



U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL

**Gaps in USMMA's Sexual Assault
Prevention and Response Program
Limit Its Effectiveness**

MARAD

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Gaps in USMMA's Sexual Assault Prevention and Response Program Limit Its Effectiveness

Mandated by the National Defense Authorization Act for Fiscal Year 2017

Maritime Administration | ST2018039 | March 28, 2018

What We Looked At

The National Defense Authorization Act for Fiscal Year 2017 (NDAA) mandated that, by March 31, 2018, we report on the effectiveness of the United States Merchant Marine Academy's (USMMA or the Academy) Sexual Assault Prevention and Response (SAPR) program. We assessed (1) the SAPR program's policies and procedures; (2) the Department's and Academy's progress and challenges in prioritizing and addressing recommendations from past studies and current action plans, including the 2017 Culture Change Action Plan; and (3) the Department's and Academy's responses to reports of sexual assault or harassment involving members of the Academy. To meet an NDAA requirement, we consulted experts from the Centers for Disease Control and Prevention (CDC).

What We Found

Due to weaknesses in its infrastructure—which includes policies, procedures, and staffing—the Academy's SAPR program does not fully align with the CDC's strategies for effective sexual violence prevention efforts on college campuses. Critical gaps remain in comprehensive prevention and evaluation. For example, USMMA has not ensured that policies prohibiting sexual assault and sexual harassment are reinforced in the Midshipmen Regulations or established a reliable methodology for collecting sexual harassment data.

MARAD and USMMA have made progress implementing recommendations from past studies and action plans but have missed target dates and lack a risk-based approach to prioritization. USMMA reported completion of 62 of 138 recommendations (about 45 percent) derived from past studies and action plans, including those necessary to maintain its accreditation.

USMMA's lack of full compliance with its procedures, particularly for sexual harassment, limits its ability to respond to incidents and report to Congress. For example, USMMA lacks documentation related to reports of sexual harassment, which impacts its ability to provide survivor services and accurately assess its progress in addressing sexual harassment.

Our Recommendations

USMMA concurred with all 10 of our recommendations to improve the SAPR program's effectiveness.

Contents

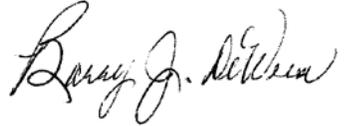
Memorandum	1
Results in Brief	4
Background	6
USMMA’s Policies and Procedures Do Not Fully Align With the CDC’s Strategies for Effective Sexual Violence Prevention Efforts	10
MARAD and USMMA Have Made Progress in Implementing Recommendations but Missed Target Dates and Lack a Risk-Based Approach for Setting Priorities	17
Lack of Full Compliance With Its Procedures, Particularly for Sexual Harassment, Limits USMMA’s Ability To Respond to Incidents and Report to Congress	23
Conclusion	26
Recommendations	27
Agency Comments and OIG Response	28
Exhibit A. Scope and Methodology	29
Exhibit B. Organizations Visited or Contacted	31
Exhibit C. List of Acronyms	32
Exhibit D. Major Contributors to This Report	33
Appendix. Agency Comments	34



Memorandum

Date: March 28, 2018

Subject: ACTION: Gaps in USMMA's Sexual Assault Prevention and Response Program
Limit Its Effectiveness | Report No. ST2018039

From: Barry J. DeWeese
Assistant Inspector General for Surface Transportation Audits 

To: Maritime Administrator

In 2008, Congress passed the Duncan Hunter Act, which included a section aimed at creating an environment free of sexual assault and harassment at the United States Merchant Marine Academy (USMMA or the Academy).¹ This act required the Department of Transportation (DOT) to direct USMMA to prescribe a policy for addressing sexual assault and sexual harassment and to conduct an annual assessment to determine the effectiveness of its policies, training, and procedures with respect to these issues. The act also required the Secretary to direct the USMMA Superintendent to develop action plans and report to Congress on its progress. Finally, the act required USMMA to report to Congress on incidents of sexual assault and sexual harassment.

Since then, DOT, the Maritime Administration (MARAD), and the Academy have taken a number of actions to address sexual assault and sexual harassment at USMMA. For example, in April 2012, USMMA hired a Sexual Assault Response Coordinator (SARC) who was instrumental in initiating the Sexual Assault Prevention and Response (SAPR) program.² In response to our October 2014 report,³ USMMA established standard operating procedures (SOP) for

¹ Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Pub. L. No. 110-417 § 3507, October 14, 2008.

² USMMA's SAPR program includes efforts to address sexual harassment.

³ *Better Program Management and Oversight Are Required for USMMA's Efforts To Address Sexual Assault and Harassment* (OIG Report No. ST-2015-004), October 2014. OIG reports and testimonies are available on our website: <http://www.oig.dot.gov>.

investigating and reporting sexual assault and harassment,⁴ and MARAD clarified lines of reporting for the Academy's SARC and Civil Rights Director—key positions responsible for implementing the program. As required by Congress, USMMA has also created action plans to address concerns identified during its assessments of the effectiveness of its policies and procedures in combating sexual assault and sexual harassment.

