



# Shipboard Climate Compliance Team

Evaluation Criteria  
for  
Commercial Shipping

# Overview

- The Maritime Administration (MARAD) has formed a Shipboard Climate Compliance Team (SCCT) to determine if companies meet the Sea Year Eligibility (SYE) requirements for Midshipmen to be assigned to their ships.
- The seven requirements are in addition to measures companies are already required to take (e.g. a Designated Person Ashore with 24/7 availability).
- The SCCT will perform periodic and random audits to determine if the requirements are being met.
- The SCCT will continue to work with stakeholders to improve “best practices” in training and other areas.
- The criteria will be reviewed after six months, and annually thereafter.

## **1. Company-assigned “Mentors” with defined duties to look after cadets aboard each ship**

- a. Mentors should be officers, justification for any exceptions
- b. Mentors should be on-board, justifications for any exception (e.g. inland waterway or coast-wise sailing where ship is docked each day)
- c. Selection criteria: to include that assigned Mentor has no pending complaints or history of violations of the company’s SASH or anti-discrimination policy; additionally, the selectee must certify that he/she does not have any pending complaints or history of violations of any other company’s SASH policies. Mentor is of good character; knows, supports and advocates the company’s SASH policies.
- d. Identify how the mentor will be selected.
- e. Mentors to serve as a resource for Midshipmen while aboard; \*\* see template for sample duties \*\*

## **2. CEO-level company-wide message stressing zero tolerance of SASH.**

- a. Message from CEO, President, Chairman or equivalent position
- b. Message that SASH and retaliation based upon a SASH complaint is unacceptable, commits company to working to resolve/eradicate it.
- c. The message should include descriptions of Sexual Assault and Sexual Harassment that are in agreement with the USMMA definitions. (See attachment)

\*\* Sample attached: RADM David Score message (NOAA Director of Marine and Aviation Operations). This sample does not include retaliation, but submitted CEO messages should include retaliation. \*\*

### **3. Annual SASH Prevention Training required for crew**

- a. The annual SASH prevention training should:
  1. Define and provide examples of sexual assault and sexual harassment, consistent with the USMMA definitions.
  2. Make a clear, unambiguous statement that SASH and any retaliation based upon SASH is unlawful.
  3. Describe the impact of SASH and retaliation on the victim, aggressor, witnesses, company and vessel crew; and the importance of prevention.
  4. Explain the importance of reporting SASH violations and prohibiting retaliation.
  5. Describe the responsibility of supervisors and employees, witnesses, and “bystanders” who observe SASH.
  6. Explain that each company has a responsibility to investigate SASH complaints and enforce its SASH policies.
- b. Training participants should record or certify their attendance and date of training.
- c. Company certifies SASH training is received at least annually

Note: If any of the items listed in 3 a. are not included in the company’s annual SASH prevention base training, the company shall supplement the training as required to demonstrate compliance.

### **4. Companies must verify that the crew will complete Annual SASH Prevention Training, and review and acknowledge the Company’s SASH policies:**

- a. Ensure annual SASH prevention training is current for all crew members. If not, crew members must complete annual SASH prevention training prior to Midshipmen arrival on board as far as practicable, and new crew members must complete training within 72 hours of signing-on.
- b. Ensure all the company’s SASH and anti-discrimination policies are reviewed and acknowledged within 72 hours of signing-on.
- c. Describe the company-specific training and how it is provided; certify the following elements are covered in the training.
  1. The company’s anti-discrimination, harassment, retaliation and SASH policies, including descriptions and examples of sexual harassment and sexual assault, and prevention steps the crew can take;
  2. The company’s complaint reporting policies and procedures;
  3. A description of the company’s investigation process and enforcement procedures;

4. Knowledge Check: a short quiz or other mechanism such as the Master/Chief Engineer's face-to-face interview of crew member to verify his/her understanding of the issue and countersigning a document to that effect.

d. Maintain documentation of training and policy review completion.

## **5. Zero-Tolerance policy regarding romantic or sexual relationships (including voluntary and consensual) between cadet and crew members**

- a. USMMA to provide Sea Year Conduct policy for Midshipmen (see attached);
- b. Companies agree to report known cadet violations to USMMA.

