



U.S. Department of
Transportation

The Inspector General

Office of Inspector General
Washington, DC 20590

August 11, 2016

The Honorable Susan Collins
Chairman
Subcommittee on Transportation,
Housing and Urban Development,
and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Mario Diaz-Balart
Chairman
Subcommittee on Transportation,
Housing and Urban Development,
and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Subcommittee on Transportation,
Housing and Urban Development,
and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable David Price
Ranking Member
Subcommittee on Transportation,
Housing and Urban Development,
and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Chairmen Collins and Diaz-Balart and Ranking Members Reed and Price:

Thank you for your continued interest in our work on the United States Merchant Marine Academy's (USMMA) actions to prevent, respond to, and resolve instances of sexual assault and harassment. In October 2014, we issued a report that made nine recommendations for improving program management and oversight and achieving the goals in the Academy's original action plan,¹ which covered the period from

¹ *Better Program Management and Oversight Are Required for USMMA's Efforts To Address Sexual Assault and Harassment* (OIG Report Number ST-2015-004), October 23, 2014. USMMA took action to fully implement all of the recommendations in that report. OIG reports are available on our Web site: <https://www.oig.dot.gov>.

November 2011 through June 2013. In response to direction from Congress,² and as agreed with your staff when we briefed them in June 2016, we are providing the results of our review of the Academy's progress in implementing its subsequent action plan, which covered January 2014 to November 2015.

Overall, we found that USMMA had completed 29 of the 44 action items (about 66 percent) listed in the 2014–2015 action plan (see exhibit A). We disagreed with USMMA's reported completion status for eight action items (see table on pages 4 and 5). Furthermore, in two cases, the Academy did not have sufficient information to allow us to assess the item's completion status.³ We briefed Maritime Administration (MARAD) and USMMA officials, who ultimately agreed with our assessment, and we incorporated their comments where appropriate.

We conducted our work from October 2015 through April 2016 by reviewing documentation and interviewing key staff responsible for action item implementation. We compared our assessment of the action items to the final status reported by USMMA in November 2015.

BACKGROUND

In 2008, Congress passed the Duncan Hunter National Defense Authorization Act for fiscal year 2009, which required actions to address sexual assault and harassment at USMMA.⁴ The Act required the Secretary of Transportation to direct USMMA to prescribe policies for addressing sexual harassment and sexual violence; conduct annual assessments of the effectiveness of its policies, training, and procedures; submit an annual progress report to the Secretary, who then transmits it to Congress; and develop action plans every academic year on the prevention of and response to sexual harassment and sexual violence.

USMMA bases its action plans on its annual assessments of its policies, training, and procedures.⁵ In 2014, for example, USMMA conducted an anonymous survey of 936 midshipmen (800 men and 136 women). Of the 761 eligible respondents,⁶ 17 percent of women (19 to 28 women) and 2 percent of men (8 to 24 men) reported

² Senate Report 113-182, which accompanied the Consolidated and Further Continuing Appropriations Act of 2015, Pub. L. No. 113-235 (Dec. 16, 2014), directed us to assess the annual report and biennial survey information issued by the Maritime Administration (MARAD) in fiscal year 2015 to evaluate the Academy's progress in addressing corrective actions.

³ We assessed each of USMMA's 44 action items in terms of Not Started, Partially Complete, Complete, No Basis to Assess, or Not Applicable, while USMMA assessed them in terms of percent complete.

⁴ The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Pub. L. No. 110-417 § 3507 (Oct. 14, 2008).

⁵ The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 specifies that the Academy must use a survey to assess effectiveness in program years that start with an odd number. The Academy uses focus groups in program years that start in an even number.

⁶ Eligible respondents were those midshipmen who checked into the 2014 survey administration session and returned a survey. Midshipmen who either failed to check into the survey session or checked in and did not return a survey were deemed ineligible.

that they had been sexually assaulted, which was virtually unchanged from the data collected in 2012. However, USMMA reported in January 2016 that the number of sexual assault reports at the Academy had decreased from three in academic year (AY) 2013–2014 to one in AY 2014–2015,⁷ which does not correlate with the survey results. According to the report, there is no easy method to determine why the number of reported incidents is low.⁸

Based on the preliminary results from that 2014 survey, USMMA identified seven areas in need of attention in its 2014–2015 action plan: (1) working toward a “no tolerance and full reporting” climate; (2) working with industry to continue to address the climate aboard commercial vessels; (3) improving intervention and prevention training among faculty, staff, and senior leadership; (4) intensifying awareness, prevention, and bystander training among midshipmen; (5) improving the variety and quantity of after-class activities; (6) developing self-assessment tools; and (7) increasing gender diversity among Academy employees and midshipmen.