However, as described in our past work,⁵ the Academy faced challenges in following through on its plans and addressing issues concerning its culture. Our 2016 review of USMMA's academic year (AY)⁶ 2014–2015 action plan found that the Academy completed 29 of its 44 (66 percent) planned actions, but did not complete 15 (34 percent) of its planned actions.⁷ Furthermore, in June 2016, the Middle States Commission on Higher Education (MSCHE) issued an accreditation warning to USMMA partly based on the Academy's ongoing challenges in combatting sexual assault and sexual harassment,⁸ and DOT decided to temporarily suspend the Academy's Sea Year program.⁹ Subsequently, DOT selected the Logistics Management Institute (LMI) to conduct a cultural assessment of USMMA. LMI concluded in December 2016 that, although the Academy had taken actions to address sexual assault and sexual harassment, the underlying climate contributing to these issues remained. Based on the LMI report, USMMA identified 81 recommendations, 51 of which were published in a Culture Change Action Plan in January 2017.

The National Defense Authorization Act for Fiscal Year 2017 (NDAA)¹⁰ mandated that we issue a report by March 31, 2018, describing the effectiveness of USMMA's SAPR program. Accordingly, we initiated this audit to assess (1) the SAPR program's policies and procedures; (2) the Department's and Academy's progress and challenges in prioritizing and addressing recommendations from past studies and current action plans, including the 2017 Culture Change Action

⁴ The Academy has two options for reporting sexual assault—restricted and unrestricted reporting. Both options allow a survivor to receive services, but a restricted report does not initiate an investigation, while an unrestricted report does.

⁵ See, for example, *USMMA's Efforts To Address Sexual Assault and Sexual Harassment* (OIG Controlled Correspondence No. CC2017011), April 5, 2017.

⁶ The academic year runs from July 1 through June 30.

⁷ *USMMA Follow-up Letter To Congress* (OIG Controlled Correspondence No. CC2016011), August 11, 2016.

⁸ As of November 2017, MSCHE found that USMMA had successfully satisfied all five deficient standards of accreditation, including the standards tied to combatting sexual assault and sexual harassment. MSCHE determined that USMMA implemented recommended steps to establish a climate of mutual respect and trust among midshipmen, faculty, and staff and to prepare midshipmen for Sea Year and reintegrate them afterward.

⁹ USMMA's Sea Year program is training on board maritime vessels during a midshipman's sophomore and junior years for about 135 days and 265 days, respectively. The program was reinstated aboard commercial vessels in March 2017.

¹⁰ Pub. L. 114-328 (December 23, 2016).

Plan; and (3) the Department's and Academy's responses to reports of sexual assault or harassment involving members of the Academy.

We conducted our work in accordance with generally accepted Government auditing standards. We identified criteria, including laws, best practices for preventing sexual violence from the Centers for Disease Control and Prevention (CDC),¹¹ USMMA policies and procedures, the Government Accountability Office's (GAO) *Standards for Internal Control in the Federal Government (Standards for Internal Control)*,¹² and our prior work. To meet an NDAA requirement,¹³ we also consulted with subject matter experts from the CDC on our approach and analysis.¹⁴ We reviewed documentation to assess USMMA's policies and procedures and actions to address recommendations, as well as to verify the number of sexual assault and sexual harassment incidents reported to Congress for AY 2014–2015 through AY 2016–2017. We excluded from our analysis two reported incidents with ongoing investigations. We also interviewed current and former staff and officials from DOT, MARAD, USMMA, and the USMMA Alumni Association and Foundation, the USMMA National Parents Association, as well as an official from the U.S. Army's Sexual Harassment/Assault Response and Prevention (SHARP) program. Exhibit A details our scope and methodology. Exhibit B lists the entities we visited or contacted.

We appreciate the courtesies and cooperation of Department of Transportation representatives during this audit. If you have any questions concerning this report, please call me at (202) 366-5630 or Tiffany Mostert, Program Director, at (202) 366-0625.

cc: The Secretary
USMMA Superintendent
DOT Audit Liaison, M-1
MARAD Audit Liaison, MAR-392

¹¹ The CDC serves as the Federal Government's principal agency for developing and applying disease prevention and control, environmental health, and health promotion and health education activities. The CDC is a recognized expert in the field of sexual violence prevention, and the Government Accountability Office (GAO) has used the CDC's work to assess the U.S. Department of Defense's (DoD) SAPR program. We primarily relied on the CDC's *Sexual Violence on Campus: Strategies for Prevention* report. For the remainder of this audit report, we will refer to this CDC document as *Strategies for Prevention*. CDC defines sexual violence to include a continuum of behaviors such as attempted or completed rape, sexual coercion, unwanted contact, and non-contact unwanted experiences like sexual harassment.

¹² *Standards for Internal Control (GAO 14-704G)*, September 2014.

¹³ Related to this audit, NDAA mandated that either our audit team include at least one member with expertise and knowledge of sexual assault prevention and response policies or we consult with subject matter experts in the prevention of and response to sexual assaults.

¹⁴ The primary CDC subject matter expert consultant for this audit is a Senior Health Scientist with 17 years of experience conducting and leading innovative behavioral and social science research on the perpetration and primary prevention of violent behavior.

Results in Brief

USMMA has established a SAPR program infrastructure, which includes a number of policies and procedures but does not fully align with the CDC's strategies for effective sexual violence prevention efforts.

