



**Preliminary 2015-2016 Academic Year Biennial Survey and Report  
on  
Sexual Harassment and Sexual Assault at the  
United States Merchant Marine Academy**

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## Foreword

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 requires the U.S. Merchant Marine Academy (USMMA or the Academy) to conduct a survey on sexual harassment and sexual assault every other year. In April, August and November 2016, the Defense Manpower Data Center (DMDC) administered the Service Academy Gender Relations Survey (SAGR Survey) to Midshipmen<sup>1</sup>. DMDC provided preliminary results from the April 2016 survey session to the Academy in October 2016. Results for the sessions held in August and November 2016 could not be processed in time to meet the Congressionally-mandated submission date for this Report. Thus, this Report will provide analysis for the April survey session only. The Academy will submit an amended Report in the summer of 2017 once DMDC's final analysis of the total population of respondents is received and evaluated. This is the third time that the SAGR Survey has been administered at the Academy, and it continues to provide valuable data that can be used to measure the efficacy of the Academy's Sexual Assault Prevention and Response (SAPR) program.

DMDC's preliminary results show that the overall unwanted sexual contact prevalence rate of 4 percent remained similar to 2014 levels, but that the prevalence rate for females rose 2.4 percent, to 19.5 percent, compared to 17.1 percent for 2014. The preliminary results also show that while the majority of unwanted sexual contact incidents take place on campus and involve fellow Academy students, the Sea Year experience was also a source of unwanted sexual contact incidents. Of those Midshipmen who experienced unwanted sexual contact, 18 percent indicated that the event occurred during maritime duty and 14 percent indicated that the offender was someone affiliated with the maritime industry. Sexual assault and sexual harassment are ongoing problems at the Academy and female Midshipmen in particular often endure hostile living and learning conditions on campus and at sea.

The number of official reports of sexual assault and sexual harassment continues to lag the number of sexual assaults and sexual harassments reported via the anonymous survey. There were four restricted<sup>2</sup> reports of sexual assault and eight reports of sexual harassment conveyed to Academy officials. This was a higher number of reports than in previous years, and it indicates that significant improvement is still required.

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<sup>1</sup> In 2012, the SAGR Survey was administered to a partial contingent of Midshipmen in April and November due to the Academy's unique Sea Year construct, in which one-half of the Third Class (sophomore) and one-half of the Second Class (junior) Midshipmen are away from campus and at sea at any one time during the academic year. In 2014, an extra session was held in August to survey members of the Class of 2015 who had returned from sea early, resulting in three sessions total for 2014. The extra session enabled DMDC to provide the Academy with data analysis based on surveys from two sessions of students – more than 80 percent of the Regiment of Midshipmen. In 2016, the convention of conducting three survey sessions was carried over from 2014, even though DMDC could only provide analysis based on surveys from one session of students – about 66 percent of the Regiment.

<sup>2</sup> Per Academy policy, only a report made to a Victim Advocate, the Sexual Assault Response Coordinator, Chaplain or Medical Provider is considered "restricted". A report made to anyone other than those four individuals is considered "unrestricted". Unrestricted reports trigger law enforcement and administrative investigations, while a restricted report does not. Under both restricted and unrestricted reporting, a victim has access to medical, legal and counseling services.

I received a briefing this past summer about incidents of hazing, coercion, bullying, sexual harassment and unwanted sexual contact experienced by both male and female Midshipmen aboard commercial industry vessels to which they are assigned for training. This is unsatisfactory to me, to the leadership of the Academy, the Maritime Administration (MARAD) and the U.S. Department of Transportation (DOT). In response to SAGR Survey results from 2014, focus group comments and anecdotal evidence from interviews and focus groups, I took two significant steps in addressing the high prevalence rate of unwanted sexual contact on campus and the inappropriate environment onboard maritime industry vessels. In June 2016, I stood down the Midshipman Sea Year program on all vessels. After a review of policies, training and reporting procedures, Sea Year was subsequently restored aboard Federal vessels, but remains suspended aboard commercial vessels pending a review and update of commercial ship company policies and procedures. In September, I initiated an independent audit of the Academy's campus culture to identify the root causes of the problem in order to develop effective and lasting solutions. These definitive steps demonstrate that DOT, MARAD and the Academy will not tolerate behavior that is at odds with our core values.

A copy of the Plan of Action for Academic Year 2016-2017 can be found at Appendix C, but I anticipate that the Plan of Action will include additions and undergo significant changes as a result of the campus cultural audit.

The Academy continues to upgrade its safety and security systems. An additional 14 emergency call boxes were installed, one for each elevator, one in the Eldridge Pool area, and one in O'Hara Hall (the gymnasium). Repairs were made to damaged fiber optic cable, increasing transmission bandwidth with the goal of establishing a Public Safety Local Area Network (LAN); the dedicated LAN will carry signals transmitted only by public safety equipment, reducing the likelihood that these signals will be interrupted by (non-public safety) user requests for large data transfers, such as Internet video feeds. The Academy also plans to increase its video surveillance capability over the next six months with the installation of 77 cameras in dormitory hallway areas.

The American people entrust the U.S. Merchant Marine Academy with developing some of America's best young men and women into leaders of exemplary character who proudly serve as officers in the U.S. Merchant Marine and our Armed Forces. DOT, MARAD and the Academy are committed to providing Midshipmen with an environment free of sexual harassment and sexual assault, living quarters that are safe and secure, a faculty and staff who are worthy of trust and respect, and an institution of higher education that honors diversity and allows every member of the Regiment of Midshipmen to live up to his or her full potential.

Anthony R. Foxx  
Secretary of the U.S. Department of Transportation

January 12, 2017

## Executive Summary

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), requires the U.S. Merchant Marine Academy to prescribe a policy and conduct an assessment during each academic year<sup>3</sup> to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault prevention. For each Academic Year beginning in an odd-numbered year, the Academy also must administer a survey.

Four restricted reports of sexual assault and eight reports of sexual harassment were made to the Academy in the 2015-2016 Academic Year. Only one unrestricted and no restricted reports were received in Academic Year 2014-2015. The preliminary SAGR Survey results show that from 2014 to 2016, increased percentages of men and women considered sexual assault education to be effective and trusted the Academy to ensure their safety and to treat them with dignity and respect (see Figure 1 and Table 3). Approximately 63 percent of the total Midshipmen surveyed reported that Academy senior leadership makes honest and reasonable efforts to stop sexual assault and sexual harassment (See Figure 4). Despite this, the number of incidents officially reported to the Academy is still only a fraction of all the incidents of harassment and assaults that occurred, based on the information the Midshipmen provided in DMDC's anonymous SAGR survey. Academy leadership knows that fear of reporting stems from a Regimental climate and culture where victims who report may face ostracism, victim blaming, and other negative reactions from peers (see Table 4). A significant shift in this culture will be required to create the conditions in which victims feel comfortable reporting.

The SAGR Survey preliminary results are highly disturbing. Of concern, it is clear both from the four official reports of sexual assault and the survey trends outlined below that these behaviors not only continue to occur at the Academy, but in some instances, according to the survey results, are increasing. It is the responsibility at all levels of the Academy, MARAD, and DOT to address this culture at the Academy and effect meaningful change resulting in a climate where there is zero tolerance for these behaviors, with full accountability for offenders. MARAD and DOT will continue to involve senior leaders in the execution of the SAPR program so that it receives the highest levels of support. The Academy intends to continue its partnership with DMDC to obtain SAGR Survey and focus group results, using data points provided to tailor training efforts aimed at culture change on campus. The Academy has been able to validate some SAGR Survey results through its own surveys, particularly those obtained from students returning from their Sea Year experience.

The Academy has contracted with DMDC since 2012 to administer its confidential SAGR Survey.<sup>4</sup> The advantages of contracting with DMDC are threefold: (1) it enables the Academy to use an unbiased outside resource to administer a standardized survey tailored to students

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<sup>3</sup> An Academic Year at the Academy begins on July 1 of each year and ends on June 30 the following year.

<sup>4</sup> This is the same survey that DMDC administers at the Nation's other four service academies: the United States Military Academy, the United States Naval Academy, the United States Air Force Academy and the United States Coast Guard Academy.

attending service academies, (2) it provides professional compilation and analysis of results, and (3) it gives the Academy the ability to compare results with other Federal service academies.

In its preliminary analysis, DMDC did not perform statistical significance testing. Tests of statistical significance take into account sample size, margin of error and other information in addition to the difference between estimates. The results of significance testing will be provided in DMDC's final analysis of the complete data set from all three survey sessions. Since the analysis provided by DMDC is preliminary, margins of error are not displayed and estimates may differ in the final analysis. DMDC's preliminary analysis was weighted<sup>5</sup> so that the April results can be generalized to the USMMA population. As noted, some of these estimates may change in the final Report to Congress, which will be delivered in summer of 2017.

The 2016 SAGR preliminary analysis presents results for a Midshipman population of 859 based on 647 eligible respondents to the April Survey. Eligible respondents fell into two categories: eligible, complete respondents, who returned the survey with critical items completed and at least 50 percent of items completed (507 Midshipmen); and eligible, incomplete respondents, who returned the survey with critical items not completed or at least 50 percent of items not completed (140 Midshipmen). Only eligible, complete respondents were considered in DMDC's calculation of response rate. There were 507 eligible, complete respondents for a response rate of 77 percent. There were an additional eight students who checked in to the Survey session but failed to turn in a Survey and two students who failed to check in at all; these students were considered non-eligible. Per DMDC policy, foreign nationals and students who leave the Academy are excluded from the Survey. In 2016, the Academy had six foreign national students from Malaysia, the Republic of Korea, and the Republic of Panama. These students were not included in the 859 total for Midshipman population.

The SAGR Survey is a product developed specifically for Federal service academy students and cannot be administered to Academy faculty or staff. A survey of faculty and staff was conducted in 2016, but the results could not be compiled in time to meet the Congressionally-mandated submission date of this Report. The results of the faculty and staff survey will be presented in the amended Final Report to Congress.

The 2016 SAGR Survey was given to Midshipmen in three separate sessions – in April, August and November 2016 – to members of the Classes of 2016 through 2019.<sup>6</sup> A total of 657 Midshipmen were invited to participate in the April Survey (eight students did not complete the survey and 2 students were no shows, for a total of 647 respondents). A session was held in

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<sup>5</sup> As with the other service academies, Midshipmen are encouraged but not required to complete the survey, thus the reason for the weighting formula.

<sup>6</sup> For reporting results: Senior (First Class) – 2016, Junior (Second Class) – 2017, Sophomore (Third Class) – 2018 and Freshman (Fourth Class or Plebe) – 2019

August 2016 to survey members of the Class of 2017 who had returned from Sea Year. In 2014, DMDC used this (extra) August survey session in order to collect and analyze as much data as possible to assist the Academy in providing Congress with the fullest possible snapshot of the campus climate by the Congressionally-mandated date for the Report; that year's preliminary Report contained analysis of both the April and August sessions. In 2016, DMDC continued the convention of conducting three surveys, but was unable to analyze the August data in time to be included in the preliminary analysis. Thus, this report is based solely upon analysis of the April session. The Academy anticipates receiving DMDC's complete analysis of all three sessions in March/April 2017 and will provide an amended Final Report to Congress in late 2017.

Preliminary Survey results show that while the Academy's overall unwanted sexual contact<sup>7</sup> prevalence rate dropped from 4.2 percent in 2014 to 4 percent in 2016, the prevalence rate rose for female Midshipmen, from 17.1 percent in 2014 to 19.5 percent in 2016 (see Table 5). Of the 4 percent of Midshipmen experiencing unwanted sexual contact, more than half (69 percent) indicated that the "one situation"<sup>8</sup> that had the greatest effect on them was perpetrated by an Academy student in the same class year, the location was on Academy grounds in the dormitory/living area (73 percent), and occurred after duty hours on a weekend or holiday (59 percent). Of the 4 percent of Midshipmen who experienced unwanted sexual contact, 18 percent reported that the situation occurred during maritime duty and 14 percent reported that the perpetrator was a person affiliated with the maritime industry. Only 9 percent of Midshipmen who experienced unwanted sexual contact said that they reported the situation to an authority or organization. This approximates the number of actual reports received by the Academy's Sexual Assault Response Coordinator (SARC).

The 2016 SAGR Survey was updated with new questions asking about Military Equal Opportunity (MEO) violations, including sex-based MEO violations which are broken down into two categories: sexual harassment and gender discrimination. DMDC first asked whether students had experienced sex-based MEO violation behaviors by someone at the Academy and the circumstances of those experiences. Then, students were asked follow up questions to determine if the behavior met the legal criteria for a sexually hostile work environment, sexual quid pro quo, or gender discrimination. Students who indicated that they had experienced behaviors associated with a sexually hostile work environment or a sexual quid pro quo were considered to have been sexually harassed. An estimated 60 percent of women and 9 percent of men reported that they had experienced behaviors that DMDC would categorize as sexual harassment. Since MEO violations is a new item for 2016, DMDC is not able to provide data to show how this trends against similar subjects in the 2014 SAGR Survey.

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<sup>7</sup> Defined as behaviors ranging from unwanted touching to forced sexual acts.

<sup>8</sup> In order to understand the details surrounding unwanted sexual contact, while balancing the need to reduce unnecessary burden on respondents who may have experienced multiple incidents, the 2016 SAGR Survey asked Midshipmen for details on the "one situation" that had the greatest effect on them.

The preliminary SAGR Survey results show (Figure 4) that an estimated 51 percent of female and 66 percent of male Midshipmen believe that senior leadership (defined as the

Superintendent, Deputy Superintendent, Academic Dean, Commandant, and Vice/Deputy Commandant) makes honest attempts to stop sexual harassment and sexual assault. Intercollegiate athletic coaches and trainers (45 percent of women and 66 percent of men), intercollegiate athletics and physical education representatives and advisors (38 percent of women and 54 percent of men), and commissioned officers (35 percent of women and 54 percent of men) were also considered to make honest and reasonable efforts to stop sexual harassment and sexual assault. It is a concern, however, that there seemed to be the least confidence that Midshipman leaders (25 percent of women and 48 percent of men) and Midshipmen not in leadership positions (14 percent of women and 39 percent of men) would make honest attempts to stop sexual harassment and sexual assault. If these preliminary statistics are confirmed in DMDC's final analysis, it will represent a significant downward trend from 2014, when 86 percent of men and 79 percent of women thought Midshipmen leaders made honest attempts to stop sexual harassment and sexual assault, and 79 percent of men and 58 percent of women thought their peers not in leadership positions would make the same attempts.

In response to previous SAGR Survey data and anecdotal accounts of sexual assault, sexual harassment, hazing, bullying and coercion experienced by Midshipmen on maritime industry vessels during Sea Year, the Academy, at the direction of the Secretary of the DOT, initiated a stand down from Sea Year in June 2016 in an effort to improve safety and inculcate a climate of respect for Midshipmen aboard ship. The Sea Year was subsequently restored aboard Federal vessels, but remains suspended for commercial vessels. The stand down is also intended to create heightened awareness of sexual assault and sexual harassment as well as other inappropriate behaviors such as bullying, coercion and hazing and to prompt intensifying prevention efforts aboard U.S. flag ships. Additionally, DOT engaged an external independent consultant, LMI, to conduct a campus climate audit to assess these issues. Between the the campus climate audit and the Sea Year stand down, the Academy plans to use these findings to address the root cause of these problems and to create a living and working environment on commercial ships that is more conducive to Midshipmen training.

The Academy has closed out the Plan of Action that appeared in our previous Report to Congress and drafted a Plan of Action for Academic Year 2016-2017. This updated Plan of Action is provided as an appendix to this Report, though we expect it will change substantially based on the final DMDC and cultural audit results. In the interim, we expect to focus our attention in the following areas:

1. Reviewing and updating or revising procedures for the Midshipman Sea Year experience, including preparations to deploy, reach back capabilities once at sea, and reintegration back into the Regiment on return to campus;
2. Working with Midshipmen to break down barriers to reporting sexual assault and sexual harassment to school officials;
3. Working with Midshipmen to identify the reasons for and eliminate incidents of unwanted sexual contact on campus;
4. Developing self-assessment tools; and
5. Working with the maritime industry to eliminate hazing, bullying, coercion, sexual assault and sexual harassment from the shipboard living and working environment.

## 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 (Act) (Appendix B). The Act requires an annual assessment at Academy to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault involving its personnel. In odd-numbered Academic Years (*e.g.*, 2011-2012 Academic Year), the annual assessment consists of the Academy’s self-assessment and an anonymous survey of Midshipmen. In even-numbered years (*e.g.*, 2010-2011 Academic Year), the Academy performs its annual assessment and reports changes to policies, training and outreach materials. This assessment includes the results of a survey, which is the Academy’s third SAGR Survey since implementation of the requirements of the Duncan Hunter Act.

### 2015-2016 Academic Year Survey Development and Methodology

In 2004, the U.S. Military Academy, U.S. Naval Academy and U.S. Air Force Academy began to follow a sexual harassment and sexual assault program assessment cycle that consisted of alternating surveys and focus groups.<sup>9</sup> The first assessment in the series was conducted by the Department of Defense Inspector General. Responsibility for subsequent assessments was transferred to DMDC, which conducted surveys in 2005, 2006, 2008, 2010, 2012 and 2014 and Focus Groups in 2007, 2009, 2011, 2013 and 2015. USMMA officials requested to be included in the service academy assessment program, beginning in 2012, in order to make use of a readily available survey for a comparable cohort and to take advantage of the services of professional statisticians in analyzing survey results.

DMDC designed the SAGR Survey to track sexual assault and sexual harassment issues at the service academies. The results provide information on the annual prevalence rates of sexual assault, sexual harassment and sexist behavior; a discussion of students’ perceptions of Academy climate with respect to sexual assault and sexual harassment; the availability and effectiveness of sexual assault and sexual harassment training; and the students’ perceptions of program effectiveness in reducing or preventing sexual assault and sexual harassment. DMDC will tailor survey specifics to aspects unique to each service academy; for USMMA, this has meant adding questions to address the Midshipman Sea Year experience.

DMDC administered the SAGR Survey in April, August and November 2016 to the Academy’s Midshipmen in the Classes of 2016 through 2019. The Academy’s student population is 859 students (150 female and 709 male Midshipmen). Even though this Report presents only the data from the April 2016 survey session (only a portion of the total onboard population), the total Midshipmen population number is important because data from respondents is weighted by

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<sup>9</sup> As codified in Title 10 of the U.S., as amended by Section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

DMDC analysts so that the results are reflective of the entire population. Three administrations of the Survey were necessary because approximately half of the Third Class (sophomore) and Second Class (junior) Midshipmen were away from campus on Sea Year training during the April survey session. The second session was held in August in order to mirror the timing of the 2014 SAGR survey in capturing responses from Midshipmen who had returned to campus in late July after completing their Sea Year training. The third session was held in November to capture responses from Midshipmen who departed for Sea Year in March and did not return until mid-November.

The SAGR Survey also was administered at the four other Federal service academies. The same survey and analytical procedures were used at all academies producing comparable results with one caution – the USMMA results include a longer timeframe as a reference for some of the questions (June 2015 to November 2016 as opposed to June 2015 to May 2016) for those Midshipmen who were surveyed in November. Prevalence rates might be slightly higher due to the longer timeframe. The ability to calculate annual prevalence rates is a distinguishing feature of this Survey. The preliminary results include rates of unwanted sexual contact and unwanted gender-related behaviors experienced during the Academic Year 2015-2016 (defined in the questions as June 2015 through the date of the survey administration in April, August and November 2016).

### **Survey Administration**

Data was collected in April, August and November 2016 from Academy Midshipmen in Classes 2016 through 2019. A team from DMDC administered the anonymous paper-and-pen survey in group sessions. Separate sessions were held for female and male students. After checking in, each student was handed a survey, an envelope, a pen and an Academy-specific information sheet. The information sheet included details on where students could obtain help if they became upset or distressed while taking the survey or afterwards. Students were briefed on the purpose of the survey and the importance of participation, yet completion of the survey itself was voluntary. Students could leave the session at the completion of the mandatory briefing if they did not wish to take the survey. Students returned completed or blank surveys (depending on whether they chose to participate) in sealed envelopes to the survey staff as they exited the session.

### **Midshipmen Response Rates**

The total population for the Academy was 859 based on student rosters provided by the Academy. The number 859 was achieved after excluding six foreign nationals, who, in accordance with DMDC policy, were not considered part of the sample population. In April, there were 657 students on campus who were invited to take the Survey; two did not complete the Survey because they were sick, on leave or otherwise unable to be present, for a total of 655.

Of the remaining students, eight chose not to complete any of the Survey (for a total of 647) and 140 submitted incomplete Surveys (considered eligible, incomplete respondents). Surveys were completed by 507 students (considered eligible, complete respondents). Table 1 shows the Midshipmen population, number of Survey respondents, number of completed Surveys submitted and response rates. Overall, the Survey had a 77 percent response rate, with 74 percent of male Midshipmen participating and 96 percent of female Midshipmen participating. With only the April data collected, the Academy is on track to record an increase in overall Survey participation compared to 2014, when the response rate was 57 percent.

<b>Table 1. Midshipmen Response Rates By Gender</b>				
Gender/Class	Midshipmen Population	Survey Respondents <sup>10</sup>	Completed Surveys	Response Rate (%)
Male	709	538	402	74
Female	150	109	105	96
Total	859	647	507	77

The population of interest for the 2016 SAGR Survey consisted of all students at the Academy in class years 2016 through 2019, with the exception of visiting students and foreign nationals. Since the Survey was voluntary, not all students responded to the Survey, and some students who did take the Survey did not answer all of the questions. Because of this, DMDC applies a weighting algorithm to produce estimates of population totals, proportions and means (as well as other statistics) that are representative of their respective populations. The weighting process consists of the following steps:

- Adjustment for selection probability – sample selection arises when the observed sample is not a random draw from the population of interest. Failure to take this selection into account can potentially lead to inconsistent and biased estimates. DMDC typically adjusts for selection probability, but in the case of the Academy, the entire population was chosen for sampling. Thus, the selection probability is 100 percent and the base weights are calculated to be zero.
- Adjustments for non-response<sup>11</sup> – Non-response bias is the possibility that the results of the Survey are incorrect because some categories of students had a much lower response

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<sup>10</sup> Survey respondents include the number of surveys returned, that are considered eligible or ineligible, but exclude surveys returned blank.

rate than others. If the categories of students who had higher response rates experienced a different rate of sexual harassment or sexual assault from the categories of students that had lower response rates, then the results of the Survey would be biased.

