the woman's jeans were too tight for the perpetrator to remove, therefore she could not have been raped. |
| Nassau County Title IX Coordinator's Committee Meeting | 5 staff members | 5/16/17 | No | Discussion of sexual assault and sexual harassment topics on campus |

Appendix C - Sexual Assault Prevention and Response Program Campaign

For Academic Year 2016-2017, the Academy implemented numerous actions while modifying existing policies to meet the program's goals and objectives. Below are key actions that were implemented or modified to prevent sexual assault and sexual harassment.

Climate

- Initiated the Academy "Be KP" culture campaign for Midshipmen
- Logistics Management Institute (LMI) performed an independent cultural assessment of the Academy in order to address the root causes of a climate and culture that foster sexual assault and sexual harassment
- Contracted with the Department of Defense's Defense Equal Opportunity Management Institute to conduct a Federal Equal Opportunity Climate Survey

Prevention

- Group of 12 faculty and staff members attend the Military Service Academy Prevention Summit at the United States Air Force Academy
- Contracted with EverFi for two modules of online interactive training, one in sexual assault and sexual harassment and the other in alcohol abuse prevention and education
- The Department of Physical Education and Athletics led the "It's On Us" campaign
- Attended White House Violence Against Women Task Force
- Attended meeting with the Executive Office of the President to discuss sexual assault and sexual harassment at the Academy with a focus on Sea Year and the stand down
- Worked with Coast Guard Investigative Service to explore Midshipmen options for reporting a sexual assault at sea
- Ran Green Dot pledge drive

Response

- Identified new faculty Victim Advocate to replace faculty Victim Advocate who departed from the Academy
- Designated Campus Security Authorities in compliance with the Clery Act
- Expanded the SAPR Office to include a Sea Year Liaison and two Prevention Educator/Victim Advocate positions
- Expanded the MARAD Office of Chief Counsel to include one Special Victim Advisor
- Hired one Prevention Educator/Victim Advocate
- Trained Midshipman Human Relations Officers (HROs) in each company to serve as a resource for information regarding sexual harassment and sexual assault within the Regiment of Midshipmen
- Initiated the Sea Year Reintegration Program to provide Midshipmen returning from sea with the opportunity to share and tell their stories as means of debriefing from their at sea experience and reorient to the regimented life of the Academy
- Provided advocacy services for Midshipmen requesting support
- Attended the Sexual Harassment/Assault Response and Prevention Conference at the United States Military Academy

- Purchased two Garmin InReach GPS texting devices for Midshipmen to test for global reach back capability while on Sea Year

System Accountability

- The Maritime Administration (MARAD) established the 16 member Shipboard Climate Compliance Team (SCCT) to develop and implement a company by company review to determine if those companies had policies in place which would make them eligible for carrying Academy Midshipmen
- In response to a mandate by Congress in the National Defense Authorization Act for Fiscal Year 2017, MARAD formed three working groups to look at Academy climate awareness, reporting and response, and Sea Year training with the goal of creating a comprehensive report
- Achieved compliance with the Middle States Commission on Higher Education Standard 9 (Student Services), which directs institutions of higher education to create a campus environment conducive to learning
- Developed and drafted the SAPR Framework, which provides a strategic level vision and objectives for sexual assault and sexual harassment prevention and response
- Commenced Congressionally-mandated audit of the SAPR program by the Department of Transportation Office of the Inspector General
- Revised the SAPR Policy to include dating violence, domestic violence and stalking in order to comply with the Clery Act
- Developed and administered a Faculty and Staff Sexual Assault and Sexual Harassment Survey in order to obtain statistics on prevalence of sexual assault and sexual harassment for the 2015-2016 Report to Congress

Appendix D – 2017 Student Focus Group Guide

Part 1: Introduction to the Focus Group

Good morning/afternoon. I want to thank you for coming in to speak with me today. Before we get started I just want to cover some quick introductions and instructions. My name is _____ and I am with the Office of People Analytics, also known as OPA. Until October of 2016, OPA was a part of the DMDC. My colleagues with me this morning/afternoon are _____ and _____.