Specifically, because of the weaknesses in the SAPR program infrastructure, critical gaps remain in the areas of comprehensive prevention and evaluation. For example, the 16 SAPR program policies and procedures are primarily response focused; thus the Academy has not institutionalized prevention strategies. Although USMMA has taken steps to develop a more comprehensive prevention program—such as by providing more frequent training and events that align with CDC strategies for preventing sexual violence on college campuses—it has not updated its SAPR policy to reflect these actions. The CDC defines sexual violence to include a continuum of behaviors ranging from rape to sexual harassment. In addition, although the Academy is not required to follow the CDC's guidance, it planned to review the CDC's work on strategies to prevent campus sexual violence. As of October 2017, this step remained incomplete. Furthermore, the Academy's Sexual Assault Review Board (SARB)¹⁵—which was established in 2013 to provide executive oversight, procedural guidance, and feedback concerning the SAPR program—has not ensured consistent messaging on comprehensive prevention in the Academy's policies and procedures. For example, SAPR policies include clear prohibitions against sexual assault and sexual harassment, but these are not reinforced in the Midshipmen Regulations, which govern the midshipmen's daily lives. In addition, the Academy's procedures are not sufficient to evaluate the effectiveness of the SAPR program or its practices, because they do not establish a reliable methodology for collecting sexual harassment data or metrics to evaluate training outcomes, such as the extent to which an individual training resulted in behavior change. These critical gaps in the program infrastructure limit USMMA's ability to prevent sexual violence and to accurately assess and improve the SAPR program and its practices.

¹⁵ The SARB's membership includes the Superintendent; Deputy Superintendent; SARC; Commandant; Academic Dean; Counsel; directors of Civil Rights, Office of Security, and Health Services; Command Chaplain, and the Head of the Office of Professional Development and Career Services. According to the document establishing the SARB, it should meet quarterly or more frequently as necessary.

MARAD and USMMA have made progress in implementing recommendations from past studies and action plans, including the 2017 Culture Change Action Plan, but they have missed identified target dates and lack a risk-based approach for setting priorities.

As of February 2018, USMMA reported completion of 62 recommendations, about 45 percent of the 138 recommendations derived from past studies and action plans, including those necessary to maintain its accreditation. Hindering progress is the lack of a risk-based approach to ensure milestones are realistic and resources are targeted to the most critical areas, such as policies and procedures related to the SAPR program and Sea Year. Another factor has limited the Academy's progress and prioritization efforts: USMMA has not streamlined or combined recommendations in areas where there may be overlap or duplication, such as Sea Year preparation and reintegration, addressing reprisal, and training. The Academy acted on recommendations from external sources without identifying how they fit into its internally developed SAPR Framework or annual action plans. In addition, according to USMMA staff and officials, key position vacancies and a lack of accountability are challenges to implementation. For example, the Academy did not have a SARC from January through July 2017 or a full-time Civil Rights Director from January 2015 until May 2017. The Academy also lacks a leadership oversight process to comprehensively track and address these recommendations and to ensure faculty and staff members are held accountable for incomplete items. This is particularly important given USMMA's ongoing challenges in staffing key positions and the 76 recommendations that remain incomplete as of February 2018.

USMMA's lack of full compliance with its procedures, particularly for sexual harassment, limits its ability to respond to incidents and report to Congress.

Based on the CDC's strategies for preventing sexual violence on college campuses, the Academy's response to reports of sexual assault and sexual harassment is an important component of efforts to shift the culture and climate. The Duncan Hunter Act requires USMMA to develop a policy on reporting and responding to incidents of sexual assault or sexual harassment and provide an annual report on such incidents to Congress. While the Academy maintains records of each reported sexual assault, in some cases its practices did not fully comply with its procedures, leaving a gap in its ability to identify potential safety issues. Specifically, incident reports did not consistently capture the alleged perpetrator's name, if known, in part because there was no field on the form for doing so. An official attributed this to an oversight and said it was never intended to be left off the form. In November 2017, the Academy revised the form to address this gap, and the SARC subsequently utilized the revised form to collect an alleged perpetrator's name. In addition, counter to Academy policy, the

administrative investigator does not document whether the facts established by the investigation meet the definition of a sexual assault. An Academy official said it is now the responsibility of the Superintendent, as the Academy's hearing officer, to determine whether a sexual assault has occurred, but that is not reflected in USMMA's procedures. Finally, USMMA lacks documentation related to reports of sexual harassment, which one official attributed to a lack of continuity in key positions, and lacks processes for validating the numbers of reported incidents. A USMMA official told us they "trusted" the numbers the SARC provided and therefore did not verify them. As a result, the Academy did not provide Congress with required information on reported sexual harassment in one year and, in another year, reported a number to Congress that we could not verify based on the documents available. Without consistent documentation of alleged incidents of sexual harassment, the Academy is limited in its ability to provide survivor services and accurately assess its progress in addressing sexual harassment.

This report recognizes improvements USMMA made during the course of our audit. We are making a series of recommendations to further improve USMMA's SAPR efforts and better align them with CDC's best practices for an effective program.

Background

USMMA in Kings Point, NY, is one of five Federal service academies.¹⁶ Its mission is "to educate and graduate licensed merchant marines and leaders of exemplary character who will serve America's maritime transportation and defense needs in peace and war." A key element of the USMMA curriculum involves the Academy's Sea Year Program, during which midshipmen gain hands-on experience serving aboard U.S. Naval Military Sealift Command vessels or commercial U.S. flagged merchant ships.

