



2008–2009 Academic Year Annual Report
and
2009–2010 Academic Year Biennial Survey and Report
on
Sexual Harassment and Sexual Assault at the
United States Merchant Marine Academy

Table of Contents

	<u>Page</u>
Foreward.....	iv
Executive Summary	1
Legislative Requirement	4
Existing Policies	4
2008-2009 Academic Year Annual Report.....	4
2009-2010 Academic Year Survey Development and Methodology	4
Survey Administration	5
Midshipman Response Rates	6
Midshipman Perceptions	7
Training	7
Effectiveness of Training	7
Confidence in Reporting/Outcomes of Reporting.....	8
Person to Whom Midshipman Would Be Willing to Report Harassment and/or Assault.....	8
Consequences of Reporting or Bringing Charges of Harassment or Assault	9
Climate	10
Privacy of Reporting	11
Incidents of Midshipman Sexual Harassment and Sexual Assault	12
Staff Response Rates	17
Staff Perceptions	17
Incidents of Staff Sexual Harassment and Sexual Assault.....	21
Plan of Action.....	22
<u>Figures</u>	
Figure 1 Effectiveness of Training in Reducing Midshipman Sexual Harassment and Assault.....	8
Figure 2 Confidence in EEO Procedures for Handling Staff Sexual Harassment and Assault.....	17
Figure 3 Effectiveness of Training in Reducing Staff Sexual Harassment and Assault	18
<u>Tables</u>	
Table 1 Midshipman Response Rates by Class Year and Gender	6
Table 2 Midshipman Understanding of Merchant Marine Academy Sexual Harassment and Assault Policies and Procedures	7
Table 3 Midshipman Confidence in Reporting Sexual Harassment or Sexual Assault	8
Table 4 Consequences of Midshipmen Reporting and Bringing Charges of Sexual Harassment and/or Sexual Assault.....	9
Table 5 Percent of Midshipman Respondents Believing That Academy Staff to a Large Extent Create a Climate in Which Midshipman Sexual Harassment and Assault Are Not Tolerated.....	10
Table 6 Incidents of Midshipman Sexual Assault.....	12
Table 7 Incidents of Midshipman Sexual Assault by Source.....	13
Table 8 Incidents of Midshipman Sexual Harassment by Type.....	14
Table 9 Incidents of Midshipman Sexual Harassment by Source.....	15

Table 10	Reasons for Midshipmen Not Reporting Incidents of Sexual Harassment and/or Assault.....	16
Table 11	Staff Response Rates by Position and Gender	17
Table 12	Staff Understanding of Merchant Marine Academy Sexual Harassment and Assault Policies and Procedures	18
Table 13	Consequences of Staff Reporting and Bringing Charges of Sexual Harassment and/or Sexual Assault.....	19
Table 14	Do Academy Supervisors and Senior Staff to a Large Extent Create a Climate in Which Sexual Harassment and Sexual Assault Are Not Tolerated?.....	20
Table 15	Staff Preferences in Reporting an Incident of Sexual Harassment or Assault	21

Appendices

- Appendix A: Excerpt from the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417)
- Appendix B: Academy Policies, Procedures, and Training Regarding Sexual Harassment and Sexual Assault
- Appendix C: Survey Instruments: Midshipman Survey and Faculty/Staff Survey
- Appendix D: Incidents of Sexual Harassment at the U.S. Department of Defense Academies

Attachments

- Attachment A: Superintendent’s Instruction 2005-15, “Statement of Student Rights under the Family Educational Rights and Privacy Act (FERPA)”
- Attachment B: Superintendent’s Instruction 2006-08, “Policy Against Harassment, Sexual Harassment, or Discrimination”
- Attachment C: Superintendent’s Instruction 2006-10, “Confidentiality at USMMA”
- Attachment D: Superintendent’s Instruction 2010-05, “Policy Against Sexual Assault”
- Attachment E: Report on Policies and Programs that Relate to Sexual Harassment and Sexual Violence Applicable to the Midshipmen and Other Personnel of the United States Merchant Marine Academy (March 22, 2010)

FOREWORD

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 requires that the United States Merchant Marine Academy conduct a survey on sexual harassment and sexual assault every other year. The results of the surveys administered to the midshipmen, faculty, and staff in the spring of 2010 are deeply disturbing. The midshipmen reported numerous instances of sexual harassment, and seven of them responded that they had been sexually assaulted in the previous year. Both students and faculty say they have little confidence in the leadership of the Academy to foster a climate that is intolerant of sexual assault and harassment.

The current situation is unacceptable and requires swift action by the Academy and the U.S. Department of Transportation in order to rebuild trust and confidence in senior leaders and to strengthen the program that is in place to protect, support, and care for the victims. To achieve these objectives, we are formulating robust new policies, providing additional reporting options for victims, and undertaking several new initiatives to expand and improve our sexual assault prevention and response program. We also are devoting additional resources to the critical area of training and education for midshipmen, faculty, and staff, and bolstering the Academy's victims support network.

We take these responsibilities very seriously. For half a century, the United States Merchant Marine Academy has trained men and women to serve their country and to assume leadership positions in the maritime industry and in the armed services. The U.S. Department of Transportation, the Maritime Administration, and the Academy are committed to creating a living and working environment that upholds the Academy's honor code, ensures safety, and respects the dignity of every member of the Regiment of Midshipmen.

Ray LaHood
Secretary of the U.S. Department of Transportation

November 4, 2011

Executive Summary

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), requires the U.S. Merchant Marine Academy (USMMA) to prescribe a policy and conduct an assessment at USMMA during each Academic Year¹ to determine the effectiveness of the policies, training, and procedures of USMMA with respect to sexual harassment and sexual violence prevention.

The USMMA conducted a self assessment for the 2008-2009 Academic Year. The self assessment identified two incidents of sexual harassment and no incidents of sexual assault that were reported through the formal procedures. The two incidents occurred on commercial ships during the midshipmen's² at-sea training. The low number of reported incidents may mean that midshipmen were reluctant to file formal reports of incidents of sexual harassment and/or assault, a concern that has been borne out by the survey conducted the following year.

In the 2009-2010 Academic Year, the Academy administered a confidential sexual assault/sexual harassment survey covering the previous 12 months to determine the extent of unreported incidents. The report and survey results were forwarded to the Office of the Secretary of Transportation for review in March 2011.

The survey was given separately to midshipmen and to staff in April 2010 and June 2010, respectively. During that Academic Year, there were 103 female midshipmen enrolled, of whom 74 were on campus. Of those, 72 participated in the survey. There were 812 male midshipmen enrolled, of whom 620 were on campus. Of those, 587 participated in the survey. Most of the midshipmen, both male and female, who were not on campus were participating in their sea year training (Table 1). There were 325 faculty and staff on campus, of whom 242 participated in the survey (Table 11).

Through the survey, 7 midshipmen reported 11 incidents of actual or attempted rape or assault (Table 6). Of those 7 midshipmen, 5 were female upperclassmen (12 percent of those responding), who collectively reported 9 incidents of sexual assault. With regard to sexual harassment, 21 midshipmen reported being sexually harassed (Table 8), including 6 who said they were both harassed and assaulted. Of the 21 who were harassed, 14 were female upperclassmen. The female upperclassmen constitute two-thirds of the midshipmen who reported being harassed, and nearly one-third of the 43 female upperclassmen responding to the survey. The 21 midshipmen who responded that they were harassed reported being harassed in a variety of ways for a total of 358 times, a number that likely underestimates the extent of the problem, given that "4 or more" was the largest number of incidents per question allowed on the survey instrument³ and also the most frequent response. The most frequent sources of harassment

¹ An Academic Year at the Academy begins on July 1 of each year and ends on June 30 the following year.

² In this report, the terms "midshipman" and "midshipmen" are gender neutral.

³ With regard to reporting the frequency of the harassment, participants in the survey could choose from among four categories of harassment (first, whistles, sexual remarks, looks or gestures; second, unwanted letters, phone calls, visits, emails or materials of a sexual nature; third, unwanted deliberate touching, leaning over, cornering, or pinching; and fourth, unwanted pressure for dates or sexual favors) and were given the option of reporting "never, 1 time, 2 times, 3 times or 4 or more times" for each of the four categories of harassment listed.

were ships' crew on commercial vessels during the midshipmen's sea year (135 incidents) and other midshipmen (133 incidents).

Only 2 of the 21 respondents said they had reported instances of sexual harassment or assault through formal channels. The Academy, however, has no records of such reports.⁴ The survey revealed that the harassment that occurred on campus and at sea was directed primarily at the female (rather than the male) upperclassmen—they were the victims of 66 percent of the harassment from other midshipmen and 86 percent of the harassment from commercial ships' crews during sea-year training.⁵

Also disturbing is the fact that both male and female upperclassmen reported being harassed by Academy staff⁶ and faculty (18 incidents). One female upperclassman reported being harassed by faculty, two by staff, and two by both faculty and staff. In addition, one male upperclassman reported being harassed by faculty, and one by staff.

Given, however, that most of the sexual harassment and sexual assaults were directed at the female upperclassmen, it is not surprising the degree to which these respondents stand apart from both the male upperclassmen and the plebes of both genders in their lack of confidence regarding the willingness and ability of the Academy's leadership to investigate instances of sexual assault and harassment, punish perpetrators, protect the privacy of those lodging complaints, and foster a climate that is intolerant of sexual assault and harassment.

In fact, only 37 percent of the female upperclassmen responding to the survey believe that the *senior leadership* (defined as the Superintendent, Academic Dean, Chief of Staff, and Commandant of Midshipmen) has created a climate in which "to a large extent" *sexual assault* was not tolerated. Only 26 percent of the female upperclassmen responding to the survey believe that the senior leadership has created a climate that to a large extent is intolerant of sexual harassment (Table 5).

Overall, among all the midshipmen responding to the survey—male and female, plebes and upperclassmen—confidence is higher. As a group, 58 percent of the midshipmen believe that the senior leadership creates a climate that to a large extent is intolerant of sexual harassment, and 53 percent believe that the senior leadership is intolerant of sexual assault.

The midshipmen's confidence, however, is significantly greater than that of faculty and staff. Only 42 percent—less than half—of the faculty and staff responding to the survey believe that the *senior leadership* has created a climate that to a large extent is intolerant of *sexual assault*. Only 36 percent of faculty and staff believe that the senior leadership has created a climate that to a large extent is intolerant of sexual harassment (Table 14).

⁴ The Academy has no record of any complaints of harassment for Academic Year 2009-2010. There were two complaints of harassment lodged in Academic Year 2008-2009. Given that the survey covered the previous 12 months, it may be the case that the two complaints referenced in the survey were lodged in the latter part of Academic Year 2008-2009.

⁵ It is unclear from the survey whether the harassment by other midshipmen occurred on campus or at sea.

⁶ The term "staff" was defined later in the survey, but not with respect to the sexual harassment and assault questions, as commissioned and non-commissioned officers.

When asked about likely consequences of reporting or bringing charges of sexual harassment against an Academy employee, fewer than 40 percent of faculty and staff respondents thought that it was “very likely” or “likely” that there would be a fair investigation, that the harassment would stop, or that the harasser would be punished (Table 13).

Particularly troubling is the fact that female *faculty* respondents expressed even less confidence than the female upperclassmen that the senior leadership created a climate in which, to a large extent, sexual harassment and sexual assault are not tolerated. Only 31 percent of the female faculty expressed confidence that *sexual assault* is not tolerated, as compared to 37 percent of the female upperclassmen. With respect to sexual harassment, only 19 percent of the female faculty expressed confidence that it is not tolerated, as compared to 26 percent of the female upperclassmen (Table 14).

The current situation is unacceptable. In an effort to begin effectively addressing the significant problems identified in the 2009-2010 survey, the Maritime Administration and the U.S. Department of Transportation (DOT) sought the advice of other service academies regarding their experiences with sexual assault and harassment prevention, response programs, and reporting procedures.