Today, we will be discussing topics covering gender-related issues, including sexual assault and harassment. This is a **voluntary focus group**. If you prefer not to sit in on this focus group, you are free to sit quietly while others participate or to leave at any time.

Sometimes in discussions like this you might think to yourself “I have not experienced any of this, so why should I stay for this session?” I am here to say that is OK. It does not matter if you have or have not had a gender-related experience. Everyone’s experiences and opinions are valuable, you are the expert on what it is like to attend the Academy and we want to hear your opinion about Academy life.

I ask that during today’s discussion you **respect each other’s opinions**. Everyone in this room may have different opinions on the topics we discuss today. We want to hear everyone’s views. There are no right or wrong statements or opinions.

In the interest of time, we may need to move on from one topic to get to another area of interest.

I will lead the discussion and _____ will be helping us to take notes. We will record comments but will not record names or other identifying information. This will help us remember what was said here today, but not associate your personal information with our discussion.

This is a non-attribution session. To the extent permitted by law, OPA does not publish or share anything outside this room that can be attributed to any one of you specifically. In some instances, OPA may receive requests for the unedited comments collected at these sessions; we ask your cooperation in protecting the privacy of the comments made within this session by not saying anything that would identify you or other participants. For example, do not state your name, your roommate’s name, or your squadron or company identification. In addition, we also ask that you do not discuss the focus group proceedings after you leave. We have provided you with additional information about protecting your anonymity in your handout.

Does anyone have any questions before we get started?

Part 2: Culture

To get us started I want to talk a little bit about the general culture on campus.

1. When you think about leadership on campus, who would you include?
2. Who on campus is most influential in shaping thoughts and behaviors?

Socializing on Campus:

1. What is the attitude toward socializing on campus? [from leadership, peers, etc.]
 - a. Are there a lot of friendships between men and women on campus?
 - i. Why or why not?
 - b. Is there discussion around women in service?
 - i. What do some of those discussions sound like?
 - ii. Do these discussions occur in person or on social media?

Changes over time [for junior and senior focus groups]:

1. Do you think this has changed over time?
 - a. How so?

Culture:

1. What is the general attitude among students about the focus on sexual assault? What about sexual harassment?
2. In your opinion, is sexual assault an important issue at the Academy?
 - a. Who is it important to? (i.e., students, Faculty, Senior Academy leaders, officers, athletic staff)
 - i. Probe on each group.
 - b. How do you know it is important or not important to a group?
3. What are Faculty saying about sexual harassment and sexual assault, if anything?
 - a. Senior Academy leaders?
 - b. Officers
 - i. COs, Faculty, Administrative, PE?
 - ii. Do they differ in their message or attitudes?
 - c. Civilians?
4. Who are the most influential individuals on campus to make a change in what people are saying about sexual assault and sexual harassment?

Cadet/midshipman leadership with culture and climate:

Thinking about your cadet/midshipman leadership...

1. How much would you say they "set the tone" for how things work around here?
 - a. Are they highly influential, somewhat influential, or a little bit influential?
 - b. Which groups or individuals have the most influence?
2. What about when it comes to sexual harassment and sexual assault, specifically?
 - a. Do you see your cadet/midshipman leadership talking about these issues?
 - i. If so, what messages are they sending?

- ii. How effective are they at influencing attitudes and behaviors?
 - iii. How important do these issues seem to cadet/midshipmen leadership?
- b. What do you think their responsibilities are as leaders around issues of sexual harassment and sexual assault?

Alcohol:

1. In general, what role does alcohol play on campus?
 - a. How does alcohol culture differ between those that are of legal drinking age and those that are not of legal drinking age?
 - b. How do faculty and staff set the tone for alcohol consumption?
2. What are some guidelines, policies, and procedures encouraged by the Academy when socializing at events where alcohol is being served?
 - a. Are these guidelines typically followed by students?
 - i. Which guidelines are most effective?
 - b. How might these change when off campus, for example out on the town?
 - i. Are cadets/midshipmen more or less likely to follow policies and procedures off campus?
 - c. How does this differ among class year?
3. Why might someone look for events outside of campus sanctioned or sponsored activities?
 - a. How does alcohol play a role in that decision?
 - b. What could make official events more popular?
4. When you are socializing (with friends, with classmates), how often is alcohol involved?
 - a. When involved, how much alcohol is typically consumed?
 - i. How would you categorize that amount of drinking, light, moderate, excessive?
 - Why?
 - ii. At what point does it become binge drinking?
 - What does binge drinking mean to you?
 - What are some reasons someone might binge drink?
 - iii. What would you consider an appropriate use of alcohol?
 - What about a misuse of alcohol?
 - How effective are programs aimed at stopping alcohol misuse? How could they be made more effective?
5. What role do you think alcohol plays in sexual assault?
 - a. For potential victims?
 - b. For potential offenders?
6. How do you think a situation involving sexual assault might differ here when people are drinking compared to when they are sober?
 - a. And what if one person is sober and the other has been drinking?
7. How can you tell if someone is too drunk to consent?
 - a. Is this a difficult determination to make?

Social Media:

1. In general, what role does social media play on campus?
 - a. What social media apps and websites are used on campus?
 - i. How does social media play a role in hooking-up?

- What types of apps/websites are used for hooking-up?
 - How are they used to hook-up?
 - When seeing or hooking up with someone what role does text messaging play?
 - Is sexting expected?
2. What other types of socialization take place of social media?
 - a. How might social media be used in a negative way?
 - b. What types of conversations might take place over social media as opposed to in-person?

Sea Year:

I would like to talk a about something that is unique to the Merchant Marine Academy experience, Sea Year.

1. How would you describe Sea Year?
 - a. What are some pros of Sea Year?
 - b. What are some cons of Sea Year?
2. Are Sea Year experiences different depending on what type of vessel you are on? (Commercial vs Federal)
 - a. How?
3. How would describe attitudes towards fraternization during Sea Year?

Part 3: Perceptions about Perceived Sexual Harassment and Sexual Assault

General Discussion on Perceived Sexual Harassment and Sexual Assault:

1. Do you feel like you see or hear about sexual assaults occurring on campus?
 - a. What about sexual harassment?
2. How would you define “sexual assault”?
 - a. Does anyone have a different definition?
3. How would you define “unwanted sexual contact”?
 - a. In your mind is there a difference between unwanted sexual contact and sexual assault?
 - i. **If yes:** What is the difference?
 - ii. Would you react differently depending on if you perceived something to be unwanted sexual contact versus sexual assault?
 - b. Is unwanted sexual contact different for men and women?
 - i. How?
4. How would you define “sexual harassment”?
 - a. What types of behaviors fall under sexual harassment as opposed to sexual assault or unwanted sexual contact?
 - b. Is sexual harassment different for men and women?
 - i. How?
5. You may recall a survey conducted in the Spring of 2016 on gender related issues. I would like to share some results from that study with you. You can find them in your handout.
 - a. First let’s turn to page 5 and look at the figure showing unwanted sexual contact rates for women and men.
 - i. When you first hear/see those numbers, what comes to mind? (surprise, too high, too low, about right?)
 - ii. [probe to reaction – why are you surprised/not surprised? Is anything happening (or not happening) at your Academy to make you feel this way?]
 - b. Now let’s look at the number of incidents reported in 2015-2016 on page 6
 - i. When you first hear/see those numbers, what comes to mind? (surprise, too high, too low, about right?)
 - ii. [probe to reaction – why are you surprised/not surprised? Is anything happening (or not happening) at your Academy to make you feel this way?]
 - c. Now let’s look at the number broken out by class on page 5.
 - i. When you first hear/see those numbers, what stands out?
 - ii. Why do you think rates increase after freshman year?
 - [For **sophomores, juniors and seniors**] What changes occur during sophomore and junior year that may lead to increased rates?
 - [For **seniors**] What types of things change in a seniors routine and experience compared to sophomores and juniors?

Changes over time [for junior and senior focus groups]:

- d. Thinking about environmental changes for the different classes, what changes could lead to the different results by class?

Bystander Intervention:

1. What do you think most students would do if they observed a situation where a sexual assault was about to occur?
 - a. How would you know if a sexual assault was about to occur?