## **6. Company submits all relevant policies to SCCT; certifies that they meet Federal requirements**

Documents to submit include:

1. CEO message;
2. Letter signed by CEO, General Counsel, or other senior executive verifying that the company's current policies cover all discrimination prohibited by Federal law;
3. Company's SASH prevention policies, which should address sexual assaults and harassment, retaliation and the company's zero tolerance policy towards SASH;
4. Description of company's complaint reporting process and procedures, including the identity (or title) of individuals onboard and ashore designated to receive complaints;
5. Company's policies related to confidentiality, safety of individuals who report complaints, and anti-retaliation statement;
6. Company's enforcement policies, investigation procedures; and
7. A statement that the EEO poster is posted onboard in a conspicuous location
8. Location of SASH prevention policies onboard the vessel.

## **7. Standardized company debriefs of every cadet and mentor at completion of Sea Year time onboard;**

**Debrief criteria will be revised and provided**

## **Mentor Duty Template**

The ultimate goal of cadet mentoring on board ships is to facilitate a safe and respectful learning environment that fosters their professional growth and affinity for a maritime career. Good relationships established during the Mentoring process benefits all. Students come to know the industry better and learn to explore all possible options, becoming accomplished learners and mariners. Mentors gain satisfaction in the professional and personal growth of their Midshipmen. This program fosters participants who will become productive, lifelong learners, and good citizens.

The mentors for each ship play a crucial role in the success and development of cadets. Listed below are expected mentor duties:

1. The mentor will assist the Midshipmen understand shipboard policies and procedures established by the company, and their roles and responsibilities aboard the ship.
2. The Mentor serves as a resource for the Midshipmen while onboard.
3. The mentor should be readily available to the Midshipmen, and also seek to understand each individual's concerns about their vessel assignment.
4. The mentor guides the Midshipmen in understanding shipboard protocol, SASH policies, and expected code of conduct.
5. The Mentor supports the Midshipmen once they join the ship and helps them transition from their academic learning environment to the professional shipboard setting. The mentor also encourages the development of a well-rounded mariner.
6. The Mentor will refer Midshipmen to other resources as needed, such as other crewmembers aboard the vessel, Company employees, or Academy personnel.
7. The mentor will participate in prescribed SASH and anti-discrimination training and serve as a reporting mechanism for SASH complaints.

**Definition of Sexual Assault and Sexual Harassment**  
As defined in USMMA Superintendent Instruction 2013-02

**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:

1. 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
2. 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
3. Such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual of substantially interfering with an individual's academic or Regimental performance, or
5. 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.

Types of sexual harassment:

1. Quid pro quo sexual harassment is the conditioning of academic or Regimental benefits on an individual's submission to unwelcome sexual conduct.
2. 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.

**Sexual Assault**

“Sexual assault” as defined in “Superintendent Instruction 2016-02”:

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

- Unwanted kissing, groping, fondling or other more aggressive physical acts, such as rape,
- nonconsensual sodomy (oral or anal sex) or attempts to commit these acts;

- Sexual contact with someone whom you reasonably should have known was impaired and, thus unable to consent, due to the use of alcohol or drugs (including prescription medications);
- Sexual contact with someone who is “passed out,” sleeping or otherwise incapacitated;
- Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation; and
- Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.



**NON-DISCRIMINATION AND  
EQUAL EMPLOYMENT OPPORTUNITY**

NOAA's Office of Marine and Aviation Operations is committed to the principles of Equal Employment Opportunity (EEO), Diversity, and Inclusion for all persons regardless of race, color, national origin, sex, age, mental or physical disability, genetic information, and sexual orientation. It is our shared goal to create a safe and positive workplace where all employees feel comfortable that their work and individual contributions are valued and respected. These principles will enhance the employment relationship, the productivity in our workforce, and the quality of our work life.

Harassment of any employee, in any form, is unacceptable in our organization. It is the responsibility of each individual to understand EEO policies and report known or even suspected violations. Managers and supervisors are specifically reminded of their responsibility to act upon any such reports. Prevention of harassment is one of OMAO's highest priorities because it undermines the integrity of the employment relationship, interferes with work productivity, and is illegal.