The following nine areas were identified as requiring immediate attention and are the foundation for initial steps and future actions planned to expeditiously address these serious issues:

- Reinforcing a “no tolerance and full reporting” climate;
- Improving the incident reporting and recordkeeping system;
- Improving “at sea” protocols to protect midshipmen and addressing the climate aboard commercial vessels;
- Improving faculty, staff, and senior leadership awareness, prevention, and training;
- Improving midshipman awareness, prevention, and training;
- Providing additional staff resources, including hiring a full-time Sexual Assault Response Coordinator;
- Improving the support network and interventions;
- Improving program effectiveness assessments; and
- Increasing the gender diversity of Academy employees and the Regiment of Midshipmen.

It should be noted that the 2009-2010 survey only is one tool in a comprehensive program being undertaken by the Department and the Academy. A more detailed Plan of Action follows the description of the survey results.

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. Appendix A provides the specific wording of this Act.

2008-2009 Academic Year Annual Report

The Academy conducted a self assessment of its policies and programs for the 2008-2009 Academic Year. This assessment did not involve conducting a survey. During that Academic Year, there were no acts of rape or sexual violence reported through formal channels, and two instances of sexual harassment reported through formal channels. The reports of sexual harassment occurred aboard a commercial vessel during sea-year training. As a result, the Academy implemented changes to the training that midshipmen receive before their sea year.

The 2008-2009 Annual Report consists of a “Report on the Policies and Programs that Relate to Sexual Harassment and Sexual Violence Applicable to the Midshipmen and Other Personnel of the United States Merchant Marine Academy,” which includes a letter to Secretary of Transportation Ray LaHood from Interim Superintendent Shashi N. Kumar, Ph.D.; an Action Plan for the Next Program Year; a copy of Superintendent’s Instruction 2005-15 “Statement of Student Rights under the Family Educational Rights and Privacy Act (FERPA); a copy of Superintendent’s Instruction 2006-08 “Policy Against Harassment, Sexual Harassment, or Discrimination;” a copy of Superintendent’s Instruction 2006-10 “Confidentiality at USMMA;” and a copy of Superintendent’s Instruction 2010-05 “Policy against Sexual Assault.” These documents, which describe the Academy’s current policies, procedures, and training regarding sexual harassment and sexual assault, are enclosed as Attachments A through E.

2009-2010 Academic Year Survey Development and Methodology

The 2009-2010 Academic Year Survey was developed by the Maritime Administration and Academy leadership in March 2010. Two versions were developed, one survey for midshipmen, and a second survey for staff (including faculty and both Federal and non-appropriated fund instrumentality employees). The survey instruments were based upon a survey administered to cadets at the U.S. Coast Guard Academy. Appendix C provides copies of the Academy’s survey instruments.

In developing the surveys, wording was changed to comply with terminology used at the Academy. In addition, some answer choices were altered or added to allow for operational or programmatic differences between the Academy and U.S. Coast Guard Academy. The surveys were administered anonymously. Detailed demographic information was deliberately limited⁷ in order to reduce the likelihood of reverse engineering specific responses back to individual participants.

⁷ Midshipmen were asked to list only their gender and class year.

Respondents were provided with the following definitions of sexual harassment and sexual assault:

“Sexual harassment” is defined as any unwelcome sexual advance, request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature that occurs in the workplace or on campus, where: submission to such conduct is made either explicitly or implicitly a term or condition of a person’s career or Regimental duties; or, submission to or rejection of such conduct by a person is used as a basis for career or Regimental decisions affecting that person; or, such conduct has the purpose or effect of unreasonably interfering with an individual’s work and academic performance; or, such conduct creates an intimidating, hostile, or offensive working and duty environment.

“Sexual assault” refers to sexual intimacy forced or threatened on one person by another, including: rape; forcible sodomy; assault with the intent to commit rape or sodomy; indecent assault; and other unwanted sexual touching or contact. Psychologically pressuring an individual for sexual favors, or any attempt to take advantage of an individual under duress or incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs, and/or prescribed medications. By definition, sexual assault is a crime of violence.

A commercial software product, SelectSurvey.net, was selected, and the surveys were administered online through the Academy Information Technology (IT) network. Preliminary testing was performed by members of the Human Relations Committee, a cross-campus group that supports the Human Relations Program, and was limited to technical evaluation for the logical sequencing of answers, time to complete, and other basic evaluation measures.

Survey Administration

Midshipmen participated in the survey in April 2010, and the faculty and staff participated in June 2010. The midshipman survey was administered in a staggered timetable to the five midshipman companies that comprise the Academy’s Regiment of Midshipmen. This was done to ensure that the IT server infrastructure could handle the simultaneous load. Time was set aside over the lunch hour for the survey in order to foster maximum student participation.

The survey was made available to all 325 faculty, staff, and other employees between June 18-22, 2010, and 242 participated. Individuals were able to take the survey at their convenience. On average, the employee respondents took 9 minutes to complete the survey.

Incomplete surveys (both midshipman and staff) were not included in this analysis in order to maintain the statistical consistency and comparability of the responses throughout the surveys and this report. The data for both surveys were analyzed by senior officials at the Academy and the Maritime Administration. Incomplete surveys were, however, analyzed to determine at what point during the survey the respondent decided to end the session. No correlation was found between the cessation points of the incomplete surveys and certain questions or sections of the survey.

Midshipman Response Rates

The survey was administered to the 694 students in residence at the Academy during the period of April 14-16, 2010. The total student population was 915 midshipmen. During that period, 221 upperclassmen were at sea. They did not take part in the survey, and their perceptions are not represented in the survey results. For this reason, the number of instances of sexual assault and sexual harassment are likely underreported in the survey, perhaps to a significant degree. For the next series of surveys in the 2011-2012 Academic Year, midshipmen who are at sea will

Table 1. Midshipman Response Rates By Class and Gender				
Gender/Class	Number of Midshipmen Enrolled	On Campus Population	Number of Responses	Response Rate (%)
Male	812	620	587	95
2010	179	179	168	94
2011	183	88	86	98
2012	212	115	111	97
2013	238	238	222	94
Female	103	74	72	97
2010	20	20	20	100
2011	28	11	9	82
2012	26	14	14	100
2013	29	29	29	100
Total	915	694	659	95
2010	199	199	188	94
2011	211	99	95	96
2012	238	129	125	97
2013	267	267	251	95

take the survey, in furtherance of the Academy's goal of 100 percent participation by midshipmen as well as staff. Table 1 details the demographics of the 659 midshipman respondents. Overall, the survey had a 95 percent response rate, with 95 percent of on-campus male midshipmen participating and 97 percent of on-campus female midshipmen participating. While all midshipmen on campus were given the opportunity to respond, 37 questionnaires were not completed and thus were excluded from the tabulations.

Midshipman Perceptions

Training

As reflected in Table 2, the survey results showed significant variation in understanding Academy sexual harassment and assault policies and procedures by the four demographic groups (male/female, plebe/upperclassmen). For example, 90 percent of female plebes reported that they fully understood procedures for reporting sexual harassment or assaults, compared to 49 percent of the female upperclassmen.

The female upperclassmen also were significantly less likely than the female plebes and the male midshipmen to say that they fully understood the procedures for reporting at sea, the counseling that was available, and the degree of confidentiality that would be provided. However, their understanding of the difference between harassment and assault was consistent with the other midshipmen.

Table 2. Midshipman Understanding of Merchant Marine Academy Sexual Harassment and Assault Policies and Procedures (% of Respondents that Fully Understand)							
Training Topic							
Midshipman Segment	Harassment v. Assault	Reporting Procedures		Situations to Avoid	Available Counseling	Chain of Command	Confidentiality
		At Sea	Campus				
Male	79	61	69	74	67	61	71
Plebes	76	60	68	75	67	63	72
Upperclassmen	80	62	69	73	67	59	71
Female	84	56	65	79	67	56	65
Plebes	86	79	90	83	83	76	83
Upperclassmen	83	41	49	76	56	43	53
Total	79	61	69	81	67	60	71
Plebes	77	61	71	85	69	65	73
Upperclassmen	80	60	67	78	65	58	69

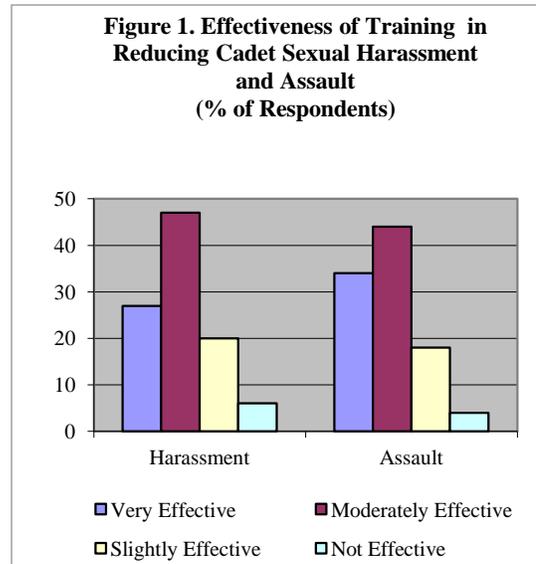
Effectiveness of Training

When asked to evaluate the Academy’s midshipman training program in terms of its effectiveness in reducing sexual harassment and sexual assault, 27 percent of respondents felt that it was very effective in reducing harassment, and 34 percent felt it was very effective in reducing sexual assault (Figure 1). The most common answer, however, was that the program is “moderately effective.”

The low percentages for midshipman perceptions of training effectiveness indicate that the midshipman sexual harassment and sexual assault training programs need to be reviewed and modified to improve their overall effectiveness, since training is a key factor in building awareness and increasing prevention.

Confidence in Reporting/Outcomes of Reporting

When it comes to midshipman confidence in the formal procedures for reporting sexual harassment and sexual assault, the survey revealed that plebes of both genders and male upperclassmen have similar levels of confidence in reporting sexual harassment, “moderate” being the most frequent response (Table 3). Female upperclassmen respondents, however, who appear to have been disproportionately victimized by sexual harassment and assault, showed significantly less confidence across the board in the procedures for the reporting of both harassment and assault.



Midshipman Segment	Sexual Harassment				Sexual Assault			
	Complete	Moderate	Some	None	Complete	Moderate	Some	None
Male	30	55	12	3	35	51	11	3
Plebes	32	59	7	2	38	53	7	2
Upperclassmen	29	53	15	2	33	50	14	3
Female	26	42	25	7	26	46	22	6
Plebes	31	55	14	0	31	55	14	0
Upperclassmen	23	33	33	12	23	40	28	9
Total	30	54	13	3	34	51	12	3
Plebes	32	59	7	2	37	53	8	2
Upperclassmen	28	51	17	3	32	49	15	4

Person to Whom Midshipmen Would Be Willing to Report Harassment and/or Assault

The midshipmen also were asked (on a multiple choice basis) to whom they would report an incident of sexual harassment and/or sexual assault. Twenty-five percent of both male and female midshipmen surveyed indicated willingness to report sexual harassment or assault through their chain of command (as provided by the formal procedures). Stated from the opposite perspective, 75 percent of the midshipmen would be reluctant to go through the chain of

command. Eighty-one percent stated that they would be willing to report to the Chaplain,⁸ followed by the company officer (51 percent),⁹ Academy medical personnel (43 percent), and a family member (38 percent).

Consequences of Reporting or Bringing Charges of Harassment or Assault

The survey revealed significant differences in midshipman expectations of reporting outcomes. For example, female midshipmen expressed more certainty about adverse consequences for the accuser and less certainty about adverse consequences for the harasser than their male counterparts (Table 4). Twenty-nine percent of female respondents felt that it was very likely the accuser would be shunned, while 16 percent of the male respondents felt the same. Furthermore, 50 percent of the male respondents felt that the harasser would very likely be punished, while 22 percent of the female respondents thought that the harasser would very likely be punished.