- i. What does a high risk situation look like?
 - ii. When might alcohol be involved?
- b. Do you think people would take action to prevent these situations?
- c. What are some reasons that a cadet/midshipman might *not* take action in this situation?
 - i. When might you be unsure if a situation was about to lead to sexual assault or harassment?
 - ii. How might alcohol affect someone's decision to intervene?
- d. Would someone's willingness to step in change depending on if they know the people involved? (e.g., the potential offender or the perceived victim)

Multiple experiences of sexual assault:

1. If a victim were to report experiencing multiple incidents of sexual assault, do you think these reported incidents would be more likely to be from the same alleged offender/perpetrator or different ones?
 - a. Why might multiple reported incidents involve the same alleged offender?
 - i. How do you think an existing relationship might play a role in multiple reports of sexual assault?
 - What type of existing relationships could play a role in repeat incidences? (i.e. casual friends, intimate partners, same company, both athletes, same extracurricular activity/club)
 - How does an existing relationship impact the perception of incidence of unwanted sexual contact?
2. Looking at survey results on page 6, we saw in 2016 that victims often indicated experiencing more than one incident of unwanted sexual contact. Why do you think this is?
 - a. Are alleged perpetrators getting away with these behaviors because victims do not report it or are alleged perpetrators not charged and punished?
 - i. What makes you say that?
 - b. Do you think behaviors tend to progress, such as experiences of touching first, followed by more aggressive behaviors?

Sea Year:

1. During Sea Year would you expect any of these figures to be different or would you expect them to be the same?
 - a. Why?
2. What are some attitudes towards sexual assault and harassment during sea year?
 - a. What makes you say that?

Factors Affecting Sexual Assault:

1. Without discussing a specific incident, if you were talking to a new (cadet/midshipman), what advice would you give them about places or activities where they should be more cautious?
 - a. Any specific locations?
 - b. On campus or off campus?
 - c. How could these places be made safer?
2. Any specific events?
 - a. On an activity away from campus?
3. Do you think sexual assault and harassment is something that happens more among athletes?
 - a. Does leadership hold athletes to the same standards on these issues as other students?
 - i. What makes you say that?
 - b. Do peers hold athletes to the same standards?

- i. Why do you think standards might differ for athletes?
- 4. What would you tell someone to look for as an indicator of a threat?

Changes over time (for junior and senior focus groups)

- 1. Do you think sexual assault and harassment have become more or less of a problem since you arrived on campus?
 - a. What makes you say that?
 - b. What changes have you seen? (e.g., emphasis, attention from media)
 - i. How does this impact the culture at the Academy?
- 2. How often do you and your peers talk about sexual assault and harassment?
 - a. Is this more often, less often, or about the same as when you first got to campus?
- 3. How have attitudes changed in cadet/midshipman leadership related to sexual assault and harassment?
 - a. Is current cadet/midshipman leadership more or less strict in shutting down inappropriate behavior? What makes you say that?

Part 4: Reporting and Retaliation

Now I would like to talk a bit about the reporting process...

Reporting:

1. What are the types of behaviors someone would report?
2. What are the types of behaviors someone would not report?
 - a. Are there certain behaviors that are not serious enough to report?
 - i. What types of behaviors are not serious enough to report?
3. What goes into reporting? How would someone report sexual harassment? What about reporting sexual assault?
 - a. What are all of the steps in reporting?
 - b. Who do you make a report to?
 - c. How much time do you think the reporting process would take?
4. What are some reasons why someone would report?
5. What are some reasons why someone would not report?
 - a. What types of situations might lead to a student who was sexually assaulted not to report?
 - b. What might cause someone to think that an occurrence is “not important enough to report”?
 - i. Can you give me an example of something that might not be considered “important enough to report”?
 - c. How might the involvement of alcohol affect someone’s likelihood of reporting sexual assault?
 - i. Studies show the alcohol lowers inhibitions and often lead to sexual advances, if alcohol is involved when an unwanted sexual advance occurs, when is it report worthy?
 - How might the involvement of alcohol affect the “target” of sexual assault or sexual harassment?
 - How might the involvement of alcohol affect the potential offender?
 - d. What parts of Academy culture might prevent someone from reporting a sexual assault or sexual harassment?
 - i. What about non-academy culture?
 - ii. Do you think this differs here compared to other universities or colleges? How?
 - e. Do you think people know how to report?
 - f. Is there a fear of retaliation for reporting? (**If needed**), retaliation can take many forms including reprisal, ostracism, or maltreatment.)
6. Does Academy leadership talk about reporting sexual assault and sexual harassment allegations?
 - a. At what level (senior leaders like the Superintendent and Commandant, officers/NCOs)?
 - b. Do your coaches and academic faculty talk about reporting?
 - c. How about cadet/midshipman leadership?
 - d. Anyone else [for example, counselors, SARCs]?
7. Does Academy leadership encourage reporting of sexual harassment allegations?
 - a. **If yes:** How does the Academy encourage reporting?
 - b. **If no:** How does the Academy discourage reporting?
 - c. Is there a difference in attitude between leadership who are alumni and those that are not?
8. Does the Academy leadership encourage reporting sexual assault allegations?