DMDC adjusts for non-response in creating population estimates by first calculating the base weights as the reciprocal of the probability of selection, then adjusts the base weights for those who did not respond to the survey, and finally adjusts for those who started the Survey but did not complete<sup>12</sup> it.

- Adjustment to known population values – DMDC typically adjusts the weights in the previous step so selected demographic variables conform to actual known values in the population; this accounts for any remaining bias. In the case of the 2016 SAGR, the weights in the previous step were adjusted to known population values using the three known demographic variables (Academy, class year and gender). The post-stratification adjustments have a value of one because the three demographic variables were already accounted for in the previous step.

Since this Report is preliminary and based on just one of three sampling cohorts, margins of error are not displayed. Significance testing was not conducted for preliminary results. For this Report, note that differences that may appear significant in a chart may not be statistically significant. Tests of statistical significance take into account sample size, margin of error, and other information in addition to the difference between estimates. Significance testing will be conducted on the complete data set and highlighted in the final version of this Report. The April results are weighted and thus generalizable to the total Academy population; however, since all survey data will be considered in the final Report, estimates may change slightly. DMDC warns that caution should be exercised in interpreting results for women by class year analyses (e.g., junior women) given small sample sizes. Charts in this Report will be annotated in cases where some subcategories are not reportable due to small sample sizes.

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<sup>11</sup> While a thorough analysis of non-response bias has not been conducted for this Survey, DMDC has in the past performed such an analysis for the similar surveys that it has conducted for active duty military personnel (Defense Manpower Data Center, *2012 Workplace and Gender Relations Survey of Active Duty Members: Nonresponse Bias Analysis Report*, Alexandria, Virginia, January 2014). In its 2012 study, DMDC concluded that the level of non-response bias appeared to be modest, and that the amount of non-response bias seemed more likely to understate the rate of unwanted sexual contact (USC) rather than to overstate it. It detected some evidence that categories of respondents that were more likely to experience USC were less likely to complete subsequent surveys, thus understating the prevalence of USC, but described this effect as “minimal.”

<sup>12</sup> “Completed” is defined as answering 50% or more of the questions and the critical questions.

## Midshipmen Perceptions: Training and Culture

### Training

The Academy conducted 86 training and awareness events during Academic Year 2015-2016. Training was held mostly in small group settings and formats ranged from group lecture to scenario driven discussions and case studies. Training was delivered and received by both staff and students. Table 2 summarizes the training conducted.

<b>Table 2: Training Provided or Overseen by the Sexual Assault Prevention and Response Office in Academic Year 2015-2016 (July 1, 2015 to June 30, 2016)</b>				
Name of Program/Campaign	Audience	Date	Required?	Description
Plebe Candidate 2015 Indoctrination Sexual Assault and Sexual Harassment Prevention Education Training	279 Plebes	July 2 <sup>nd</sup> (4 sessions) July 6 <sup>th</sup> (2 sessions) July 7 <sup>th</sup> (2 sessions) July 8 <sup>th</sup> (2 sessions) July 9 <sup>th</sup> (3 sessions)  July 10 <sup>th</sup> (1 session) July 13 <sup>th</sup> (4 sessions) July 14 <sup>th</sup> (3 sessions) July 15 <sup>th</sup> (2 sessions) July 16 <sup>th</sup> (2 sessions) July 17 <sup>th</sup> (1 session)	Yes	Three 45 minute sessions on the following: <ul style="list-style-type: none"> <li>• Sexual assault</li> <li>• Sexual harassment</li> <li>• Sexism</li> <li>• Dating violence</li> <li>• Stalking</li> <li>• Bystander intervention</li> <li>• Advocacy</li> <li>• Response</li> </ul>
Victim Advocate Training	5 staff Victim Advocates	July 17, 2015	Yes	Basic intro and definitions, sexual assault, sexual harassment, dating violence, stalking, advocacy, intro to the Safe Center

Speaker: Sex Discussed Here	~250 Plebe Candidates	July 21, 2015	Yes	Healthy relationships, responsible alcohol use, safe sex, sexual assault
Sea Year lecture by Shipboard Training Department	2017 A-Split, 96 Midshipmen	August 3, 2015	Yes	Risk reduction, situational awareness, bystander intervention
Training for the Safe Center Long Island Hotline Staff	15 Safe Center staff members	August 12, 2015	N/A	History and reporting structure for USMMA
SAPR Prevention Education Training	2017 A-Split 1 <sup>st</sup> Company, 19 Midshipmen	August 24, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention
Sea year lecture by Shipboard Training Department	2018 A-Split, 114 Midshipmen	August 31, 2015	Yes	Risk reduction, situational awareness, bystander intervention
SAPR Prevention Education Training	2017-A Split 2 <sup>nd</sup> Company, 18 Midshipmen	September, 14 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention
SAPR Program Overview and Training for Staff	10 members of Commandant's Staff	September 18, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR-Leadership (Taught by Naval Science)	22 Class of 2016 graduates	September 23, 2015	Yes	Pre-commissioning for Navy reserves, sexual assault and harassment training
SAPR Prevention Education Training	2017 A-Split 3 <sup>rd</sup> Company, 18 Midshipmen	September 28, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention

SAPR Prevention Education Training	2017 A-Split 3 <sup>rd</sup> Company, 15 Midshipmen	September 28, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention
SAPR Program Overview and Training for Staff	24 members of Athletic Department	September 28, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Prevention Education Training	2017 A-Split (make up), 12 Midshipmen	October 5, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention
SAPR Prevention Education Training	2017 A-Split 4 <sup>th</sup> Company, 18 Midshipmen	October 5, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention
SAPR Prevention Education Training	2017 A-Split 4 <sup>th</sup> Company, 15 Midshipmen	October 5, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention
SAPR Program Overview and Training for Staff	7 members of Dean's Office	October 14, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Program Overview and Training for Staff	8 members of Humanities Department	October 15, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Prevention Education Training	2017 A-Split, Band Company, 10 Midshipmen	October 19, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership response, bystander intervention

SAPR Program Overview and Training for Staff	30 members of Engineering Department	October 20, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Program Overview and Training for Staff	33 members of Marine Transportation Department	October, 21 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
Domestic Violence Awareness Month	Academy-wide, over 700 Midshipmen	Month of October 2015	No	Human Relations Officers created a video, posters, ribbons
SAPR Program Overview and Training for Staff	7 members of Shipboard Training Department	November, 16 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Program Overview and Training for Staff	14 members of Math and Science Department	November, 17 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Prevention Education Training (introduced by LT Boyle)	2018 B-Split, 1 <sup>st</sup> Company, 19 Midshipmen	November 30, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, reflections and concerns from 1 <sup>st</sup> sailing exercise, bystander intervention
SAPR Prevention Education Training (introduced by CDR McCarthy)	2018 B-Split, 2 <sup>nd</sup> Company, 19 Midshipmen	November 30, 2015	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, reflections and concerns from 1 <sup>st</sup> sailing exercise, bystander intervention clip and discussion

SAPR Standard Operating Procedures and Policy Training	57 Emergency Medical Service Students	December 05, 2015	Yes	1 <sup>st</sup> responder training on sexual assault
SAPR Program Overview and Training for Staff (make-up)	6 members of Athletic Department	December 14, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
SAPR Program Overview and Training for Staff	9 members of the Waterfront staff	December 22, 2015	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
Stalking awareness month	Academy-wide, over 700 Midshipmen	Month of January	No	Posters, ribbons, and gloves at student activities event
SAPR Prevention Education Training	2018 B-Split, 3 <sup>rd</sup> Company, 33 Midshipmen	January 4, 2016	Yes	Quiz, case studies (re: sexual harassment, sexual assault, dating violence and stalking), leadership, reflections and concerns from 1 <sup>st</sup> sailing exercise, bystander intervention clip and discussion
Sea Year Lecture by Shipboard Training Department	2018 B-Split, 111 Midshipmen	January 11, 2016	Yes	Sea year lecture provided by Shipboard Training. Topic – Designated Person ashore
SAPR Prevention Education Training	2018 B-Split, 4 <sup>th</sup> Company, 30 Midshipmen	January 11, 2016	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, reflections and concerns from 1 <sup>st</sup> sailing exercise, bystander intervention clip and discussion

SAPR Prevention Education Training	2018 B-Split, Band Company, 9 Midshipmen	January 19, 2016	Yes	Quiz, case studies (re: sexual harassment, sexual assault, dating violence and stalking), leadership, reflections and concerns from 1 <sup>st</sup> sailing exercise, bystander intervention clip and discussion
SAPR Program Overview and Training for Staff	3 members of the Library Staff	January 21, 2016	Yes	Staff responsibilities in response to sexual assault, sexual harassment, dating violence and stalking on campus, SAPR Program overview and USMMA policy
Dating Violence Awareness month	Academy-wide, over 700 Midshipmen	Month of February	N/A	Awareness campaign
SAPR Prevention Education Training (post sea year)	2017 B-Split, Band Company, 17 Midshipmen	February 1, 2016	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, prevention and command climate, sailing exercise, bystander intervention clip and discussion
Shipboard Training: Women at Sea Pizza Night	4 female Midshipmen	February 2, 2016	No	Bring in current female mariner to talk about being a woman at sea
SAPR Prevention Education Training (post sea year)	2017 B-Split, 1st Company, 14 Midshipmen	February 22, 2016	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, prevention and command climate, sailing exercise, bystander intervention clip and discussion

Training for the Safe Center Long Island hotline staff	6 staff members	March 23, 2016	No	Dynamics of the Academy, restricted vs. unrestricted reporting options and resources on campus
SAPR Prevention Education Training (post sea year)	2017 B-Split, 3rd Company, 14 Midshipmen	March 24, 2016	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, prevention and command climate, sailing exercise, bystander intervention clip and discussion
SAPR Prevention Education Training (post sea year)	2017 B-Split, 4th Company, 22 Midshipmen	March 25, 2016	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, prevention and command climate, sailing exercise, bystander intervention clip and discussion
SAPR Prevention Education Training (post sea year)	2017 B-Split, 2nd Company, 10 Midshipmen	March 30, 2016	Yes	Quiz, case studies (sexual harassment, sexual assault, dating violence and stalking), leadership, prevention and command climate, sailing exercise, bystander intervention clip and discussion
Sea Year Lecture by Shipboard Training Department	2019 B-Split, 111 Midshipmen	April 4, 2016	Yes	Sea year lecture provided by Shipboard Training. Topic – Industry Harassment Video, review of ship harassment policies, duties of Designated Person ashore
SAPR All Hands	Academy-wide, over 700 Midshipmen, over 100 faculty and staff	April 4, 2016	Yes	Leadership and sexual assault prevention education

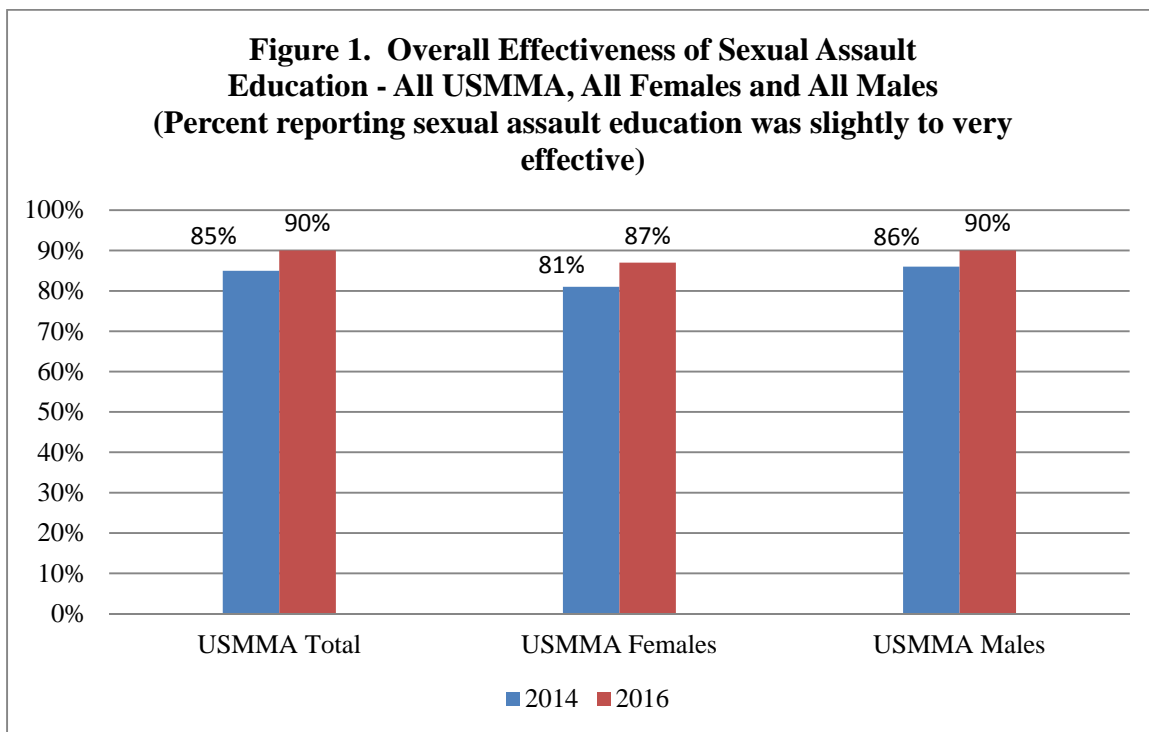
Victim Advocate Rollout	20-30 Midshipmen, faculty and staff members	April 7, 2016	No	Introduce Midshipmen leaders, Human Relations Officers, faculty and staff to new Victim Advocates
SAPR Prevention Education Training (pre sea year)	2019 B-Split, 1st Company, 22 Midshipmen	April 11, 2016	Yes	Quiz (Sexual assault info and reporting refresher 101), bystander intervention, situational awareness, risk reduction, command climate, continuum of harm spectrum, review case studies
Midshipman Presentation on Prostitution in the Maritime Industry	~20 Midshipmen, faculty and staff members	April 13, 2016	No	Midshipman presentation called "A Course Through Oceans Deep...A Look at Culture at Sea and the Academy," examining prostitution and its implications for Midshipmen on Sea Year experience
Safe Center Long Island brief on "Trauma and the Brain"	20 Midshipmen, faculty and staff	April 14, 2016	No	An overview of the neurobiological and psychological implications of sexually violent trauma and the information and skills necessary for victim service providers to provide trauma-informed services
Forward into the 21 <sup>st</sup> Century: Women in the Merchant Marine	25 Midshipmen, faculty and staff members	April 18, 2016	No	Faculty member presentation on Sexual assault/harassment in the maritime industry, how the industry has changed for the better but still has room to grow, shared some scenarios and how they were handled
Training for the Safe Center Long Island hotline staff	6 Safe Center staff members	April 20, 2016	No	Dynamics of the Academy, restricted vs. unrestricted language, reporting options and resources on campus

SAPR Prevention Education Training (pre sea year)	2019 B-Split, 2nd Company, 20 Midshipmen	April 25, 2016	Yes	Quiz (Sexual assault info and reporting refresher 101), bystander intervention, situational awareness, risk reduction, command climate, continuum of harm spectrum, review case studies
Display of the Hope Sign	Academy-wide, over 700 Midshipmen, faculty and staff	April 28, 2016	No	A hope sign and flag display of assaults that have occurred at the other Federal service academies
Candle Vigil for Victims	4 Midshipmen and staff members	April 28, 2016	No	Prayer and candle lighting at the Chapel
<i>Invisible War...</i> Movie and Panel	Seniors going active duty, 29 Midshipmen	April 29, 2016	Yes	Insight into the problem of sexual assault in the military and the effects on victims/survivors, with interactive panel discussion after the movie
SAPR Prevention Education Training (pre sea year)	2019 B-Split, 3rd Company, 28 Midshipmen	May 9, 2016	Yes	Quiz (Sexual assault info and reporting refresher 101), bystander intervention, situational awareness, risk reduction, command climate, continuum of harm spectrum, review case studies
SAPR Prevention Education Training (pre sea year)	2019 B-Split, 3rd Company, 17 Midshipmen	May 23, 2016	Yes	Quiz (Sexual assault info and reporting refresher 101), bystander intervention, situational awareness, risk reduction, command climate, continuum of harm spectrum, review case studies
Green Dot Bystander Intervention Training	17 Midshipmen, faculty and staff members	June 2, 2016	Yes	The overarching goal of Green Dot is to mobilize a force of engaged and proactive bystanders

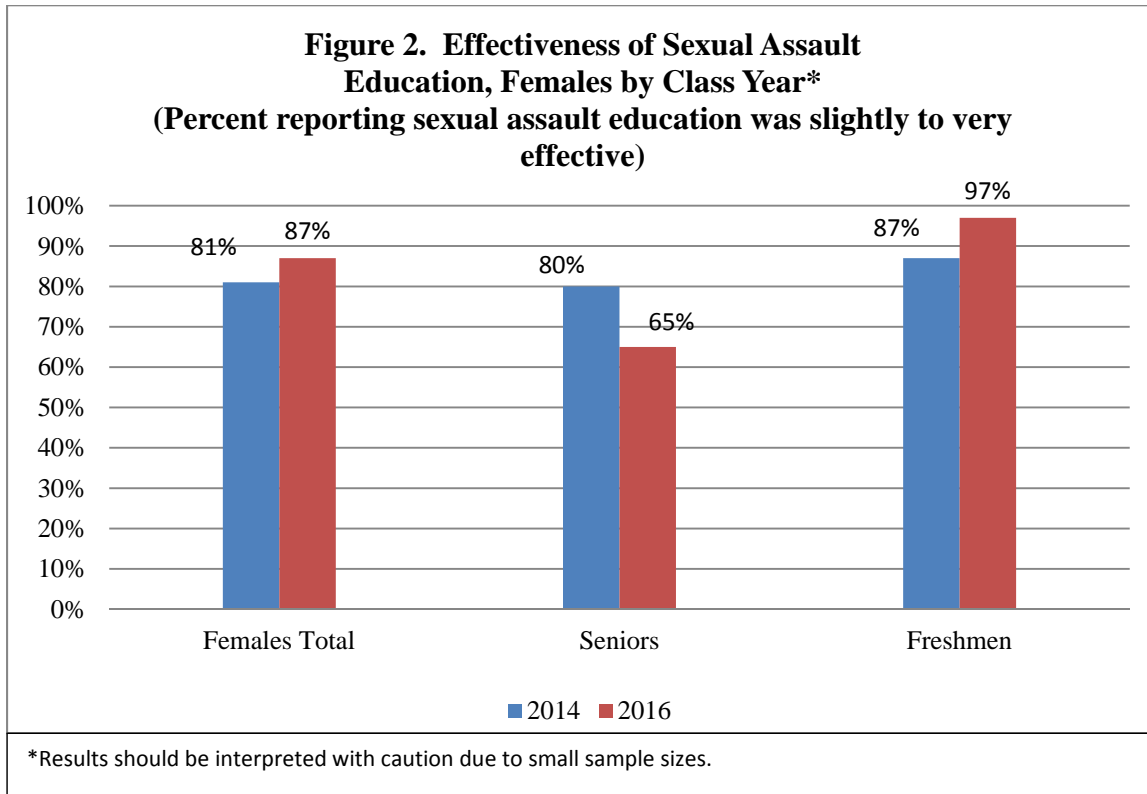
SAPR Prevention Education Training (pre-sea year)	2019 B-Split, Band Company, 18 Midshipmen	June 10, 2016	Yes	Quiz (Sexual assault info and reporting refresher 101), bystander intervention, situational awareness, risk reduction, command climate, continuum of harm spectrum, review case studies
Conflict Managing/Command Climate	2019 B-Split, ~111 Midshipmen	June 22 and June 23, 2016	Yes	How to recognize and address conflict acknowledging your own conflict management style
Total :	86			Training and awareness events

Effectiveness of Training

Figure 1 shows that 90 percent of Midshipmen overall reported that the Academy’s sexual assault education was slightly to very effective, representing a 5 percent increase over the 2014 estimate of 85 percent. Both males and females reported in 2016 that the Academy’s sexual assault education was effective compared to 2014 (90 percent of males in 2016 compared to 86 percent of males in 2014, and 87 percent of females in 2016 compared to 81 percent of females in 2014). Male Midshipmen in 2016 were still more inclined (as they were in 2014) to find that the Academy’s sexual assault education was effective compared to female Midshipmen (90 percent of males versus 87 percent of females).

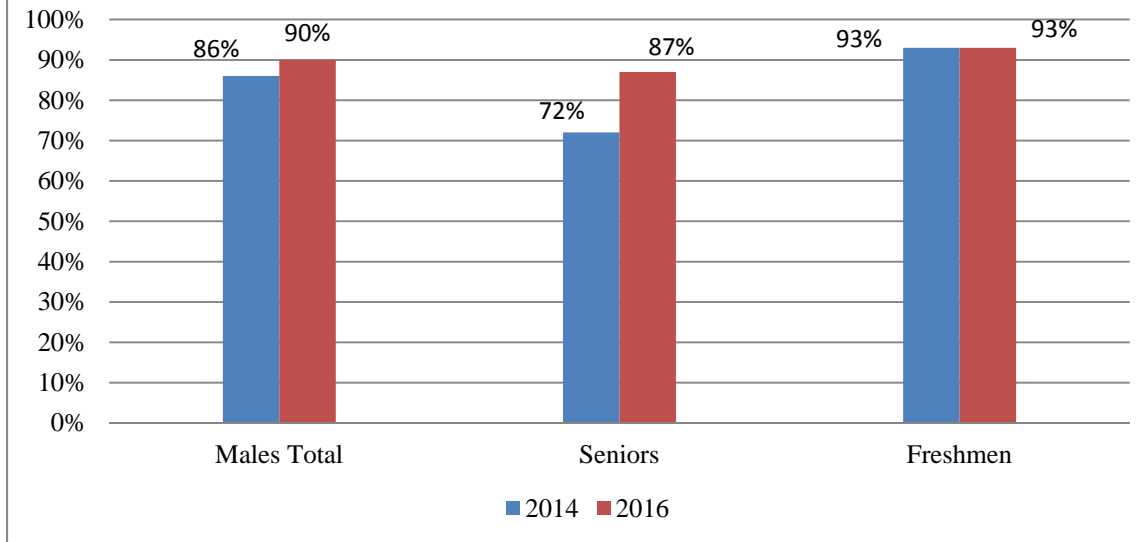


In addition, male and female Fourth Class Midshipmen (freshmen) were more likely to report that sexual assault education was effective compared to other class year groups. In general, the percentages declined as year groups became more senior; while 93 percent of Fourth Class males



and 97 percent of Fourth Class females reported that training was effective, only 87 percent of First Class (senior) males and 65 percent of First Class females reported that training was effective (Figures 2 and 3).

