

# **EVERY MARINER BUILDS A RESPECTFUL CULTURE (EMBARC)**

## **SEXUAL ASSAULT AND SEXUAL HARASSMENT (SASH) PREVENTION STANDARDS**

FOR VESSEL OPERATOR PARTICIPATION IN THE USMMA SEA YEAR PROGRAM

**DECEMBER 15, 2021<sup>1</sup>**

**VISION STATEMENT: Every mariner deserves to work in a safe environment where everyone is welcome and supported, and their dignity is fully respected.**

### **Purpose**

The United States Merchant Marine Academy (USMMA) educates and graduates leaders of exemplary character who are inspired to serve the national security, marine transportation, and economic needs of the United States. Realizing these goals depends on fostering a community of mutual respect, support, and accountability. Accordingly, the U.S. Department of Transportation (DOT), the Maritime Administration (MARAD), and USMMA require all U.S.-flag vessel commercial operators to adopt and follow the Every Mariner Builds a Respectful Culture (EMBARC) Sexual Assault and Sexual Harassment (SASH) Prevention Mandatory Standards (EMBARC Standards)—a set of policies, programs, procedures, and practices to help strengthen a culture of SASH prevention and support appropriate responses to incidents of sexual violence and sexual harassment and other forms of misconduct. Accession into EMBARC must be completed as a prerequisite before U.S.-flag vessel commercial operators will be authorized to employ USMMA students as cadets aboard their vessels.

These EMBARC Standards replace earlier commitments made by vessel operators to comply with sea-year eligibility requirements previously established by MARAD's Shipboard Climate Compliance Team (SCCT) incident to their employment of USMMA students as cadets aboard their vessels.

The standards set forth below apply to vessels to which the International Convention for Safety of Life at Sea 1974 applies. MARAD will amend the EMBARC Standards as soon as practicable to include standards that apply the principles and equivalent procedures of EMBARC to vessels to which the International Convention for the Safety of Life at Sea 1974 does not apply.

DOT, MARAD, and USMMA are committed to ongoing evaluation and improvement of these standards and will incorporate emerging best practices and engage closely and regularly with all stakeholders, including cadets from USMMA, to assess implementation and discuss options to further strengthen the EMBARC program.

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<sup>1</sup> Revised to conform with Executive Order 14168.

## **I. Core Tenets**

The EMBARC Standards outline policies and procedures that seek to prevent, respond to, and redress incidents of SASH and foster a safe and supportive environment. The following core tenets frame the EMBARC Standards, which call on U.S.-flag shipping companies as well as educational institutions, labor, and mariners to:

1. Build and maintain a shipboard culture of safety and respect.
2. Establish *zero tolerance* policies for SASH, harassment, and hostile work environment, *zero tolerance* for retaliation against anyone who reports assault or harassment, and proportionate responses to policy infractions.
3. Eliminate the barriers that survivors, witnesses, and bystanders face in reporting SASH incidents.
4. Support survivors, witnesses, and bystanders who report SASH incidents.
5. Promptly address any report of behavior that is inconsistent with EMBARC Standards, using every available resource.
6. Review all company and vessel policies and procedures to ensure such policies fully support a work environment in which assault, harassment, and retaliation against those who report assault or harassment is not tolerated.
7. Implement SASH best practices and commit to adopting updates when such practices are promulgated by MARAD.<sup>2</sup>
8. Incorporate SASH prevention, response, and reporting procedures into the Company and Vessel Safety Management Systems.

## **II. Compliance with EMBARC Standards for Sea Year Eligibility**

1. Each Vessel Operator agrees to comply with the EMBARC Standards, which replace the SCCT Sea Year Eligibility Requirements (dated March 16, 2020), by confirming completion of the immediate actions (set forth in Section III, below) on the EMBARC Accession checklist and submitting the checklist to MARAD. Vessel operators shall submit copies of their SASH policies together with the accession checklist and statement of compliance document.
2. Each Vessel Operator agrees to conduct self-assessments of its compliance with the EMBARC Standards annually thereafter and to submit confirmation of such self-assessments and any resultant changes from the annual self-assessments to MARAD. Vessel Operators shall submit copies of their SASH policies together with assessment results.
3. Each Vessel Operator agrees to permit MARAD—including third parties engaged by MARAD—to conduct recurring assessments of its compliance with the EMBARC Standards.

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<sup>2</sup> Current best practices may be found at: [Best Practices Guide on Prevention of Sexual Harassment & Sexual Assault in the U.S. Merchant Marine \(SOCP BPG\)](#); Ship Operations Cooperative Program (SOCP), June 2017.

