

**National Defense Authorization Act for Fiscal Year 2017  
Sexual Assault Prevention and Response Working Group**

**Terms of Reference**

**January 13, 2017**

**1400**

In order to meet the mandate made by Congress in Section 3513 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA), the Sexual Assault Prevention and Response Working Group (WG) will divide into the following sub-groups and adopt the following Terms of Reference.

**Sub-Group A: Climate Awareness**

Sub-Group A will be co-chaired by a representative from Industry and a representative from Labor.

Sub-Group A will address the requirements in Section 3513 (d) (1), (2) and (5).

**Sub-Group A will**

- 1) Evaluate options for promoting a climate of honor and respect and a culture that is intolerant of sexual assault, sexual harassment, or other inappropriate conduct, and
- 2) Identify ways to raise awareness of sexual assault, sexual harassment, or other inappropriate conduct.

**Sub-Group A will evaluate**

- 1) The Sea Year Eligibility Criteria established through the work of MARAD's Shipboard Climate Compliance Teams (SCCT) and certain operators of vessels of the United States.
- 2) The findings and recommendations contained in the *US Merchant Marine Academy Culture Audit*.
- 3) The joint campaign by the International Chamber of Shipping and the International Transport Workers' Federation to address harassment and bullying and the publication *Guidance on Eliminating Shipboard Harassment and Bullying*.
- 4) Current practices and training aboard vessels of the United States related to sexual assault and harassment and other inappropriate conduct.

**Based upon its evaluations, Sub-Group A will provide to the WG**

- 1) Recommendations for 1) promoting a climate of honor and respect and 2) raising awareness of the issues.
- 2) Descriptions of trade offs, opportunities, and challenges associated with the recommendations.
- 3) Descriptions of administrative actions taken as a result of the recommendations.
- 4) Other information determined by the sub-group to be appropriate.

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**Sub-Group B: Reporting/Response**

Sub-Group B will be co-chaired by a representative from Industry and a representative from Labor.

Sub-Group B will address the requirements in Section 3513 (d) (3), (4), and (7).

**Sub-Group B will**

- 1) Assess options that could be implemented to remove barriers to reporting of sexual harassment, sexual assault, and other inappropriate conduct while protecting confidentiality, and
- 2) Assess how vessel operators could ensure that victims are protected against retribution.

**Sub-Group B will evaluate**

- 1) The Sea Year Eligibility Criteria established through the work of MARAD's Shipboard Climate Compliance Teams (SCCT) and certain operators of vessels of the United States.
- 2) Current practices, systems, and regulatory requirements associated with reporting safety and other issues to company officials ashore, the US Coast Guard, or law enforcement.
- 3) Examples of best practices established in exemplary company policies and procedures.
- 4) Communications technology available to vessel crews aboard ships.
- 5) Other relevant practices, procedures, or materials identified by Sub-Group B and accepted by the Chair.

**Based upon its evaluations, Sub-Group B will provide to the WG**

- 1) recommendations for 1) removing barriers to reporting and 2) measures that may be implemented to protect victims' confidentiality.
- 2) descriptions of trade offs, opportunities, and challenges associated with the recommendations.
- 3) descriptions of administrative actions taken as a result of the recommendations.
- 4) other information determined by the sub-group to be appropriate.

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**Sub-Group C: USMMA Sea Year Training**

Sub-Group A will be co-chaired by a representative from USMMA and a representative from the State Maritime Academies.

Sub-Group C will address the requirements in Section 3513 (d) (6).

**Sub-Group C will**

- 1) Assess a potential program or policy, and
- 2) Feasible changes to the Academy's Sea Year training program, and corresponding changes to curricula to improve the prevention of, and response to, incidents during Sea Year.

**Sub-Group C will evaluate**

- 1) The findings and recommendations contained in the *US Merchant Marine Academy Culture Audit*.
- 2) Current Academy practices with respect to Sea Year assignments.
- 3) Implications of changes to Academy curricula.
- 4) Other elements of the Academy's Sea Year program as identified by Sub-Group B and accepted by the Chair.

**Based upon its evaluations, Sub-Group C will provide to the WG**

- 1) recommendations for 1) improving existing Academy programs or policies, 2) potential new programs or policies, and 3) the issues associated with changes to Sea Year and corresponding curricula.
- 2) descriptions of trade offs, opportunities, and challenges associated with the recommendations.
- 3) descriptions of administrative actions taken as a result of the recommendations.
- 4) other information determined by the sub-group to be appropriate.