The female midshipmen’s lack of confidence in the reporting system may be a factor in the fact that only 2 respondents stated that they had made a formal complaint about harassment, despite 358 incidents of harassment being reported on the survey. Even more troubling is the fact that seven instances of *sexual assault* were reported on the survey, yet none of the victims filed a complaint.

Segment/Consequence	Very Likely	Likely	Moderately Likely	Somewhat Likely	Not Likely	Don't Know
Male						
A fair investigation	20	24	16	19	13	7
Harassment by accused would stop	27	31	14	16	6	6
Harasser(s) would be punished	50	20	10	11	4	5
Perpetrator’s career would be ruined	28	21	17	18	8	8
Victim’s career would be ruined	8	9	13	28	32	10
Accuser would be labeled a troublemaker	18	17	17	26	14	9
Accuser would be shunned	16	14	13	31	17	9
Female						
A fair investigation	11	28	17	21	18	6
Harassment by accused would stop	17	29	15	22	14	3
Harasser(s) would be punished	22	22	18	26	8	3
Perpetrator’s career would be ruined	13	14	15	31	19	8
Victim’s career would be ruined	13	18	22	25	15	7
Accuser would be labeled a troublemaker	25	22	18	21	8	6
Accuser would be shunned	29	13	24	25	6	4

⁸The Academy has one permanently assigned chaplain, who is detailed from the U.S. Navy’s Chaplain Corps.

⁹The company officers are in the chain of command.

Climate

Establishing an institutional climate where sexual harassment and sexual assault are not tolerated is crucial in creating a living, working, and educational environment that is positive and professional. At the Academy, three sectors were identified as having particular influence over the Regiment of Midshipmen. The senior leadership¹⁰ sets the overall tone at the leadership level. The company staff is responsible for day-to-day oversight of the midshipmen and establishes the climate within the midshipman living spaces. They are often “first responders” to emerging and developing human relations issues. In addition, the faculty sets the tone on a professional level within the classroom. By evaluating the perceptions of midshipmen in each of these areas, the survey provides a tool for assessing the effectiveness of the Academy’s effort to set a broad, campus-wide tone, or climate, of non-tolerance of harassment and assault.

Midshipman Segment	Company Staff		Senior Leadership		Faculty	
	Harassment	Assault	Harassment	Assault	Harassment	Assault
Male	57	65	54	59	47	51
Plebes	65	71	64	66	48	54
Upperclassmen	52	61	48	55	45	50
Female	44	50	42	51	38	47
Plebes	65	59	66	72	45	52
Upperclassmen	30	44	26	37	33	44
Total	55	63	53	58	46	51
Plebes	65	69	65	67	48	53
Upperclassmen	50	59	45	53	44	49

The survey showed (Table 5) that roughly half of all respondents—male and female, plebes and upperclassmen—believed that the Academy created a climate in which sexual harassment was not tolerated.

The confidence of female upperclassmen, however, was markedly lower across the board. Only 44 percent of female upperclassmen respondents—less than half—said that they believed that company staff and faculty created a climate that to a large extent was intolerant of *sexual assault*.

¹⁰ Senior leadership, defined on the survey instrument as “Superintendent, Academic Dean, Chief of Staff, [and] Commandant of Midshipmen,” were included in the questions related to the climate of intolerance; they were not included as possible sources of sexual harassment or assault in the questions related to the incidents of harassment and assault.

Their confidence in the senior leadership was especially lacking. Only 37 percent of them stated that they believed that the senior leadership did not tolerate sexual assault.

With respect to sexual harassment, the female upperclassmen were half as likely as plebes of both genders to believe that company staff and senior leadership would not tolerate sexual harassment, and they were significantly less likely than the male upperclassmen to believe it. Female upperclassmen expressed the greatest confidence in the faculty, the group in which the other students had the least confidence.

Privacy of Reporting

Midshipmen also were asked about privacy in the reporting procedures. Only 35 percent (37 percent of males and 25 percent of females) believed that company staff would, to a large extent, provide an adequate level of privacy to those who experienced sexual assault. The percentages were about the same for faculty, but lower for senior leadership (32 percent). This lack of confidence likely is a contributing factor in the lack of reporting of incidents of assault and harassment.

Incidents of Midshipman Sexual Harassment and Sexual Assault

In the survey, each midshipman was asked the question whether, within the prior 12 months, he or she was “subjected to sexual harassment or sexual assault.”¹¹ In total, 22 midshipmen (5 males and 17 females) responded in the survey that they had experienced at least one incident of sexual harassment and/or sexual assault during that period.

Of those 22, 7 midshipmen (1 male and 6 females) reported through the survey a total of 11 incidents of actual or attempted rape or assault, including date rape (Table 6).¹² Six midshipmen reported both sexual assault and sexual harassment. Altogether, the 21 midshipmen who said they had been sexually harassed reported 358 incidents of harassment in response to the survey.

Incidents of Sexual Assault

As noted above, 7 midshipmen reported through the survey a total of 11 incidents of actual or attempted rape or assault, including date rape (Table 6). None of the incidents of sexual assault was reported through formal reporting procedures.

Of these seven midshipmen, one female plebe and one male upperclassman said that they had each experienced one instance of sexual assault. Of the 43 female upperclassmen responding to the survey, 5 stated that they had been the victims of sexual assault. In total, they reported nine incidences of sexual assault, including three of midshipmen who experienced multiple assaults.

Table 6. Incidents of Midshipman Sexual Assault* (Number of Respondents)		
Respondent	Number of Respondents	Number of Incidents
Male	1	1
Plebes	0	0
Upper Classmen	1	1
Female	6	10
Plebes	1	1
Upper Classmen	5	9
Total	7	11
Plebes	1	1
Upper Classmen	6	10
*Includes sexual assault, rape, attempted rape, or date rape.		

¹¹The definitions for sexual harassment and sexual assault used in the survey are provided on page 8. Future surveys will ask separate sets of questions that distinguish between sexual harassment and sexual assault (e.g. “Within the prior 12 months, have you been subjected to sexual harassment? (Yes/No)” and “Within the prior 12 months, have you been subjected to sexual assault? (Yes/No)” —each with appropriate sets of follow-on questions).

¹² Future surveys will include separate questions that ask about attempted and actual rape and assault.

Source of Sexual Assaults

As Table 7 indicates below, five of the nine sexual assaults against the female upperclassmen were perpetrated by other midshipmen, as were the one assault on the female plebe and the one on the male upperclassman. The other four assaults reported in the survey were perpetrated against the female upperclassmen by crew (two instances) and by “another person (not connected to USMMA)” (two instances).

Respondent	All	Other Midshipmen	Faculty	Staff	Crew	Other
Male	1	1	0	0	0	0
Plebes	0	0	0	0	0	0
Upper Classmen	1	1	0	0	0	0
Female	10	6	0	0	2	2
Plebes	1	1	0	0	0	0
Upper Classmen	9	5	0	0	2	2
Total	11	7	0	0	2	2
Plebes	1	1	0	0	0	0
Upper Classmen	10	6	0	0	2	2

* Respondents who reported being subjected to sexual assault could select more than one source.

Incidents of Sexual Harassment

In total, 21 midshipmen reported being sexually harassed during the prior 12 months. These incidents took a variety of forms, as described in Table 8. With regard to reporting the frequency of the harassment, participants in the survey were given the option of reporting “never, 1 time, 2 times, 3 times, or 4 or more times” for each of the four categories of harassment listed. The 21 midshipmen who stated that they had been sexually harassed reported on the survey more than 358 incidents of sexual harassment in one form or another.¹³ Two of the respondents said they had reported instances of sexual harassment or assault through formal channels. However, the Academy has no records of such reports.¹⁴ The total number of incidents is likely to be underreported, given that “4 or more times” was the most frequent response, and also the largest number of incidents allowed by the survey instrument.

Of the 21 midshipmen who reported being harassed, 5 were male upperclassmen, and 2 were female plebes. None of the male plebes reported being harassed. Fourteen female upperclassmen said that they had been sexually harassed, which constitutes nearly 33 percent of

¹³With regard to kinds of harassment, participants in the survey could choose from among four categories of harassment: first, whistles, sexual remarks, looks or gestures; second, unwanted letters, phone calls, visits, emails or materials of a sexual nature; third, unwanted deliberate touching, leaning over, cornering, or pinching; and fourth, unwanted pressure for dates or sexual favors.

¹⁴The Academy has no record of any complaints of harassment for Academic Year 2009-2010. There were 2 complaints of harassment lodged in Academic Year 2008-2009. Given that the survey covered the previous 12 months, it may be the case that the two complaints referenced in the survey were lodged in the latter part of Academic Year 2008-2009.

the 43 female upperclassmen responding to the survey. These 14 female upperclassmen constitute two-thirds of the midshipmen who reported having been harassed.

Table 8. Sexual Harassment of Midshipmen by Type* (Number of Respondents)					
Respondent	All	Whistles, Remarks, Gestures, Looks, etc.	Unwanted Letters, Visits, Emails, etc. of a Sexual Nature	Unwanted Touching, Pinching, Leaning Over, Cornering	Pressure for Dates or Sexual Favors
Male	5	5	4	3	3
Plebes	0	0	0	0	0
Upperclassmen	5	5	4	3	3
Female	16	14	14	15	12
Plebes	2	0	1	1	2
Upperclassmen	14	14	13	14	10
Total	21	19	18	18	15
Plebes	2	0	1	1	2
Upperclassmen	19	19	17	17	13

* Respondents who reported being subjected to sexual harassment could select more than one type, and from one to “four or more” instances of harassment per type.

Sources of Harassment

The most common sources of sexual harassment were ships' crew members aboard commercial vessels during the midshipmen's 2 sea-year training periods (135 incidents) and other midshipmen (133 incidents). "Other" accounted for 72 incidents, and faculty and staff accounted for 18 incidents (Table 9). The harassment was directed overwhelmingly at the female upperclassmen—they were the victims of 66 percent of the harassment from other midshipmen and 86 percent of the harassment from the ships' crews. The two female plebes who reported harassment in the survey said they had been harassed by other midshipmen.¹⁵ The five male upperclassmen who said they had been harassed cited a variety of sources. Also disturbing is the fact that both male and female upperclassmen responded on the survey that they were harassed by Academy faculty and staff.

Segment/ Source	All	Other Midshipmen	Faculty	Staff	Crew	Other
Male	5	4	1	1	2	2
Plebes	0	0	0	0	0	0
Upperclassmen	5	4	1	1	2	2
Female	16	14	2	3	13	10
Plebes	2	2	0	0	0	0
Upperclassmen	14	12	2	3	13	10
Total	21	18	3	4	15	12
Plebes	2	2	0	0	0	0
Upperclassmen	19	16	3	4	15	12

* Respondents who reported being subjected to sexual harassment could select more than one source and from one to "four or more" instances of harassment. Plebes, who have not yet had their sea year, reported no harassment from ships' crews.

Role of Alcohol or Drugs

Eleven respondents indicated that the perpetrator was under the influence of drugs or alcohol, or had consumed alcohol during incidents of sexual harassment or assault. Eight respondents indicated that they were under the influence of alcohol or drugs or had consumed alcohol during incidents of sexual harassment or assault.

¹⁵ The plebes have not yet had their "sea year" and reported, as would be expected, no harassment from ships' crews.

Use of Formal Reporting Procedures

Of the 22 respondents who reported sexual harassment or assault in the survey, only 2 stated in the survey that they followed the formal reporting procedures. The respondents indicated 13 factors that influenced their decision not to report an incident. Half stated that they feared ostracism, harassment, or ridicule by others; half wanted to handle it themselves; and 9 of the 22 stated that they thought nothing would be done (Table 10).