In AY 2015–2016, the Academy revised its action plan to reflect the preliminary results from the 2015 focus groups convened by the Defense Manpower Data Center (DMDC).⁹ The 2015–2016 action plan addresses four key issues: “(1) a pervasive sexist culture that exists on campus, making midshipmen afraid to report sexual assaults due to potential humiliation and retaliation; (2) inadequate sexual assault prevention training for midshipmen embarking on their Sea Year; (3) insufficient engagement between the Academy and the maritime industry on sexual harassment and sexual assault issues; and (4) limited active engagement by leadership at all levels in addressing sexual harassment and sexual assault issues.”

SUMMARY OF RESULTS

We found that by the time the 2014–2015 plan closed on November 4, 2015, USMMA had completed 29 of the 44 action items (about 66 percent). USMMA reported 37 of those 44 items (84 percent) as 100 percent complete and 7 items at less than 100 percent complete. Many of the incomplete items were intended to address the very issues that USMMA continues to identify, including incident reporting, enhanced midshipman and staff awareness, Sea Year preparation, engagement between the Academy and the maritime industry, and engagement of USMMA leadership. USMMA indicated in its action plan that vacancies in a few positions, such as that of the Civil Rights Director whose responsibilities include sexual

⁷ USMMA’s academic year runs from July 1 to June 30.

⁸ Preliminary 2014–2015 Academic Program Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy.

⁹ DMDC administers the Service Academy Gender Relations surveys to all Department of Defense service academies (U.S. Military Academy, U.S. Naval Academy, and U.S. Air Force Academy) and the U.S. Coast Guard Academy.

harassment prevention programs, had impeded progress on some action items. See exhibit A for descriptions and our assessment of all 44 action items.

USMMA did not have sufficient information to allow us to assess the completion status of two action items (5 and 31). Furthermore, we disagreed with USMMA's reported status for eight action items (6, 9, 12, 15, 20, 21, 25, and 34). For example, a USMMA official described engaging staff to incorporate training into other types of classes, such as ethics and leadership, but the Academy did not provide any evidence that training or discussions of this nature had occurred. See the table for a summary of the action items where we disagreed with USMMA's reported status or had insufficient information to assess.

Table. Items With Which OIG Disagreed or Could Not Assess USMMA-Reported Status

Action Item	Explanation
5. Conduct quarterly small-group sessions to midshipmen to gauge improvement in reporting system.	USMMA assessed this item at 100 percent complete, and a USMMA official said she conducted regular, but perhaps not quarterly, small-group sessions with midshipmen as an "organic" part of the program. However, these sessions were not documented, so it is not clear whether these sessions specifically gauged improvement in the reporting system. Therefore, we have no basis to assess completion of this item.
6. Develop a standard operating procedure (SOP) for criminal investigations of sexual assault.	USMMA reported this item as 100 percent complete. However, we found that it did not undertake this item after determining it was not needed because law enforcement agencies have jurisdiction over sexual assault cases. For transparency, we assessed this item as "not applicable" instead of "completed."
9. Review and adjust current approaches for communicating key incident protocols to address midshipmen fears that punishment for an offense will be worse than reporting an assault.	USMMA reported this item as 100 percent complete. We found that, although USMMA drafted an amnesty statement to address this item, it did not finalize or implement the statement before the action plan closed. Therefore, we assessed this item as partially complete.
12. Conduct briefings with shipping companies on the possibility of midshipman-on-midshipman sexual harassment and sexual assault and the steps to respond to an incident in accordance with USMMA policies and procedures.	USMMA reported this item as 100 percent complete. However, we found that USMMA did not conduct briefings with shipping companies. One official considered completion of item 11 (see exhibit A) as also satisfying item 12. However, we disagree as item 11 is a distinctly different issue. Therefore, we assessed this item as not started.