**Figure 3. Effectiveness of Sexual Assault Education, Males by Class Year**  
**(Percent reporting sexual assault education was slightly to very effective)**



There may be several reasons for this decline. By the time they are seniors, Midshipmen have experienced four years of sexual assault and sexual harassment education and have taken multiple surveys asking about sexual assault, Academy culture, and their Sea Year experience. Hence, the decline may reflect training and/or survey fatigue. Senior women who have experienced sexual assault or sexual harassment (or know others who have) may be less inclined to praise educational practices. Or perhaps as they prepare to enter the commercial maritime industry, the seniors feel that the training is no longer relevant to them. It would be worthwhile for the Academy to query seniors, and female seniors in particular, as to why they think sexual assault education is less effective by their fourth year at the institution. The Academy is considering a senior seminar format or assigning individual senior projects that examine topics in hazing, coercion, retaliation, bullying, sexual harassment or sexual assault. Projects may take the form of case studies, presentations based on reading, topical essays, or development of awareness events. The Academy may be able to recapture senior interest by framing the conversation in terms of what they may experience in the maritime industry or business world, and how they might respond if a subordinate reports having experienced hazing, coercion, retaliation, bullying, sexual assault or sexual harassment.

#### Confidence in Reporting/Outcomes of Reporting

The 2016 SAGR Survey asked Midshipmen if they were to experience sexual assault in the future, would they trust the Academy to safeguard their privacy, ensure their safety and treat them with dignity and respect. In 2016, male Midshipmen were more likely to trust the Academy to protect their privacy and treat them with dignity and respect than they were in 2014.

**Table 3. If He or She Experienced Sexual Assault in the Future,  
a Midshipman Would be Likely to:  
(Percent of respondents who have not experienced unwanted sexual contact)**

	Male		Female	
	Total		Total	
	2014	2016	2014	2016
Trust Academy to Protect Privacy	58	60	44	36
Trust Academy to Ensure Safety	71	70	43	50
Trust Academy to Treat You with Dignity/Respect	70	71	46	48

They were less likely to trust the Academy to ensure their safety, but by only 1 percentage point. Female Midshipmen indicated in 2016 that they were more likely to trust the Academy to ensure their safety and to treat them with dignity and respect than they were in 2014, but were less likely to trust the Academy to protect their privacy. For the second survey in a row, female Midshipmen overall expressed much less confidence than males that the Academy would protect their privacy, ensure their safety and treat them with dignity and respect.

The Academy introduced initiatives in 2016 to cultivate Midshipmen trust that the institution would protect their privacy if they reported an incident of sexual harassment or sexual assault. The Academy discontinued the Midshipmen Victim Advocate program due to student discomfort with peer reporting and stood up a faculty and staff Victim Advocate program. The Academy currently has four trained faculty and staff Victim Advocates who can take restricted reports and serve as trusted counselors to victims of sexual assault, dating violence, domestic violence and stalking. The Academy sent the Director of the Department of Public Safety to a week-long course, the “Trauma Informed Sexual Assault Investigation and Adjudication”<sup>13</sup>. This training is designed to show participants how to conduct a sexual assault investigation and appreciate the sensitivity of such investigations, particularly in communicating with traumatized victims. The intended outcome of this effort is to provide Midshipmen with a level of confidence in their privacy if investigations are conducted through the Department of Public Safety. This process change takes investigations out of the Midshipman chain of command, which reduces the chance for investigator bias and prevents a victim from being forced to discuss a traumatic and sensitive topic with an authority figure who they might see or interact with on a daily basis.

The Academy is constantly working to improve its safety and security posture. Additional campus security upgrades are contemplated through Fiscal Year 2017, including increasing the

<sup>13</sup> Training conducted by The National Center for Campus Public Safety, which is funded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

bandwidth of the Academy local area network (LAN) to accommodate the Department of Public Safety and handle video feed from surveillance cameras. The Academy plans to install a surveillance camera in each hallway of five dormitories. Each camera has a 30-day forensic capability for playback if a barracks incident has to be investigated. In addition, as academic buildings come due for renovation in the coming years, they will be outfitted with access card readers and other safety and security features.

The problem remains, however, that the Academy is a small community, and it is difficult to ensure privacy and enforce dignity and respect amongst a cadre of students who live in a common dormitory complex, eat daily meals together in a mess hall, attend classes with one another for eight hours a day, five days a week and who recreate and socialize with each other after hours. A cultural shift must take place within the Regiment of Midshipmen. Academy and Midshipmen leadership can provide training and can reinforce that sexual assault victims deserve confidentiality and compassion, but real change must be driven from within the Regiment. Midshipmen Human Relations Officers (HROs) are assigned within each company to help resolve conflicts between Midshipmen as well as serve as peer trainers in sexual harassment and sexual assault prevention and response. The HROs are on the front line in promoting the value of diversity and the importance of respect. Academy leadership will continue to invest in and support the work of the HROs. Additionally, the Academy expects that DOT's cultural audit will provide some insight into the culture of the Regiment and provide useful recommendations for further change.

The Academy must also work with faculty and staff members who are designated as Campus Security Authorities (CSAs)<sup>14</sup> and/or responsible employees. CSAs and responsible employees are required to report incidents of discrimination, harassment and sexual and interpersonal violence, whether those incidents occur on or off campus. CSAs and responsible employees must explain those reporting obligations to any individual who discloses to them that an incident has occurred. These reporting obligations prevent CSAs and responsible employees from maintaining confidentiality for any individual who discloses to them that an incident has occurred. Midshipmen must understand that they forfeit privacy in disclosing an incident to a CSA or responsible employee.

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<sup>14</sup> The Clery Act identifies certain categories of employees as CSAs and who have Federally mandated responsibilities to report alleged Clery Act crimes that they witness or are reported to them. A Clery Act crime is considered "reported" when it is brought to the attention of a CSA, Academy police or local law enforcement personnel by a victim, witness, other third party or even the offender.

## Deterrents to Reporting Sexual Assault

Since mid-2012, the Academy has been proactively training Midshipmen about sexual assault prevention and response, emphasizing the importance of reporting even in the face of cultural bias and possibly negative consequences. In many of the training sessions, Midshipmen are asked to consider how sexual assault affects victims and how they might react if someone close to them experienced a sexual assault. The training has stressed the importance of reporting sexual assault, since reporting enables the Academy to ensure that Midshipmen are receiving necessary support services. Midshipmen are informed that reporting sexual assault allows the Academy to take action against the offender so that his or her acts cannot be repeated.

Despite these training sessions and the SARC’s ongoing encouragement that they report sexual harassment and sexual assault, it continues to be a challenge to alleviate the fears of Midshipmen that they will be stigmatized by members of the Regiment of Midshipmen or punished for a separate offense connected with the assault, such as under-age alcohol consumption. To attempt to understand why Midshipmen are reluctant to report sexual assault, the 2016 SAGR Survey asked them for their perceptions about various factors that might influence one’s decision to report. DMDC’s preliminary analysis contained data for two such factors: negative peer reaction and victim-blaming. It is clear from Table 4 that women are much more concerned about the social repercussions of sexual assault than men, and that female fear of reporting due to negative peer reaction is trending upward, from 57 percent in 2014 to 61 percent in 2016.

	Total		USMMA Males		USMMA Females	
	2014	2016	2014	2016	2014	2016
Negative Peer Reaction	31	32	26	26	57	61
Victim will be blamed for the assault	24	19	19	15	49	40

There is a probable link between the data showing that women have a lack of trust in the Academy to maintain their privacy and their fear of reporting due to concerns about negative peer reaction and victim-blaming. Female Midshipmen do not trust the Academy to maintain their privacy because they have witnessed the predominantly male Regiment react swiftly and negatively to females who have reported peers for sexual assault. The culture within the Regiment is such that victims would rather remain silent and endure the trauma of sexual assault rather than “betray” a fellow student. While this is evidence of insularity within the Regiment of

Midshipmen, it may also reflect a “culture of passivity and tolerance... , which too often allows this type of violence to persist.”<sup>15</sup> Men may be less likely to report sexual assault because they

don’t think they will be believed or they worry that they will be perceived as a homosexual (if assaulted by another man).<sup>16</sup> Women may be less likely to report due to fear of retribution and shame.<sup>17</sup> The data in Table 4 shows that Academy women are much more fearful of the stigmatization of sexual assault than men; for them, reporting a sexual assault means being cast out of the USMMA family.

Academy policy is aimed at ensuring the safety and protecting the privacy of a victim of sexual assault. In its May 2016 revision of the Superintendent Instruction on sexual assault, dating and domestic violence and stalking, the Academy committed to ensuring that victims are treated with fairness and respect for their dignity and privacy. The Instruction prohibits retaliation against victims who report violations and states that every effort will be made to protect members of the Academy community who report incidents against reprisal. In addition, the Instruction contains provisions that provide a victim with amnesty for disciplinary infractions connected to a sexual assault (with exceptions for health and safety, repeat infractions and infractions that constitute honor offenses). This collateral misconduct provision is intended to facilitate reporting by minimizing a victim’s fear that he or she will be punished for a secondary offense incident to the assault. A copy of the Academy’s policy is provided as Attachment 1.

Effective policy statements, however, require more than just declarations against the behavior. Research shows that successful execution of policy requires effort and support on the part of administration, faculty, staff and Midshipmen<sup>18</sup>, and this requires familiarity with policy content. The SARC has developed a Midshipman training plan in which freshmen receive introductory policy training. The SARC has also conducted training for approximately 54 percent of the faculty and staff to provide an overview of the SAPR program, review definitions of sexually violent behavior and explain Academy policy. Training will be provided to all faculty and staff in Fiscal Year 2017.

## Leadership

Midshipmen are influenced every day by different cohorts of people who come into and out of their lives, including the Commandant Department’s staff members, academic faculty, coaches, and especially, their own peers. Different cohorts were identified as having particular influence over the Regiment of Midshipmen: members of senior leadership, uniformed and civilian

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<sup>15</sup> Valerie Jarrett, “A Renewed Call to Action to End Rape and Sexual Assault,” <https://www.whitehouse.gov/blog/2014/01/22/renewed-call-action-end-rape-and-sexual-assault>, January 22, 2014.

<sup>16</sup> Naomi Nix, “Male Survivors of Sexual Assault Break Silence, Combat Stigma,” *Chicago Tribune*, July 21, 2013.

<sup>17</sup> Jessica Valenti, “We Can’t End Rape Stigma by Forcing All Victims to Identify Themselves,” *The Guardian*, April 8, 2015.

<sup>18</sup> Michele A. Paludi, *Sexual Harassment in Education and Work Settings: Current Research and Best Practices for Prevention*, 2015.

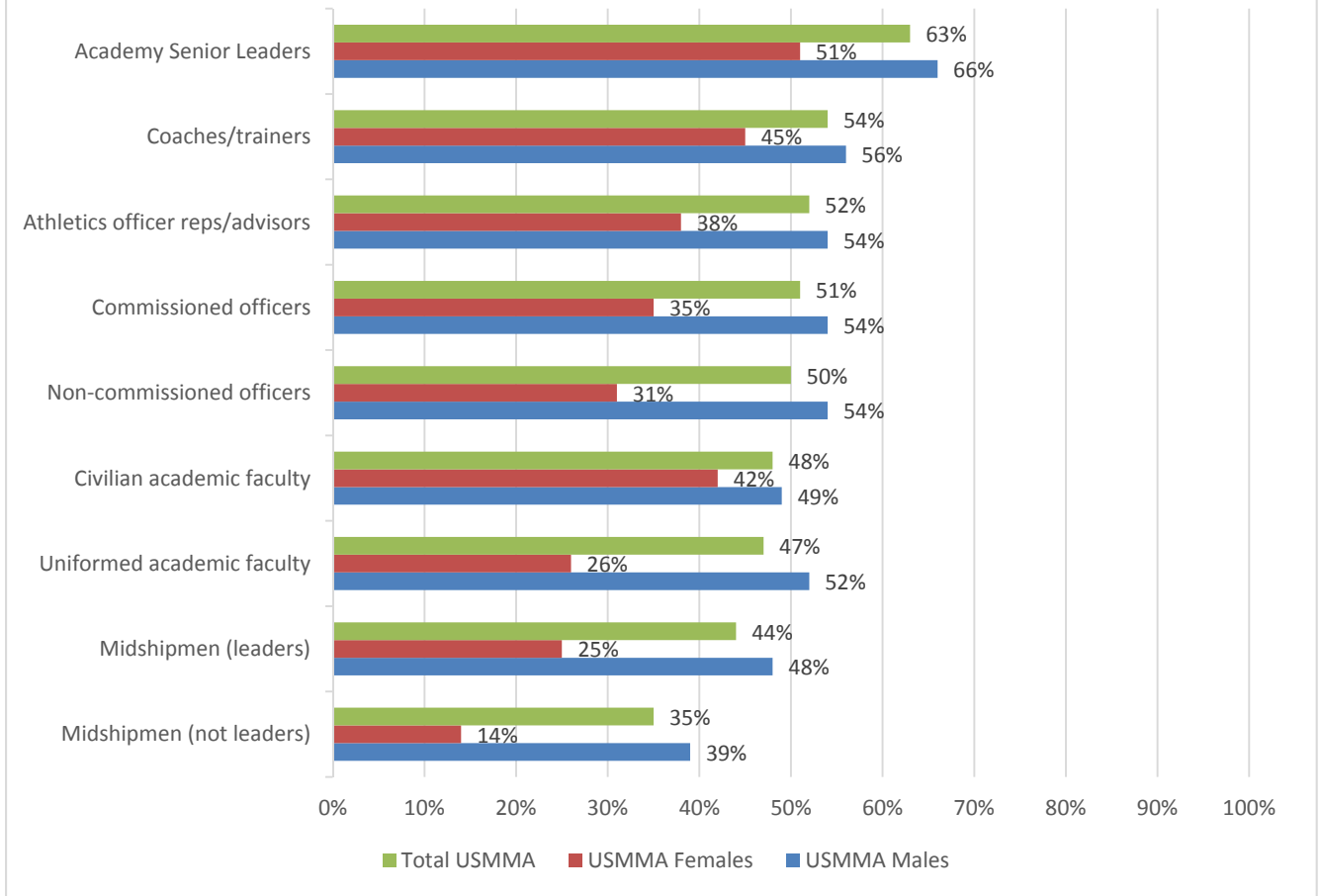
academic faculty, athletic staff, uniformed officers and Midshipmen in leadership positions. Members of senior leadership set the overall tone for the Academy while the academic faculty

sets the tone within the classroom and the athletic staff sets the tone on the playing field. Midshipmen leaders are responsible for day-to-day oversight of the Regiment of Midshipmen and set the tone within barracks living spaces. The SAGR Survey asked Midshipmen whether they believed that these cohorts make honest efforts to stop sexual harassment and sexual assault.

The Survey results (Figure 4) showed that for Midshipmen respondents overall, more than half believe that senior leadership, coaches, athletic department staff, and commissioned and non-commissioned officers are, to a large or very large extent, making honest efforts to stop sexual harassment and sexual assault. Compared to 2014, however, when respondents thought that Midshipmen leaders were at the top of the list in making honest efforts to stop sexual harassment and sexual assault (86 percent of men and 79 percent of women), the 2016 results showed that confidence in Midshipmen leaders dropped significantly, with less than half believing that they

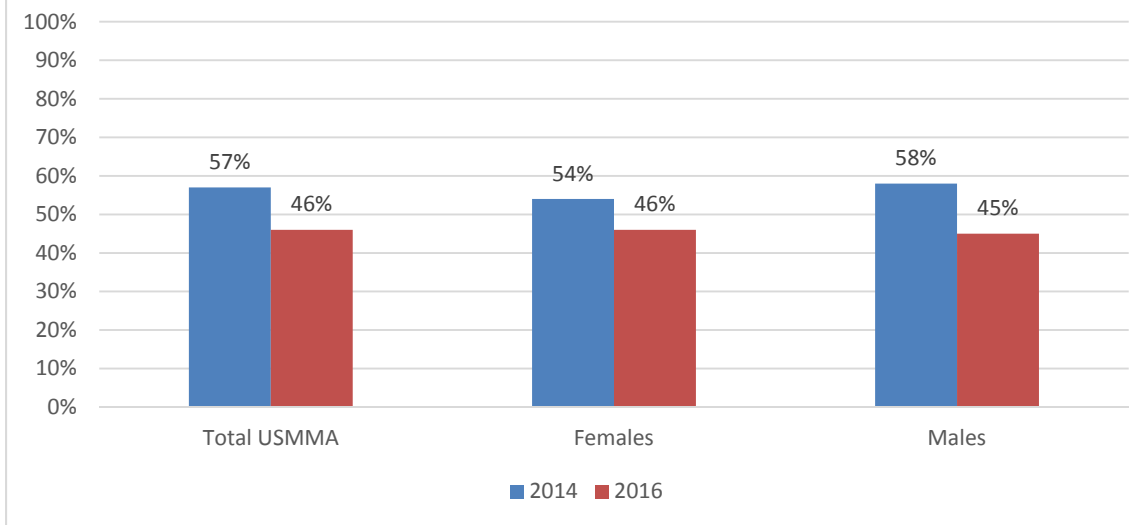
making honest efforts to stop sexual harassment and sexual assault. Female Midshipmen were less confident across the board that any leaders would make honest efforts to stop sexual harassment and sexual assault.

**Figure 4: Persons Making Honest and Reasonable Efforts to Stop Sexual Assault and Sexual Harassment (to a large/very large extent)  
(Percent of all respondents, all males and all females)**



Coincidentally, the percentages of Midshipmen who believe that they watch out for one another to prevent sexual assault dropped from greater than 50 percent in 2014 to less than 50 percent in 2016 (Figure 5). In 2016, only 46 percent of females and 45 percent of males thought that Midshipmen watched out for one another to prevent sexual assault. This is despite the Academy’s 2015 adoption of the Green Dot program, which provides training in bystander intervention. Anecdotal evidence indicates that Midshipmen bystander intervention has been

**Figure 5: Midshipmen Watch Out for Each Other to Prevent Sexual Assault (to a large/very large extent)  
(Percent of respondents who agree)**



effective in preventing potential sexual assaults. The results shown in Figure 5 are disappointing, particularly since students and alumni seem to prize the camaraderie associated with attending the Academy, which should lend itself to a greater feeling of trust among the community members.

Clearly, the Academy must work harder to create a culture where Midshipmen, particularly females, are confident that all members of faculty, staff and Midshipmen leadership are committed to stopping sexual harassment and sexual assault. The Academy should also try to determine the reason why Midshipmen have lost confidence in each other to prevent sexual assault. The LMI culture audit may contain insights into this issue.

## **Midshipman Unwanted Sexual Contact**

### Incidents of Unwanted Sexual Contact

Unwanted sexual contact behaviors range from unwanted touching to forced sexual acts. The 2016 SAGR Survey assesses the same unwanted sexual contact measure as previous SAGR surveys.

In the SAGR Survey, each Midshipman was asked whether, since June 2015, he or she had “experienced any of the following intentional sexual contacts that were against your will or which occurred when you did not or could not consent in which someone: 1) sexually touched you (for example, intentional touching of genitalia, buttocks, [breasts if you are a woman]), or made you sexually touch them, 2) attempted to make you have sexual intercourse, but was not successful, 3) made you have sexual intercourse, 4) attempted to make you perform or receive oral sex, anal sex or penetration by a finger or object, but was not successful, or 5) made you perform or receive oral sex, anal sex, or penetration by a finger or object.” Students who marked “yes” to any of these items are included in the unwanted sexual contact prevalence rate.

Table 5 shows that 19.5 percent of women and 0.8 percent of men responded that they had experienced at least one incident of unwanted sexual contact during the reporting period. Nine percent of students officially reported that they were a victim of sexual assault. This total is consistent with the number of formal reports received by the Academy.

	Total USMMA		Male				Female			
			Total		Fourth Class		Total		Fourth Class	
	2014	2016	2014	2016	2014	2016	2014	2016*	2014	2016*
Incidents of sexual assault	4.2	4.0	2.0	0.8	3.4	2.5	17.1	19.5	6.3	7.9

\*Per DMDC, these results should be interpreted with caution due to small sample sizes.