Reason for Not Reporting	Male	Female	Total
Feared ostracism, harassment or ridicule by peers	1	10	11
Wanted to handle it myself	2	9	11
Thought nothing would be done	2	7	9
Didn't want people gossiping about the assault	0	8	8
Not important enough to report	3	3	6
Did not feel chain of command would solve the problem	1	4	5
Thought people would not believe me	1	4	5
Did not want my family/boyfriend/girlfriend to find out	1	3	4
Felt shame or embarrassment	1	3	4
Pressured by someone in authority	0	2	2
Feared retaliation	0	1	1
Not aware of reporting procedures	0	1	1
The perpetrator threatened me with retaliation	0	1	1
Feared loss of friends	0	0	0
Wanted to fit in	0	0	0
Someone else threatened me	0	0	0
Feared punishment for related infraction	0	0	0

Staff Response Rates

Table 11 details the demographics of the 242 staff respondents. While all staff on campus were given the opportunity to respond, 24 questionnaires were partially completed, and thus were excluded from the tabulations.¹⁶ The overall response rate was 72 percent, with a higher response from faculty (97 percent) than other staff (64 percent).

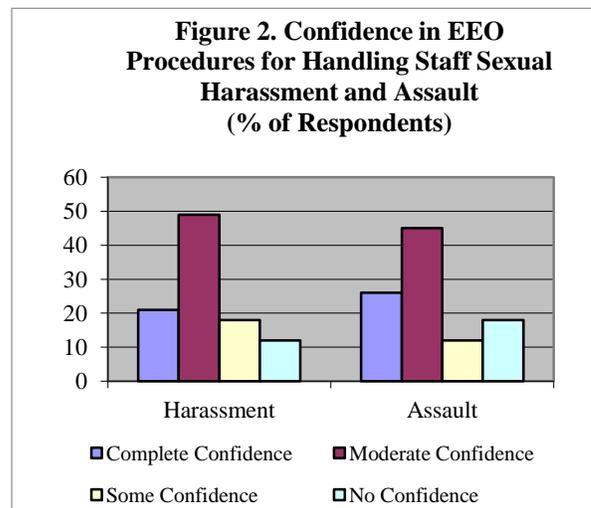
Table 11. Staff Response Rates by Position and Gender			
Gender/Position	On-Campus Population	Number of Responses	Response Rate (%)
Male	233	167	72
Faculty	84	81	96
Other	149	86	58
Female	92	75	82
Faculty	16	16	100
Other	76	59	78
Total	325	242	72
Faculty	100	97	97
Other	225	145	64

Staff Perceptions

Training

Sixty-five percent of the respondents reported that they had received equal employment opportunity (EEO) training on sexual harassment; 59 percent reported that they had received EEO training on sexual assault.

Twenty-one percent of the staff reported that they had complete confidence that the EEO procedures would work for reporting sexual harassment, while 26 percent reported that they had complete confidence that the procedures would work for reporting sexual assault. As was the case with the midshipmen, the most common response was that the EEO training they received was “moderately effective” (Figure 2).



¹⁶ Incomplete surveys (both midshipmen and staff) were not included in this analysis in order to maintain the statistical consistency and comparability of the responses throughout the surveys and this report.

With regard to the Academy’s sexual harassment and assault policies and procedures, 60 percent of the respondents reported that they fully understood reporting options for on-campus sexual assault; and 57 percent reported that they fully understood the role of the supervisor and the chain of command in handling sexual assaults.

There were significant differences in understanding among males and females, and among faculty and other staff (Table 12). For example, only 31 percent of the female faculty reported that they fully understood the chain of command as compared to 66 percent of the male non-faculty staff.

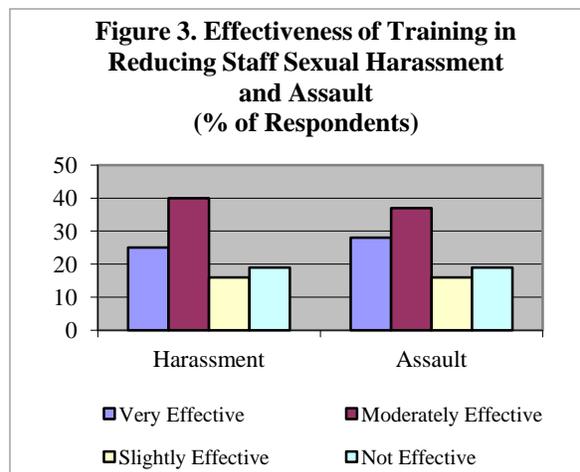
By every measure, however, the faculty—both men and women—exhibited lower levels of understanding of the Academy’s policies and procedures than did other staff, particularly with respect to understanding the options for reporting harassment or assault.

Table 12. Staff Understanding of Merchant Marine Academy Sexual Harassment and Assault Policies and Procedures
(% of Respondents that Fully Understand)

Gender/Position	Training Topic					
	Harassment v. Assault	Reporting Options	Situations to Avoid	Available Counseling	Chain of Command	Confidentiality
Male	86	58	77	50	56	59
Faculty	80	44	69	37	46	43
Other	91	73	85	62	66	73
Female	95	65	87	69	56	55
Faculty	88	44	81	56	31	50
Other	97	71	88	73	64	56
Total	88	60	80	56	57	57
Faculty	81	44	71	40	43	44
Other	93	72	86	66	66	66

When asked to evaluate the Academy’s staff training program in terms of its effectiveness in reducing sexual harassment and sexual assault, 25 percent of respondents stated that it was very effective in reducing harassment, and 28 percent stated it was very effective in reducing sexual assault. The most common response, however, was that the EEO training they received was “moderately effective.” (Figure 3).

That may be an overstatement. When queried



on the survey about the likely outcome of reporting or bringing charges of sexual assault or harassment, by far the most frequent response of the faculty and staff was “I don’t know” (Table 13). This response was significantly more frequent than that of the midshipmen when asked the same question (Table 4). Faculty, staff, and senior leadership need to be particularly knowledgeable given their positions within the Academy, their responsibility for creating a climate that is intolerant of sexual assault and harassment, and the fact that victims may seek their advice.

Outcomes of Reporting

When faculty and staff were asked about likely consequences of reporting or bringing charges of sexual harassment¹⁷ against an Academy employee, fewer than 40 percent of them thought it “very likely” or “likely” that there would be a fair investigation, that the harassment would stop, or that the harasser would be punished (See Table 13 for specific percentages). Female faculty and staff were slightly more likely than male faculty and staff to believe that the victim’s career would be ruined, that the accuser would be labeled a troublemaker, and that the accuser would be shunned.

Gender/Consequence	Very Likely	Likely	Moderately Likely	Somewhat Likely	Not Likely	Don’t Know
Male						
A fair investigation	18	20	8	24	11	19
Harassment by accused would stop	20	18	13	18	7	24
Harasser(s) would be punished	16	19	10	18	16	20
Perpetrator’s career would be ruined	13	11	9	15	25	36
Victim’s career would be ruined	6	7	8	20	31	27
Accuser would be labeled a troublemaker	10	5	6	26	23	30
Accuser would be shunned	6	4	7	26	27	31
Female						
A fair investigation	23	16	7	13	15	27
Harassment by accused would stop	13	20	7	19	9	32
Harasser(s) would be punished	16	11	8	15	23	28
Perpetrator’s career would be ruined	11	11	9	15	25	36
Victim’s career would be ruined	7	11	9	16	19	39
Accuser would be labeled a troublemaker	12	11	7	21	15	35
Accuser would be shunned	8	11	8	12	20	41

¹⁷ The survey administered to faculty and staff did not include a question about the consequences of reporting or bringing a charge of sexual assault against an Academy employee.

Climate of Intolerance

Only 42 percent of faculty and staff responded on the survey that they believe that the senior leadership creates a climate that to a large extent is intolerant of *sexual assault* (Table 14). The percentages for the female faculty are particularly low. Only 31 percent of them responded that they believe that the senior leadership creates a climate that is intolerant of sexual assault.

With respect to *sexual harassment*, 36 percent of the faculty and staff believe that the senior leadership creates a climate that to a large extent is intolerant of such behavior. Again, the percentage was lower among the female faculty. Only 19 percent of them (3 of the 16) believe that the senior leadership creates a climate that to a large extent is intolerant of sexual harassment.

The female faculty were about one-third as likely as the male faculty or the other staff (of either gender) to believe that their supervisor¹⁸ and the senior leadership provided adequate information to employees about the policies, procedures, and consequences of sexual harassment.

Table 14. Percent of Faculty and Staff Who Believe that Academy Supervisors and Senior Leadership to a Large Extent Create a Climate In Which Sexual Harassment and Sexual Assault Are Not Tolerated

Gender/ Position	Supervisor			Senior Leadership			
	Harassment Not Tolerated	Encouraged to Report	Provided Information	Harassment Not Tolerated	Assault Not Tolerated	Encouraged to Report	Provided Information
Male	62	49	37	37	43	33	27
Faculty	67	46	33	35	43	23	25
Staff	57	54	42	40	43	45	30
Female	58	53	33	33	38	27	18
Faculty	31	25	6	19	31	19	6
Staff	68	64	41	39	41	30	23
Total	61	50	36	36	42	31	25
Faculty	61	42	29	32	41	23	22
Staff	61	58	42	40	42	39	27

Persons to Whom Faculty and Staff Would Be Willing to Report Sexual Harassment or Assault

Staff members were asked to whom they would be willing to report an incident of sexual harassment or sexual assault. Respondents could make multiple selections (Table 15). The majority (70 percent) of the respondents indicated that they would be willing to report the incident to their supervisor. Female respondents indicated that they were less likely to report an incident to Academy officials than males. Female respondents were more likely to report an incident to persons outside the chain of command, such as an Academy clergy member, a coworker, or a local crisis center.

¹⁸ Faculty and staff respondents were not asked whether their supervisor created a climate that was intolerant of sexual assault.

Table 15. Staff Preferences in Reporting an Incident of Sexual Harassment or Assault
(% of Respondents)

Willing to Report to:	Female	Male	Total
Your Supervisor	65	72	70
Civilian law enforcement	56	62	60
Your spouse or boyfriend/girlfriend	63	54	57
An EEO Counselor	52	54	54
Another Academy official	40	48	45
An Academy clergy member	43	43	43
A local crisis center or victim's hotline	44	28	33
A coworker	39	28	31
A Maritime Administration or Department official	31	31	31
Nobody	4	7	6
Other	4	2	2

Incidents of Staff Sexual Harassment and Sexual Assault

Four faculty and staff respondents (one male, three female) reported in the survey that they experienced at least one incident of sexual harassment or assault over the prior 12 months. In total, the respondents reported more than 19 incidents of harassment and 1 incident of assault. No midshipmen were involved in any of the reported incidents. The assault occurred while the victim and perpetrator were under the influence of drugs or alcohol. None of the respondents used formal EEO procedures to report the incidents. Three of the respondents indicated that they felt that the Academy Administration would not solve the problem. Two respondents reported being negatively pressured by someone in a position of authority.

Plan of Action

The 2009-2010 survey is the first in a series of biennial tracking surveys to measure the progress of the Academy in creating an environment where sexual harassment and sexual assault are not tolerated. While the survey is but one tool among many, the cross-tabs that separate the responses by gender and class year are particularly helpful in focusing attention on the specific areas where improvements by the Academy must be made.

These cross-tabs indicated nine areas where improvements are necessary: the climate of intolerance; reporting of incidents of sexual assault and harassment; at-sea protocols; midshipman awareness, prevention, and training; additional staff resources; support network and intervention; program effectiveness assessments; faculty and staff gender diversity; and staff awareness, prevention, and training. Each of these areas is addressed in more detail in the seven topics below.