### III. Immediate Actions by each Vessel Operator

Before accepting cadets on board, each operator shall take the following actions:

1. Safety Management System.

Affirm that SASH reporting policies and procedures that ensure compliance with the Standards of the EMBARC program will be operational upon enrollment and will be documented within the Safety Management System (SMS) within 90 days of enrollment.

2. Designated SASH Contact.

Designate a person ashore who will be the primary contact for all SASH issues (SASH Contact). The SASH Contact must have completed the free 40-hour [Victim Assistance Training Online](#) provided by the Office for Victims of Crime Training & Technical Assistance Center, and received the Certificate of Completion, or have completed an equivalent training program.

3. Meetings Between the SASH Contact and Cadet.

Confirm that cadets will have (1) a virtual or in-person meeting with the SASH Contact before joining a ship; or (2) if there is inadequate time between a cadet's assignment to a vessel and the cadet's embarkation, the SASH Contact shall have contact with the cadet within 48 hours of the cadet's embarkation.

4. Communication Measures.

Implement measures to—

- a. Confirm that SASH Contacts and cadets can communicate as needed once a cadet is on board, including adopting measures to require that the SASH Contact initiate contact with each assigned cadet within the first 7 days of vessel onboarding;
- b. Confirm that the SASH Contact shall respond to cadet outreach no later than the next business day;
- c. Ensure that whenever a cadet is aboard a vessel for more than 30 days, the SASH Contact shall initiate contact, via email, with the cadet at least every 14 days;
- d. Require the SASH Contact to encourage and honor requests from cadets for increased frequency of check-ins; and
- e. Ensure the SASH Contact makes a record of any possible violations and ensures prompt and thorough investigation and corrective action, where appropriate, and/or referral to proper authorities.

5. Safety practices.

Reinforce Vessel Operator safety practices (including SASH prevention, bystander intervention, reporting procedures, and alcohol prohibitions) frequently with every cadet and crew member through onboard or virtual meetings in accordance with company procedures to strengthen a

culture of prevention and build industry-wide understanding and accountability.

6. Crew-Cadet Interaction.

Adopt policies that prohibit cadets from entering the stateroom of any other crew member; prohibit ship's crew members from entering cadets' private staterooms for any reason other than official maintenance or housekeeping duties during appropriate working hours and with adequate notice; and provide functional door locks for all cadet staterooms. Vessel Operator SASH policies shall include a list of all master key holders with access to cadet staterooms identified by position. Vessel Operator policies shall also establish and maintain open-door office or workspace interaction between cadets and other ship's employees, except when impractical due to vessel compartment configuration or safety procedures.

7. Vessel Operator training requirements.

- a. Safety Management Systems shall establish quarterly training requirements on SASH prevention, bystander intervention, reporting, and response procedures for all shipboard personnel (regardless of whether cadets are onboard). Cadets shall participate in, but shall not have any role in managing, this training.
- b. All officers and crew shall be required to complete the *Maritime Sexual Assault and Sexual Harassment Prevention Training* before a cadet is embarked and to repeat the training annually.<sup>3</sup>
- c. Incorporate SASH discussions in periodic Vessel Safety Meetings using materials similar to those in the Facilitator's Guide and Student Workbook in the [SOCP SASH Tool Kit](#).<sup>4</sup>
- d. Provide copies of vessel operator's SASH prevention policies and reporting procedures to each cadet upon boarding the vessel.
- e. Display company policies prohibiting SASH, retaliation, drug and alcohol usage, and cadet presence in crew member staterooms/crew member presence in cadet staterooms on board.
- f. Display posters and guides that support a respectful workplace culture. Display SASH prevention, reporting, and response posters prominently in common areas of the vessel. Vessel Operators shall also display such posters in shoreside facilities to which cadets have access.
- g. Distribute the quick reference guide brochures in the [SOCP SASH Tool Kit](#) or other comparable materials to all crew, officers, cadets, and all shore-based personnel who interact with, or have responsibilities related to, officers, crew and cadets. Tips for prevention of, and response to, SASH behaviors shall be provided as appropriate for

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<sup>3</sup> This interactive Computer Based Training (CBT) is available at no charge from SOCP.

<sup>4</sup> This [SOCP SASH Tool Kit](#) is available at no charge from SOCP.

each intended audience.