The Academy falls under the purview of MARAD within the Department and is accredited by the MSCHE. The Academy's Superintendent has overall responsibility for the institution and is supported by the Deputy Superintendent, Commandant of Midshipmen, and Academic Dean. In addition, the Academy is governed by three boards. The Board of Visitors—which is comprised of Members of Congress, distinguished leaders appointed by the President, and ex officio members—provides independent advice and recommendations on

¹⁶ The other four Federal service academies are the three DoD service academies (U.S. Air Force Academy, U.S. Military Academy, and U.S. Naval Academy) and the Department of Homeland Security's U.S. Coast Guard Academy.

matters related to the Academy. The Advisory Board, consisting of individuals distinguished in the education and the maritime fields, annually examines the Academy's course of instruction and management and advises the Superintendent and the MARAD Administrator. In addition, the Maritime Education and Training Executive Review Board (METERB), which was created in October 2016, serves as the Academy's board of trustees by providing high-level strategic guidance to USMMA and advice to the Maritime Administrator.

In response to a MARAD request, in November 2017, the National Academy of Public Administration (NAPA)¹⁷ released the results of a review of MARAD's core functions. With regard to the Academy, NAPA concluded that several high-profile problems—including that MARAD did not provide timely details on the various issues connected with USMMA accreditation, sexual harassment, and the cancelation of the Sea Year, and faced challenges in its efforts to manage USMMA—negatively impacted the Agency's reputation. The report offered six recommendations related to the Academy for MARAD to consider, including:

- ensuring that all stakeholders are proactively and promptly informed about important developments at USMMA to help rebuild trust and that the Academy and MARAD err on the side of transparency;
- conducting a thorough review of all USMMA policies; and
- reconsidering whether an existing oversight body, the METERB, is needed because having too many oversight bodies can confuse lines of authority and short-circuit effective leadership at the Academy.

Although USMMA students receive Federal student loan assistance, USMMA and the other Federal service academies are exempt from Title IX requirements,¹⁸ which typically apply to academic institutions whose students receive Federal student loan assistance and are intended to protect people from discrimination based on sex in educational programs or activities.¹⁹ However, USMMA differs from the other four Federal service academies in several ways that are relevant to its SAPR program. First, the Academy's midshipmen are not covered by the Uniform Code of Military Justice, which is the foundation of military law in the United States and applies to all members of the uniformed services. In addition, USMMA midshipmen are not Federal employees and, as such, are not covered by Federal Equal Employment Opportunity (EEO) laws, which protect against

¹⁷ NAPA is a congressionally chartered nonpartisan, nonprofit Academy that helps government leaders solve critical management challenges.

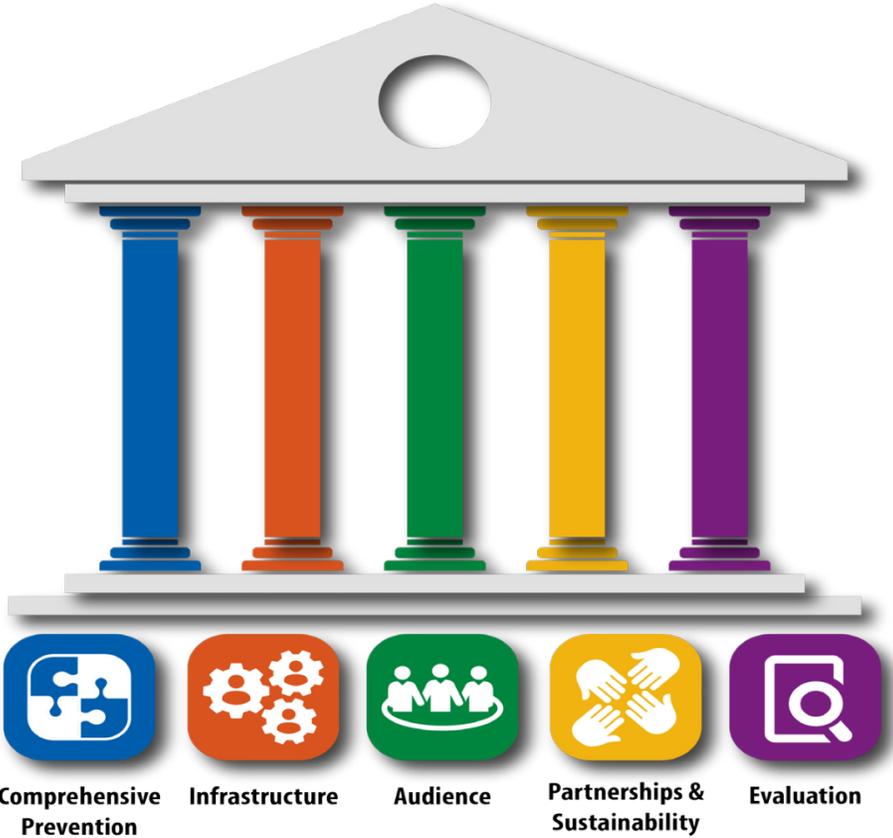
¹⁸ 20 U.S.C. § 1681.

¹⁹ The Academy, however, is subject to the Clery Act, which requires the disclosure of campus crime statistics and security information, including dating violence, domestic violence, sexual assault, and stalking.

discrimination based on race, color, religion, sex, or national origin. Also, DOT does not have an office like the Department of Defense's (DoD) Sexual Assault Prevention and Response Office (SAPRO), which provides guidance on policy and training to the three DoD service academies. According to Academy officials, USMMA based its SAPR program policies and procedures on those at other Federal service academies.