- a. **If yes:** How does the Academy encourage reporting?
 - b. **If no:** How does the Academy discourage reporting?
 - c. Is there a difference in attitude between leadership who are alumni and those that are not?
9. Do your peers encourage reporting?
- a. **If yes:** How do your peers encourage reporting?
 - b. **If no:** What are some ways that peers discourage reporting?
 - c. Does cadet leadership encourage reporting?

Retaliation:

1. Do you think retaliation for reporting is an issue at your Academy?
 - a. Why?
 - b. What does retaliation look like?
 - c. How common is it?
 - d. Do you think people ever blame the victim?
 - i. How?
 - ii. Why?
2. When you think about potential acts of retaliation against people who have reported of sexual assault allegations, what does that look like?
 - a. What sorts of experiences might people have after they report?
 - i. Are people ostracized? How? (Definition on page x of handout)
 - ii. Are people treated differently? Do they experience maltreatment? How? (Definition on page 7 of handout)
 - iii. What would you consider "social retaliation"?
 - b. Would it look different depending on who reported? How?
3. What is the role of social media in retaliation against people who report sexual assault allegations?
 - a. Does retaliation that occurs on social media differ from retaliation that occurs in person or via other venues?
 - b. What types of social media does retaliation occur on?
 - i. Why these apps/websites?
4. Why do you think people retaliate after someone reports allegations of sexual assault?
5. Thinking back to your experiences at the Academy, how have you seen others react when they see someone experiencing negative actions after reporting sexual assault allegations?
6. The Department has been focusing on retaliation against people who report sexual assault allegations and trying to identify ways to prevent these behaviors. Have you seen any of these efforts at your Academy (leadership, peers, etc.)? What has this looked like? What are some ways you have noticed an effort to minimize retaliation?
7. [If they have indicated that there has been an increased focus at their Academy] Do you think the recent focus on retaliation has changed how people think about what happens after a person reports sexual assault allegations?

Military Justice Process:

1. Sometimes, situations arise where someone reports a sexual assault allegation and an investigation occurs, but then the reporter decides not to proceed with the military justice process.
 - a. What are some reasons this might happen?

- b. How do you think this affects others who might be thinking about reporting?

Part 5: Training and Prevention

Thinking back to the trainings you received around sexual harassment and sexual assault:

1. How effective do you think the training you receive is for preventing or reducing sexual assault?
2. How effective do you think the training you receive is for preventing or reducing sexual harassment?
 - a. If effective, looking at the handout again, why do you think there was an increase in unwanted sexual contact from 2014 to 2016?
3. Do you think there is a difference between the trainings you like the most and the ones you find most effective? Can you elaborate on this?
4. What have you learned from these trainings?
 - a. What can you do to help prevent sexual harassment and sexual assault?
 - i. Are there any key skills you have learned from trainings?
 - ii. What do trainings cover, if anything, on dating and intimate partner violence?
 - **[If needed]** How relevant is this part of training?
5. Are there opportunities to improve training and education around sexual assault? How about sexual harassment?
 - a. What type of language would you use to talk about sexual harassment and sexual assault? (e.g., straight talk, euphemisms)
 - i. Why do you think this would be effective?
 - b. How effective are outside/guest speakers?
 - c. How might topics related to sexual assault and sexual harassment fit in a "life skills" class?
 - i. What other topics would you like to see covered that could have a positive change of reducing sexual assault?