- h. Vessel operators agree to reinforce training, by specifically:
  - i. Requiring Vessel Masters to introduce cadets to ship's company employees as soon as practicable after boarding to foster an open, welcoming environment for Sea Year students.
  - ii. Requiring Vessel Masters to ensure that cadets are familiarized with the ship during onboarding in accordance with the Safety Management System.
- i. Reporting procedures provided to officers, crew, cadets, and posted on the vessel shall include:
  - i. Contact information for the Vessel Operator's SASH Contact(s).
  - ii. Point of contact information for notifications to the Coast Guard.  
Notifications can be made to the Coast Guard National Command Center at +1 (202) 372-2100, or through the CG Tips, a web-based and mobile alternative to submit either attributed or anonymous reports about crimes witnessed or experienced aboard a vessel directly to a Coast Guard criminal investigator.

The CG Tips App can be downloaded from a mobile provider's marketplace using the following QR code:



For more information about CGIS, or to submit a tip via the web, visit:  
<https://www.uscg.mil/Units/Coast-Guard-Investigative-Service/>.

- 8. Reporting.
  - a. When cadets are embarked, Vessel Operators shall immediately (within 24 hours after learning of an allegation) notify USMMA of an allegation of SASH-involved behavior, regardless of whether the behavior involves a cadet. If the incident involves a cadet, operators shall provide a complete report of investigation to USMMA when concluded. Vessel Operator policies shall require that: (1) thorough investigation of alleged violations of the SASH policy meet best practices for investigations of sexual assaults and sexual harassments; and (2) interviews be conducted using trauma-informed interview methods.

- b. Vessel Operator's company policies shall require that all shipboard complaints of a sexual offense prohibited under current law must be immediately reported to the Coast Guard. These notifications can be made to the Coast Guard National Command Center at +1 (202) 372-2100, or as an attributed report through CG Tips—a web-based and mobile alternative to submit reports about crimes witnessed or experienced aboard a vessel directly to a Coast Guard criminal investigator. The CG Tips App can be downloaded from a mobile provider's marketplace using the following QR code:



For more information about CGIS, or to submit a tip via the web, visit:  
<https://www.uscg.mil/Units/Coast-Guard-Investigative-Service/>.

- c. Vessel Operator company leadership should inform the Coast Guard of adverse or disciplinary actions that result in termination or a probationary status of any crewmember for harassment or SASH. Reports of mariner misconduct should be made to nearest Coast Guard Officer In Charge, Marine Inspection which can be found at the following website: <https://www.uscg.mil/contact/>.

## 9. Best Practices.

Each Vessel Operator shall review company policies within the Safety Management System to determine if they are at least as comprehensive as those listed in the current version of the [SOCP Best Practices Guide](#) and revise as necessary, including but not limited to the following policies:

### a. Employee Best Practices:

- i. Best Practice #1: Reporting of Sexual Harassment & Sexual Assault
- ii. Best Practice #2: Basic Do's and Don'ts
- iii. Best Practice #3: Safety on Shore Leave
- iv. Best Practice #4: Response to Sexual Harassment & Sexual Assault
- v. Drugs & Alcohol
- vi. Company Investigation Process
- vii. Victim Advocacy
- viii. "Did You Know?"

### b. Vessel Operator Company Best Practices:

- i. Best Practice #1: Defining Sexual Harassment & Sexual Assault
- ii. Best Practice #2: Nurturing a Culture Free of Sexual Harassment & Sexual Assault
- iii. Best Practice #3: Development of Prevention Policies
- iv. Best Practice #4: Effective Training on Sexual Harassment & Sexual Assault Prevention and Response

- v. Best Practice #5: Establishing Reporting Options
- vi. Best Practice #6: Response to Sexual Harassment & Sexual Assault

*Note: Vessel operators shall comply with the reporting procedures listed herein under section III.7.i and section 8, instead of any obsolete reporting procedures in the SOCP Best Practices Guide.*

#### 10. Compliance Review.

Vessel Operators shall meet with DOT, MARAD, USMMA and other invited government and industry participants quarterly, or as called by DOT/MARAD/USMMA, to assess compliance with SASH policies and implement any necessary adjustments and/or corrections.

#### **IV. Intermediate Actions to be taken by Vessel Operators, to be completed within the times noted below after adoption of these EMBARC Standards.**