According to GAO, DoD used the CDC framework for effective sexual violence prevention strategies to develop its own SAPR strategy. The CDC highlights sexual violence as a significant public health issue that it is committed to preventing. As part of its work, the CDC seeks to identify evidence-based strategies to prevent sexual violence on college and university campuses. The CDC's *Strategies for Prevention* report indicates that, as a best practice, efforts to prevent campus sexual violence should incorporate the five components shown in figure 1, which enhance, but do not guarantee, the likelihood of effectiveness.

Figure 1. Five-Component Framework for Campus Sexual Violence Prevention Efforts



Source: CDC

1. **Comprehensive Prevention:** Means employing multiple prevention strategies and approaches that complement and reinforce one another. CDC uses the social ecological model to conceptualize the ways that multiple levels of influence interact to shape behavior.²⁰ The CDC's focus is on primary prevention—that is, preventing violence before it begins. However, for a campus to have a fully comprehensive prevention model, strategies should also be in place to respond effectively to violence after it has occurred. Primary prevention approaches should complement secondary prevention strategies that address the immediate needs of a survivor after an assault, and tertiary prevention strategies that address longer-term follow up and support, as well as sexual recidivism and re-victimization. The CDC also states that comprehensive prevention strategies should be reinforced by consistent messaging across multiple prevention approaches. Consistent messaging includes ensuring campus policies and procedures, as well as the leadership's explicit and implicit actions, support the message that sexual and other forms of interpersonal violence are unacceptable. These multiple prevention approaches should address the key risks the Academy has identified and protective factors to prevent sexual violence.
2. **Infrastructure:** Refers to the basic organizational systems and structures needed to effectively implement sexual violence prevention and response strategies on a college campus. This includes staffing, office space, and policies and procedures that enable and enhance prevention and response work.
3. **Audience:** Refers to targeting the message to the diverse groups that make up a campus community. Messages should be tailored to students, faculty, staff, administrators, parents, and other stakeholders, as appropriate.
4. **Partnership/Sustainability:** Refers to partnering with stakeholders, on and off campus, to strengthen, coordinate, and align prevention efforts and make those efforts more sustainable over time. The CDC's *Strategies for Prevention* makes the point that prevention work cannot be accomplished in a vacuum.
5. **Evaluation:** Refers to identifying which programs, policies, and procedures are or are not working. Evaluation findings should be used on

²⁰ The CDC's social ecological model includes the individual, relationship, community, and societal levels. Applied to the Academy community, it includes midshipmen, faculty, staff, and leadership as well as external stakeholders, such as the maritime industry, parents, and alumni.

an ongoing basis to inform improvements and course corrections of campus policies and practices.

The CDC also applies a set of established principles of prevention, which include:

- being comprehensive, with exposure to multiple approaches, interventions, or components to address a range of relevant risk and protective factors;
- making certain that the audience receives messages multiple times at appropriate intervals to ensure sufficient exposure to the intervention and opportunity for behavior change;
- using well-trained staff and varied teaching methods that are based on explicit assumptions about how or why the training will work;
- being grounded in research on what is effective given the audience's age, as well as socioculturally relevant to the audience;
- focusing on positive relationships, and using outcome evaluation to determine whether a policy or program worked.²¹

USMMA's Policies and Procedures Do Not Fully Align With the CDC's Strategies for Effective Sexual Violence Prevention Efforts

USMMA has developed a number of SAPR program policies and procedures and has begun staffing a SAPRO that was officially established in March 2017. However, its program infrastructure—which includes policies, procedures, and staffing—does not fully support a program that aligns with all of the five components detailed in the CDC's *Strategies for Prevention* report. Those components enhance the likelihood of effective sexual violence prevention efforts on college campuses if fully implemented. As a result, critical gaps remain in the areas of comprehensive prevention and evaluation.

²¹ These principles are based on work by M. Nation, C. Crusto, A. Wandersman, K. L. Kumpfer, D. Seybolt, E. Morrissey-Kane, and K. Davino, "What works in prevention: Principles of effective prevention programs," *American Psychologist* 58 (2003), pp. 449–56.

The Academy's SAPR Program Policies and Procedures Do Not Fully Institutionalize a Comprehensive Prevention Program

While the Academy has developed policies and procedures related to the response aspect of comprehensive prevention, it has not fully institutionalized the primary prevention aspect of the program by making prevention policies and activities a part of the fabric of the organization. According to the CDC report, a comprehensive approach should include strategies that prevent violence before it occurs and respond to violence after it has occurred. However, USMMA has largely focused on developing SOPs for response rather than the primary aspect of comprehensive prevention—preventing violence before it occurs. All 16 policies and procedures supporting USMMA's SAPR program address response, while 3 also address prevention.²²

USMMA officials recognized the need to elaborate on the prevention aspect of the program. In May 2017, USMMA revised its 2014–2018 SAPR Framework, which established goals and objectives of the program. This revised Framework, covering the period 2017–2021, includes two prevention-related goals that have objectives to create a culture intolerant of sexual assault and sexual harassment and deliver consistent and effective prevention methods and programs. A related checklist with tasks for implementing the framework's goals includes a step to identify risks for midshipmen, the Academy community, and leadership—which the Academy acknowledges is key to improving its overall culture and climate. The CDC also recommends that colleges and universities implement strategies to ensure that risks are identified and addressed.