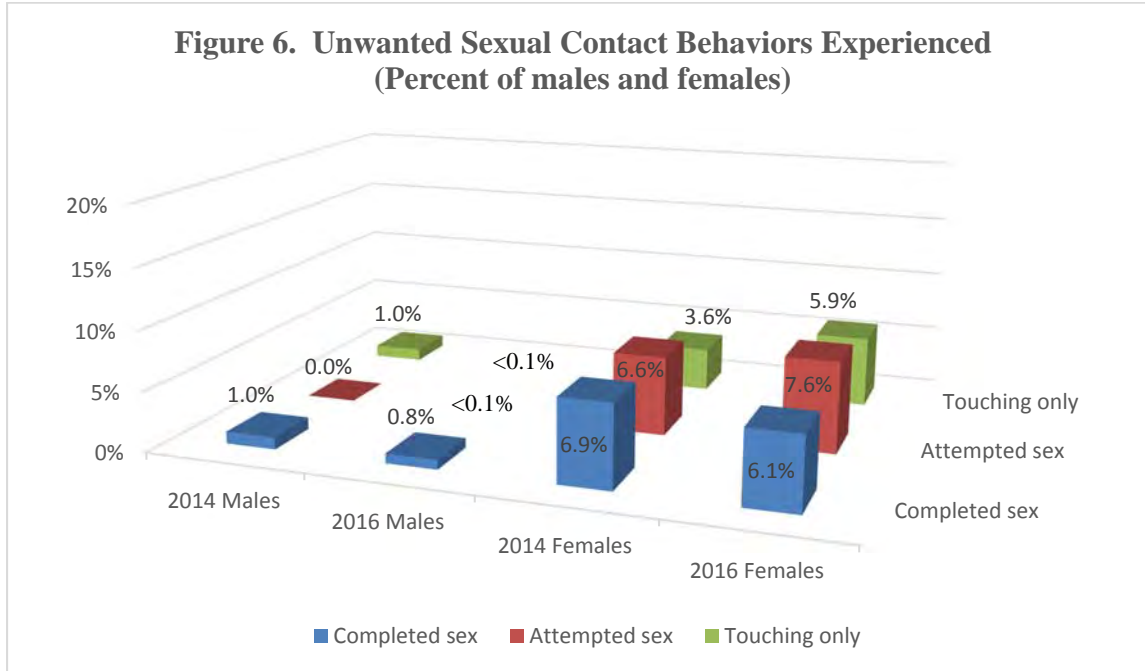
Types of unwanted sexual contact behaviors experienced

Figure 6 illustrates the types of unwanted sexual contact experienced by Academy men and women. In both 2014 and 2016, the predominant type of unwanted sexual contact for both

Incident	Victim	Subject	Investigation	Result
1	Midshipman	Midshipman	None	Restricted report
2	Midshipman	Midshipman	None	Restricted report
3	Midshipman	Midshipman	None	Restricted report
4	Midshipman	Midshipman	None	Restricted report

\*Restricted vs. unrestricted reporting: a restricted report allows a student to confidentially disclose an incident to specifically identified individuals and receive medical treatment and counseling without triggering an official investigation. An unrestricted report allows a victim to receive medical treatment and counseling and also results in initiation of an official investigation.

**Figure 6. Unwanted Sexual Contact Behaviors Experienced  
(Percent of males and females)**



men and women was completed sex, followed by attempted sex for women only.

### Academy Sexual Assault Cases

Table 6 provides data on the cases of sexual assault reported to Academy officials. All of the officially reported cases of sexual assaults were against female Midshipmen and were perpetrated by male Midshipmen. These figures corroborate with the results of the 2012, 2014 and 2016 Surveys, which show that the majority of incidents were perpetrated by other Midshipmen.

### Sources of Sexual Assault: Offenders, Location and Timing

Academy students who experience sexual assault often indicate that they have had multiple incidents during the reporting period. The 2016 Survey asked students who have experienced multiple incidents to identify the “one situation” that had the greatest effect on them and to use that “one situation” in answering the remaining questions in that section. (See footnote 8 for DMDC’s explanation of the “one situation.”) The value of this is to move beyond answers to hypothetical questions and to ascertain what really did happen after a student experienced sexual assault. The analysis<sup>19</sup> that follows is only for the “one situation” that had the greatest impact on

<sup>19</sup> Although students were asked who the offender was for the situation that had the most impact on them, respondents could select multiple response options to represent multiple offenders or overlapping categories, so total percentages will not always sum to 100. Moreover, when interpreting characteristics of the offender, the reader should understand this to be at least one of the offenders, as there were multiple offenders for some respondents.

a victim and should not be construed as concrete estimates for all situations experienced at the Academy. The preliminary report provides results for Academy students overall; results will be broken down by gender in the final report if the sample sizes are sufficient.

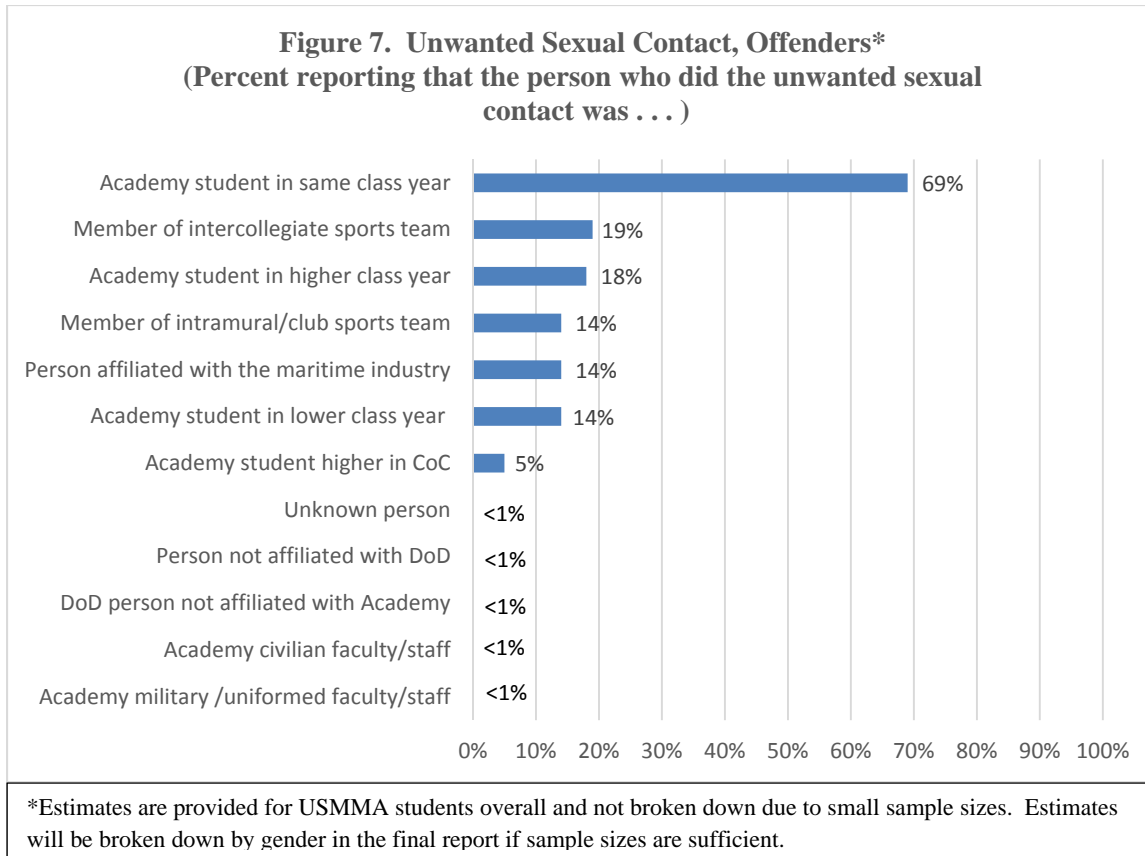


Figure 7 shows that of the students experiencing unwanted sexual contact, 69 percent were victimized by another student in the same class year. Another 19 percent were victimized by a member of an intercollegiate sports team and 18 percent were victimized by an Academy student in a higher class year. The data appears to match national statistics showing that approximately two-thirds of rapes were committed by someone known to the victim.<sup>20</sup> Fourteen percent of students reported that the unwanted sexual contact was perpetrated by a person affiliated with the maritime industry.

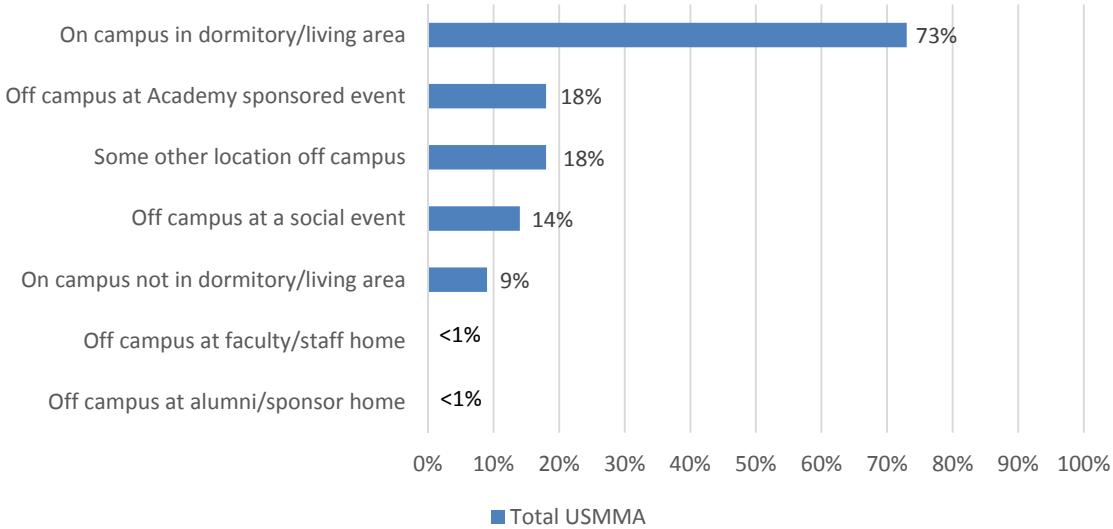
Figure 8 shows that that 73 percent of the unwanted sexual contact occurred on campus in the dormitory or living areas, followed by 18 percent that occurred off Academy grounds at an Academy sponsored event.

Figure 9 shows that of the students experiencing unwanted sexual contact, 59 percent reported

<sup>20</sup> U.S. Department of Justice, 2005 National Crime Victimization Study, 2005.

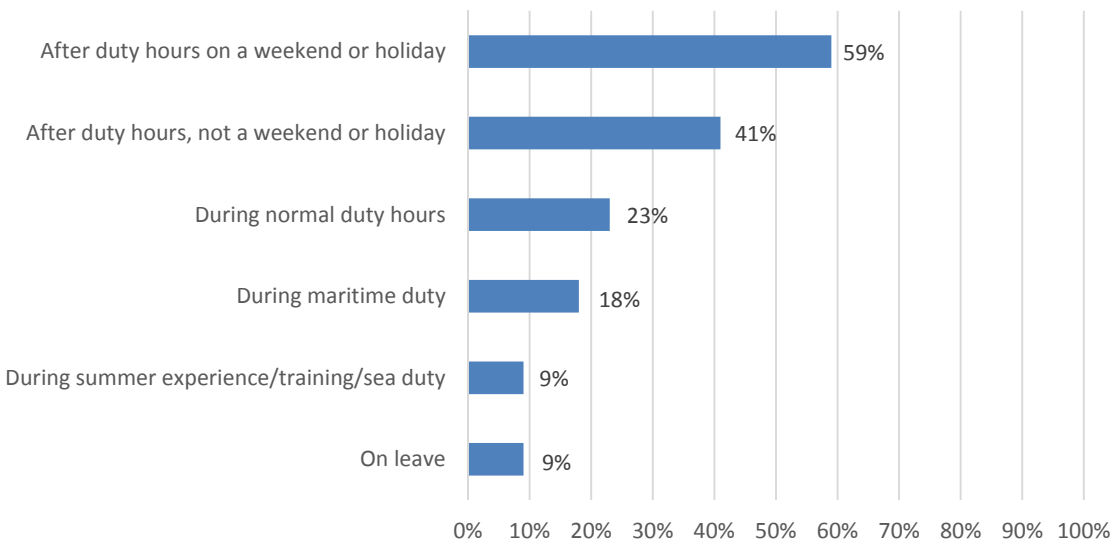
that the situation occurred after duty hours on a weekend or holiday and 41 percent said that the situation occurred after duty hours not on a weekend or holiday. Although the Survey timing

**Figure 8. Unwanted Sexual Contact, Location\***  
(Percent reporting that the situation occurred . . .)



\*\*Estimates are provided for USMMA students overall and not broken down due to small sample sizes. Estimates will be broken down by gender in the final report if sample sizes are sufficient.

**Figure 9. Unwanted Sexual Contact, Timing\***  
(Percent reporting that the situation occurred . . .)



\*Estimates are provided for USMMA students overall and not broken down due to small sample sizes. Estimates will be broken down by gender in the final report if sample sizes are sufficient.

students experiencing unwanted sexual contact in the dormitories during evenings, weekends or holidays, suggest that the campus and off-duty hours are when students are most vulnerable. The evenings, weekends and holidays are also periods when the Academy is most lightly staffed.

The Academy's secondary problem with sexual assault is during Sea Year; of the students who experienced unwanted sexual contact, 18 percent reported that the situation occurred during maritime duty and 9 percent said that the situation occurred during summer experience/training/sea duty.

The Academy makes a conscientious effort to staff the dormitories to provide an authoritative presence. Contracted security guards, Command Duty Officers and Midshipmen leaders make regular off hours rounds through the dormitories, but the Academy does not have sufficient numbers of these individuals to make rounds frequently enough to serve as a deterrent to Midshipman on Midshipman unwanted sexual contact. The planned installation of surveillance cameras in dormitory hallways should have a more preventative effect, since the 30-day forensic capability of the cameras will facilitate the ability of Academy officials to identify individuals who transit the hallways and enter Midshipmen rooms. In order to reduce the chances of an unwanted sexual contact incident off campus, Academy sponsored events are typically chaperoned, and the Academy has recently made a concerted effort to avoid sponsoring events off campus where alcohol is being served.

The Kings Point campus is relatively isolated within a residential community, so the Academy tries to keep students occupied with activities in the evenings, on weekends and during holidays. About half of Midshipmen participate in intercollegiate athletics and there is also a robust intramural sports program. There are nearly 40 Midshipman clubs. The Student Activities Director shows movies on Friday nights and organizes trips to New York City on evenings and weekends. The Academy Band plays at sports events, marches in parades locally, and travels away for performances such as the Presidential Inauguration. The Academy will continue to seek out opportunities for Midshipmen participation in alcohol-free extracurricular activities in order to reduce idle time and drinking opportunities which might be conducive to sexual activity.

#### Role of Alcohol in Sexual Assaults

The preliminary data indicates that of the percentage of students experiencing unwanted sexual contact, 68 percent of them reported the use of any alcohol and/or drugs in that situation.

#### Use of Formal Reporting Procedures

The Academy received four restricted official Midshipmen reports of sexual assault in the 2015-2016 Academic Year; this is substantiated by the Survey, which shows that only 9 percent of

those students experiencing unwanted sexual contact officially reported the incident. The majority of Midshipmen chose not to report to authorities. As described in the Midshipmen Perceptions: Training and Culture section of this report, the Academy must contend with Regimental stigmatization of victims that make them reluctant to report sexual assault. The Academy expects that the LMI culture audit will provide information leading to meaningful culture change at the Academy.

## **Military Equal Opportunity (MEO) Violations**

### **Sex-Based MEO Violation Prevalence Rates**

MEO offenses refer to a range of sex-based MEO violations specified by DoD Directive 1350.2 and includes experiencing either sexual harassment (sexually hostile work environment or sexual quid pro quo) and/or gender discriminatory behaviors by someone from the Academy. DMDC uses a two phased approach to obtaining MEO violation prevalence rates. First, DMDC asks whether students experienced at least one sex-based behavior. Second, DMDC asks questions to determine if the behavior met its criteria for sexual harassment or gender discrimination.

Students experiencing sexual harassment include those who answered “yes” to any of the items assessing “Sexually Hostile Work Environment” or items that assessed “Sexual Quid Pro Quo” behaviors as follows:

### **Sexually Hostile Work Environment**<sup>21</sup>

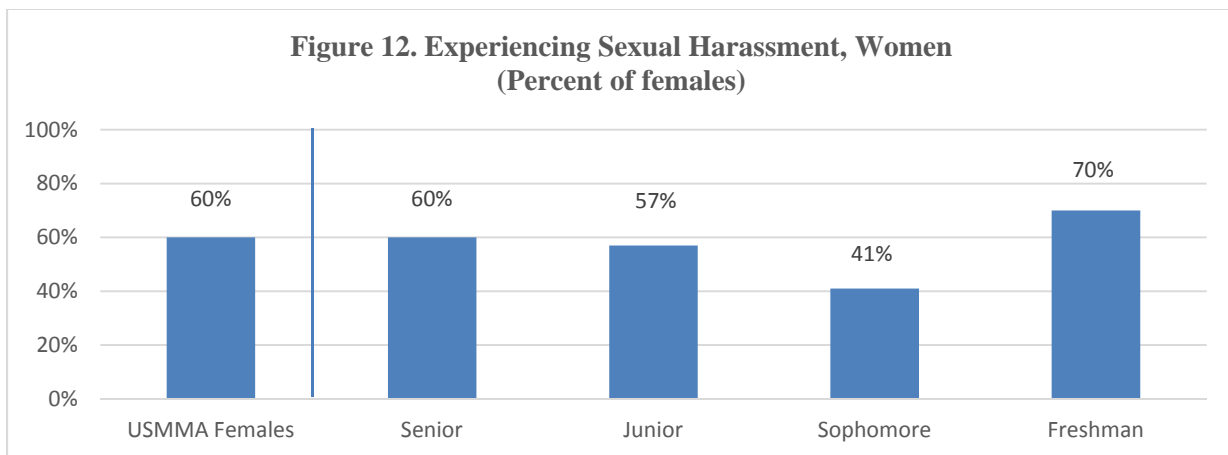
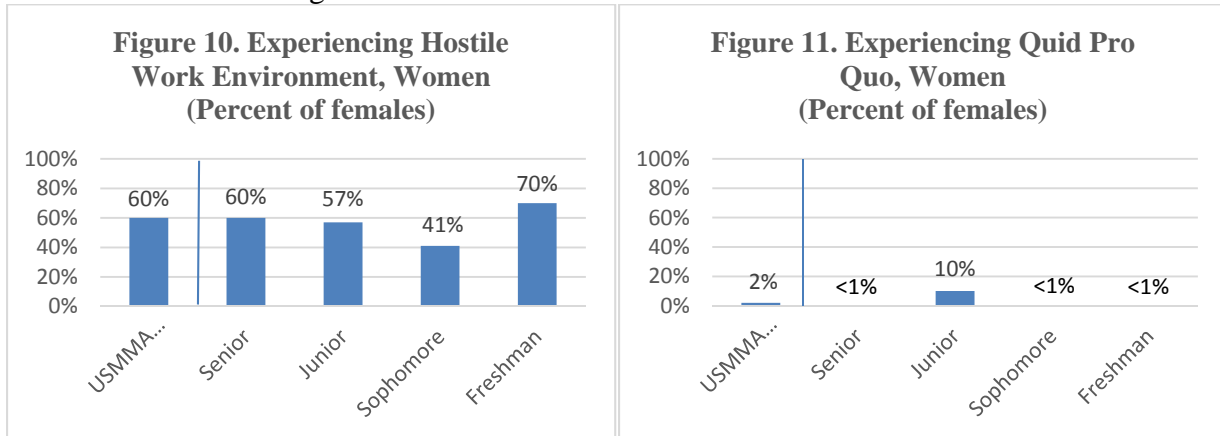
- Repeatedly told sexual “jokes” that made you uncomfortable, angry, or upset
- Embarrassed, angered, or upset you by repeatedly suggesting that you do not act like a Cadet/Midshipman of your gender is supposed to
- Displayed, showed, or sent sexually explicit materials like pictures or videos that made you uncomfortable, angry or upset
- Repeatedly asked you questions about your sex life or sexual interests that made you uncomfortable, angry, or upset
- Repeatedly told you about their sexual activities or made sexual gestures or sexual body movements in a way that made you uncomfortable, angry, or upset
- Took or shared sexually suggestive pictures or videos of you when you did not want them to that make you uncomfortable, angry, or upset
- Made repeated attempts to establish an unwanted romantic or sexual relationship with you that made you uncomfortable, angry, or upset
- Repeatedly touched you in any other way that made you uncomfortable, angry, or upset

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<sup>21</sup> For a sexually hostile work environment, DMDC’s criteria are: 1) offender continued this behavior even after they knew the victim or that someone else wanted them to stop, and/or 2) behavior was severe enough that most Midshipmen would have been offended.

Sexual Quid Pro Quo<sup>22</sup>

- Made you feel as if you would get some benefit in exchange for doing something sexual
- Made you feel like you would get punished or treated unfairly at the Academy if you did not do something sexual



These items are new in 2016, so trending to 2014 is not possible.

DMDC used “yes” responses to questions about a sexually hostile work environment and sexual quid pro quo (Figures 10, 11, 13 and 14) to develop its data on males and females experiencing sexual harassment. Figure 12 shows that 60 percent of all women at the Academy experience sexual harassment, with freshmen experiencing the highest rate of sexual harassment at 70 percent. Males experienced sexual harassment at a much lower rate than women, with Figure 15

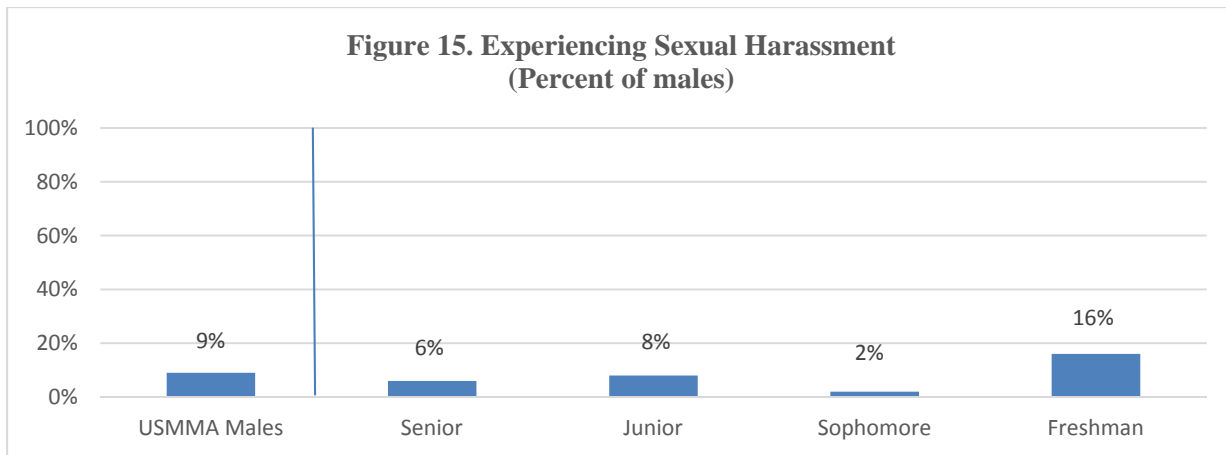
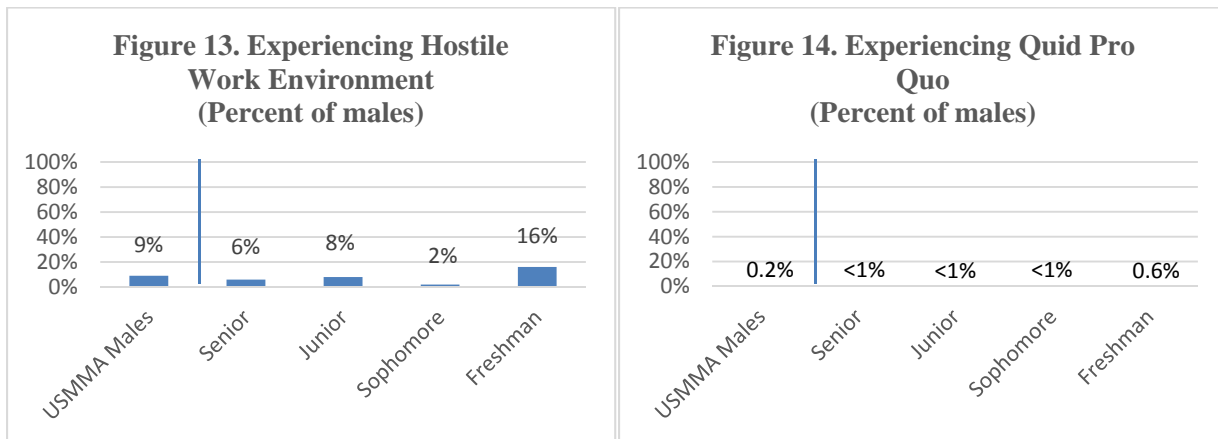
<sup>22</sup> For sexual quid pro quo, the DMDC’s criteria are: 1) offender offered a reward or benefit to someone for doing something sexual, 2) offender hinted that someone would get a reward or benefit for doing something sexual, and/or 3) someone else said they got benefits from a person for doing something sexual.

showing that only 9 percent of all men experienced the criteria behaviors. Coincidentally, male freshmen experience the highest rate of sexual harassment, at 16 percent.