Action Item	Explanation
15. Provide scenario-based training/discussions facilitated by company officers, faculty, or elected staff members.	USMMA reported this item as 100 percent complete. During our review, a USMMA official described engaging staff to build training into other classes, such as ethics and leadership. However, USMMA provided no evidence that such training or discussions had taken place. Therefore, we assessed this item as partially complete.
20. Enhance awareness of sexist behavior discussion.	USMMA reported this item as 50 percent complete. Based on our review of the action plan in the 2011–2012 report to Congress (which formed the basis for the 2014–2015 action plan), we determined that this item was intended to occur in small-group training for faculty. However, USMMA provided no evidence that this training occurred. Therefore, we assessed this item as not started.
21. Enhance awareness of crude/offensive behaviors discussions.	USMMA reported this item as 50 percent complete. Based on our review of the action plan in the 2011–2012 report to Congress (which formed the basis for the 2014–2015 action plan), we determined that this item was intended to occur in small-group training for faculty. However, USMMA provided no evidence that this training occurred. Therefore, we assessed this item as not started.
25. Meet with female midshipmen to ascertain why they feel sexual harassment and sexual assault training is ineffective.	USMMA reported this item as 100 percent complete. During our review, a USMMA official indicated that although the Academy did not hold meetings for this particular purpose, the topic was covered in other forums, such as focus groups. However, these were mixed-gender groups, which we determined did not meet the intent of this action item. As a result, we assessed this item as partially complete.
31. Increase the gender diversity of faculty, coaches, and staff.	USMMA reported this item as 100 percent complete. However, we found that USMMA does not track information related to gender diversity for its faculty, coaches, and staff and, therefore, cannot reliably report that it has increased gender diversity. As a result, we have no basis to assess completion of this item.
34. Review and adjust team movement safety guidance requirements. ¹⁰	USMMA reported this item as 100 percent complete. We found that, although USMMA reviewed its team movement safety guidance requirements, the Agency did not revise its related policy prior to closing the action plan. Therefore, we assessed this item as partially complete.

¹⁰ Team movement guidance refers to procedures USMMA adopted to ensure the safe movement of midshipmen to off-campus events.

Despite these discrepancies, leaders in the Department, MARAD, and USMMA appear to be focused seriously on addressing the myriad of issues related to sexual assault and harassment. USMMA's action plans have emphasized key areas that continue to need attention at the highest levels based on the survey and focus group results. Their success, however, is dependent upon USMMA's sustained management attention and follow-through to ensure the items are completed as intended.

We appreciate the courtesies and cooperation of USMMA and MARAD representatives during this review. If you have any questions or we can be of further assistance, please contact me at (202) 366-1959, or Barry J. DeWeese, Assistant Inspector General for Surface Transportation Audits, at (202) 366-5630.

Sincerely,

A handwritten signature in black ink that reads "Calvin L. Scovel III". The signature is written in a cursive style with a horizontal line underneath the name.