CLIMATE

Conclusion: The Academy plays a fundamental role in developing, educating, training, and inspiring future leaders for the challenges they will encounter throughout their merchant marine or military careers. Thus, it is imperative that the Academy's senior leadership, faculty, staff, and the Regimental and midshipman leadership emphatically affirm their staunch commitment to a safe, professional campus environment in which sexual harassment and sexual assault are not tolerated. Strengthening of Academy policy, enhanced training, and increased outreach are top priorities.

Actions: The Academy is significantly expanding assistance to victims and is considering mirroring the support network instituted at the other military service academies. The program will include, at a minimum, a full-time Sexual Assault Response Coordinator (SARC), Victim Advocates, and an internal network of students against sexual assault, similar to the program instituted by the Coast Guard Academy. These three levels of victim advocates provide victims with critical information on options for reporting, counseling support, investigation status, and related information. Recognizing the critical importance of establishing a strong support network, the hiring of a SARC is a Departmental priority. The Academy expects to have a SARC in place by the 2nd Quarter of Fiscal Year (FY) 2012. In addition, the Academy is in the process of developing the victim advocate framework and associated policies to support the SARC. Efforts are ongoing, and the Department has as its target the full implementation of the support network by the 3rd Quarter of FY 2012.

In addition to establishing a more robust victim support network, the Academy has placed a greater emphasis on the role of the Human Relations Committee (HRC) in monitoring the campus climate. Specifically, over the last year the HRC, a cross-campus group of midshipmen, faculty, and staff increased the frequency of focus groups in order to analyze the campus climate and discuss issues of concern with midshipmen. Based on these focus groups and a review of

existing directives and procedures, the HRC has provided the Superintendent¹⁹ with important recommendations on policy changes and enhancements to training in an effort to strengthen sexual assault and harassment awareness and education on campus. The HRC, as the sponsor of the Academy's annual recognition of Sexual Assault Awareness Month, is taking a proactive approach through seminars, speakers, focus groups, and other effective training methods to highlight important aspects of the issues and the USMMA program.

Recognizing unique challenges with the safety of midshipmen serving aboard ships as part of sea-year training, the Academy is working closely with the Maritime Administration in engaging the commercial maritime community to establish a healthy work environment for midshipmen at sea. Specifically, the Academy Superintendent has taken initial steps to develop a plan to engage the Ship Operators Cooperative Program and other entities to create a sexual harassment and sexual assault awareness program for ship owners, ship operators, and mariner unions that focuses on midshipmen issues. Additionally, the Academy and Maritime Administration are raising awareness among the maritime industry through the incorporation of this important topic into national conferences such as the Women on the Water.

Additionally, as the only Federal merchant marine academy in the country, the Academy is stepping up to take on a greater leadership role among all of the merchant marine academies, which are all key accession sources that feed the U.S. merchant marine industry with future maritime leaders.

INCIDENT REPORTING

Conclusion: In order to ensure that all incidents of sexual harassment and/or sexual assault are dealt with promptly, fairly, and effectively, it is imperative that the Academy thoroughly examine all policies, including the Superintendent's Instructions, manuals, and codes of honor, to clarify procedures, responsibilities, rights, and punishments.

Actions: Academy officials have consulted with their counterparts at other military service academies and institutions of higher learning to determine best practices with regard to sexual assault and harassment prevention and response protocols to ensure that the Academy's revised policies are sufficiently inclusive and comprehensive. As a result of these consultations, the Academy, in an effort to bring consistency across all Federal Academies and strengthen reporting procedures, is in the process of adopting an enhanced dual reporting mechanism, to include "restricted" and "unrestricted" reporting similar to that of other service academies. Dual reporting provides victims with an option to report sexual assault anonymously without the knowledge of USMMA leadership (or, in the case of cadets at sea, without the knowledge of the vessel's crew or leadership). These well-developed protocols will help ensure 100 percent confidentiality and tracking of all evidence and documentation surrounding a reported incident while also ensuring the victim receives appropriate medical, legal, and counseling services. With the care of the victim in mind, the Academy is expeditiously working toward revising current

¹⁹ On October 11, 2011, Rear Admiral Philip L. Greene, Jr., resigned from his position as Superintendent of USMMA to accept a position as the U.S. Department of Transportation's Chair of the National Defense University. Academic Dean Shashi Kumar has been appointed acting Superintendent.

requirements and implementing the new enhanced dual reporting procedures by the 2nd Quarter of FY 2012.

Recognizing the critical importance of ensuring the most effective and expeditious reporting procedures are available to a victim of sexual assault, the Academy also is researching the use of a sexual assault prevention and response helpline similar to that established within the U.S. Department of Defense (DOD), the DOD Safe Helpline. The DOD Safe Helpline was established this calendar year for the military community allows users to “click, call, or text” for access to 24/7, worldwide sexual assault assistance. Services are free, confidential, and anonymous for all members of the armed forces community. Users are connected with specifically trained experts of the Rape, Abuse & Incest National Network, the Nation’s largest not-for-profit anti-sexual violence organization. The availability of a 24/7 hotline for midshipmen would provide them with another critical resource for reporting from anywhere around the world 24/7. The Department is continuing its dialogue with DOD on the feasibility and potential resource implications of including the Academy in this DOD effort.

Although the Academy’s primary objective is to increase prevention efforts and create a culture of trust, when an incident does occur, the Academy is dedicated to ensuring those persons responsible for committing the crime(s) are held accountable. As such, as part of the Academy’s overall reevaluation of investigation procedures, the Academy is reviewing its procedures for initiating, handling, and documenting investigations—including disposition of evidence and cases. Through the review of investigation policies and procedures, the Academy is verifying that appropriate law enforcement and investigative entities are identified and their roles and responsibilities are clearly defined to ensure that prompt and appropriate action is taken when an incident of sexual assault is reported. Additionally, while recognizing each case stands on its own merits, the Academy also is assessing current the midshipmen honor code and regulations as well as enforcement policies to ensure there is as much consistency as possible when actions are taken by authorities and Academy leadership, whether the violations are of Academy policy or of civil or criminal law.

Finally, the policy and procedures now in place at the Academy to report incidents of sexual harassment and sexual assault are being reviewed and updated in order to enhance confidence in the reporting procedures. The completion of a comprehensive review of, and revisions to, all policies and directives associated with the Academy’s sexual harassment and assault prevention and response program is scheduled for the 2nd Quarter of FY 2012.

AT-SEA PROTOCOLS

Conclusion: The isolated environment midshipmen face while participating in sea-year training requires special attention by Academy leadership to ensure that midshipmen at sea receive the same protections and support provided to students on campus. As such, the Academy must take immediate and more deliberate action to review and strengthen the sexual harassment and sexual assault response protocols for midshipmen who are away from the Academy grounds taking part in their sea-year training aboard commercial ships.

Actions: The Maritime Administration and the Academy have taken initial steps to develop a plan to engage the Ship Operators Cooperative Program and other entities, to create a sexual harassment and sexual assault awareness program for ship owners, ship operators, and mariner unions that focuses on midshipmen issues. More importantly, the Academy immediately reviewed and updated the sea-year component of the sexual harassment and sexual assault awareness and prevention training program and protocols to ensure midshipmen receive the same level of support in any environment in which they are working.

Specifically, to ensure greater safety at sea and guarantee a rapid response to a midshipman's signal of distress, the Academy revised its code word procedure. This procedure uses a coded phrase sent by a midshipman, using shipboard or personal email, to Academy officials to alert them of an incident involving sexual assault or sexual harassment. The Academy also has updated its midshipman return procedures and made important revisions to expedite the safe and immediate return of midshipmen to the Academy using the code word procedure. Currently, midshipmen alleging harassment or assault are assigned a mentor, who has been trained in the Academy's assault and harassment policies, and provided with legal advice and counseling. Once the Academy establishes the more robust victim advocate network under the leadership of the SARC, the role of counseling and mentoring victims will be the responsibility of this trained specialist.

Subject to the health and well-being of a victim, the Academy may assign the midshipmen to a new vessel as schedules permit. In cases where harassment and assault against midshipmen have been proven to have occurred aboard a ship, representative shipping companies will be reevaluated by the Academy and are at risk of non-consideration for future midshipmen sea-year assignments.

The Academy is stepping up to take on a greater leadership role with the maritime shipping community and other merchant marine academies in fostering and promoting workplace safety and an environment free of harassment.

MIDSHIPMAN AND STAFF AWARENESS, PREVENTION, AND TRAINING

Conclusion: The Academy must quickly improve its sexual harassment and sexual assault awareness, prevention, and training program for midshipmen, faculty, and staff. It is particularly important that faculty and staff understand sexual harassment and sexual assault policies that apply to midshipmen and to all employees at the Academy. Given their positions at the Academy, faculty, staff, and senior leadership must be fully aware of and embrace their responsibilities to promote a safe environment, and to prevent midshipman sexual harassment and sexual assault.

Actions: Although a significant amount of training is ongoing, the Academy recognizes the need to institute a more robust and holistic training program and to make critical resources and important program information more readily accessible. An expanded program is being developed that not only includes specific training regarding the prevention and response of sexual harassment and violence, but more importantly incorporates foundational principles that create a work environment free of harassment and bias. These principles will be interwoven into

all curricula, including leadership, honor code, and ethics training, throughout each midshipman's 4 years with the Academy. Each midshipmen class would be given a specific area of training to build on Civil Rights/Human Relations knowledge received during the previous academic year, commensurate with increasing leadership responsibilities. In early 2012, the Dean of Academics will begin working with faculty on a comprehensive review of the Academy's 4-year midshipmen curricula with a goal of implementing a more holistic approach to the academic program for the 2014 academic year.

Currently, training for midshipmen on the established reporting procedures for incidents of sexual harassment and sexual assault takes place at the start of each Academic Year and upon their return from sea year. Additional refresher training is conducted for midshipmen immediately preceding their sea year. Administrators, faculty, and staff who serve in key midshipman program support billets or leadership positions currently receive targeted training. For example, the staffs of the Commandant of Midshipman and the Office of Shipboard Training are trained by human relations professionals and USMMA Counsel in the Human Relations Program administration, to include leadership, reporting, victim's rights, preservation of evidence, counseling, confidentiality, and effective instruction. Given the high percentages of faculty and staff who responded "I don't know" to questions related to the likely outcomes of midshipmen's reporting or bringing charges of harassment or assault against an Academy employee, it is clear that this training must be significantly improved and fully embraced by senior leadership.

SUPPORT NETWORK AND INTERVENTION

Conclusion: Although the ultimate goal of the Academy is to prevent incidents of sexual harassment or assault from occurring, when prevention initiatives fail, the Academy is committed to ensuring victims are protected, treated with dignity and respect, and provided with appropriate and ongoing support. In doing so, it is vital that the Academy allocate additional staff resources dedicated to sexual harassment and sexual assault awareness, prevention, response, and training.

Actions: A critical first step being taken by the Academy is the hiring of a full-time, dedicated SARC. Based on the experience of other service academies, combining SARC responsibilities with other civil rights or human relations responsibilities has proven insufficient to meet the needs and requirements of the Sexual Assault Response Program. The Academy SARC will not report directly to the Superintendent or senior Academy leadership, but rather to the Office of Civil Rights within the Maritime Administration or DOT.

The hiring of a full-time SARC is only one of several actions being taken by the Academy in expanding its assistance to victims, which also will include a support network of advocates that mirrors programs instituted at the other service academies. At a minimum, the support network will include a SARC, victim advocates, and internal network of students trained in responding to incidents of sexual assault,²⁰ e.g., USMMA Against Sexual Assault. These three levels of victim advocates are currently employed at other academies and provide victims with critical

²⁰ Complaints of sexual harassment are handled through EEO programs and policies.

information regarding options for reporting, counseling support, investigation status, and related information. As previously noted, the Department expects to have a SARC hired and in place by the 2nd Quarter of FY 2012.