### Gender Discrimination

Students experiencing gender discrimination<sup>23</sup> included those who answered “yes” to any items as follows:

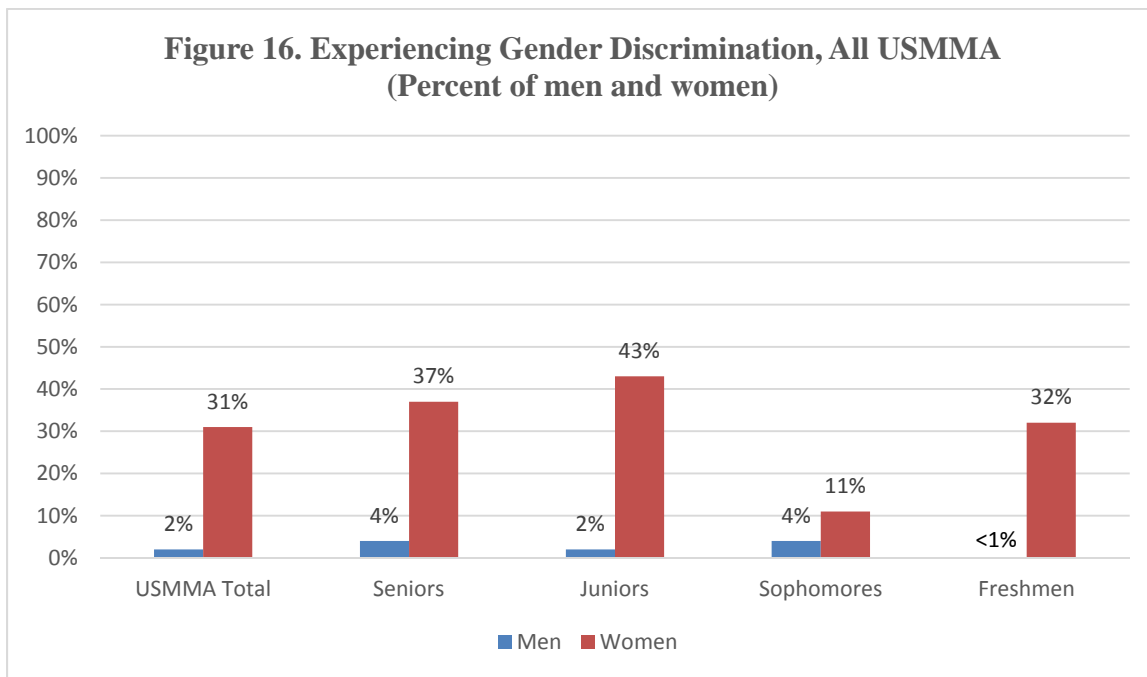
- Said that someone of your gender is not as good as someone of the opposite gender at your particular job, or that someone of your gender should be prevented from having your job
- Mistreated, ignored, excluded, or insulted you because of your gender



As with sexual harassment, women experienced gender discriminatory behavior at a much higher rate than men. Figure 16 shows that where 31 percent of all Academy women experienced gender discriminatory behavior, only 2 percent of men had the same experience.

<sup>23</sup> For gender discrimination, DMDC’s criteria are: 1) a person’s beliefs about gender harmed or limited a Midshipman’s career, and/or 2) this treatment harmed or limited a Midshipman’s career.

That women experience more sex-based MEO violations than men is not a surprise. The maritime industry workforce has traditionally been dominated by men and the Regiment of Midshipmen is typically comprised of about 80 percent men. Studies indicate that men are more likely to harass women who are working in jobs traditionally done by men, and that “sexual harassment may be deliberate and resentful behavior, designed to deter women from entering historically male jobs.”<sup>24</sup> Since gender equity is an important factor in reducing discrimination and harassment<sup>25</sup>, the Academy has focused on recruiting more women and each entering class over the last four years has contained a higher percentage of women. The Class of 2020, for example, was 19.7 percent female – the most ever in a freshman class. The Academy will



continue its efforts to bring women into the school and to promote women in the commercial industry. Successful female role models are crucial to the Academy’s recruiting efforts, because they demonstrate that maritime careers are a viable employment option for women.

Studies also stress the importance of ongoing education in the subjects of sexual harassment and gender discrimination. Michele A. Paludi, faculty program director for human resources and leadership in the School of Business and Technology at Excelsior College, writes that “there is ample empirical research to indicate that training about discrimination, harassment, and sexual

<sup>24</sup> Daniel Goleman, “Sexual Harassment: It’s About Power, Not Lust,” *New York Times*, October 22, 1991.

<sup>25</sup> Myrtle P. Bell, et al. “Discrimination, Harassment, and the Glass Ceiling: Women Executives as Change Agents,” *Journal of Business Ethics* 37: 65-76, 2002.

misconduct changes attitudes and behaviors” and that “training increases knowledge acquisition and reduces the inappropriate behavior of men who had a high propensity to harass.<sup>26</sup>” The Academy continues to educate Midshipmen, faculty and staff about sexual harassment and gender discrimination. In addition to the faculty and staff training documented in Table 2, all employees received “Prevention of Sexist Behavior” training in 2016.

## Conclusions

DMDC conveyed three key findings in its preliminary results: 1) that the overall unwanted sexual contact prevalence rate remained similar to 2014 levels, 2) that the majority of unwanted sexual contact takes place on campus and involves fellow Academy students, and 3) that of those who experienced unwanted sexual contact, 18 percent indicated that the event occurred during maritime duty and 14 percent indicated that the offender was someone affiliated with the maritime industry. These findings are unlikely to change in the final report, but estimates of the Midshipmen population experiencing unwanted sexual contact and the situations in which that contact occurs will probably be different. The final report will also show the results of significance testing to examine differences from 2014 and provide margin of error information.

The Academy finds it disturbing that Midshipmen have lost confidence in their peers to take steps to prevent sexual assault and sexual harassment, and that they do not see their own leadership as making honest and reasonable efforts to stop sexual harassment and sexual assault. Especially disturbing is that female Midshipmen lack confidence in the Academy’s efforts to protect their privacy and to treat them with dignity and respect, which is what leads directly to their fear of reporting. The Academy must change this culture, so that Midshipmen truly look after their own and victims do not become pariahs in the student body. The challenge ahead for the Academy is to engage its entire community in addressing this culture and in instituting meaningful change which will create a supportive living and learning environment for each and every Midshipman.

In its final report, DMDC will provide the Academy with analyses on hazing and bullying, the reporting process for unwanted sexual contact and MEO violations, reasons for reporting and not reporting, and types of reports. This data will be useful for comparison to the LMI culture audit report and corroboration between the two reports will give the Academy further confidence in the findings. The Academy also looks forward to any recommendations for change that can be

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<sup>26</sup> Michele A. Paludi, *Sexual Harassment in Education and Work Settings: Current Research and Best Practices for Prevention*, 2015.

provided by DMDC and/or LMI. DMDC has already indicated that it will provide recommendations for future research.

Prevention of sexual assault and sexual harassment is an intractable problem that can only be addressed through extensive training and education, and long-term cultural change. The Academy is committed to doing whatever it takes to drive the problem off campus and U.S. flag ships, so that Midshipmen can be sure of a campus and shipboard climate conducive to learning.

### **Staff Response Rates**

Results of the faculty and staff survey for the 2015-2016 Academic Year will be presented in the amended final Report.

## **Appendix A: Sexual Assault Prevention and Response (SAPR) Program Accomplishments**

For Academic Program Year 2015-2016, the Academy took major steps in the prevention of sexual assault and sexual harassment. The Academy implemented numerous actions while modifying existing policies to meet the program's goals and objectives. Below are key actions that were implemented or modified to prevent sexual assault and sexual harassment.

### **Prevention Training**

- Increased freshmen class indoctrination training from one hour to three hours of scenario-based sexual assault prevention and response training.
- Procured the online training program, EverFi, which has both sexual assault and alcohol awareness modules, and can be used by faculty and staff as well as Midshipmen.
- Provided targeted training to all academic departments, the Regiment and most of the contracted staff, specifically briefing statistics from the 2014 DMDC SAGR survey, describing intervention strategies and reviewing reporting procedures.
- Conducted more than 80 training and awareness events.
- Conducted a "Sea Year" test survey to enable anonymous Midshipman feedback regarding the Sea Year experience; the survey may or may not be continued in the future.
- Conducted "Prevention of Sexist Behavior" training for all faculty and staff members.
- Signed an agreement with the Ship Operators Cooperative Program for two deliverables: 1) an interactive computer based training; and 2) development of a best practices guide for the maritime industry.

### **Victim Advocacy**

- Recruited and trained staff and faculty Victim Advocates to replace student advocates, to address concerns about peer reporting.
- Trained Emergency Medical Service personnel and Human Relations Officers in sexual assault prevention and response.
- Worked with MARAD to have a Civil Rights/Equal Employment Opportunity employee visit the Academy every other week while the Academy modifies the position description for its own diversity officer.
- Trained Safe Center Long Island (an off campus civilian resource provider) staff on Academy organizational structure and policies, enabling it to respond appropriately if contacted by an Academy Midshipman.
- Sent the Director of Public Safety to a "Trauma Informed Sexual Assault Investigation and Adjudication" week-long course so that he could learn how to work with traumatized sexual assault victims during an investigation.

### **System Accountability**

- Revised the Superintendent Instruction on sexual assault to include dating violence, domestic violence and stalking response procedures in accordance with Clery Act requirements.

- Closed out the Academic Year 2015-2016 Plan of Action and initiated the Academic Year 2016-2017 Plan of Action.
- Created an Assistant SARC position and advertised the job for fill.
- Hired a Navy Reserve Officer on active duty orders to augment the SAPR Office staff, particularly to assist with Midshipmen Sea Year preparation and their reintegration on return to campus.
- MARAD established a Shipboard Climate Compliance Team to evaluate maritime industry company policies and determine Sea Year Eligibility (cleared to have Midshipmen back aboard their vessels).
- Installed 14 new emergency call boxes; the call boxes were placed in all elevators, in the Eldridge Pool area and O'Hara Hall (gymnasium).
- Purchased and made preparations to install 77 surveillance cameras, one for each floor in the student dormitories.
- Facilitated audit of Department of Transportation Inspector General to evaluate the Academy's progress on completing its Plan of Action.
- DOT "stood down" the Midshipman Sea Year experience and it remain suspended on commercial vessels pending improvement in the living and working climate in the commercial shipping industry.
- Presented the SAPR Program to Middle States Commission on Higher Education accreditors and worked with MARAD leadership to address deficits for remediation.
- Held monthly teleconferences among senior staff at the Academy, MARAD and DOT to discuss the Academy's progress on the Sexual Assault and Sexual Harassment Prevention Action Plan.
- Continued monthly Sexual Assault Review Board comprised of senior Academy personnel with the goal of addressing systemic issues surrounding sexual assault prevention, and victim advocacy issues. The Board is chaired by the Superintendent or the Deputy Superintendent.
- Participated in quarterly Federal service academy teleconference with the intent to obtain and share valuable information in the campaign against sexual assault.

### Awareness

- Academy representatives attended MARAD "Call To Action," a government/maritime industry summit on hazing, bullying, coercion, sexual assault and sexual harassment aboard commercial vessels.
- Developed a comprehensive program for Sexual Assault Awareness Month, featuring guest speakers, seminars, and showing of the movie *The Invisible War* with panel discussion afterward.
- Allowed students to wear jeans in lieu of uniforms to the evening meal to promote "Denim Day," a world-wide awareness campaign that debunks myths about rape.
- Printed and posted fliers with phone numbers and sexual assault response information in all dormitories.

## **Appendix B: 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 at 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 forcibly or non-forcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specified 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 C: Sexual Harassment and Sexual Assault Prevention Action Plan

### Intimate Partner Violence, Sexual Harassment, and Sexual Assault Prevention Action Plan

#### Academic Year 2015-2016

Reports	Responsible	Status	Target	Complete	Amended
Submit Interim Report to Congress	Deputy Superintendent, SARC		12/16		
Final Report to Congress	SARC, Deputy Superintendent		4/17		
DMDC set up for 2016-2017 student and staff focus groups	Commandant, SARC		3/17	50%	
Clery Report and Annual Security report for DOE	Director of Public Safety (DPS), Commandant, SARC		10/16	100%	
Climate	Responsible	Status	Target	Complete	Amended
Brief trending best practices to target leaders at the Academy: <ul style="list-style-type: none"> <li>▪ SMC</li> <li>▪ DSMC Level</li> <li>▪ Academy Dept. Heads</li> </ul>	SARC, Chief Diversity Officer	Provide information and training through webinars	6/17	50%	
Conduct a 2016-2017 organizational climate assessment for faculty and staff and establish climate working groups to evaluate results.	Civil Rights	-Set to take place 1/17	6/17	50%	

Provide awareness of unwanted sexual attention and sexist behaviors.	Civil Rights	-Training for new staff and staff that were unable to attend the last training set for 11/14/16 11/15/16	6/17	100%	
Confer with other Federal service academies and universities to obtain and share best practices in prevention and response strategies.	Superintendent, Commandant, Dean, Professional Development and Career Services PDCS, SARC	Sharp Summit-West point- 9/16 Regular calls to the other Federal Service Academies, Part of the LI Title IX working group with other colleges and universities on Long Island	6/17	100%	
Domestic Violence Awareness Month Stalking Awareness Month Dating Violence Awareness Month	SARC, HROs, Student Activities Director, Patten Hall, Athletics, Commandant, Dean	SAPR boards updated in each company, ribbons distributed, Silent witness project, Escalation Video	10/16 1/17 2/17	33%	
Sexual Assault Awareness Month	SARC, Superintendent, HROs, Student Activities Director, Commandant, Dean, Deputy Superintendent, Patten Hall		4/17		

Hire Civil Rights Employee	Superintendent, Deputy Superintendent		6/17		
Set up discussion groups with Superintendent, Deputy Superintendent, Faculty, Regimental Staff and Midshipmen re: campus climate	HRC, Commandant, Dean, Deputy Superintendent	-Commandant weekly meetings with MN.  -Superintendent meets with small groups of students on a weekly or biweekly basis  -Dean is working on setting up meetings with faculty and staff	6/17	100%	
Appoint Human Relations Officers for a yearlong commitment	Commandant, SARC	April 2017	4/17		
Provide focused training to Company Officers	Commandant	Dates Include: 9/16-St. Johns 9/20-Stony Brook 9/21-Stony Brook 9/22-Stony Brook 9/23-Stony Brook	6/17	100%	
Provide focused training for staff and faculty	SARC, Dean, Civil Rights	EverFi-Launch for faculty and staff in January	6/17	50%	
Prevention	Responsible	Status	Target	Complete	Amended
Conduct Plebe Indoctrination Training Plan	Commandant, SARC		7/16	100%	

Partner with Leadership and Ethics efforts to bring issues of SA/SH to the forefront as leadership issue	Ethics Director, Commandants Dept., Dean	Developing plan for next year with Commandants Department.  Have attempted to work with ethics, no response.	6/20/16	50%	This will continue to be developed and integrated into 2016-2017 training
Each team will sign a code of conduct policy under athletics	Athletic Director, SARC		6/17		
Measure effectiveness of SAPR training; report out to SARB	SARC, DMDC	DMDC Focus Group Results	6/20/16	100%	
Conduct training at all levels to brief changes to SI on Sexual Assault.	SARC, Deputy Superintendent, Counsel	SI revision was completed 5/16.  -Briefing for all students in September and October, December, January  -Briefing for the Faculty forum -Briefing for the COM staff -	6/17	75%	
Provide two 6hr independent volunteer (different then mandated training) bystander intervention trainings for groups of 25 students.	SARC, Sexual Assault Response Board (SARB), Green Dot staff team	-12/19/16	6/17	50%	

Provide alcohol awareness education and partner with other service academies and universities to enhance alcohol awareness efforts.	Lead: Commandant Patten Hall	Training lead by Patten in small groups (by company by class) for 1, 2, 3 class. Plebes will receive Alcohol Edu in January	6/17	75%	
Address midshipmen fears that punishment for an offense will be worse than reporting an assault.	Commandant, Dean	-Updating and briefing M/D on new Midshipmen regulations  -Collateral misconduct clause	6/20/16	90%	Misconduct clause completed; need to continue training  (Addresses above)
Emphasize and reinforce a no tolerance policy for acts of retaliation for reporting incidences of Harassment and Assault	Commandant, DPS, Dean, Deputy Superintendent	Develop Standard Operating Procedure (SOP)	6/17		
Provide prevention education re: topics of Sexual assault, sexual harassment, dating violence and stalking to each class in small groups of 20-25 students. <ul style="list-style-type: none"> <li>▪ Plebe Candidates (indoc)</li> <li>▪ 3<sup>rd</sup> class</li> <li>▪ 2<sup>nd</sup> class</li> <li>▪ 1<sup>st</sup> class</li> </ul>	SARC, Civil Rights, Naval Science	SAPR training, Regimental leadership and development training, Naval Science training	6/17	50%	

Provide training (identification of incidents, intervention strategies, and reporting procedures) to faculty in small groups by academic department	SARC		6/17		
Response	Responsible	Status	Target	Complete	Amended
Engage returning Sea Year midshipman and reintegrate into Academy life and professional environment.	PDCS, Commandant, Dean, SARC	11/7-1 <sup>st</sup> sea year reintegration with Homefront foundation.  12/3-2 <sup>nd</sup> reintegration for those returning late.	11/16	33%	
Conduct sea year brief/training with emphasis on reporting avenues and bystander intervention.	PDCS, SARC	7/25/16-10/17/16  11/14/16-2/21/17	6/17	75%	
Engage with the industry to solicit ideas and make recommendations for additional training or policy changes.	Shipboard Climate Compliance Team (SCCT)	Sea Year suspension on Commerical vessels remains in effect	6/20/17	100%	

Select and train faculty and staff Victim Advocates (VA).	SARC	One VA has left the academy. Another person has been identified and is in training. All VAs are completing training this year through OVC.	6/20/17	75%	Carry Over
Identify and train Academy investigators of IPV.	SARB, DPS	- Head of DPS was trained the end of last -One position is still vacant	6/20/17	50%	
Identify ongoing training for SARC, VA's and EMS.	SARC, Patten		6/20/16	100%	
Train Campus Security Authorities (CSA) to achieve Clery compliance.	DPS, SARC	- CSAs Identified	6/17	50%	
<b>Accountability</b>	<b>Responsible</b>	<b>Status</b>	<b>Target</b>	<b>Completed</b>	<b>Amended</b>
Promote familiarity with investigatory process through training.	Lead: Commandant, SARC, DPS	DPS scheduled to attend training	6/20/17		

Assessment	Responsible	Status	Target	Completed	Amended
Assess employee and student confidence in reporting systems though new or existing surveys.	DMDC, Deputy Superintendent, SARC	USMMA SASH staff and faculty survey 1/17  DMDC SAGR Focus group Survey 3/17	6/17	25%	
Assess effectiveness of student recreation programs (attendance, feedback, etc.)	Commandant	148 activities ranging from 0(3) – 450.	6/17		
Middle States	Responsible	Status	Target	Completed	Amended
The Academy must establish a mandated training program for all employees that nurtures understanding, prevention, remediation, and eradication of current incidences of sexual assault and harassment, and stalking.	Academy	-Secured EverFi training for faculty and staff  -DOT/MARAD TMS training for SH and Discrimination Training			

<p>The Academy must make every effort to disseminate information on sexual assault and sexual harassment policies, prevention mechanisms, important term definitions, available campus resources via every available medium from Course Catalog through website to flyers and frequent face-to-face and online training.</p>		<ul style="list-style-type: none"> <li>-Updated the Intranet</li> <li>-Brochures</li> <li>-Posters around Campus</li> </ul>			
<p>To improve the safety and climate of respect that all midshipmen encounter during the Sea Year experience, the institution must take demonstrable steps in preparation for and upon return from the Sea Year experience.</p>					

The pervasiveness of sexual harassment on campus must be addressed as a pressing and substantial concern that has fostered a hostile environment for many cohorts of Midshipmen. The institution must implement specific steps to build a climate of mutual respect and trust among Midshipmen, faculty, and staff with respect to sexual assault and sexual harassment.					
Administrative	Responsible	Status	Target	Completed	Amended
Update SI 2013-02, Policy against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen	SAPR, Civil Rights, SARB		6/17	25%	
Complete and submit Annual Security and Fire Safety Report	Deputy Superintendent	Completed and posted October 2016	10/16	100%	
Update DOE Clery Database	DPS Deputy Superintendent	Completed October 13 <sup>th</sup> 2015	10/16	100%	
Develop 2017-2018 Plan of Action	SARB		6/20/17		
Close out 2016-2017 Plan of Action	SARB		7/01/17		

# Appendix D: 2014 Service Academy Gender Relations Survey

RCS: DD-P&R(AR) 2198  
Exp: 3/28/2018



## 2016 Service Academy Gender Relations Survey



*Department of Defense  
Research, Surveys, and  
Statistics Center (RSSC)*

**PRIVACY ADVISORY**

This survey is anonymous, does not collect or use personally identifiable information, and responses are not retrievable by personal identifier. In order to better protect your privacy, do not include information that may identify you when completing write-in responses. The purpose of this survey is to solicit information to identify and assess gender issues and discrimination, among cadets/midshipmen at the Service Academies and to evaluate the effectiveness of each Service Academy's sexual assault/harassment policies, training, and procedures. Your responses will be aggregated and will provide senior Department of Defense officials (for the Department of Homeland Security, or Department of Transportation officials, those survey results will be aggregated separately) a benchmark to track reported sexual assault/harassment trends over time. These aggregated results will also be reported to Congress. Completing this survey is voluntary. There will be no attempt to trace responses back to the respondent. There is no penalty for not responding or skipping questions; however, maximum participation is encouraged so that the data will be complete and representative.