OMAO has a zero tolerance policy against any unlawful discrimination or sexual harassment. Sexual harassment is employee misconduct and a form of sex discrimination, which violates EEO law. Sexual harassment is deliberate or repeated, unsolicited and unwelcome verbal comments, gestures, or physical contact of a sexual nature, which interferes with an individual's work performance or creates a hostile or offensive working environment. Another form of sexual harassment is the request for sexual favors when submission is a condition of employment or the basis for employment decisions.

Individuals who believe that they have been sexually harassed by supervisors, coworkers, contractors, or peers should immediately make it clear that such behavior is unwelcomed and report the conduct to the appropriate management official. I expect OMAO management officials to take steps to prevent sexual harassment, take immediate and appropriate corrective actions when incidents occur, and ensure that similar incidents will not reoccur. NOAA Corps Directive, Chapter 13, Section 13105 and Department Administrative Order 202-955, dated March 28, 2000, establishes the procedures for dealing with allegations of harassment.

All employees are encouraged to bring concerns regarding discrimination and/or harassment to the attention of OMAO management or the NOAA Civil Rights Office at 301-713-0500 or 800-452-6728. Remember, if you believe you have been harassed and in order to preserve your right to file an EEO complaint, you must contact the NOAA Civil Rights Office within 45 calendar days of the alleged discriminatory event. For more information on the EEO complaint process visit [http://www.eeo.noaa.gov/eeo\\_complaint\\_process/](http://www.eeo.noaa.gov/eeo_complaint_process/).



Rear Admiral David A. Score  
Director, NOAA Corps and  
Office of Marine and Aviation Operations



## Superintendent Instruction 2016-04

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

12 August 2016

#### Superintendent Instruction 2016-04

Subj: USMMA Sea Year Conduct Policy


1. **Purpose:** To establish policy for appropriate personal conduct of USMMA (Academy) Midshipmen serving as cadets aboard vessels for sea year and internships.
2. **Applicability:** This policy applies to all Midshipmen in sea year status.
3. **Policy:** Sailing aboard commercial and military vessels as a cadet is a privilege that should not be taken for granted. At all times, on duty or off, Midshipmen represent the Academy and the Regiment, and are expected to act as leaders of exemplary character. Midshipmen will be respectful of all crew members and others working on and with the vessel and with anyone with whom they interact on liberty. In all matters, a Midshipman's conduct is a reflection of the Academy, and the Regiment of Midshipmen.
4. **Procedures:**
  - a. **Liberty:** Liberty is granted at the discretion of the ship's master. While on Liberty, Midshipmen must carry identification, conduct themselves in an exemplary manner, and be accompanied by a liberty buddy. A liberty buddy may be a fellow Midshipman or a crewmate. Liberty buddy relationships must be in compliance with fraternization policies.
  - b. **Prohibited Conduct:**
    - i. Midshipmen under age 21 may not consume alcohol even if local laws permit it.
    - ii. Midshipmen will not engage with prostitutes or other sex workers, even if local laws permit it, and will not encourage others to do so.
    - iii. Midshipmen will not become involved in or promote human trafficking in any way.
    - iv. Midshipmen will not engage in sexual assault, harassment of any form, including sexual harassment, bullying, hazing or coercion of others to engage in inappropriate behavior.
    - v. Midshipmen will not retaliate against any person for reporting misconduct or refusing to submit to coercion to engage in inappropriate behavior.
    - vi. Midshipmen will not date, have sexual relations, or engage in romantic or other unduly familiar associations with any member of the crew, including other Midshipmen assigned to the vessel. If two Midshipmen with a

**Superintendent Instruction 2016-04**

romantic or dating relationship at the Academy are assigned to the same vessel, both must immediately notify their Academy Training Representative (ATR) so they can be assigned to different ships.

- c. **Obligation to Report:** Midshipmen who have witnessed any type of misconduct or inappropriate behavior have an ethical obligation to report it.
- d. **Ship Regulations:** If the regulations of the ship or shipping company to which a Midshipman is assigned are more restrictive than the policies outlined in this Instruction, Midshipmen must follow the more restrictive policy. For example, if a company has a policy that alcohol is never to be consumed while assigned to one of their ships, Midshipmen must comply with that policy.

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



JAMES A. HELIS  
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Dist. via Email

**Responsible Official:** Office of Professional Development and Career Services