In the short term, the Academy has implemented a network of Midshipman Human Relations Officers by establishing six midshipman officer billets (five Company Human Relations Officers and one Regimental Human Relations Officer), who are specially trained to provide guidance to victims. These Midshipmen play a significant and valuable role in supporting the sexual harassment and sexual assault awareness, prevention, and training program. They provide feedback to the Academy leadership on the overall campus climate, identify emerging areas of concern, act as mediators between midshipmen for low-level infractions, and provide support and guidance to victims of harassment or assault. By acting as trustworthy agents, they help develop greater confidence in the reporting system, as well as give fellow midshipmen access to trained midshipmen whose designated duty is to monitor and ensure a supportive human relations environment in each company and throughout the Regiment.

PROGRAM EFFECTIVENESS ASSESSMENTS

Conclusion: As the 2009-2010 survey makes clear, the Academy must take additional measures to ensure that it receives timely feedback on the effectiveness of existing programs and policies, and institutes ongoing mechanisms for continuous improvement. Successful program oversight requires a clearly defined mission and performance goals. The Academy must take immediate steps to develop an oversight framework to help guide its efforts.

Actions: Since half of both the sophomore class (third classmen) and the junior class (second classmen) were away at sea during the administration of the 2009-2010 survey (serving aboard commercial and Government-owned merchant ships as part of their normal educational program at the Academy), they were unable to participate in this important assessment. In order to ensure that there is no gap in data in the future, as well as to provide an opportunity for all midshipman voices to be heard, the Academy will administer future surveys to all midshipmen, including those at sea, in order to achieve a participation rate that approaches 100 percent of the midshipman population.

The Academy is considering contracting with a service such as the Defense Manpower Data Center (DMDC), to carry out future surveys and assessments. Use of a third party by the Academy would improve credibility and standardization. The DMDC surveys and forums are currently utilized by all other military service academies, including the U.S. Coast Guard Academy, and have been well received and deemed effective. Beginning in 2012, the Academy is committed to using a third party entity to conduct assessments and surveys to evaluate the midshipmen climate, rate of incidents, and the effectiveness of the Academy's sexual assault and harassment prevention and response program.

In the near term, the Academy is convening focus groups for midshipmen. Although the focus groups will capture male and female midshipmen perspectives, based on 2010 survey results a greater emphasis will be placed on female upperclassmen to better understand the specific nature of the issues that more senior women midshipmen are facing with respect to sexual assault and

harassment and the climate of bias and disrespect. Focus groups comprising faculty members also are being considered.

Lastly, the Academy is considering the development of a comprehensive plan to clearly outline performance goals, objectives, milestones, and metrics to assist Academy and DOT leadership in program oversight and more importantly in assessing the effectiveness of the Academy's sexual harassment and assault policies and procedures. It is critical to the success of the program that the Academy and DOT leadership are able to identify progress and improvements associated with the implementation of the comprehensive program.

STAFF GENDER DIVERSITY

Conclusions: Increasing gender diversity among the staff, particularly those in positions that have regular contact with midshipmen, will help improve the campus climate of non-tolerance for sexual assault and harassment. Studies of military and fraternal organizations indicate that achieving a critical mass in the number of women within the higher leadership cadre helps to decrease incidents of assault and harassment.

Actions: Over the last year, the Academy implemented a network of Midshipman Human Relations Officers by establishing six midshipman officer billets (five Company Human Relations Officers and one Regimental Human Relations Officer), who are specially trained to provide guidance to victims. These HRC positions, the majority of which are currently filled by female officers, play significant and valuable roles in supporting the sexual harassment and sexual assault awareness, prevention, and training program.

Additionally, the Academy will work to increase gender diversity through strengthening its outreach and recruitment efforts. We believe such efforts will be critical to the Academy's ability to achieve diversity within the cadre of company officers and shipboard training staff. These efforts will be monitored through a scorecard process that will require the Academy to do, at a minimum, a twice yearly workforce analysis to measure progress in meeting employment goals that relate to outreach, recruitment, hiring, retention, and employee development. The scorecard process will be monitored by the U.S. Department of Transportation Office of Civil Rights on an ongoing basis, in collaboration with the Academy Office of Human Resources, the Academic Dean, the Maritime Administration Office of Civil Rights and other appropriate offices. A similar scorecard process is used throughout the Department.

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: Academy Policies, Procedures and Training Regarding Sexual Harassment and Sexual Assault

Midshipmen attending the Academy are considered civilian personnel, and are subject to the federal and state laws and regulations that apply to the general public. They are also subject to Academy regulations as established by the Superintendent (46 CFR 310.67), which set forth policies and procedures regarding standards of conduct, discipline, and other matters.

For the purposes of this Report, “other Academy personnel” are considered those civil service federal personnel of the U.S. Government who are employed by the Maritime Administration (MARAD) of the Department of Transportation (DOT) and who are assigned to the Academy. As civil service federal employees, these individuals are subject to MARAD and DOT policy, as well as laws and regulations governing federal employees as established by Congress, the Office of Personnel Management (OPM), or other cognizant federal agencies. There is a small number (less than 20) of uniformed military personnel from the Department of Defense (all branches of the Armed Services) and the Department of Homeland Security assigned to the Academy; these personnel are also subject to the provisions of the Uniform Code of Military Justice (UCMJ).

The Academy follows the protocol outlined in Table C-1 when responding to allegations of sexual violence or sexual harassment:

Type of Offense	Course of Action and Jurisdiction
Any case involving criminal sexual assault or sexual violence that involves either midshipmen or other Academy personnel.	Case handled by the MARAD Office of Chief Counsel, working with the local U.S. Attorney in a federal court. In cases where the alleged crime took place off federal property, prosecution would take place in the appropriate local state jurisdiction.
Cases involving midshipmen only, in which allegations of sexual assault have been made, but where criminal charges are not brought, are dismissed, or are not prosecuted within a court of law.	Adjudicated through the USMMA Executive Board disciplinary process laid out in the Midshipman Regulations. The Executive Board is an administrative body, assessing overall suitability for retention.
Cases involving allegations of sexual harassment solely between midshipmen.	Adjudicated through the USMMA Executive Board disciplinary process.
Cases involving allegations of sexual harassment solely against MARAD employees	Adjudicated using DOT/MARAD Equal Employment Opportunity procedures.
Cases involving allegations of sexual harassment solely against DOD or DHS personnel	Adjudicated external to USMMA, per the cognizant DOD or DHS agency
Cases involving allegations of sexual harassment involving both midshipmen and MARAD/DOD/DHS employees	Adjudicated through a combination of the above, depending upon whether the alleged violator is a midshipman, or an employee of the USMMA, DOD or DHS.

During the Academy Year, Academy midshipmen received a number of training modules on the Academy’s policies and programs governing sexual harassment and sexual violence awareness, prevention, and education, as presented in Table C-2. Training for midshipmen is administered by the Commandant of Midshipmen, with assistance from medical personnel and counselors in the Department of Health Services, staff of the Department of Professional Development and Career Services (focused on sea year), and volunteer members of the Human Relations

Committee. In total, a midshipman would typically receive 19 hours of training during the course of his/her attendance at the Academy. Samples of training materials are contained in Attachment F; these include procedural flowcharts and other helpful documents.

Table C-2. Sexual Violence and Sexual Harassment Education and Training Provided to Midshipmen at the U.S. Merchant Marine Academy	
Group	Subjects Taught (Length and Schedule)
Fourth Class (Freshmen)	Initial brief on policies on sexual assault and sexual harassment (1 hour, accomplished by second day of Indoctrination) Comprehensive briefings on sexual assault and sexual harassment policies, confidentiality, procedures, awareness, and response (4 hours, accomplished during second week of Indoctrination) Alcohol Awareness Training, incl. date rape (4 hours, accomplished within first six weeks of Academic Year)
Third Class (Sophomores)	Refresher training on sexual assault, sexual harassment, confidentiality, and HR policies (1 hour) Presentation on Date Rape (1 hour) Alcohol Awareness Refresher Training (1 hour) Sexual assault and sexual harassment awareness in a shipboard environment during sea year (1 hour)
Second Class (Juniors)	Refresher training on sexual assault, sexual harassment, confidentiality, and HR policies (1 hour) Presentation on Date Rape (1 hour) Alcohol Awareness Refresher Training (1 hour)
First Class (Seniors)	Refresher training on sexual assault, sexual harassment, confidentiality, and HR policies (1 hour) Presentation on Date Rape (1 hour) Alcohol Awareness Refresher Training (1 hour)
Midshipman Officers	Training on handling reports of alleged sexual assault or sexual harassment (1 hour)
Total Training Time	19 hours (20 hours for Midshipman Officers)

The following documents address reporting and confidentiality in reporting incidents of sexual harassment and/or sexual assault:

- Superintendent’s Instruction 2006-08 (Policy Against Harassment, Sexual Harassment, or Discrimination) and Superintendent’s Instruction 2006-11 (Policy Against Sexual Assault) (since superseded by Superintendent’s Instruction 2010-05) establish the core procedures for reporting incidents of alleged sexual harassment or sexual violence.
- Superintendent’s Instruction 2006-10 (Confidentiality at USMMA) establishes the rights and expectation of confidentiality for all matters, including allegations of sexual harassment or sexual violence. Both Superintendent’s Instruction 2006-08 (Policy Against Harassment, Sexual Harassment, or Discrimination) and Superintendent’s Instruction 2010-05 (Policy Against Sexual Assault) make clear reference to this document.

With regard to the “procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault”, Academy personnel involved in processing allegations of sexual

harassment and/or sexual assault fall into four broad categories, and receive training from different sources (Table C-3).

Table C-3. Training Received for the Preservation of Evidence Potentially Necessary for Proof of Criminal Sexual Assault for Personnel at the U.S. Merchant Marine Academy	
Group	Training Received
Medical Personnel (USMMA Department of Health Services and contract medical staff)	Pertinent training for initial response, medical treatment, and preservation of evidence, as required by New York State and other medical accrediting bodies; subject to protocols established for confidentiality.
Security Personnel (USMMA Office of Security)	USMMA Federal Police Officers receive general training for initial response and preservation of evidence. In addition, USMMA practice has been to rely upon the expertise of local police departments (specifically the Nassau County Police Department Special Victims Unit) to investigate claims of rape or sexual violence.
Chaplains (assigned members of the USN Chaplain Corps)	Pertinent training through the United States Navy; subject to protocols established for confidentiality. When permitted by the victim, the Chaplains work with the Department of Health Services and Office of Security, and follow their protocols for preservation of evidence.
USMMA Commandant Staff	Trained to be fully knowledgeable in the administration of Academy policy. They also have been trained to refer victims to the Department of Health Services and Office of Security, who have established protocols for preservation of evidence.

Appendix C: Survey Instruments

Midshipman Survey

Strong leadership begins by taking responsibility. Many of you have shown your interest in doing so through past efforts. This is your opportunity to share your views, experiences, and thoughts towards making the USMMA better. The Congress and the Department of Transportation have asked to see the results of this survey, and are committed to working with Academy leadership to improve the climate at USMMA. By completing this survey, you have an opportunity for your voice to be heard. Take the opportunity to play a part in the future of the Academy and the Regiment of Midshipmen. The survey will take 10-15 minutes. Once you have started it, you cannot stop half way and return. You must answer all questions that apply to you, and you must complete the survey in one sitting. Thank you for taking part.

CONFIDENTIALITY STATEMENT: Your responses to this survey will be anonymous and will help us all continue to make positive improvements. While we do ask for basic demographic information (gender and class), we do not ask for your Midshipman ID, your company, your major, etc. Your candid, honest responses are protected because we cannot link any particular response to any particular individual.