**Statement of Risk:** The data collection procedures are not expected to involve any risk or discomfort to you. The only risk to you is accidental or unintentional disclosure of any identifying data you provide. However, DMDC has a number of policies and procedures to ensure that survey data are kept anonymous and protected, to the extent provided by law. If you have any questions about this survey, please contact [SA-Survey@mail.mil](mailto:SA-Survey@mail.mil).

**Authority to Survey:** The John Warner National Defense Authorization Act for Fiscal Year 2007, Section 532 requires annual assessments of gender-related issues at the Military Service Academies (10 USC 481). DoD Service Academies are surveyed per DoDI 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures. Preparatory Schools are covered under 32 CFR Part 217. U.S. Coast Guard Academy is surveyed per U.S. Code 14, Section 1. U.S. Merchant Marine Academy is surveyed per Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

**COMPLETION INSTRUCTIONS**

- Please take your time and select answers you believe are most appropriate.
- Please PRINT where applicable. Do not make any marks outside of the response and write-in boxes.
- If you need more room for comments, use the back page or ask a survey proctor for a blank piece of paper.
- Place an "X" in the appropriate box or boxes.

**RIGHT**

**WRONG**



- To change an answer, completely black out the wrong answer and put an "X" in the correct box as shown below.

**CORRECT ANSWER**

**INCORRECT ANSWER**



**BACKGROUND INFORMATION**

1. **Which Service Academy/Preparatory School do you attend?**
  - United States Military Academy
  - United States Military Academy Preparatory School
  - United States Naval Academy
  - United States Naval Academy Preparatory School
  - United States Air Force Academy
  - United States Air Force Academy Preparatory School
  - United States Coast Guard Academy
  - United States Merchant Marine Academy
2. **Are you...?**
  - Male
  - Female
3. **What is your Class year (the year you will graduate from the Academy)?**
  - 2016
  - 2017
  - 2018
  - 2019
  - 2020 (Preparatory School only)

**EDUCATION AND CULTURE**

4. In your opinion, how effective was the education you received since June 2015 in actually reducing/preventing behaviors that might be seen as... *Mark one answer for each item.*

	Does not apply; I have not had education on these topics					
	Not at all effective					
	Slightly effective					
	Moderately effective					
	Very effective					
a. Sexual harassment? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Sexual assault? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

5. At your Academy, to what extent do you think the persons below make honest and reasonable efforts to stop sexual harassment and sexual assault? For example, do these persons lead by example, stress the importance of sexual harassment and sexual assault prevention, and encourage reporting? *Mark one answer for each item.*

	No basis to judge					
	Not at all					
	Small extent					
	Moderate extent					
	Large extent					
	Very large extent					
a. Cadet/midshipman leaders.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cadets/midshipmen not in appointed leadership positions .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Commissioned officers directly in charge of your unit.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Non-commissioned officers or senior/chief petty officers directly in charge of your unit.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

	No basis to judge					
	Not at all					
	Small extent					
	Moderate extent					
	Large extent					
	Very large extent					
e. Academy senior leadership (for example, Superintendent, Commandant, Vice/Deputy Commandant, Dean).....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Military/uniformed academic faculty .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Civilian academic faculty .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Intercollegiate (NCAA/Division I) coaches and trainers.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. Intercollegiate (NCAA/Division I) officer representatives/advisors .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
j. Club team coaches and trainers.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
k. Club team officer representatives/advisors .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
l. Intramural coaches and trainers.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
m. Intramural officer representatives/advisors .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n. Physical education instructors .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### GENDER-RELATED EXPERIENCES

In this section, you will be asked about several things that someone from your Academy might have done to you that were upsetting or offensive, and that happened since June 2015.

When the questions say "someone from your Academy," please include any person you have contact with as part of your **Academy life**. "Someone from your Academy" could be an officer or non-commissioned officer, fellow cadet or midshipman, civilian employee, or contractor. These persons can be Academy leadership, faculty, athletic department, or support services.

These things may have occurred on-duty or off-duty, on-campus or off-campus. Please include them as long as the person who did them to you was someone from **your Academy**.

6. Since June 2015, did someone from your Academy repeatedly tell sexual "jokes" that made you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q7

6a. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

6b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended by these jokes if they had heard them? If you aren't sure, choose the best answer.

Yes

No

7. Since June 2015, did someone from your Academy embarrass, anger, or upset you by repeatedly suggesting that you do not act like a cadet/midshipman of your gender is supposed to? For example, by calling you a dyke or butch (if you are a woman), or by calling you a woman, a fag, or gay (if you are a man).

Yes

No ⇒ GO TO Q8

7a. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

7b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended if someone had said these things to them? If you aren't sure, choose the best answer.

Yes

No

8. Since June 2015, did someone from your Academy display, show, or send sexually explicit materials like pictures or videos that made you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q9

8a. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

8b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended by seeing these sexually explicit materials? If you aren't sure, choose the best answer.

Yes

No

9. Since June 2015, did someone from your Academy repeatedly tell you about their sexual activities or make sexual gestures/body movements (for example, thrusting their pelvis or grabbing their crotch) in a way that made you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q10

9a. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

9b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended by hearing about these sexual activities or by having someone make sexual gestures/body movements (for example, thrusting their pelvis or grabbing their crotch)? If you aren't sure, choose the best answer.

Yes

No

10. Since June 2015, did someone from your Academy repeatedly ask you questions about your sex life or sexual interests that made you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q11

10a. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

10b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended if they had been asked these questions? If you aren't sure, choose the best answer.

Yes

No

11. Since June 2015, did someone from your Academy make repeated sexual comments about your appearance or body that made you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q12

11a. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

11b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended if these remarks had been directed to them? If you aren't sure, choose the best answer.

Yes

No

12. Since June 2015, did someone from your Academy either take or share sexually suggestive pictures or videos of you when you did not want them to?

Yes

No ⇒ GO TO Q13

12a. Did this make you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q13

12b. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended if it happened to them? If you aren't sure, choose the best answer.

Yes

No

13. Since June 2015, did someone from your Academy make repeated attempts to establish an unwanted romantic or sexual relationship with you? These could range from repeatedly asking you out to asking you for sex or a "hookup."

Yes

No ⇒ GO TO Q14

13a. Did these attempts make you uncomfortable, angry, or upset?

Yes

No ⇒ GO TO Q14

13b. Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

13c. Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended by these unwanted attempts? If you aren't sure, choose the best answer.

Yes

No

14. **Since June 2015, did someone from your Academy repeatedly touch you in a way that made you uncomfortable, angry, or upset?**  
This could include almost any unnecessary physical contact including hugs, shoulder rubs, or touching your hair, but would not usually include handshakes or routine uniform adjustments.

Yes

No ⇒ GO TO Q15

14a. **Did they continue this unwanted behavior after they knew that you or someone else wanted them to stop?**

Yes

Not applicable, they did not know I or someone else wanted them to stop

No

14b. **Do you think that this was ever severe enough that most cadets/midshipmen at your Academy would have been offended by this unnecessary touching?** If you aren't sure, choose the best answer.

Yes

No

15. **Since June 2015, has someone from your Academy (permanent party, civilian faculty/staff, and/or cadets/midshipmen in leadership positions) made you feel as if you would get some benefit in exchange for doing something sexual?** For example, they might hint that they would give you a good evaluation/fitness report, a better cadet/midshipman assignment, or better academic grade in exchange for doing something sexual. Something sexual could include talking about sex, undressing, sharing sexual pictures, or having some type of sexual contact.

Yes

No ⇒ GO TO Q17

16. **What led you to believe that you would get a benefit if you agreed to do something sexual? Mark "Yes" or "No" for each item.**

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| a. They told you that they would give you a reward or benefit for doing something sexual .....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. They hinted that you would get a reward or benefit for doing something sexual. For example they reminded you about your evaluation/fitness report about the same time that they expressed sexual interest..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Yes No

c. Someone else told you they got benefits from this person by doing sexual things. ....

17. **Since June 2015, has someone from your Academy (permanent party, civilian faculty/staff, and/or cadets/midshipmen in leadership positions) made you feel like you would get punished or treated unfairly at your Academy if you did not do something sexual?** For example, they hinted that they would give you a bad evaluation/fitness report, a bad grade, or treat you badly if you were not willing to do something sexual. This could include being unwilling to talk about sex, undress, share sexual pictures, or have some type of sexual contact.

Yes

No ⇒ GO TO Q19

18. **What led you to believe that you would get punished or treated unfairly at your Academy if you did not do something sexual? Mark "Yes" or "No" for each item.**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| a. They told you that you would be punished or treated unfairly if you did not do something sexual. ....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. They hinted that you would be punished or treated unfairly if you did not do something sexual. For example, they reminded you about your evaluation/fitness report near the same time that they expressed sexual interest. .... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Someone else told you they were punished or treated unfairly by this person for not doing something sexual. ....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

19. **Since June 2015, did you hear someone from your Academy say that someone of your gender is not as good as someone of the opposite gender as a future officer, or that someone of your gender should be prevented from becoming a future officer?**

Yes

No ⇒ GO TO Q20

19a. **Do you think their beliefs about someone of your gender ever harmed or limited your cadet/midshipman career?** For example, did they hurt your evaluation/fitness report, affect your grades, or chances for leadership positions?

Yes

No

20. Since **June 2015**, do you think someone from your Academy (permanent party, civilian faculty/staff, and/or cadets/midshipmen in leadership positions) mistreated, ignored, excluded, or insulted you because of your gender?

- Yes
- No ⇒ GO TO Q21

20a. Do you think this treatment ever **harmed or limited** your cadet/midshipman career? For example, did they hurt your evaluation/fitness report, or affect your grades, or chances for leadership positions?

- Yes
- No

If you answered "No" to EVERY question from Q6 through Q20 then ⇒ GO TO Q28.

21. Of the behaviors that you selected as happening to you, would you consider them to be ...? **Mark "Yes" or "No" for each item.**

	Yes	No
a. A hostile work environment? For example, severe and pervasive unwelcome sexual advances, used language/behavior/jokes of a sexual nature, or offensive physical conduct .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Quid pro quo? For example, someone implied preferential treatment in exchange for your sexual cooperation.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Gender discrimination? For example, mistreated you because of your gender or exposed you to language/behaviors that conveyed offensive or condescending gender-based attitudes .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

22. Did the incidents you experienced **since June 2015** involve... **Mark one.**

- The same people in all incidents?
- The same people in some incidents, but not all?
- Different people in each incident?
- Identity was unknown?

**GENDER-RELATED SITUATION WITH THE GREATEST EFFECT**

The following questions ask about the unwanted situation that had the **greatest effect** on you. Before you continue, please choose the one unwanted situation since **June 2015** that you consider to be the worst or most serious.

23. Who was the person(s) in this situation who did this to you? **Mark one answer for each item.**

	Don't know		
	No		
	Yes		
a. A fellow Academy student who was in a higher class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. A fellow Academy student who was in the same class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. A fellow Academy student who was in a lower class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. A fellow Academy student who was higher in the cadet/midshipman chain of command? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. A member of an intramural or club sports team at your Academy?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. A member of a varsity sports team at your Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Academy military/uniformed faculty or staff? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Academy civilian faculty or staff? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. A DoD/DHS/DOT person not affiliated with the Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
j. A person not affiliated with DoD/DHS/DOT? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
k. Unknown person? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
l. <b>USMMA ONLY.</b> A person affiliated with the maritime industry? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

24. Did the person(s) do similar unwanted actions to others?

- Yes
- No
- Don't Know

25. Did you **discuss/report** this situation with/to any authority or organization?

- Yes
- No ⇒ GO TO QUESTION 27

If you responded 'Yes,' to whom did you discuss/report this situation? Please indicate position or title, not name (e.g., Cadet/midshipman commander, AOC/TAC/Company Officer, SARC, EO Officer, SHARP Officer).

26. What actions were taken in response to your discussing/reporting the incident? **Mark "Yes" or "No" for each item.**

	Yes	No
a. The situation was corrected .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Your situation was/is being investigated ....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. You were kept informed of what actions were being taken.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| d. You were encouraged to let it go or tough it out .....                                     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Your situation was discounted or not taken seriously .....                                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Disciplinary action was taken against you..  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Disciplinary action was taken against the offender .....                                   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Administrative action (e.g., non-judicial punishment) was taken against you .....          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Administrative action (e.g., non-judicial punishment) was taken against the offender ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. You were ridiculed or scorned.....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. Some other action was taken.....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| l. You don't know what happened .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**GO TO QUESTION 28**

**27. What were your reasons for not discussing/ reporting this situation? Mark "Yes" or "No" for each item.**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| a. You thought it was not important enough to report .....                                       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. You did not know how to report.....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. You felt uncomfortable making a report .....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. You took care of the problem yourself by <u>avoiding</u> the person who harassed you.....     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. You took care of the problem yourself by <u>confronting</u> the person who harassed you ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. You took care of the problem yourself by <u>forgetting</u> about it and moving on.....        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. You did not think anything would be done .....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. You thought reporting would take too much time and effort .....                               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. You thought you would be labeled a troublemaker .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. You thought your evaluations or chances for leadership positions would suffer .....           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. You did not want people talking or gossiping about you .....                                  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| l. You thought it would hurt your reputation and standing .....                                  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| m. You did not want to hurt the career of the person(s) who did it.....                          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| n. You did not want to bring undue attention or discredit on the Academy.....                    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**UNWANTED SEXUAL CONTACT**

**28. Please read the following special instructions before continuing the survey.**

Questions in this next section ask about unwanted sexual experiences of an abusive, humiliating, or sexual nature. These types of unwanted experiences may vary in severity. Some of them could be viewed as an assault. Others could be viewed as hazing or some other type of unwanted experience.

They can happen to both women and men.

Please include experiences even if you or others had been drinking alcohol, using drugs, or were intoxicated.

The following questions will ask you about situations that happened AFTER June 2015. You will have an opportunity to describe experiences that happened BEFORE June 2015 later in the survey.

**Since June 2015, have you experienced any of the following intentional sexual contacts that were against your will or which occurred when you did not or could not consent in which someone... Mark "Yes" or "No" for each item.**

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| a. <u>Sexually touched you</u> (for example, intentional touching of genitalia, buttocks, [breasts if you are a woman]), or made you sexually touch them? ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. <u>Attempted</u> to make you have sexual intercourse, but was not successful? .....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. <u>Made you</u> have sexual intercourse?.....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. <u>Attempted</u> to make you perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful? ...                        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. <u>Made you</u> perform or receive oral sex, anal sex, or penetration by a finger or object? ...   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**If you answered "No" to Q28a through 28e then => GO TO Q72.**

**29. Please give your best estimate of how many different times (on how many separate occasions) since June 2015, you had these unwanted experiences?**

Times

**30. Were all these events done by the same person? Mark one.**

- Does not apply, I had one event
- Yes
- No, more than one person
- Not sure

31. Was this unwanted experience (or any experiences like this if you had more than one) abusive or humiliating? *Mark one.*

- Yes
- No
- Not sure

32. Would you describe this unwanted experience as hazing (hazing refers to so-called initiations or rites of passage in which individuals are subjected to physical or psychological harm to achieve status or be included in an organization)? *Mark one.*

- Yes
- No

33. Would you describe this unwanted experience as bullying (bullying refers to acts of aggression intended to single out individuals from their fellow cadets/midshipmen or to exclude them from an organization)? *Mark one.*

- Yes
- No

34. Did the person(s) who did this to you ... *Mark "Yes" or "No" for each item.*

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| a. Use physical force or threats to make you comply (for example, physically injure you)? .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Threaten to harm you physically (or someone else)? .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Threaten or coerce you (or someone else) in some other way such as by using their position of authority, spreading lies about you, or getting you in trouble with authorities? ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

35. Did the person(s) do this when ... *Mark one answer for each item.*

- |   | Yes                                 | No                                  | Not sure                            |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| a. You were so drunk, high, or drugged that you could not understand what was happening or could not show them that you were unwilling..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. You were passed out, asleep, or unconscious .....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

	Yes	No	Not sure
c. You did not have time to react .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**GENDER-RELATED EXPERIENCES WITH GREATEST EFFECT**

The following questions ask about the unwanted situation that had the greatest effect on you since June 2015. Before you continue, please choose the one unwanted situation since June 2015 that you consider to be the worst or most serious.

36. Which of the following experiences happened during the situation you chose as the worst or most serious? *Mark "Yes" or "No" for each item.*

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| a. <u>Sexually touched you</u> (for example, intentional touching of genitalia, buttocks, [breasts if you are a woman]), or made you sexually touch them? ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. <u>Attempted</u> to make you have sexual intercourse, but was not successful? .....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. <u>Made you</u> have sexual intercourse? .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. <u>Attempted</u> to make you perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful? ...                        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. <u>Made you</u> perform or receive oral sex, anal sex, or penetration by a finger or object? ...   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Please continue to focus on this worst or most serious situation in the questions that follow.

37. How many people did this to you? *Mark one.*

- One person
- More than one person
- Not sure

38. Was/Were this person(s)... *Mark one.*

- A man?
- A woman?
- A mix of men and women?
- Not sure?

**39. At the time of the situation, was/were the person(s) who did this to you... Mark all that apply.**

- Someone you were currently dating?
- Someone you had previously dated?
- Someone you had a casual relationship with (for example, hooked up with)?
- Someone you knew from class or other activity?
- Someone you had just met?
- A stranger?

**40. At the time of the situation, was/were the person(s) who did this to you... Mark one answer for each item.**

	Don't know		
	No		
	Yes		
a. A fellow Academy student who was in a higher class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. A fellow Academy student who was in the same class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. A fellow Academy student who was in a lower class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. A fellow Academy student who was higher in the cadet/midshipman chain of command? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. A member of an intramural or club sports team at your Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. A member of a varsity sports team at your Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Academy military/uniformed faculty or staff? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Academy civilian faculty or staff? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. A DoD/DHS/DOT person not affiliated with the Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
j. A person not affiliated with DoD/DHS/DOT? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
k. Unknown person? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
l. <b>USMMA ONLY.</b> A person affiliated with the maritime industry? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**41. Did the unwanted situation occur... Mark one answer for each item. If you have not been to these locations since June 2015 please mark "Not applicable."**

	Not applicable		
	No		
	Yes		
a. On Academy grounds in dormitory/living area? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. On Academy grounds not in dormitory/living area? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Off Academy grounds at a social event (for example, a party)? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

	Not applicable		
	No		
	Yes		
d. Off Academy grounds at an Academy sponsored event (for example, a sports team trip, conference, club event, or training)? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Off Academy grounds at the home of a sponsor or alumnus? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Off Academy grounds at the home of a faculty or staff member? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Some other location off Academy grounds? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**42. When did the situation occur? Mark "Yes" or "No" for each item.**

	Yes	No
a. During normal duty hours .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. After duty hours not on a weekend or holiday .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. After duty hours on a weekend or holiday ..	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. On leave .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. During summer experience/training/sea duty .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. On exchange to another Academy .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. <b>USMMA ONLY.</b> During maritime duty .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**43. Would you describe this situation as... Mark "Yes" or "No" for each item.**

	Yes	No
a. <b>Hazing?</b> Hazing refers to so-called initiations or rites of passage in which individuals are subjected to physical or psychological harm to achieve status or be included in an organization. ....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. <b>Bullying?</b> Bullying refers to acts of aggression intended to single out individuals from their fellow cadets/midshipmen or to exclude them from an organization. ....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**44. Did the person(s) who did this... Mark "Yes" or "No" for each item.**

	Yes	No
a. Sexually harass you <u>before</u> this situation? ..	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Stalk you <u>before</u> this situation? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Sexually assault you (that is, sexually touched you, attempted sex, or completed sex) <u>before</u> this situation? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Sexually harass you <u>after</u> this situation? ....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Stalk you <u>after</u> this situation? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Sexually assault you (that is, sexually touched you, attempted sex, or completed sex) <u>after</u> this situation? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**45. At the time of this unwanted situation had you been drinking alcohol?**

- Yes
- No
- Not sure

**46. Just prior to this unwanted situation... Mark one answer for each item.**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| a. Did the person(s) who did this to you buy or give you alcohol to drink? .....               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Do you think that you might have been given a drug without your knowledge or consent? ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**If you responded 'Yes,' to 'Do you think that you might have been given a drug without your knowledge or consent?' please indicate why you believed this happened. Do not include any information that would identify yourself or others.**

**47. At the time of this unwanted situation, had the person(s) who did it been drinking alcohol?**

- Yes
- No
- Do not know

**48. At the time of this unwanted situation... Mark "Yes" or "No" for each item.**

- |   | Yes                                 | No                                  |
|---|-------------------------------------|-------------------------------------|
| a. Was there anyone else present who stepped in to help you? .....                          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Was there someone else present who could have stepped in to help you, but did not? ..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**49. After this unwanted situation... Mark "Yes" or "No" for each item.**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| a. Did you consider requesting a transfer to another company/squadron? .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Did you think about leaving your Academy? .....   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Did your academic performance suffer? ....  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Did you take time off (for example, sick in quarters, leave of absence) because of the situation?.....            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Did the situation damage your personal relationships, for example with a person you were dating or a friend?..... | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

DoD provides two ways in which to report a sexual assault:

- A Restricted report of sexual assault allows the sexual assault victim to make a confidential report, to certain individuals, and to receive medical treatment and counseling without starting an official investigation of the assault and without notifying the command of that the victim was sexually assaulted.
- An Unrestricted report allows the sexual assault victim to receive the same level of support services as a victim who elects the restricted reporting option, but unlike a restricted report, command is notified of the sexual assault of the victim, and an official investigation is undertaken for purposes of holding the alleged offender accountable.