Calvin L. Scovel III
Inspector General

EXHIBIT A. OIG ASSESSMENT BY FOCUS AREA

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
 Completed → Partially completed → Not started			
DEFENSE MANPOWER DATA CENTER (DMDC) FOCUS GROUP SESSIONS			
1. Conduct DMDC focus groups.			USMMA completed this item by issuing its 2012–2013 annual report to Congress on October 17, 2014; it contained the previous set of focus group results.
2013–2014 ACADEMIC YEAR REPORT TO CONGRESS UPDATE			
2. Update the report to Congress.			This report was submitted to Congress in January 2016, which was after the action plan closed.
CLIMATE			
3. Conduct sessions for faculty to a) gauge their trust in the system for students to report incidents, and b) obtain their view of barriers to report student incidents of sexual assault or sexual harassment.			The Sexual Assault Response Coordinator (SARC) described meeting with faculty to discuss their trust in the reporting system and their perceptions of barriers to reporting. Some faculty also participated in USMMA’s biennial focus group sessions in May 2015, which covered these topics.
4. Conduct an organizational climate assessment for faculty and staff.			The Defense Equal Opportunity Management Institute conducted a Federal Organizational Climate Survey for USMMA.
INCIDENT REPORTING			
5. Conduct quarterly small-group sessions to midshipmen to gauge improvement in the reporting system.		<i>No basis to assess</i>	A USMMA official said she conducted regular, but perhaps not quarterly, small-group sessions with midshipmen as an “organic” part of the program. However, these sessions were not documented, so it is not clear that these sessions specifically gauged improvement in the reporting system.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
6. Develop an SOP for criminal investigations of sexual assault.	●	<i>Not applicable</i>	USMMA did not undertake this item after determining it was not needed because law enforcement agencies have jurisdiction over sexual assault cases. As such, we assessed this action item as “not applicable,” rather than “completed.”
7. Develop an SOP for restricted reports of sexual assault.	●	●	USMMA developed this SOP.
8. Develop an SOP for administrative investigation of sexual assaults.	●	●	USMMA developed this SOP.
9. Review and adjust current approaches for communicating key incident protocols to address midshipmen fears that punishment for an offense will be worse than reporting an assault.	●	◐	USMMA drafted an amnesty statement to address this item. However, the statement was not finalized or implemented before the action plan closed.
10. Provide female midshipmen with a chance to voice individual concerns about reporting.	●	●	A USMMA official described several avenues where female midshipmen can voice concerns about reporting, including to the SARC and company officers, who have been trained to listen and take concerns to the SARC.
AT-SEA PROTOCOLS			
11. Collect sample sexual assault and sexual harassment policy statements from individual shipping companies, and use them to prepare midshipmen for the Sea Year experience.	●	●	USMMA reported that it collected policy statements from most of the shipping companies participating in its at sea program and used them to train midshipmen for their at-sea experience.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
12. Conduct briefings with shipping companies on the possibility of midshipman-on-midshipman sexual harassment and sexual assault and the steps to respond to an incident in accordance with USMMA policies and procedures.			USMMA did not conduct briefings with shipping companies. One official considered completion of item 11 as also satisfying item 12. We do not agree with this, as item 11 was a distinctly different item.
13. Engage with maritime industry to solicit ideas and make recommendations for additional training or policy changes.			USMMA met with one maritime industry group to solicit ideas and make recommendations for training or policy changes with regard to at-sea protocols.
MIDSHIPMAN AND STAFF AWARENESS, PREVENTION, AND TRAINING			
14. Develop and utilize a quiz to gauge midshipmen retention of information.			USMMA quizzed midshipmen to assess retention of training information.
15. Provide scenario-based training/discussions facilitated by company officers, faculty, or selected staff members.			A USMMA official described engaging staff to build training into other classes, such as ethics and leadership, but did not provide any examples of training or discussions actually occurring.
16. Have faculty or staff members lead off before training with an introduction of the topic and why it is important.			USMMA had staff and faculty members lead off some training events.
17. Provide training (identification of incidents, intervention strategies and reporting procedures) to faculty in small groups by academic department.			USMMA provided some informal training to all departments; however, it has not implemented focused formal training.
18. Provide training (identification of incidents, intervention strategies and reporting procedures) to company officers.			Officers received formal training (see item 37). In addition, the SARC reported she met with company officers once or twice a month to identify incidents and review intervention strategies and reporting procedures.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
19. Conduct small-group training sessions to midshipmen to increase interaction and discussion.			USMMA provided a schedule that showed this training had been completed.
20. Enhance awareness of sexist behavior discussion.			Based on the plan of action described in the 2011–2012 report to Congress, which formed the basis for the 2014–2015 action plan, this item was intended to occur in small-group training for faculty. USMMA provided no evidence that this training occurred.
21. Enhance awareness of crude/offensive behaviors discussions.			Based on the plan of action described in the 2011–2012 report to Congress, which formed the basis for the 2014–2015 action plan, this item was intended to occur in small-group training for faculty. USMMA provided no evidence that this training occurred.
22. Provide awareness of unwanted sexual attention discussions.			Carried over to the next action plan; affected by the lack of a Civil Rights Director.
23. Provide training on preventing domestic violence, partner abuse, and stalking.			Occurred through “Green DOT” strategy ¹¹ and indoctrination sessions.
24. Enhance alcohol awareness training.			USMMA described several enhancements to its alcohol awareness training, including providing training by medical professionals and events, such as drunk driving simulators.