Question Text Answers

1. Gender

Male

Female

2. Class

Class of 2010

Class of 2011

Class of 2012

Class of 2013

Harassment, Assault and Violence Policy & Training

For this section, please refer to the following definitions:

"Sexual harassment" is defined as any unwelcome sexual advance, request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature that occurs in the workplace or on campus, where: submission to such conduct is made either explicitly or implicitly a term or condition of a person's career or Regimental duties; or, submission to or rejection of such conduct by a person is used as a basis for career or Regimental decisions affecting that person; or, such conduct has the purpose or effect of unreasonably interfering with an individual's work and academic performance; or, such conduct creates an intimidating, hostile or offensive working and duty environment.

“Sexual assault” refers to sexual intimacy forced or threatened on one person by another, including: rape; forcible sodomy; assault with the intent to commit rape or sodomy; indecent assault; and other unwanted sexual touching or contact. Psychologically pressuring an individual for sexual favors, or any attempt to take advantage of an individual under duress or incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs and/or prescribed medications. By definition, sexual assault is a crime of violence.

For the following questions, do you understand...

3. The difference between sexual harassment and sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

4. How to avoid situations that might increase the risk of sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

5. Reporting options for a sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

6. Procedures for contacting the Academy and seeking help in the case of sexual harassment or sexual assault that takes place during sea year?

Fully understand
Somewhat understand
Do not understand
No basis to judge

7. How to obtain counseling following a sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

8. The role of the Chain of Command in handling sexual assaults?

Fully understand
Somewhat understand
Do not understand
No basis to judge

9. Where to go if you need additional information on the areas above?

Fully understand
Somewhat understand
Do not understand
No basis to judge

10. The extent and degree of confidentiality provided to the victim of sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

11. The local or civilian options for reporting sexual assault if you do not use Academy resources?

Fully understand
Somewhat understand
Do not understand
No basis to judge

Training, policies and procedures

12. Have you received training in policies and procedures regarding incidents of sexual harassment?

Yes
No

13. Have you received training in policies and procedures regarding incidents of sexual assault?

Yes
No

Please indicate how well you know the formal procedures you can go through if you have been the victim of either of the following:

14. Sexual harassment

No knowledge
Some knowledge
Moderate knowledge
I have complete knowledge

15. Sexual assault

No knowledge
Some knowledge
Moderate knowledge
I have complete knowledge

Please indicate how confident you are that these procedures would work in the following cases:

16. In cases involving sexual harassment

No confidence
Little confidence
Moderate confidence
Complete confidence

17. In cases involving sexual assault

No confidence
Little confidence
Moderate confidence
Complete confidence

In your opinion, how effective was the training you received in actually reducing or preventing the following

18. Behaviors which might be seen as sexual harassment

No confidence
Little confidence
Moderate confidence
Complete confidence

19. Incidents of sexual assault

No confidence
Little confidence
Moderate confidence
Complete confidence

Reporting an incident of harassment or assault

20. Would you be willing to report a personal experience of sexual assault to the following authorities, individuals, or organizations?

(May select more than one)

Chaplain

Academy Counselor

Academy Medical Personnel

Company Officer

Midshipman Chain of Command

Midshipman (not C-of-C)

Coach

Faculty or Staff Member

Dept. of Public Safety

Civilian Crisis Center

Parent, Family, Boy or Girl friend, other friend

Civilian Law Enforcement

Captain or Ship's Officer (during sea year)

Company official (during sea year)

Academy Training Representative (ATR)

Other (please specify)

21. Have you been subjected to sexual harassment or sexual assault?

(If no, skip to Question 33)

Yes

No

"Sexual harassment" is defined as any unwelcome sexual advance, request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature that occurs in the workplace or on campus, where: submission to such conduct is made either explicitly or implicitly a term or condition of a person's career or Regimental duties; or, submission to or rejection of such conduct by a person is used as a basis for career or Regimental decisions affecting that person; or, such conduct has the purpose or effect of unreasonably interfering with an individual's work and academic performance; or, such conduct creates an intimidating, hostile or offensive working and duty environment.

"Sexual assault" refers to sexual intimacy forced or threatened on one person by another, including: rape; forcible sodomy; assault with the intent to commit rape or sodomy; indecent assault; and other unwanted sexual touching or contact. Psychologically pressuring an individual for sexual favors, or any attempt to take advantage of an individual under duress or incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs and/or prescribed medications. By definition, sexual assault is a crime of violence.

Information about your assault or harassment

For the following five questions, please provide information on the incident(s) of sexual harassment or assault in which you were a victim

22. I was subjected to unwanted whistles, sexual remarks, looks, or gestures from...

Another midshipman

A faculty member

A staff member

A member of a ship's crew during sea year

Another person (not related to USMMA)

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

23. I was subjected to unwanted letters, phone calls, visits, emails, or materials of a sexual nature from...

Another midshipman

A faculty member

A staff member

A member of a ship's crew during sea year

Another person (not related to USMMA)

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

24. I was subjected to unwanted, deliberate touching, leaning over, cornering, or pinching from...

Another midshipman

A faculty member

A staff member

A member of a ship's crew during sea year

Another person (not related to USMMA)

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

25. I was subjected to unwanted pressure for dates or sexual favors from...

Another midshipman

A faculty member

A staff member

A member of a ship's crew during sea year

Another person (not related to USMMA)

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

26. I was subjected to actual or attempted rape or assault, including date rape, from...

Another midshipman
A faculty member
A staff member
A member of a ship's crew during sea year
Another person (not related to USMMA)

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times
Role of alcohol and drugs

27. Did these incidents occur while the perpetrator(s) was under the influence of alcohol or drugs?

Yes, all of the incidents
Yes, some of the incidents
No, but there had been drinking
No drinking and no drugs

28. Did these incidents occur while you were under the influence of alcohol or drugs?

Yes, all of the incidents
Yes, some of the incidents
No, but there had been drinking
No drinking and no drugs

Formal reporting procedures
Since you have been subjected to sexual harassment or sexual assault, please provide additional information on the incident(s).

29. As a victim of harassment or assault, did you use the formal procedures to report the incident(s)?
(If no, skip to Question 32)

Yes
No

30. If you were a victim of sexual harassment, did the formal procedures help you deal with the problem?

I was not a victim of sexual harassment
Didn't help me at all
Helped me a little
Helped, but could have helped more
Helped me a lot
Completely solved the problem

31. If you were a victim of sexual assault, did the formal procedures help you deal with the problem?

- I was not a victim of sexual assault
- Didn't help me at all
- Helped me a little
- Helped, but could have helped more
- Helped me a lot
- Completely solved the problem

Factors influencing your decision to report

32. What were the most significant factors you considered when determining to report or not report the incident(s)?

- I was not aware of the reporting procedures
- It was not important enough to report
- I wanted to handle it myself
- I thought people would not believe me
- I feared ostracism, harassment, or ridicule by peers
- I feared loss of friends
- I did not want people gossiping about the assault
- I felt shame or embarrassment
- I wanted to fit in
- I did not want my parents, family, boyfriend, girlfriend to find out
- The perpetrator threatened me with some form of retaliation
- Someone else threatened me with some form of retaliation
- Not threatened with retaliation, but feared some form of retaliation
- I thought I would be blamed for the assault
- Negatively pressured by someone in position of authority
- Fear I or another would be punished for infractions or violations (such as underage drinking)
- I did not feel the Chain of Command would solve my problems
- I would have reported the incident if there was a forgiveness policy that overlooked in place for
- I thought nothing would be done

The following sets of questions ask how likely is it that any of the following would happen as a result of sexual harassment or sexual assault charges being brought against an individual at USMMA, and what is the basis for your opinion:

33. A fair investigation would take place

- No basis to judge
- Not likely at all
- Somewhat likely
- Moderately likely
- Likely

Very likely

34. Harassment by the accused would stop

No basis to judge

Not likely at all

Somewhat likely

Moderately likely

Likely

Very likely

35. Harassers would be punished

No basis to judge

Not likely at all

Somewhat likely

Moderately likely

Likely

Very likely

36. The alleged perpetrator's career would be ruined

No basis to judge

Not likely at all

Somewhat likely

Moderately likely

Likely

Very likely

37. The victim's (accuser's) career would be ruined

No basis to judge

Not likely at all

Somewhat likely

Moderately likely

Likely

Very likely

38. The accuser would be labeled a troublemaker

No basis to judge

Not likely at all

Somewhat likely

Moderately likely

Likely

Very likely

39. The accuser would be shunned by fellow midshipmen

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

40. The basis for my opinions on the above questions:

My own experience
The experience of others
My own belief
The beliefs of others

For the next few questions, based on the behavior you have observed, how likely are midshipmen willing to...

41. Confront other midshipmen who engage in sexual harassment, including inappropriate comments and actions?

Very likely
Moderately likely
Somewhat likely
Not at all

42. Report other midshipmen who continue to engage in sexual harassment after having been previously confronted?

Very likely
Moderately likely
Somewhat likely
Not at all

43. Report other midshipmen who commit sexual assault?

Very likely
Moderately likely
Somewhat likely
Not at all

44. Allow personal loyalties to affect reporting of sexual assault?

Very likely
Moderately likely

Somewhat likely
Not at all

45. Chose not to report sexual assault out of concern they or others will be punished for infractions, such as underage drinking or fraternization?

Very likely
Moderately likely
Somewhat likely
Not at all

Administration, Faculty and Staff Attitudes

At the Academy, to what extent do you think the current staff directly in charge of your Company (Commissioned and Non-Commissioned Officers)...

46. Create a climate in which sexual harassment is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

47. Create a climate in which midshipmen are encouraged to report sexual harassment?

Large extent
Moderate extent
Small extent
Not at all

48. Ensure those who have reported sexual harassment/assault are treated with dignity and respect?

Large extent
Moderate extent
Small extent
Not at all
No basis to judge

49. Create a climate in which sexual assault is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

50. Create a climate in which midshipmen are encouraged to report sexual assault?

Large extent
Moderate extent
Small extent
Not at all

51. Provide an adequate level of privacy to those who have experienced sexual assault?

Large extent
Moderate extent
Small extent
Not at all
No basis to judge

52. Provide adequate information to midshipmen about policies, procedures, and consequences of sexual assault?

Large extent
Moderate extent
Small extent
Not at all

At the Academy, to what extent do you think the current Academy Senior Leadership (Superintendent, Academic Dean, Chief of Staff, Commandant of Midshipmen)...

53. Create a climate in which sexual harassment is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

54. Create a climate in which sexual assault is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

55. Provide an adequate level of privacy to those who have experienced sexual assault?

Large extent
Moderate extent
Small extent
Not at all
No basis to judge

At the Academy, to what extent do you think the current academic faculty...

56. Create a climate in which sexual harassment is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

57. Create a climate in which sexual assault is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

58. Provide an adequate level of privacy to those who have experienced sexual assault?

Large extent
Moderate extent
Small extent
Not at all
No basis to judge

The survey is now complete. Thank you again for participating in this important effort. Your anonymous responses will help us continue to make positive improvements in life at the U.S. Merchant Marine Academy

Faculty/Staff Survey

Participation in this survey has been deemed mandatory by the Maritime Administration. We appreciate your taking the time to share your views, experiences, and thoughts towards making the USMMA better. The Congress and the Department of Transportation have asked to see the results of this survey, and are committed to working with Academy leadership to improve the climate at USMMA. By completing this survey, you have an opportunity for your voice to be heard. Take the opportunity to play a part in the future of the Academy community. The survey will take 10 minutes. Once you have started it, you cannot stop half way and return. You must answer all questions that apply to you, and you must complete the survey in one sitting. Thank you for taking part.

CONFIDENTIALITY STATEMENT: Your responses to this survey will be anonymous and will help us all continue to make positive improvements. While we do ask for two basic pieces of demographic information (type of employee and gender), we do not ask for your name, age, department, etc. Your candid, honest responses are protected because we cannot link any particular response to any particular person.