1. Within one year, implement vessel master key control systems, manual or electronic.
2. Within one year, develop and implement recommended SASH Contact training and annual refresher training for designated SASH contacts to include survivor advocacy and instruction in training and education principles. Each Vessel Operator shall designate and train an appropriate number of designated SASH Contacts to ensure that an adequate number (a minimum of one primary and one alternate) are always available.
3. Within one year, work with other Vessel Operators, labor, academies, SOCP and/or other industry organizations, SASH subject matter experts, MARAD and other stakeholders to review and enhance SASH policies used by vessel operators. MARAD will initiate revisions of the SOCP SASH Best Practices Guide. Such revisions will include, among other things updates to best practices and templates to support incorporation of SASH prevention, reporting, and response as well as internal audit and external audit procedures into Company and Vessel Safety Management Systems.
4. Within one year, work with other Vessel Operators, labor, academies, industry organizations, SASH subject matter experts, MARAD and other stakeholders to develop and implement enhanced policies and training pertaining to bystander reporting requirements and bystander duty to intervene in SASH incidents.
5. Within eighteen months, collaborate with other Vessel Operators, mariner unions, Academies, union training schools, SASH subject matter experts, MARAD, USCG and other stakeholders to develop and implement expanded mandatory annual SASH training for all crew members including, but not limited to:
  - a. SASH (including bystander intervention);
  - b. Cadet relationships;

- c. Creating and maintaining a respectful work environment; and
  - d. Training regimens and methods that enable effective crew awareness of SASH prevention principles.
6. As soon as practicable, but not later than two years, work with other Vessel Operators, labor, Academies, industry organizations, SASH subject matter experts, MARAD, USCG, and other stakeholders, to develop, establish and participate in, to the extent permissible under law, the maintenance and operation of a SASH perpetrator information exchange. The exchange shall contain the names of all merchant mariners who are the subjects of substantiated reports of discriminatory, SASH-related, violent, or other violative behavior, or who were terminated in related proceedings; the incident dates; the bases of substantiation; and the disposition of each circumstance shall be recorded and accessible to all operators of U.S.-flag vessels.

**V. Long-Term Actions to be taken by Vessel Operators.** These will be developed in coordination with the MARAD and other Government and maritime industry participants and may include:

- 1. Consideration of a range of possible measures to address accountability for the SASH climate onboard Vessel Operator ships that could include:
  - a. training on records maintenance;
  - b. identified perpetrator tracking and record keeping, to the extent permissible by law;
  - c. recorded video monitoring of, at a minimum, passageways immediately adjacent to cadet staterooms;
  - d. training and credentialing of officers at the Provisional level by the National Advocate Credentialing Program.
- 2. Collaboration with the U.S. Coast Guard, other Vessel Operators, mariner unions, and industry organizations to develop the requirements of a merchant mariner credential that satisfies training requirements for SASH Contacts and designated onboard officers or other persons ashore to attain and maintain respective Basic and Provisional NACP training levels.



## **ADDENDUM: Definitions**

**Sexual Assault** is a crime of violence defined as intentional touching of a sexual nature against the will (by use of force, physical threat, coercive conduct, or abuse of authority), or without the consent of another person, or where that person is incapacitated (e.g., “passed out,” sleeping, or impaired due to the use of alcohol or drugs, including prescription medications) or otherwise incapable of giving consent. The other person can be male or female and the perpetrator of the sexual assault can be of the same or opposite sex. Sexual assault includes, but is not limited to, the following:

- Sexual intercourse, including anal, oral, or vaginal penetration, however slight, with a body part (e.g., penis, finger, hand, or tongue) or an object;
- Kissing, touching, groping, fondling, or other intentional contact with the breasts, buttocks, groin, or genitals (over or under an individual’s clothing) for purposes of sexual gratification or when such private body parts are otherwise touched in a sexual manner;
- Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation; or
- Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal, non-verbal, graphic, or physical conduct of a sexual nature, including, but not limited to the following:

- Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual’s employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of an Academy program or activity, including shipboard training (quid pro quo);
- Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual (quid pro quo); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective—a reasonable person’s view—and subjective—the Complainant’s view—standard (hostile environment).
- Examples of Sexual Harassment include, but are not limited to, the following behaviors:
  - Verbal conduct such as epithets, derogatory or off-color jokes or comments of a sexual nature, slurs or unwanted sexual advances, invitations, or comments, discussing sexual activities, commenting on physical attributes, using demeaning

names, or using crude language;

- Visual conduct such as derogatory or sexually oriented posters, photography, cartoons, drawings, or gestures, or exposing oneself;
- Physical conduct such as unwanted or unnecessary touching, the blocking of voluntary movement, or interfering with a person's work due to the refusal of sexual advances or a person's sexual orientation;
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid discipline; and
- Rewards and offers of employment benefits in return for sexual favors.
- Harassment based on sex type or sexual orientation, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature. Examples of sex type or sexual orientation-based harassment include, but are not limited to, the following:
  - Unwanted flirtation, advances, or propositions of a sexual nature;
  - Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendos, or unwelcome comments about an individual's sex type or sexual orientation;
  - Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive, or relate in an unwelcome manner to an individual's sex type or sexual orientation.