**50. Did you officially report that you were a victim of a sexual assault?** This could have been either a restricted or unrestricted report.

- Yes
- No ⇒ GO TO 54

**51. Did you initially make a... Mark one.**

- Restricted report? ⇒ GO TO Q52
- Unrestricted report? ⇒ GO TO Q53
- Unsure what type of report I initially made? ⇒ GO TO Q53

**52. Did your restricted report remain restricted?**

- Yes.
- No, I converted it to restricted
- No, an independent investigation occurred (for example, someone you talked to about it notified your chain of command and they initiated an investigation).

**53. What were your reasons for reporting the situation? Mark all that apply.**

- Someone else made you report it or reported it themselves
- To stop the person(s) from hurting you again
- To stop the person(s) from hurting others
- It was your civic/military duty to report it
- To punish the person(s) who did it
- To discourage other potential offenders
- To get medical assistance
- To get mental health assistance
- To stop rumors
- Someone you told encouraged you to report
- Raise awareness that it occurs at the Academy
- Other

If you responded "Other," please specify. Do not include any information that would identify yourself or others.

If you officially reported your sexual assault (Q50), then continue to Q55. Otherwise => GO TO Q54

54. What were your reasons for not reporting the situation to a military authority? Mark all that apply.

- You thought it was not serious enough to report
- You took care of the problem yourself by avoiding the person who assaulted you
- You took care of the problem yourself by confronting the person who assaulted you
- You took care of the problem yourself by forgetting about it and moving on
- You did not want more people to know
- You felt uncomfortable making a report
- You thought reporting would take too much time and effort
- You did not want people talking or gossiping about you
- You felt shame/embarrassment
- Other

If you responded "Other," please specify all other reasons. Do not include any information that would identify yourself or others.

55. In retrospect, would you make the same decision about reporting if you could do it over?

- Yes
- No

If you officially reported your sexual assault (Q50), then continue to Q56. Otherwise => GO TO Q72

### OUTCOMES ASSOCIATED WITH REPORTING

Please read the following special instructions before continuing the survey.

Questions in this next section ask about unwanted experiences associated with reporting sexual assault. DoD policies specifically prohibit retaliation. Retaliation, as defined by the Department, includes two distinct types of actions:

- 1) ostracism and such acts of maltreatment, as designated by the Secretary of the Military Department, committed by peers of a member of the Armed Forces or by concerned other persons because the member reported a criminal offense.
- 2) taking or threatening to take an adverse personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a member of the Armed Forces because the member reported a criminal offense.

The following questions will ask you about situations that happened AFTER June 2015.

56. Ostracism as a form of retaliation described in the first type of retaliation above can include any of the following actions:

- Made insulting or disrespectful remarks or made jokes at your expense—In public because you reported a criminal offense, or intended to report a criminal offense.
- Excluded you or threatened to exclude you from social activities or interactions because you reported a criminal offense, or intended to report a criminal offense.
- Ignored you or failed to speak to you (for example, gave you "the silent treatment") because you reported a criminal offense, or intended to report a criminal offense.
- Some other negative action because you reported a criminal offense, or intended to report a criminal offense.

As a result of you reporting the sexual assault, have any of your cadet/midshipman peers (including those in your cadet/midshipman chain of command) or your leadership done any of the actions in the list above?

- Yes
- No => GO TO Q59

If you experienced any negative actions as a result of reporting that were not in the list above, please specify. Do not include any information that would identify yourself or others.

57. Did any of the individual(s) who took these actions know or suspect you made an official (unrestricted or restricted) sexual assault report?

- Yes
- No
- Not sure

58. Why do you think the individual(s) took the actions you marked as happening to you? *Mark all that apply.*

- Not sure
- They were trying to discourage you from moving forward with your report or discourage others from reporting
- They were trying to make you feel excluded
- They did not believe you

59. Maltreatment as a form of retaliation described above can include any of the following actions:

- Made insulting or disrespectful remarks or made jokes at your expense—To you in private
- Showed or threatened to show private images, photos, or videos of you to others
- Bullied you or made intimidating remarks about the assault
- Was physically violent with you or threatened to be physically violent
- Damaged or threatened to damage your property
- Some other negative action

As a result of you reporting the sexual assault, have any of your cadet/midshipman peers (including those in your cadet/midshipman chain of command) or your leadership done any of the actions in the list above?

- Yes
- No ⇒ GO TO Q62

If you experienced any negative actions as a result of reporting that were not in the list above, please specify. *Do not include any information that would identify yourself or others.*

60. Did any of the individual(s) who took these actions know or suspect you made an official (unrestricted or restricted) sexual assault report?

- Yes
- No
- Not sure

61. Why do you think the individual(s) took the actions you marked as happening to you? *Mark all that apply.*

- Not sure
- They were trying to discourage you from moving forward with your report or discourage others from reporting
- They were trying to abuse or humiliate you
- They did not believe you

If you answered “No” to items Q56 and Q59, then ⇒ GO TO Q65. Otherwise, continue to Q62.

62. In response to your answers to questions 56 through 61, please indicate whom you believe took the actions. *Mark all that apply.*

	Don't know		
	No		
	Yes		
a. A fellow Academy student who was in a higher class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. A fellow Academy student who was in the same class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. A fellow Academy student who was in a lower class year? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. A fellow Academy student who was higher in the cadet/midshipman chain of command? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. A member of an intramural or club sports team at your Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. A member of a varsity sports team at your Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Academy military/uniformed faculty or staff? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Academy civilian faculty or staff? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. A DoD/DHS/DOT person not affiliated with the Academy? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
j. A person not affiliated with DoD/DHS/DOT? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
k. Unknown person? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
l. <b>USMMA ONLY.</b> A person affiliated with the maritime industry? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

63. As a result of the actions taken against you, did any of the following occur? *Mark all that apply.*

- You decided not to participate in, or move forward with, your report
- You were fearful for your physical safety
- You considered leaving the Academy
- You suffered emotional distress or mental harm
- You felt isolated from your company/squadron
- Your private/personal relationships suffered
- None of the above

64. Did any of the actions you marked involve social media (for example, Facebook, Twitter, Yik Yak)?

Yes

No

65. The second type of retaliation described above may include any of the following personnel actions done by a person in a position to take such actions:

- Denied you or removed you from a leadership position
- Denied you a training opportunity that could have led to a leadership position
- Rated you lower than you deserved on a performance evaluation
- Denied you an award or other form of recognition you were previously eligible to receive
- Assigned you new duties without doing the same to others
- Assigned you to duties that do not match your current class year or position within the company/squadron
- Made you perform additional duties that do not match your current class year or position within the company/squadron
- Transferred you to a different company/squadron without your request or agreement
- Ordered you to one or more mental health evaluations
- Disciplined you or ordered other corrective action
- Some other action that negatively affects, or could negatively affect, your position or career

As a result of you reporting the sexual assault, has your leadership (for example, cadet/midshipman leadership, faculty member, coach, TAC Officer, AOC, Company Officer, Regimental Officer) either done or threatened to do any actions such as those in the list above?

Yes

No ⇒ GO TO Q69

If you experienced any negative actions as a result of reporting that were not in the list above, please specify. Do not include any information that would identify yourself or others.

66. Which type of leadership took the actions you marked as happening to you? *Mark all that apply.*

Cadet/midshipman leadership

Academy permanent party leadership (for example, faculty member, coach, TAC Officer, AOC, Company Officer, Regimental Officer)

67. Do you have reason to believe that any of the leadership actions you experienced were only based on your report of sexual assault (that is, not based on your conduct or performance)?

Yes

No

Not sure

68. Why do you think your leadership took the actions you marked as happening to you? *Mark all that apply.*

Not sure

They were trying to get back at you for making a report (unrestricted or restricted)

They were trying to discourage you from moving forward with your report

They were mad at you for causing a problem for them

If you answered “No” to items Q56, Q59, and Q65, then ⇒ GO TO Q72. Otherwise, continue to Q69.

69. Thinking about all of the negative reactions you experienced from Academy peers and/or leadership, did you... *Mark all that apply.*

Discuss these behaviors with your friends, family or fellow cadets/midshipmen?

Discuss these behaviors with a professional (for example, chaplain, counselor, Sexual Assault Response Coordinator [SARC], Special Victims' Counsel [SVC]/Victims' Legal Counsel [VLC])?

Discuss these behaviors with anyone up your chain of command (for example, TAC officer/NCO, AOC/AMT, Company Officer/SEL, Regimental Officer)?

File a complaint (for example, with the Inspector General, Military Equal Opportunity Office, Commandant/Commandant Office)?

None of the above actions

If you did not discuss the behaviors with someone in your chain of command or file a complaint (Q69) then ⇒ GO TO Q71

**70. What actions were taken in response to your discussion with someone in your chain of command OR as a result of this complaint?**

**Mark all that apply.**

- You got help dealing with the situation
- Your leadership took steps to address the situation
- The behavior(s) stopped on their own
- The situation continued or got worse for you
- You were told/encouraged to drop the issue
- You are not aware of any action taken by the person that you told

**If you did file a complaint about the behaviors you experienced based on your report (Q69), then ⇒ GO TO Q72**

**71. You indicated you chose not to file a complaint. Why did you choose not to report the behaviors? Mark all that apply.**

- The person(s) stopped their behavior
- You did not want more people to know and/or judge you
- You did not know how to report it
- Someone told you not to report it
- You did not think anything would be done or anyone would believe you
- You did not trust that the process would be fair
- You were worried that reporting would cause more harm to you than good
- Some other reason

**BYSTANDER INTERVENTION**

**72. Since June 2015 did you observe a situation where you believed sexual assault was occurring or about to occur?**

- Yes
- No ⇒ GO TO QUESTION 74

**73. Which one of the following actions best describes your response to the situation? Mark one.**

- I stepped in and separated the people involved in the situation
- I asked the person who seemed to be at risk if they needed help
- I confronted the person who appeared to be causing the situation
- I created a distraction to cause one or more of the people to disengage from the situation
- I asked others to step in as a group and diffuse the situation

- I told someone in a position of authority about the situation
- I considered intervening in the situation, but I could not safely take any action
- I decided to not take action

**74. To what extent are you willing to... Mark one answer for each item.**

	Very large extent	Large extent	Moderate extent	Small extent	Not at all
a. Point out to someone that you think they "crossed the line" with gender-related comments or jokes? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Seek help from the chain of command in stopping other students who continue to engage in <u>sexual harassment</u> after having been previously spoken to? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**75. If you were to experience sexual assault in the future, would you be likely to... Mark one answer for each item.**

	Yes	No	Don't know
a. Trust the Academy to protect your privacy following the reported incident?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Trust the Academy to ensure your safety following the reported incident? .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Trust the Academy to treat you with dignity and respect following the reported incident? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**ACADEMY CULTURE**

**76. At your Academy, to what extent do you think... Mark one answer for each item.**

	Very large extent	Large extent	Moderate extent	Small extent	Not at all
a. High-profile cases of sexual assault deter other victims from reporting sexual assault? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Potential scrutiny by the media makes victims less likely to come forward to report sexual assault? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Potential negative reaction from Academy peers makes victims less likely to report sexual assault? ..	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. People "cry rape" to avoid punishment or after making a regrettable decision? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. "Victim blaming" occurs (i.e., holding a victim partly or entirely responsible for a sexual assault)?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. A victim's reputation affects whether Academy peers believe he or she was assaulted? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. The other cadets/midshipmen watch out for each other to prevent sexual assault? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Your cadet/midshipmen leaders enforce rules (such as rules against fraternization and drinking in the dormitory)?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. Your <u>commissioned officers</u> (AOCs, TACs, Company Officers) set good examples in their own behavior and talk? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
j. Your <u>non-commissioned officers</u> (AMTs, TAC NCOs, SELs) set good examples in their own behavior and talk? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**PRIOR EXPERIENCES**

The questions so far have been about things that occurred in the past Academic Program Year (since June 2015). For the next question, please think about situations that happened more than one year ago, BEFORE June 2015. These are all experiences that you did not tell us about earlier in the survey.

These questions assess experiences of an abusive, humiliating, or sexual nature, and that occurred even though you did not want them and did not consent.

Please include an experience regardless of who did it to you or where it happened.

"Did not consent" means that you told or showed them that you were unwilling, that they used physical force or threats to make you do it, or that they did it to you when you were unconscious, asleep, or so high or drunk that you could not understand what was happening.

**77. Before June 2015, had anyone... Mark all that apply.**

	Yes, <u>before</u> entering the Academy	Yes, <u>since</u> entering the Academy	No, have not experienced
a. <u>Sexually touched you</u> (for example, intentional touching of genitalia, buttocks, [breasts if you are a woman]), or made you sexually touch them? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. <u>Attempted</u> to make you have sexual intercourse, but was not successful? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. <u>Made you</u> have sexual intercourse? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. <u>Attempted</u> to make you perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. <u>Made you</u> perform or receive oral sex, anal sex, or penetration by a finger or object? .....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

- 77. If you have comments or concerns that you were not able to express in answering this survey, please enter them in the space provided. Any comments you make on this questionnaire will be kept confidential, and no follow-up action will be taken in response to any specifics reported. Your feedback is useful and appreciated.** Please do not include any identifying information (for example, names, addresses, company/squadron number, etc.)

Please print.

## **Attachment 1**

**Superintendent's Instruction 2012-08, Policy on Sexual Assault  
Prevention and Response, dated 30 July 2012**

## Superintendent Instruction 2016--02

### United States Merchant Marine Academy Kings Point, New York

20 May 2016

#### SUPERINTENDENT INSTRUCTION 2016-02

**Subj: SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE,  
STALKING, PREVENTION EDUCATION, AND RESPONSE POLICY**

**References:** (a) 20 U.S.C §1681, *et seq.*, *Title IX of the Education Amendments of 1972 (as amended)*  
(b) 20 U.S.C. §1092 (f), *The Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act*  
(c) 20 U.S.C. §1232g, *The Family Educational Rights and Privacy Act (FERPA)*  
(c) 42 U.S.C. §2000e, *et seq.*, *Title VII of the Civil Rights Act of 1964 (as amended)*  
(d) MAO 770-713-3, *Prevention and Elimination of Harassment in the Workplace*  
(e) and other federal, departmental, agency, or Academy policies governing sexual assault.

1. **Purpose:** To establish policy, assign responsibilities, and set procedures outlining the United States Merchant Marine Academy (Academy) policy on sexual assault, dating violence, domestic violence, stalking, prevention education, and response that involves Midshipmen and/or Academy personnel.
2. **Applicability:** This policy applies to all Academy personnel, including Midshipmen, faculty, staff, and personnel of tenant agencies, whether federal employees, military personnel or contract employees.
3. **Supersedes:** Superintendent's Instruction 2012-08, "Policy on Sexual Assault Prevention and Response."
4. **Policy:**
  - a) The Academy is deeply committed to fostering a safe campus where Midshipmen can thrive in an environment free of sexual assault, dating and domestic violence, and stalking. The Academy supports and nurtures a campus climate that allows Midshipmen, faculty, and staff to perform at their highest abilities while still being assured of their essential safety and well-being. Every member of the Academy community is responsible for fostering mutual respect and refraining from conduct that violates this policy. Sexual assault, dating violence, domestic violence, stalking and any other form of violence are unacceptable and will not be tolerated.
  - b) The Academy will use training, education, and awareness to minimize sexual assault, dating and domestic violence, and stalking, to promote the sensitive and professional

handling of victims of sexual assault, to offer victim assistance and counseling, to hold those who commit sexual assault offenses accountable, to provide confidential avenues for reporting, and to reinforce a commitment to Academy values.

- c) This policy applies –
  - i) Both on and off Academy grounds and during duty and non-duty hours.
  - ii) To working, living, and recreational environments (including both at the Academy, off the Academy grounds, and at sea).
- d) The Academy will treat all victims of sexual assault, dating and domestic violence, and stalking with dignity, fairness, and respect. A victim's rights include the following:
  - i) The right to be treated with fairness and respect for his or her dignity and privacy, and to be free from any suggestion that he or she is at fault when these crimes and violations are committed, or that he or she should have acted in a different manner to avoid such crimes;
  - ii) The right to receive immediate and effective medical and/or psychological care and attention, including long-term follow-up treatment, if eligible;
  - iii) The right to be reasonably protected from the accused offender, and to be free from retaliation by the Academy, the accused, and/or their friends, family and acquaintances; and,
  - iv) The right, if desired, to confidential or restricted reporting of the sexual assault incident.
- e) The Academy will approach every reported incident of sexual assault, dating and domestic violence, and stalking seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

5. **Definitions:**

- a) **Sexual assault** is a crime of violence defined as intentional touching of a sexual nature against the will (by use of force, physical threat, or abuse of authority) or without the consent of the victim. The victim of sexual assault can be male or female and the perpetrator of the sexual assault can be of the same or opposite sex. Sexual assault includes, but is not limited to, the following:
  - i) Unwanted kissing, groping, fondling, or other more aggressive physical acts, such as rape, nonconsensual sodomy (oral or anal sex), or attempts to commit these acts;

- ii) Sexual contact with someone whom you reasonably should have known was impaired and, thus unable to consent, due to the use of alcohol or drugs (including prescription medications);
  - iii) Sexual contact with someone who is “passed out,” sleeping, or otherwise incapacitated;
  - iv) Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation; and
  - v) Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.
- b) **Dating violence**, also known as relationship violence, is defined as controlling, abusive, behavior in a romantic and/or dating relationship. It can happen in straight or Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) relationships. It can include verbal, emotional, physical, or sexual abuse, or any combination thereof.
  - c) **Domestic violence** is defined as controlling, abusive behavior which involves violence and/or other abuse by one person against another in a domestic setting, such as in marriage or cohabitation. Domestic violence can take place in heterosexual or same-sex relationships, and sometimes also involves violence against the children in the family. Domestic violence can take a number of forms including physical, verbal, emotional, economic and sexual abuse, or any combination thereof.
  - d) **Stalking** is a form of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking can occur in a dating relationship, friendship, or past relationship, or can be perpetrated by a stranger.
  - e) **Consent** is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent may not be inferred from silence, passivity or lack of resistance alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence of a current or previous dating or sexual relationship is not sufficient to constitute consent to additional sexual activity. Assent shall not constitute consent if it is given by a person who is unable to lawfully give his or her consent because of youth, disability, intoxication or other condition, or coercion or intimidation.

6. **Procedures:**

- a) Victims of sexual assault, dating or domestic violence, or stalking are strongly encouraged to report such assaults as soon as possible, whether the assault took place on or off campus. A victim has the option to make either a restricted or unrestricted report.
- b) Types of Reporting:

- i) **Restricted Reporting:** Restricted reporting allows Midshipmen who are victims of sexual assault, dating violence, domestic violence or stalking, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling at a location of the victim's choice (on or off-campus), without triggering the official investigative process. Midshipmen who are assaulted and desire restricted reporting under this policy should report the assault to the Academy's Sexual Assault Response Coordinator (SARC), or to a Victim Advocate (VA) or an Academy Health Care Provider (HCP), each of whom must immediately forward the report to the SARC. VAs or Academy HCPs who fail to report assaults to the SARC will be held accountable for such failure. Midshipmen may also confidentially report the assault to the Academy's Chaplain. This policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain and does not alter those protections. Restricted reports cannot be made to anyone other than those identified in this paragraph. Midshipmen who initially elect to make a restricted report can, at any time after their initial restricted report, decide to pursue unrestricted reporting, which will result in the initiation of criminal and administrative investigatory proceedings. Sexual Assault Forensic Exam evidence kits collected from victims on restricted reports can only be kept for the duration of their stay at the Academy.
  - ii) **Unrestricted Reporting:** Unrestricted reporting allows Midshipmen who are victims of sexual assault, dating violence, domestic violence or stalking access to advocacy support, medical treatment, and counseling. In addition, an unrestricted report will result in the initiation of criminal and administrative investigations of their allegations. An unrestricted report can be made to the SARC, a VA, an Academy HCP, a Midshipman Human Relations Officer, Department of Public Safety, law enforcement, through the chain of command (including Company Officers and other Commandant's uniformed staff members), or to any trusted advisor, faculty, or staff member. A report of sexual assault made to anyone other than the SARC must immediately be forwarded to the SARC, who will have primary responsibility for handling the report, including notifying the appropriate law enforcement personnel and the Academy staff responsible for the administrative investigation. Details regarding the incident will be limited to only those personnel who have legitimate need to know. Use of the unrestricted reporting option is encouraged as it provides for immediate formal criminal and administrative investigations. It is the only option that can lead to holding offenders accountable) and preventing them from re-offending.
- c) Any Midshipman or other personnel who has been sexually assaulted or believes they may have been sexually assaulted should:
- iii) Get away from the attacker immediately to a safe place.

- iv) Report the assault in one of the two ways described above in Paragraph 6(b).
  - v) Preserve all evidence. Do not wash, comb, or clean any part of your body, and do not change clothes if possible.
  - vi) Protect the crime scene: close and lock the door where the crime occurred.
  - vii) Seek medical care as soon as possible. Even if there are no visible physical injuries, there may be risk of becoming pregnant or acquiring sexually transmitted diseases.
  - viii) Agree to a sexual assault forensic examination to preserve evidence.
- d) **Requirement to Report:** Allegations of sexual assault, dating violence, domestic violence, and stalking received by any Academy Midshipman Officer, faculty member, staff member, contract employee, or other employee must be reported immediately to the SARC or to the VA on duty, who will take appropriate action pursuant to this policy. Individuals who fail to report such allegations will be held accountable.
- e) **Academy Response in Cases of Imminent Danger:** The Academy will ensure that a sexual assault victim's election between an unrestricted and restricted report is honored to the maximum extent possible. However, disclosure of confidential communications is authorized when there is imminent threat to the health or safety of the victim or another person.
- f) **Disciplinary Action for the Accused in Unrestricted Reports of Sexual Assault:** In addition to any criminal proceedings that may be instituted by Federal or local law enforcement authorities, the Academy may pursue an administrative investigation and disciplinary proceedings against an accused Midshipman pursuant to the Midshipman Regulations and/or Procedures for Superintendent's Disciplinary Hearing in the Case of Sexual Assault/Harassment. Other Academy personnel accused of sexual assault may be subject to investigation and discipline pursuant to the Maritime Administrative Order (MAO) 770-751, *Disciplinary and Adverse Actions*.