Question Text Answers

1. Gender

Male
Female

2. Class

Faculty (Federal Employee)
Staff (Federal Employee)
NAFI Employee
Adjunct or Contractor
None of the above

Harassment, Assault and Violence Policy & Training

For this section, please refer to the following definitions:

"Sexual harassment" is defined as any unwelcome sexual advance, request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature that occurs in the workplace or on campus, where: submission to such conduct is made either explicitly or implicitly a term or condition of a person's career or Regimental duties; or, submission to or rejection of such conduct by a person is used as a basis for career or Regimental decisions affecting that person; or, such conduct has the purpose or effect of unreasonably interfering with an individual's work and academic performance; or, such conduct creates an intimidating, hostile or offensive working and duty environment.

“Sexual assault” refers to sexual intimacy forced or threatened on one person by another, including: rape; forcible sodomy; assault with the intent to commit rape or sodomy; indecent assault; and other unwanted sexual touching or contact. Psychologically pressuring an individual for sexual favors, or any attempt to take advantage of an individual under duress or incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs and/or prescribed medications. By definition, sexual assault is a crime of violence.

For the following questions, do you understand

3. The difference between sexual harassment and sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

4. How to avoid situations that might increase the risk of sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

5. Reporting options for a sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

6. How to obtain counseling following a sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

7. The role of your Supervisor and the Chain of Command in handling sexual assaults?

Fully understand
Somewhat understand
Do not understand
No basis to judge

8. Where to go if you need additional information on the areas above?

Fully understand
Somewhat understand
Do not understand
No basis to judge

9. The extent and degree of confidentiality provided to the victim of sexual assault?

Fully understand
Somewhat understand
Do not understand
No basis to judge

10. The local or civilian options for reporting sexual assault if you do not use Academy resources?

Fully understand
Somewhat understand
Do not understand
No basis to judge

Equal Employment Opportunity

In this section we seek your candid opinion on EEO training, policy, and procedures.

11. Have you received training in EEO policies and procedures regarding incidents of sexual harassment?

Yes
No

12. Have you received training EEO in policies and procedures regarding incidents of sexual assault?

Yes
No

Please indicate how well you know the formal EEO procedures you can go through if you have been the victim of either of the following:

13. Sexual harassment

No knowledge
Some knowledge
Moderate knowledge
I have complete knowledge

14. Sexual assault

- No knowledge
- Some knowledge
- Moderate knowledge
- I have complete knowledge

Please indicate how confident you are that these procedures would work in the following cases:

15. In cases involving sexual harassment

- No confidence
- Little confidence
- Moderate confidence
- Complete confidence

16. In cases involving sexual assault

- No confidence
- Little confidence
- Moderate confidence
- Complete confidence

In your opinion, how effective was the training you received in actually reducing or preventing the following?

17. Behaviors which might be seen as sexual harassment

- No confidence
- Little confidence
- Moderate confidence
- Complete confidence

18. Incidents of sexual assault

- No confidence
- Little confidence
- Moderate confidence
- Complete confidence

Reporting an incident of harassment or assault

19. Would you be willing to report a personal experience of sexual assault to the following authorities, individuals, or organizations?

An EEO counselor

Your supervisor
Another Academy official
A MARAD or DOT official
An Academy clergy member
A co-worker
Civilian law enforcement
A local crisis center or victim's hotline
Your spouse or boyfriend/girlfriend
Nobody
Other

Incidents of Sexual Harassment or Sexual Assault

20. In the last 12 months, have you been subjected to any form of sexual harassment or sexual assault?

(If no, skip to Question 32)

Yes

No

"Sexual harassment" is defined as any unwelcome sexual advance, request for sexual favors, or unwelcome verbal or physical conduct of a sexual nature that occurs in the workplace or on campus, where: submission to such conduct is made either explicitly or implicitly a term or condition of a person's career or Regimental duties; or, submission to or rejection of such conduct by a person is used as a basis for career or Regimental decisions affecting that person; or, such conduct has the purpose or effect of unreasonably interfering with an individual's work and academic performance; or, such conduct creates an intimidating, hostile or offensive working and duty environment.

"Sexual assault" refers to sexual intimacy forced or threatened on one person by another, including: rape; forcible sodomy; assault with the intent to commit rape or sodomy; indecent assault; and other unwanted sexual touching or contact. Psychologically pressuring an individual for sexual favors, or any attempt to take advantage of an individual under duress or incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs and/or prescribed medications. By definition, sexual assault is a crime of violence.

Information about your assault or harassment

For the following five questions, please provide information on the incident(s) of sexual harassment or assault in which you were a victim

21. I was subjected to unwanted whistles, sexual remarks, looks, or gestures from...

A faculty member

A midshipman

A staff member

A person not related to USMMA

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

22. I was subjected to unwanted letters, phone calls, visits, emails, or materials of a sexual nature from...

A midshipman

A staff member

A faculty member

A person not related to USMMA

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

23. I was subjected to unwanted, deliberate touching, leaning over, cornering, or pinching from...

A staff member

A faculty member

A midshipman

A person not related to USMMA

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

24. I was subjected to unwanted pressure for dates or sexual favors from...

A person not related to USMMA

A midshipman

A faculty member

A staff member

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

25. I was subjected to actual or attempted rape or assault, including date rape, from...

A midshipman

A faculty member

A staff member

A person not related to USMMA

Frequency (for each): Never, 1 time, 2 times, 3 times, 4 or more times

Role of drugs...

26. Did these incidents occur while the perpetrator(s) was under the influence of alcohol or drugs?

Yes, all of the incidents

Yes, some of the incidents
No, but there had been drinking
No drinking and no drugs

27. Did these incidents occur while you were under the influence of alcohol or drugs?

Yes, all of the incidents
Yes, some of the incidents
No, but there had been drinking
No drinking and no drugs

Formal reporting procedures

Since you have been subjected to sexual harassment or sexual assault, please provide additional information on the incident(s)

28. As a victim of harassment or assault, did you use the formal EEO procedures to report the incident(s)?
(If no, skip to Question 32)

Yes
No

29. If you were a victim of sexual harassment, did the formal EEO procedures help you deal with the problem?

I was not a victim of sexual harassment
Didn't help me at all
Helped me a little
Helped, but could have helped more
Helped me a lot
Completely solved the problem

30. If you were a victim of sexual assault, did the formal EEO procedures help you deal with the problem?

I was not a victim of sexual assault
Didn't help me at all
Helped me a little
Helped, but could have helped more
Helped me a lot
Completely solved the problem

Factors influencing your decision to report

31. What were the most significant factors you considered when determining to report or not report the incident(s)?

I was not aware of the reporting procedures
It was not important enough to report
I wanted to handle it myself
I thought people would not believe me
I feared ostracism, harassment, or ridicule by peers
I feared loss of friends
I did not want people gossiping about the assault
I felt shame or embarrassment
I wanted to fit in
I did not want my spouse/family/boyfriend/girlfriend to find out
The perpetrator threatened me with some form of retaliation
Someone else threatened me with some form of retaliation
Not threatened with retaliation, but feared some form of retaliation
I thought I would be blamed for the assault
Negatively pressured by someone in position of authority
I did not feel the Academy Administration would solve my problems
I thought nothing would be done

The following sets of questions seek information about your observations regarding the campus climate as it relates to ACADEMY EMPLOYEES. How likely is it that any of the following would happen as a result of sexual harassment charges being brought against an employee at USMMA, and what is the basis for your opinion:

32. A fair investigation would take place

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

33. Harassment by the accused would stop

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

34. Harassers would be punished

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

35. The alleged perpetrator's career would be ruined

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

36. The victim's (accuser's) career would be ruined

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

37. The accuser would be labeled a troublemaker

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

38. The accuser would be shunned by fellow co-workers and employees

No basis to judge
Not likely at all
Somewhat likely
Moderately likely
Likely
Very likely

39. The basis for my opinions on the above questions:

My own experience

The experience of others
My own belief
The beliefs of others

For the next few questions, based on the behavior you have observed, how likely are employees willing to...

40. Confront other employees who engage in sexual harassment, including inappropriate comments and actions?

Very likely
Moderately likely
Somewhat likely
Not at all

41. Report other employees who continue to engage in sexual harassment after having been previously confronted?

Very likely
Moderately likely
Somewhat likely
Not at all

42. Employees feel comfortable reporting sensitive issues such as harassment to Academy officials?

Very likely
Moderately likely
Somewhat likely
Not at all

43. Employees falsely claim sexual harassment to exonerate themselves from other misconduct?

Very likely
Moderately likely
Somewhat likely
Not at all

44. People reported to have sexually harassed others get investigated and held appropriately accountable?

Very likely
Moderately likely
Somewhat likely
Not at all

Administration, Faculty and Staff Attitudes

At the Academy, to what extent do you think the individual in charge of your department or office...

45. Creates a climate in which sexual harassment is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

46. Creates a climate in which workers are encouraged to report sexual harassment?

Large extent
Moderate extent
Small extent
Not at all

47. Provides adequate information to employees about policies, procedures, and consequences of sexual harassment?

Large extent
Moderate extent
Small extent
Not at all

At the Academy, to what extent do you think the current Academy Senior Leadership (Superintendent, Academic Dean, Chief of Staff, Commandant of Midshipmen, Asst. Superintendent for Administration)...

48. Create a climate in which sexual harassment is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

49. Create a climate in which sexual assault is not tolerated?

Large extent
Moderate extent
Small extent
Not at all

50. Create a climate in which FACULTY OR STAFF are encouraged to report sexual assault or sexual harassment?

- Large extent
- Moderate extent
- Small extent
- Not at all
- No basis to judge

51. Create a climate in which midshipmen are encouraged to report sexual assault or sexual harassment?

- Large extent
- Moderate extent
- Small extent
- Not at all
- No basis to judge

52. Provide adequate information to employees about policies, procedures, and consequences of sexual harassment?

- Large extent
- Moderate extent
- Small extent
- Not at all
- No basis to judge

The survey is now complete. Thank you again for participating in this important effort. Your anonymous responses will help us continue to make positive improvements in life at the U.S. Merchant Marine Academy.

Appendix D: Incidents of Sexual Harassment at the DOD Academies

Table B-1: Alleged Sexual Harassment Incidents at the DOD Academies for Academy Program Years 2003 through 2006

	2003	2004	2005	2006	Total
Military Academy ^a	0	0	0	0	0
Naval Academy	5	5	13	3	26
Air Force Academy ^b	NA	NA	1	5	6
Total	5	5	13	8	32

^a According to Military Academy officials, there were no reported cases of sexual harassment for academy program years 2003 through 2006.

^b The Air Force Academy numbers include both formal and informal complaints of sexual harassment. The Air Force Academy maintains case files for 2 years only.

Source: GAO, Report 08-296.

Table B-2: Unrestricted Sexual Assault Incidents Reported by the Military Criminal Investigative Organizations at the DOD Academies for Academy Program Years 2003 through 2006

	2003	2004	2005	2006	Total	Total substantiated
Military Academy	7	8	13	4	32	15
Naval Academy	7	7	5	7	26	18
Air Force Academy	8	19	7	4	38	3
Total	22	34	25	15	96	36

Source: GAO, Report 08-296.

Table B-3: Unrestricted and Restricted Sexual Assault Incidents Reported by the Sexual Assault Response Coordinators at the DOD Academies for Academy Program Years 2003 through 2006

		2003	2004	2005	2006	Total
Military Academy	Unrestricted	10	7	12	6	
	Restricted	NA	NA	3	7	45
Naval Academy	Unrestricted	12	10	11	12	
	Restricted	0	1	6	3	55
Air Force Academy	Unrestricted	11	16	7	5	
	Restricted	NA	NA	NA	5	45
Total		33	34	39	38	145

^a The DOD-wide restricted reporting option did not go into effect until academy program year 2006.

Source: GAO, Report 08-296.