¹¹ The Green Dot program teaches students to identify developing situations that could possibly lead to sexual assault and trains them to employ techniques, such as diversion or distraction, in order to separate a potential perpetrator and victim.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
25. Meet with female midshipmen to ascertain why they feel sexual harassment and sexual assault training is ineffective.			A USMMA official indicated meetings were not held for this particular purpose. Although the topic was covered in other forums, such as focus groups, these were mixed-gender groups and did not meet the intent of this action item.
26. Provide sensitivity training to all Academy personnel.			A USMMA official said some training was provided on this topic, and some was not completed.
SUPPORT NETWORK AND INTERVENTION			
27. In coordination with the Midshipmen Council, provide after-class recreational opportunities and local area exploration trips for midshipmen.			USMMA hired a Student Activities Director in July 2015, who provided dozens of activities for USMMA students.
28. Schedule five intramural activities per trimester.			USMMA hired an Athletics Director in 2015, who has scheduled more than the required five intramural activities per trimester.
PROGRAM EFFECTIVENESS ASSESSMENTS			
29. Develop and administer a sexual harassment and sexual assault prevention survey to faculty and staff.			USMMA conducted an online sexual harassment and sexual assault prevention survey of its faculty and staff beginning on June 30, 2014.
GENDER DIVERSITY			
30. Increase the gender diversity of incoming classes; increase funding as necessary to achieve the desired goals.			Based on USMMA-provided data, the Academy has increased the percentage of women in incoming classes over the past 5 years.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
31. Increase the gender diversity of faculty, coaches, and staff.		<i>No basis to assess</i>	While USMMA hired at least one female staff member in a position formerly held by a male (the SARC) over the action plan period, we were informed USMMA does not track information on its faculty, coach, and staff gender diversity. Without such data, USMMA cannot reliably report that it has increased gender diversity.
FOCUS GROUP RECOMMENDATIONS			
32. Engage returning Sea Year midshipmen and reintegrate into Academy life and professional environment.			To engage and reintegrate returning Sea Year midshipmen, USMMA had the Commandant address returning midshipmen, host "Back from Sea" Dinners and start "Sea Story Sunday."
33. Conduct a vulnerability assessment and recommend adjustments to reduce risk.			USMMA satisfied this action item with a 2012 assessment and made progress under this action plan to address deficiencies identified in that assessment.
34. Review and adjust team movement safety guidance requirements.			USMMA reviewed its team movement safety guidance requirements but did not revise the related policy prior to closing the action plan. Therefore, we consider this item incomplete.
35. Review and adjust Sea Year brief with more emphasis on reporting avenues.			USMMA reviewed and adjusted its Sea Year briefing to add more participation by the SARC, who provided training on reporting avenues.

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
36. Highlight medical clinic services to increase trust and usage: (1) conduct a patient-satisfaction survey, (2) conduct a survey on student's view of the Department of Health Services (DHS), (3) begin weekly "Did You Know" informational messages, (4) manage PII and PHI. ¹²	●	●	USMMA Health Services conducted a patient-satisfaction and student-views survey in September 2014 and described conducting weekly Health Insurance Portability and Accountability Act ¹³ training and quarterly knowledge checks with Health Services staff.
37. Provide focused training to company officers.	●	●	USMMA provided a training schedule that showed this training had been completed.
38. Explore additional confidential reporting options.	●	●	USMMA increased confidential reporting options by developing a new memorandum of understanding with a local Safe Center and training staff to take confidential reports.
39. Evaluate computer-based training for effectiveness.	●	●	A USMMA official reported the Academy stopped computer-based training and is evaluating a mixed-media training approach.
40. Confer with other service academies and universities to obtain best practices in prevention strategy.	●	●	According to a USMMA official, she met with SARCs from the Naval Academy, US Coast Guard Academy, and West Point and attended a conference that provided related information.
41. Explore bringing in survivors of sexual assault as professional speakers.	●	●	According to a USMMA official, the Academy once brought in such a speaker, and it did not go well. As a result, the practice was discontinued.

¹² PII is personally identifiable information. PHI is protected health information.

¹³ Pub. L. No. 104-191 (Aug. 21, 1996).

Action Items	USMMA Evaluation	OIG Evaluation	Explanation
			
PRIOR YEAR CARRY OVER ITEMS			
42. Convene focus groups for midshipmen.	●	●	DMDC conducted USMMA's biennial focus group sessions in May 2015.
43. Review outreach and recruitment.	●	●	USMMA reviewed its outreach and recruitment in creating its recruitment plan (see item 44).
44. Plan to increase diversity of student body.	●	●	USMMA provided a recruitment plan to increase diversity. USMMA also hired a Diversity Recruitment Specialist in July 2015.