Changes over time [for junior and senior focus groups]:

1. Has the Sexual Harassment and Sexual Assault training changed in any way from previous years? How?

Preventing sexual assault:

The Department and your Academy have taken many steps to prevent sexual assault.

1. Do students feel personally invested in preventing sexual assault and harassment?
 - a. What makes you say that?
 - b. What is the biggest challenge in preventing sexual assault?
2. Who are the most effective individuals to deliver sexual assault prevention messages?
3. Think for a minute about other prevention-related programs at the Academy such as smoking, drinking, suicide, etc. What about those programs do you see as particularly successful? Could those features be adapted to sexual assault prevention?
4. Do students feel they can discuss situations where they see someone at risk either with the person directly or with Academy officials [if asked, clarify that if a student sees a fellow student in a risky situation that they can speak up and warn the fellow student or alert an official].
 - a. Are there any policies that the Academy could make or change to help intervene before unwanted sexual contact occurs?

5. Does your Academy seek input from students when they design or implement a new prevention program? Do you have any examples? How could the Academy use student input better?
6. Are you aware of any local community resources that help in preventing or responding to incidents of sexual assault? How are those resources publicized to the Academy?
7. Are there groups within the Academy where prevention is taken more or less seriously? [If asked, give examples of groups like sports teams, clubs, class years, squadrons, upperclassmen.]
8. What role can Academy leaders play in prevention?
 - a. What about Academic Instructors?
 - b. What role could the alumni play in sexual assault prevention?

Changes over time [for junior and senior focus groups]:

1. How much attention is paid to sexual assault and harassment now compared to when you first arrived on campus?
2. Why do you think this has changed?
3. Are there any specific events that made an impression on you with respect to your attitude about sexual assault? Any events that you have heard of?
4. How often does leadership speak with you about sexual assault and harassment?
 - a. Is this more often, less often, or about the same as when you first got to campus?
 - b. Probe on different types of leadership—cadet leadership, senior leadership, officers directly in charge of unit, coaches, etc.

Part 6: Concluding Comments

- We are just about ready to wrap up, but before we finish, are there any last comments you wanted to add to the discussion?

We want to thank you for your time today in this focus group session. As I mentioned at the beginning, we will treat all of your comments anonymously. There is no attribution to any of you for the specific comments you made today. Please also respect that non-attribution when you leave here today. Our goal is to provide the best data possible, and you have helped us greatly today with your comments and insights.

One last comment – on the last page of the participant handout you will see a list of resources available to you if you would like to follow up with us or have any questions. That is yours to keep. It also lists Academy resources if you would like to talk further to someone about this study or any experiences you might have had with unwanted gender-related behaviors.

Thank you again for your participation.

Appendix E - Intimate Partner Violence, Sexual Harassment, and Sexual Assault Prevention Action Plan

Academic Year 2017-2018

| Reports | Responsible | Status | Target | Complete | Amended |
|---|---|---|---------|----------|----------------------------|
| Submit Interim Report to Congress | Deputy Superintendent, Sexual Assault Response Coordinator (SARC) | Not necessary this year | 12/17 | | Carry over to AY 2018-2019 |
| Final Report to Congress | SARC, Deputy Superintendent | In progress; passed to MARAD for review | 4/18 | 75% | Carry over to AY 2018-2019 |
| OPA set up for 2017-2018 student survey | Lead: Commandant, SARC | Scheduled | 4/18 | | Carry over to AY 2018-2019 |
| Draft Annual Security and Fire Safety Report | Department of Public Safety (DPS), Commandant, SARC | | 10/17 | Complete | Carry over to AY 2018-2019 |
| Update DOE Clery Database | DPS | | 10/17 | Complete | Carry over to AY 2018-2019 |
| Renew MOA with Safe Center | SARC, Counsel | In progress | 1/17 | 50% | |
| Develop 2018-2019 Plan of Action | Sexual Assault Review Board (SARB) | | 6/18 | | Carry over to AY 2018-2019 |
| Close out 2017-2018 Plan of Action | SARB | | 6/18 | | Carry over to AY 2018-2019 |
| Climate | Responsible | Status | Target | Complete | Amended |
| Brief trending best practices to target leaders at the Academy: <ul style="list-style-type: none"> • SC • DSMC Level • Academy Dept. Heads | SARC, Civil Rights | Provide information and training through webinars | 6/15/18 | | On-going |