Throughout the disciplinary proceedings, the accused and the victim will have the following rights:

- i) The right to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the Academy's administrative procedures;
- ii) The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence;

- iii) The right to an investigation and disciplinary process conducted in a manner that recognizes the legal and policy requirements of due process and is not conducted by individuals with a conflict of interest;
  - iv) The right to have a disciplinary process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more 10 days except when law enforcement specifically requests and justifies a longer delay;
  - v) The right to exclude prior sexual history or past mental health history from admittance in Phase I (determination stage) of the disciplinary process. Past sexual violence findings may be admissible in Phase II (sanction stage) of the disciplinary process;
  - vi) The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions;
  - vii) The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s), if any; and
  - viii) The right to know the sanction(s), if any, imposed on the accused based upon the outcome of the disciplinary proceeding and the reason for the actual sanction, if any, imposed.
- g) **Prohibition Against Retaliation:** Loyalty to the Academy and its core values must supersede misplaced “loyalty” to someone who has violated the law and betrayed those values. Thus, no individual shall be retaliated against in any way by a member of the Academy community for participation in this complaint procedure. Every effort will be made to protect members of the Academy community so that they may use or participate in this complaint procedure without fear of reprisal or retaliatory action. Threats or other forms of intimidation and retaliation against the victim, witnesses, or any other individual implementing or using the complaint procedure are violations of this policy and, thus, may be grounds for disciplinary action. Individuals who believe they have been retaliated against in violation of this policy should immediately notify the SARC. Supervisors, Midshipman or commissioned officers, and other personnel in the chain of command will be held accountable for ensuring that such behavior does not occur.
- h) **Addressing Collateral Misconduct in Sexual Assault Cases:** Ensuring the safety of Midshipmen who report violations of this policy is the Academy’s primary concern. In order to facilitate reporting, the Academy will, with limited exceptions, provide amnesty for certain disciplinary infractions to a Midshipman who reports an incident, whether directed towards that Midshipman or another Midshipman that are in violation of this policy.

Disciplinary infractions covered by amnesty include the following:

1. Alcohol related offenses, including underage drinking;
2. Violations associated with liberty, leave, or accountability;
3. Professional relationships, fraternization, & visitation between Midshipmen in Midshipmen rooms;

4. Sexual misconduct;
5. Visiting homes of Academy staff without authorization; and
6. Violations of any item associated with Class Rates and Privileges.

**Exceptions:** Amnesty will be considered on a case by case basis for the following:

1. Minor disciplinary infractions that place or placed the health or safety of any other person at risk,
2. Infractions for which a Midshipman has previously been found to have committed the same disciplinary infraction; or
3. Infractions that constitute honor offenses.

If amnesty is provided, no conduct proceedings or conduct record will result for such disciplinary infractions. Amnesty for these disciplinary infractions also may be offered to Midshipmen who intervene to help others before a violation of this Policy occurs and to Midshipmen who receive assistance or intervention. Abuse of amnesty requests may result in a decision by the Commandant not to extend amnesty to the same Midshipman repeatedly.

The Deputy Commandant of Midshipmen shall maintain records regarding the provisions of amnesty for at least five (5) years.

7. **Education and training:** Prevention and response training is the most critical component to the success of the program. The goals of the program are to raise awareness and to train critical stakeholders in their part to end crimes of sexual assault, dating and domestic violence, and stalking. The following training requirements will serve as the minimum standard:
  - a) **Plebe Candidates** will receive prevention education training within the first two weeks of reporting to the Academy. The training will address issues of sexual assault, sexual harassment, dating and domestic violence, stalking, and bystander intervention.
  - b) **All Midshipmen** will receive annual awareness training on the topics of sexual assault, dating and domestic violence, and stalking (in addition to any other required training, such as Plebe Candidate training, or pre-Sea Year or Post-Sea Year training). Training topics will vary by class with the intent of actively raising awareness levels.
  - c) **Sea Year Midshipmen** will receive pre-sea year training to prepare them for the challenges of sea year, briefed on the need to become familiar with shipping company sexual harassment and sexual assault (SH/SA) policies, and receive post-sea year training to prepare them for reintegration to the Academy upon their return from sea.

- d) **Midshipmen Officers** will receive leadership and bystander intervention training in an effort to prepare them to prevent and respond effectively to incidents of sexual assault. This training will be provided for each rotation.
- e) **All Faculty, Administrators, and Staff** will receive annual training to raise awareness, advise on available resources to victims and explain how to respond effectively to incidents of sexual assault.
- f) **First Responders** such as chaplains, clinic personnel, Department of Public Safety and emergency medical technicians (EMT's) will receive annual training.
- g) **Victim Advocates** will receive ongoing training on victim support topics to prepare them for their critical roles.
- h) The **SARC** will receive an annual minimum of 20 hours of continuing education in sexual assault prevention and response topics.

8. **Responsibilities:**

f) The **Superintendent** shall:

- i) Coordinate with the SARC to ensure that all faculty, administrators, and staff receive annual comprehensive training on sexual assault, dating and domestic violence, and stalking prevention and response and are familiar with the provisions of this Policy.
- ii) In accordance with MARAD policies, oversee the appropriate administrative investigatory and disciplinary response for all faculty, administrator, and staff allegations of sexual assault, dating and domestic violence and stalking.
- iii) Ensure that victims of sexual assault, dating and domestic violence, and stalking receive sensitive care and support and are not subjected to retaliation as a result of reporting the incident.
- iv) Notify the SARC immediately of sexual assault, dating and domestic violence and stalking incidents involving faculty, administrators, and staff whether as victims or perpetrators.

g) The **Commandant of Midshipmen** shall:

- i) Ensure that victims of sexual assault, dating and domestic violence, and stalking receive sensitive care and support and are not subjected to retaliation as a result of reporting the incident.
- ii) Coordinate with the SARC to insure that all Midshipmen receive comprehensive training on sexual assault, dating and domestic violence, and

stalking prevention and response, in small groups of approximately 30 Midshipmen or fewer, annually.

- iii) Schedule prevention education training for Plebe Candidates in small groups of approximately 30 students or fewer within the first two weeks of indoctrination training.
  - iv) Ensure that all members of the Commandant's staff are familiar with the provisions of this policy.
  - v) Distribute a wallet-sized card containing emergency contact information; cards can be obtained from the SARC.
  - vi) Notify the SARC immediately of sexual assault, dating and domestic violence, and stalking incidents involving Midshipmen whether as victims or accused.
  - vii) Inform victims of available victim advocacy services.
  - viii) In consultation with the SARC, appoint a minimum of at least one Midshipman (1/C) as a Regimental Sexual Assault Victim Advocate (RSAVA), one Midshipman (1/C) as a Regimental Human Relations Officer (RHRO), and a minimum of one Midshipman (1/C) per company as a Human Relations Officer (HRO). Ensure that selection of these Midshipmen takes into account leadership abilities, maturity level and the ability to provide support in highly charged situations.
  - ix) Ensure sexual assault, dating and domestic violence, and stalking prevention information (posters, policy, victim advocate posters) are posted on all Company bulletin boards and in other locations deemed appropriate by the Commandant, such as in individual barracks rooms, barracks heads, etc.
  - x) Require Midshipmen to attend annual training and any other required training and awareness events as necessary.
- h) The **SARC** shall:
- i) Serve as the primary point of contact for any and all actions relating to sexual assault, dating and domestic violence, and stalking awareness, prevention, training, and victim advocacy.
  - ii) Establish, monitor, and document a comprehensive prevention and education program for all Midshipmen, faculty and staff.
  - iii) Train and oversee the Victim Advocates in the performance of their duties.

- iv) Train and oversee RSAVA, RHRO and HROs in the performance of their duties.
- v) Ensure victims are properly advised of their options for restricted or unrestricted reporting. Maintain written records for all incidents.
- vi) Notify the Superintendent within 24 hours of any incidents of sexual assault, dating and domestic violence, and stalking. For the purpose of public safety, on restricted reports, report information concerning sexual assault incidents in a manner that does not reasonably lead to identification of the victim.
- vii) Serve as the central, confidential repository for all cases involving sexual assault, dating violence, domestic violence, and stalking incidents, including informing the Superintendent and/or the Commandant of Midshipmen of any emerging incidents, tracking investigations of cases, and serving as the point of contact for victims.
- viii) Coordinate and facilitate the monthly Sexual Assault Review Board (SARB) to discuss systematic issues regarding incidents and to discuss sexual assault prevention strategies and training program goals.
- ix) Produce materials to market the program such as posters, informational papers, and wallet-sized cards.
- x) Coordinate sexual assault, dating and domestic violence, and stalking awareness events such as guest speakers, professional groups, etc. with assistance from the Regiment, Faculty, Staff and Athletics.
- xi) Maintain 24/7 sexual assault hotline capability.
- xii) Coordinate and facilitate sexual assault, dating and domestic violence, and stalking prevention training for the Academy with assistance from Victim Advocates and law enforcement, Academy Counsel, and appropriate professionals.

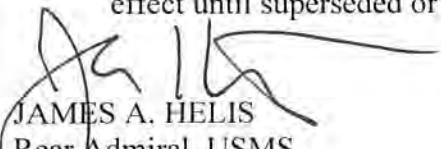
i) **Victim Advocates** shall:

- i) Be supervised in the performance of their duties by the SARC.
- ii) Report to and coordinate directly with the SARC when assisting a victim of sexual assault, dating and domestic violence, and stalking.
- iii) Provide crisis intervention, referrals, and on-going non-clinical support to sexual assault, dating and domestic violence, and stalking victims.

- iv) Inform victims of their options for restricted or unrestricted reporting and explain the scope and limitations of the VA's role as an advocate.
  - v) Be trained and certified by the SARC when all required initial training is complete.
- j) The **Head, Department of Professional Development & Career Services** shall:
- i) Develop specific appropriate procedures for Midshipmen to report incidents of sexual assault, dating and domestic violence, and stalking during sea years or internships, and incorporate the SARC within those procedures as an added resource for Midshipmen. Ensure the Sea Year Guide references current Academy and maritime industry sexual assault and sexual harassment policies, procedures and training requirements.
  - ii) Coordinate and schedule appropriate sexual assault prevention training and bystander intervention for all Midshipmen as part of their mandatory requirements before the first sea year, and assist with debriefing after their sea year to re-integrate Midshipmen into the regimental and educational setting.
  - iii) Provide Maritime industry best practice, advice and recommendations to update or improve sexual assault and sexual harassment training provided to the Midshipmen before they embark on their first sea year.
  - iv) Serve as a liaison between the Academy and shipping companies with respect to sexual assault and sexual harassment training and coordination of sexual assault and sexual harassment policies and reporting procedures.
  - v) Notify the SARC of any sexual assault or sexual harassment incidents within 24 hours of receiving information from a Midshipman and/or shipping company.
- k) The **Head, Department of Health Services** shall:
- i) Confirm training of appropriate medical personnel in handling the medical and psychological aspects of assisting victims of sexual assault, dating and domestic violence, and stalking.
  - ii) When required, and in consultation with Academy Counsel, initiate or develop Memoranda of Understanding (MOUs) and Memoranda of Agreement (MOAs) with non-Academy medical support agencies to ensure adequate response in areas of medical transport and counseling as needed.
  - iii) Notify the SARC when a Midshipman, faculty, or staff reports a sexual assault.

- l) The **Head, Department of Public Safety** shall:
- i) Provide sensitivity training in responding to victims of sexual assault, dating and domestic violence, and stalking as well as training on victim assistance, available resources, and related law enforcement responses.
  - ii) Partner with the local DOT OIG office, FBI office and the Kings Point and Nassau County Police Departments, as appropriate, to create response procedures when incidents of sexual assault are reported.
  - iii) Notify the SARC of all instances of sexual assault reports.
- m) The **Command Chaplain** shall:
- i) Provide pastoral and spiritual support to victims of sexual assault, dating and domestic violence, and stalking as requested by the victim.
  - ii) Encourage the victim to seek appropriate assistance and counseling.
  - iii) Direct incidents of sexual assault, dating and domestic violence, and stalking to the SARC with the victims consent, and maintain confidentiality and privileged communication at the request of the victim.
- n) All **Academy Midshipmen Officers, staff members, faculty members and contract employees or other employees** shall:
- i) Adhere to the provisions of this policy at all times.
  - ii) Report incidents of sexual assault, dating and domestic violence, and stalking to the SARC or VA on duty.
  - iii) Respond to allegations of sexual assault, dating and domestic violence, and stalking promptly and professionally.

9. **Expiration:** This Superintendent Instruction goes into effect immediately and remains in effect until superseded or rescinded.



JAMES A. HELIS  
Rear Admiral, USMS  
Superintendent

Dist. via Email

**Responsible Official:** Superintendent

## **Attachment 2**

**Superintendent Instruction 2013-02, Policy Against Discrimination  
and Harassment, Including Sexual Harassment of Midshipmen,  
dated 4 February 2013**

## Superintendent Instruction 2013-02

### UNITED STATES MERCHANT MARINE ACADEMY KINGS POINT, NEW YORK

February 4, 2013

#### Superintendent Instruction 2013-02

Subj: **Policy against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen**

References: a) Title IX of the Education Amendments of 1972 (20 USC 1681-1688);  
b) Superintendent's Instruction 2012-08, Policy on Sexual Assault Prevention and Response; and c) other federal, departmental, agency or Academy policies governing personal conduct, discrimination, and harassment.

1. **Purpose:**

To establish policy, assign responsibilities, and set procedures outlining the Academy policy against discrimination or harassment, including sexual harassment, of Midshipmen.

2. **Applicability:**

This policy applies to all Academy Midshipmen.

3. **Supersedes:**

Superintendent's Instruction 2006-08, "Policy against Harassment, Discrimination or Sexual Harassment."

4. **Policy:**

- a) The Academy will not tolerate discrimination or harassment on the basis of race, national origin, color, religion, gender, age, sexual orientation, disability, marital status, genetic information or any other status protected by law. Whenever an alleged violation of this policy is brought to the Academy's attention, an investigation will be undertaken and, if a violation is found, prompt and effective corrective action will be taken.
- b) The Academy will use training, education and awareness to minimize discrimination and harassment, will offer assistance and counseling to victims of discrimination and harassment and will hold those who violate this policy accountable.
- c) This policy applies –
  - i) Both on and off the Academy and during duty and non-duty hours.
  - ii) To working, living and recreational environments (including at the Academy, off the Academy at Academy events and at sea).

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- d) The Academy will treat all victims of discrimination and harassment with dignity, fairness and respect. A victim's rights include the following:
  - i) The right to be treated with fairness and with respect for his or her dignity and privacy.
  - ii) The right to have his or her complaint fully and fairly investigated and, if a violation of the policy is found, the right to expect appropriate corrective action is taken.
  - iii) The right to receive any required medical care or mental health support.
- e) The Academy will treat every reported incident of discrimination and harassment seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

### 5. Definitions:

- a) **Discrimination and Harassment:** Generally, discrimination is unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, national origin, color, religion, gender, age, sexual orientation, disability, marital status or any other status protected by law. Harassment, whether verbal, physical or visual, that is based on any of the protected classes, is a form of discrimination. This includes harassing conduct that unreasonably interferes with an individual's academic performance or creates what a reasonable person would perceive is an intimidating, hostile or offensive environment.
  - i) Examples of discrimination and harassment include, but are not limited to, the following:
    - a) Basing a grade or other academic decision on stereotypes or assumptions about a person's protected status;
    - b) Jokes or epithets about another person's protected status;
    - c) Repeated suggestions, comments, teasing or joking directed at a person based on his or her protected status;
    - d) Displaying, sharing or circulating written materials or pictures that degrade a person or group based on protected status; and
    - e) Verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group
- b) **Sexual Harassment:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature or conduct directed at a person because of his or her gender, including, but not limited to, when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of status in a course, program or activity, including Regimental duties, or
  - Submission to or rejection of such conduct is used as a basis for an academic or Regimental decision affecting the individual, or for a decision regarding an individual's status in a course, program or activity, including Regimental duties, or
  - Such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining

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individual, of substantially interfering with an individual's academic or Regimental performance, or

- Such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual, of creating an intimidating, hostile or offensive learning environment.
- i) **Quid pro quo sexual harassment** is the conditioning of academic or Regimental benefits on an individual's submission to unwelcome sexual conduct.
- ii) **Hostile environment sexual harassment** is unwelcome sexual conduct or conduct directed at an individual because of his or her gender that is sufficiently severe or pervasive to create an intimidating, hostile or offensive academic or Regimental environment.
- iii) Examples of sexual harassment include, but are not limited to, the following:
  - a) Unwanted flirtation, advances or propositions of a sexual nature;
  - b) Insults, humor, jokes or anecdotes that belittle or demean an individual's or a group's gender or sexuality;
  - c) Unwelcome sexual comments about an individual's body or clothing;
  - d) Displays of sexually suggestive objects or pictures;
  - e) Unwelcome touching, such as patting, pinching, hugging or brushing against an individual's body; or
  - f) Sexual assault (see Superintendent's Instruction 2012-08).

## 6. Procedures:

- a) Midshipmen may report instances of discrimination, harassment or sexual harassment (with the exception of sexual assault, which must be reported pursuant to Superintendent's Instruction 2012-08) through their chains-of-command; company officers and other Commandant's uniformed staff members; chaplains; Midshipmen counselors; Midshipmen Human Relations Officers; or any trusted advisor, coach, or faculty or staff member. After-hours, 24/7, reports may be made to the Command Duty Officer (CDO) and the Duty Chaplain.
- b) **Requirement to Report:** Staff members, Midshipmen officers, and Midshipmen Human Relations Officers receiving reports of harassment, sexual harassment, or discrimination are responsible for forwarding the information to the Commandant or the Deputy Commandant to stop the harassing behavior, for investigative and possible disciplinary action, and to provide for the safety and support of alleged victims. Individuals who fail to report such allegations will be held accountable for such failure.
- c) **Prohibition against Retaliation:** Loyalty to our core values and to our Academy must supersede misplaced "loyalty" to someone who has violated

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the law and betrayed our values. Thus, no individual shall be retaliated against in any way by a member of the Academy community for participation in this complaint procedure. Every effort will be made to protect members of the Academy community so that they may use or participate in this complaint procedure without fear of reprisal or retaliatory action. Threats or other forms of intimidation, and retaliation against the victim, witnesses or any other individual implementing or using the complaint procedure are a violation of this policy and, thus, may be grounds for disciplinary action. Individuals who believe they have been retaliated against in violation of this policy should immediately notify their chain of command. Supervisors, Midshipmen or commissioned officers and other personnel in the chain of command will be held accountable for ensuring that such behavior does not occur.

- d) **Alleged Victim Misconduct:** In any reported case of discrimination, harassment or sexual harassment, the Academy will defer adjudication of any alleged misconduct by the victim until the final disposition of the case.
- e) **Privacy and Confidentiality:** See Superintendent's Instruction 2006-10 Privacy and Confidentiality.
- f) **Education and Training:** Training is required for all Midshipmen, faculty, administrators and staff. Specific attention will be paid to the education of all Midshipmen regarding preventing and reporting instances of discrimination, harassment or sexual harassment of them or their fellow Midshipmen.

### 7. Roles and Responsibilities:

- a) The Commandant of Midshipmen shall:
  - i) Establish, monitor and document a comprehensive annual education and training program for all Midshipmen.
  - ii) Oversee the appropriate investigative and disciplinary response to all Midshipmen-related allegations of discrimination, harassment or sexual harassment.
  - iii) Ensure the safety, dignity, and necessary support of alleged Midshipmen victims of discrimination, harassment or sexual harassment, as well as the fair and professional treatment of alleged Midshipmen perpetrators.
  - iv) Ensure that all members of the Commandant's staff are familiar with the provisions of this policy.
  - v) Shall establish procedures and guidelines for reporting instances of harassment, sexual harassment, or discrimination made through the chain-of-command.
  - vi) Shall offer the assistance of an advocate to the victim.
- b) The Head, Department of Professional Development & Career Services shall:
  - i) Develop appropriate procedures for Midshipmen to report incidents of discrimination, harassment, or sexual harassment during sea year training or during an internship.
  - ii) Provide appropriate training in responding to incidents of discrimination, harassment or sexual harassment during sea year training or during an internship, including reporting the incident and seeking guidance from vessel personnel, shipping company personnel, or the Academy.

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- iii) Obtain and disseminate to Midshipmen the discrimination and harassment policies of the shipping and internship companies to which Midshipmen are assigned.
- c) The Deputy Superintendent shall:
  - i) Establish, monitor and document a comprehensive annual education and training program for all faculty, administrators and staff.
  - ii) In collaboration with the Commandant, oversee the appropriate investigative and disciplinary response to all Midshipmen-related allegations of discrimination, harassment or sexual harassment made against a faculty member, administrator or staff member.
- d) The Director of Civil Rights shall:
  - i) In collaboration with the Deputy Superintendent, develop and provide training to Midshipmen on cultural diversity, discrimination and harassment, including sexual harassment.
  - ii) Provide advisory service to faculty, administrators, staff and Midshipmen on discrimination and harassment.
- e) All Academy Midshipmen, staff, faculty and employees of tenant agencies shall:
  - i) Adhere to the provisions of this Instruction at all times.
  - ii) Report incidents of harassment, sexual harassment, or discrimination to a superior officer, supervisor, or other appropriate authority or agency.
  - iii) Respond to allegations of harassment, sexual harassment, or discrimination promptly and professionally.

**8. Effective Date:**

This policy shall go into effect immediately and shall remain in force until superseded or revoked.



JAMES A. HELIS  
Rear Admiral, USMS  
Superintendent

Dist. via Email

**Responsible Official:** Commandant