In addition, although the Academy is not required to follow the CDC's guidance, its checklist includes a step for reviewing the CDC's work on strategies to prevent campus sexual violence. As of October 2017, this step remained incomplete, and our review identified gaps between the Academy's current SAPR policy and the CDC's best practices. For example, the CDC expert identified that the policy lacks details about how the Academy would implement its prevention program. Although the policy identifies sexual assault training provided to students, faculty, staff, and administrators, key elements—such as including information on the content of training, skills sought, prevention strategies, and dissemination/delivery methods—are not described. Furthermore, the CDC expert indicated it is important for bystander intervention training to occur at all levels (students,

²² The CDC expert validated our findings that the Academy's policies and procedures focus on response.

faculty, staff, and leadership) to support culture and behavior change, but the Academy's policy focuses solely on awareness training for faculty, staff, and leadership. According to the CDC expert, awareness training alone is insufficient to prevent violence.

The Academy's efforts to enhance prevention education may be impacted by SAPRO staffing challenges. The Academy's SAPRO, which was established in March 2017, included two positions for Victim Advocate/ Prevention Educators (VA/PE). One of these positions was filled in June 2017, vacated by September 2017 when that person temporarily took on the Student Activities Director position, and then refilled with the same person, who now reports to the Commandant instead of the SAPRO Director/SARC. In March 2018—1 year after the SAPRO's establishment—the other VA/PE position in the SAPRO remains vacant. An Academy official identified several obstacles to filling the SAPRO positions: the high cost of living in Kings Point, lack of upward mobility on campus, and limited Federal presence in the area.

USMMA has also taken steps beyond what is described in its policies and procedures to develop a more comprehensive prevention program. For example, it is providing more frequent training and events, both required and voluntary, through a variety of mediums that align with the CDC's strategies for preventing sexual violence on college campuses. However, the Academy has not updated its SAPR policy to reflect these actions. During our review, the Academy was in the process of revising six policies and procedures, including the SAPR policy.

Finally, the Academy's SAPR program is not reinforced through consistent messaging, one of the CDC's best practices. Specifically, the SARB does not ensure that consistent messaging on prevention is incorporated in all of the Academy's policies, procedures, and guidance. USMMA leadership established the SARB to meet quarterly, or more often if needed, to provide executive oversight, procedural guidance, and feedback concerning the Academy's SAPR program. The policy establishing the SARB states that its responsibilities include reviewing procedures to improve processes and system accountability and reviewing and discussing any systematic issues that impact the SAPR program's goal and objectives.

Although SAPR policies include clear prohibitions against sexual assault and sexual harassment, those prohibitions are not reinforced in the Midshipmen Regulations, which govern the midshipmen's daily lives. The Regulations do not explicitly address sexual assault and sexual harassment. Instead, they discuss "sexual misconduct" that—in line with the Academy's military-like setting—primarily focuses on prohibited consensual acts and behaviors, such as holding hands while in uniform. Although midshipmen receive training on the SAPR policies, Academy staff and an official acknowledged that midshipmen are likely to be far more familiar with the Regulations. According to the CDC expert, the

Academy should have consistent messaging with regard to sexual assault, sexual harassment, domestic violence, and stalking, especially in key documents that govern midshipmen's behavior, such as the Regulations.

Furthermore, the SAPR program policy incorrectly lists the chaplain as a reporting source under the restricted reporting section, while other procedures clearly state the chaplain cannot accept reports. The chaplain confirmed that he cannot be a reporting source, as his communications are privileged and confidential. The incorrect information had been carried through to other guidance, including flyers, pamphlets, and the Academy's public and intranet websites. After we brought this issue to the Academy's attention, the current SARC indicated she would revise the policy and all sources of guidance provided to midshipmen. In November 2017, the Academy revised its public website to remove the chaplain from the list of reporting sources.

Due to the gaps in the program infrastructure, the USMMA SAPR program may be limited in its ability to implement a comprehensive prevention approach. Furthermore, inconsistent messaging—especially in key documents like the Midshipmen Regulations—undermines program effectiveness.

USMMA's SAPR Metrics and Procedures for Capturing and Reporting Data Are Not Sufficient To Evaluate Effectiveness

While the Academy has established some metrics to evaluate its SAPR program and practices, they are not sufficient to determine whether the program or its practices are achieving the desired outcomes. The CDC's *Strategies for Prevention* report recommends that a college campus have methods to assess the efficacy of its sexual violence prevention program, policies, and practices in order to make improvements. The CDC expert indicated that the best measure of program effectiveness is self-reported data indicating a decrease in incidents over time. However, in the absence of such data, closing the gap between official sexual assault and sexual harassment reports and anonymous self-reports, such as those identified through survey data, is a valid measure of program effectiveness, because it indicates that survivors feel comfortable reporting incidents. MARAD and Academy officials also indicated that this is their key measure of success.