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| Confer with other federal service academies and universities to obtain and share best practices in prevention and response strategies | Superintendent, Commandant, Dean, Professional Development and Career Services (PDCS), SARC | USCGA Visit SUNY Maritime collaboration COSAS | 10/17 11/17 4/18 | Complete | Ongoing Carry over to 2018-2019 |
| Conduct: Domestic Violence Awareness Month | SARC, Human Relations Officers(HROs), | Student led-CHRO events | 10/17 | Complete | Carry over to AY 2018- |
| Stalking Awareness Month | Student Activities Director, Patten, | | 1/18 | Preparing | 2019 |
| Dating Violence Awareness Month | Athletics, Commandant, Dean | | 2/18 | | |
| Conduct Sexual Assault Awareness Month | SARC, Superintendent, HRO's, Student Activities Director, Athletics, Commandant, Dean, Deputy Superintendent, Patten | Planning in progress | 4/18 | | Carry over to AY 2018-2019 |
| Appoint Human Relations Officers for a yearlong commitment | Commandant, SARC | | 4/18 | Complete | Carry over to AY 2018-2019 |
| Enlist Midshipmen leaders in culture campaign | Commandant, Deputy Commandant | | 12/17 | | |
| Investigate how to reduce negative peer reaction and victim-blaming | Commandant, Deputy Commandant | | 6/18 | | |

| Prevention | Responsible | Status | Target | Complete | Amended |
|--|-----------------------------------|--------|--------|----------|----------------------------|
| Conduct Plebe Indoctrination Training Plan for the Class of 2021 | Commandant, SARC | | 7/17 | Complete | Carry over to AY 2018-2019 |
| Develop Plebe Indoctrination Training Plan for the Class of 2022 | Commandant, Deputy Superintendent | | 5/18 | | Carry over to AY 2018-2019 |
| Each team will sign a code of conduct | SARC Athletics, SARC | | 6/18 | | |

policy under
athletics

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| Conduct training at all levels to brief changes to SI on sexual assault prevention and response | SARC, Prevention Educators, Deputy Superintendent, Counsel | Revisions in progress | 6/18 |
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| Conduct training at all levels to brief changes to SI on employee sexual harassment prevention and response | Civil Rights | | 6/18 |
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| Implement bystander training program | SARC | | 6/18 | Carry over to AY 2018-2019 |
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| Provide alcohol awareness education with emphasis on the link between sexual misconduct and alcohol use; partner with other service academies and universities to enhance alcohol awareness efforts | Commandant | | 6/18 | Carry over to AY 2018-2019 |
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| Post flyers around campus | SARC Office | Flyer development in progress | 2/18 |
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| Conduct Midshipmen small group diversity and inclusion training sessions | Diversity Officer | In progress | 6/18 |
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| Develop Sea Year phone policy | SARC Office, PDCS | | 6/18 |
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| Complete Academy Contact Numbers worksheet | SARC Office | | 2/18 |
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| Update SAPR web page | SARC | | 2/18 |
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| Small group training sessions with Midshipmen to | SARC | | 6/18 |
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| brief SAGR Survey and focus group results, explain “continuum of harm,” healthy relationships, consent, amnesty policy | | | | |
| Conduct campus-wide Day of Learning | SARC | | 9/17 | Complete |
| Provide “Prevention of Sexist Behavior” training to faculty and staff | Civil Rights | | 6/18 | |
| Provide focused training to Company Officers | Commandant | | 6/18 | |
| Provide focused training for staff and faculty and administration, including “need to know” | SARC, Dean, Civil Rights | Haven launch for faculty, staff and administration in January | 6/18 | |
| Conduct more intensive training in victim care for interested faculty | SARC | | 6/18 | |
| Senior leadership provide support at training and observance events | Superintendent, Deputy Superintendent, Commandant and Deputy, Dean and Deputy | | 6/18 | |
| Engage with the industry to solicit ideas and make recommendations for additional training or policy changes | Shipboard Climate Compliance Team (SCCT), SARC | Ship Operations Cooperative Program developed Best Practices Guide | 8/17 | |
| Invite members of industry to conduct training | SARC, PDCS | | 6/18 | |
| Incorporate Ship Cooperative Operators Program Computer-based | SARC, PDCS | CBT program ready for distribution 30 June 17 | 6/18 | |

Training (CBT) into
SAPR Program

Investigate why
seniors, particularly
female seniors, feel
that sexual assault
education is less
effective by their
fourth year

SARC

3/18

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|---|---|---|---------------|--------------------------------------|----------------------------|
| Provide additional security cameras for parking lots | DPS | Cost estimate in progress | 3/18 | | |
| Conduct ship visits for climate | PDCS, Sea Year Liaison | In progress | 6/18 | 1 visit completed | |
| Review Sea Year Guide | Sea Year Committee | | 6/18 | | |
| Response | Responsible | Status | Target | Complete | Amended |
| Engage returning Sea Year midshipman and reintegrate into Academy life and professional environment | PDCS, Commandant, Dean, SARC | Need SOP – draft in review | 11/17 4/18 | Complete for A splits second sailing | Carry over to AY 2018-2019 |
| Conduct sea year brief/training with emphasis on reporting avenues and bystander intervention | PDCS, SARC | | 10/17 4/18 | Complete for A splits second sailing | Carry over to AY 2018-2019 |
| Hire second Prevention Educator/Victim Advocate | SARC, selection committee members | Wait 90 days per Human Resources policy | 6/18 | | |
| Hire Student Activities Director | Commandant, selection committee members | | 12/17 | Complete | |
| Hire new Sea Year Liaison | SARC, Office of the Superintendent | | 11/12 | Complete | |
| Identify and train faculty and staff Victim Advocates (VA) (as necessary) | SARC | One Victim Advocate credentialed, one completed 40 hour online training | 6/20/18 | | Carry over to AY 2018-2019 |

| Train any new personnel who will serve as Campus Security Authorities (CSA) | DPS, SARC | | 4/18 | | Carry over to AY 2018-2019 |
|---|--------------------------------------|---|--------|----------|----------------------------|
| Write Crisis Response Team SI | SARC | | 6/18 | | |
| Send Civil Rights Officer to Trauma Informed Sexual Assault Investigation and Adjudication course conducted by The National Center for Campus Public Safety | SARC | | 6/18 | | |
| Procure RAINN 24/7 global hotline | SARC | In progress | 1/18 | 50% | |
| Accountability | Responsible | Status | Target | Complete | Amended |
| Develop procedure for Board Secretary to provide information to SARC to pass to victim | SARC | | 2/18 | | |
| Update Midshipman Regulations | Commandant | In progress | 2/18 | 75% | |
| Revise SAPR Policy | Deputy Superintendent, Counsel, SARC | In progress | 12/17 | 50% | |
| Revise SARB policy | SARC, SARB | In progress | 12/17 | 50% | |
| Update SI 2013-02, Policy against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen | SAPR, Civil Rights, SARB, Legal | Meeting held 10/17; in progress. Sexual harassment of Midshipmen moved to SAPR policy | 12/17 | 60% | |
| Assessment | Responsible | Status | Target | Complete | Amended |
| Assess effectiveness of prevention and intervention approaches | SARC, Institutional Assessment, | In development | 6/18 | | |
| Assess student activities for | Student Activities Director, | Position is being filled by an interim | | | |

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| effectiveness (attendance, feedback etc.) | Institutional Assessment | staff member; offer just made and accepted for permanent hire | |
| CHRO/RHRO/RSAVA student leadership effectiveness (approachability assessment) | Institutional Assessment, Regimental Leadership | In Development | 6/18 |