However, the Academy's procedures for capturing and reporting data are not sufficient to evaluate SAPR program effectiveness. Since AY 2011–2012, the Academy has used data collected through the biennial DoD Service Academy Gender Relations (SAGR) survey of midshipmen to measure the incidence of sexual harassment and sexual violence, on or off Academy grounds, not reported to USMMA officials. This provides a point of comparison with the data the

Academy collects on incidents of sexual assault and sexual harassment that have been reported to Academy officials, but differences in the timeframes for which the data are collected may impact the accuracy of comparisons. Because some students were participating in Sea Year, the SAGR survey collected data in a timeframe longer than a single AY, while USMMA collects and reports incident data relative to one AY. Furthermore, the data on incidents reported to USMMA are for the AY in which they are received, but incidents are not always reported to the Academy in the same academic year in which they occur, which can skew comparisons. Finally, gaps in the data limit the ability to evaluate SAPR program effectiveness using the measure the CDC expert identified. For example, for most years, the estimated number of sexual assault and sexual harassment survivors was either not reported or listed as a range (see table 1, which highlights specific data concerns).

Table 1. Data in USMMA’s Reports to Congress for Odd Numbered AYs, With Data Concerns Highlighted

USMMA Reported Enrollment and Response Rate Data					
Academic year	Female	Male	Total	Response Rate	
2011–2012	123	823	946	51%	
2013–2014	136	800	936	57%	
2015–2016 (preliminary results)	150	709	859	77%	
USMMA Reported Sexual Assault Incident Data					
Academic year	Number of incidents reported to USMMA	Estimated # of midshipmen sexually assaulted*	Estimated % of midshipmen sexually assaulted*		
			Total	Female	Male
2011–2012	0	28	3.0%	14.4%	1.3%
2013–2014	3	27 to 52	4.2%	17.1%	2.0%
2015–2016 (preliminary results)	4	Not reported	4.0%	19.5%	0.8%
USMMA Reported Sexual Harassment Incident Data					
Academic year	Number of incidents reported to USMMA	Estimated # of midshipmen sexually harassed*	Estimated % of midshipmen sexually harassed*		
			Total	Female	Male
2011–2012	0	132	USMMA did not report this in any of the AYs	57%	8%
2013–2014	USMMA did not report this required information	Not reported		63%	11%
2015–2016 (preliminary results)	8	Not reported		60%	9%

*USMMA reported estimates based on SAGR survey data. Estimates apply to the total USMMA enrolled population.

Source: OIG generated based on USMMA reports to Congress.

The CDC expert stated that, if the data on the estimated percentage of midshipmen sexually assaulted are reliable, they suggest a slight increase in

reports of sexual assault from women and no meaningful change in reports from men during the 5 academic years from AY 2011–2012 through AY 2015–2016. However, given the missing data about the estimated number of survivors, the CDC expert concluded that there was insufficient information to determine whether those differences are meaningful or indicate a true trend.

For the number of sexual harassment incidents, the unreported data stem from the lack of a reliable methodology for collecting the data. As a result, according to a USMMA official, the Academy did not provide required information to Congress on how many sexual harassment reports it had received in AY 2013–2014. The Academy also does not have a complete picture of reported sexual harassment complaints for AY 2016–2017; thus, according to an Academy official, it might not include that statistic in its next report to Congress.

Capturing sexual harassment data is complicated by the varied reporting and response processes, insufficient policy on maintaining the data, and lack of compliance with the existing records maintenance procedure. Sexual harassment complaints from faculty or staff are supposed to go to the MARAD Civil Rights Office. Formal complaints are logged in the Department’s “iComplaints” system, which tracks EEO complaints, including those related to sexual harassment. However, because midshipmen are not considered Federal employees, their complaints are not logged in the iComplaints system.

Under the current policy against discrimination and harassment, sexual harassment complaints involving midshipmen are ultimately supposed to go to the Commandant. However, the policy does not require the Commandant to keep any records or statistics on complaints received. According to the separate records maintenance procedure, which is not referenced in the policy, anyone who receives a report of sexual harassment or sexual assault is responsible for notifying the SARC within 24 hours, and the SARC is responsible for maintaining a formal, numbered report on the incident. However, we found that the SARC did not maintain these reports as required. The SARC had one file containing unnumbered documents related to multiple sexual harassment incidents for AY 2015–2016, which impacts the Academy’s ability to provide reliable information on the number of reported incidents to Congress. In addition, based on our interviews with MARAD Civil Rights staff and a USMMA official, informal complaints made by staff, faculty, or midshipmen could be addressed (through counseling or other means) without being entered into any system or reported to the Academy for tracking purposes. This could lead to underreporting of incidents to Congress.

The Academy also lacks metrics to fully assess whether a particular SAPR program practice is working as intended. The Academy’s SAPR Framework identifies four metrics related to evaluating program practices: pre- and post-test scores from online training, training evaluations, and the numbers of investigations and

referrals for services. However, based on CDC input, these metrics are not sufficient to assess the efficacy of SAPR program practices. The CDC expert suggests metrics should move beyond measuring training satisfaction to also determine whether an individual program or training produces results by changing skills, attitudes, or behaviors and addressing identified risk factors. Although a program may be designed to increase bystander behavior, for example, that does not necessarily mean that it does.

Recognizing the need for an assessment program, the Academy hired an Institutional Assessment Director in May 2016 and recently procured an online assessment platform to help it determine if programs work as intended, identify unknown causes and unanticipated consequences, and make better decisions about whether to continue, halt, or change a program. The Assessment Director was initially focused on MSCHE recommendation implementation and is now working with the SARC to implement the assessment platform for the SAPR program. This work includes creating a training plan that identifies goals, strategies, and program outcomes. While these steps will enable the Academy to better measure the efficacy of SAPR program practices, the Assessment Director said it will take about a year to fully implement a regular assessment of the SAPR program. Nevertheless, the current assessment methods are not sufficient for the Academy to accurately evaluate and improve the SAPR program and its practices.

MARAD and USMMA Have Made Progress in Implementing Recommendations but Missed Target Dates and Lack a Risk-Based Approach for Setting Priorities

USMMA's AY 2016–2017 internal action plan and outside studies from AY 2015–2016 and AY 2016–2017 identified 138 recommendations for MARAD or USMMA to implement to address significant problems in the Academy's SAPR program. Specifically, the Academy identified 40 items on its AY 2016–2017 annual sexual assault and sexual harassment action plan. Related to its accreditation warning, MSCHE reported two required actions and five recommended actions for the SAPR program. MARAD and the Academy identified 81 recommendations based on the LMI report, including 51 actions from the associated January 2017 Culture Change Action Plan. USMMA's Advisory Board reports for 2016 and 2017 contained 10 recommendations related to the Academy's SAPR program. In total, as of February 2018, the Academy reported completing 62 of the 138 recommendations (about 45 percent), leaving 76 recommendations

incomplete (see table 2). The Academy plans to take action on 68 of these 76 recommendations.

Table 2. Summary and Status of SAPR Program-Related Recommendations, February 2018

Source	Total # of Recommendations	# of Recommendations USMMA Reported Completed	# of Incomplete Recommendations
AY 2016–2017 Action Plan	40	32	8 ^a
LMI Culture Audit	30	7	23
USMMA 2017 Culture Change Action Plan (based on LMI audit)	51	19	32
MSCHE 2016	4	2	2
MSCHE 2017	3	0	3
USMMA Advisory Board 2016	6	0	6
USMMA Advisory Board 2017	4	2	2
Total	138	62	76

^a The Academy closed out the AY 2016–2017 Action Plan in June 2017. Therefore, no additional progress is expected on the eight incomplete items in that Action Plan. USMMA’s closeout memo for the Action Plan indicated that incomplete items would be reviewed and carried forward to the 2017–2018 Plan, or amended or deleted as necessary.

Source: OIG generated from past studies and action plans, USMMA status reports, and related documentation.

Based on identified target completion dates, as of February 2018, MARAD and the Academy should have completed 91 of the 138 recommendations. The Academy was supposed to address its annual action plan within 1 AY, the MSCHE requirements within 2 years (by June 2018), and the MSCHE recommendations by the next accreditation visit (scheduled for AY 2024–2025). In addition, MARAD and the Academy planned to address the 51 LMI recommendations that they included in the Culture Change Action Plan by September 30, 2017, but the Academy subsequently revised the timeframes to categorize 37 items as immediate/within 6 months (to address by June 2017) and 14 items as medium/within 6–12 months (to address by January 2018). The Academy did not assign timeframes to the additional 30 items it included from the LMI culture audit. In its report, the Advisory Board indicated that it expected the Academy to address its recommendations immediately and give them continued attention, but did not

assign specific deadlines. DOT, MARAD, or USMMA also did not assign target completion dates for these items. According to the Academy, as of February 2018, it had completed 51 of the 91 recommendations that should have been completed (see table 3). The Academy also completed nine recommendations that did not have target completion dates and two recommendations before their target completion dates.

Table 3. Status of SAPR Program-Related Recommendations with Planned Completion Dates by February 2018

Source of Recommendation	# of Recommendations With Target Completion Dates by February 2018		
	Total	USMMA Reported Completed	Incomplete
AY 2016–2017 Action Plan	40	32	8 ^a
LMI Culture Audit	N/A ^b	N/A	N/A
USMMA 2017 Culture Change Action Plan (based on LMI audit)	51	19	32
MSCHE 2016	0	0	0
MSCHE 2017	0	0	0
USMMA Advisory Board 2016	N/A ^c	N/A	N/A
USMMA Advisory Board 2017	N/A	N/A	N/A
Total	91	51	40

^a The Academy closed out the AY 2016–2017 Action Plan in June 2017. Therefore, no additional progress is expected on the eight incomplete items in that Action Plan. USMMA’s closeout memo for the Action Plan indicated that incomplete items would be reviewed and carried forward to the 2017–2018 Plan, or amended or deleted as necessary.

^b Neither LMI nor the Academy have assigned due dates for these recommendations.

^c No entity—the Advisory Board, DOT, MARAD, or USMMA—assigned target completion dates for these items.

Source: OIG generated from past studies and action plans, USMMA status reports, and related documentation.

We assessed the 62 recommendations the Academy reported as completed and concluded that we can accept the Academy’s position for all except 1—an item from the Academy’s AY 2016–2017 action plan related to assessing the effectiveness of student recreation programs. We have no basis to determine its

status because the Academy could not provide documentation supporting its completion. This is an improvement over our past reviews. For example, in our 2016 review of the 44 action items in USMMA's AY 2014–2015 action plan, we disagreed with the Academy's reported completion status for 8 items and had no basis to determine the status of 2 additional items.²³ This improvement can be attributed at least in part to the Academy's Risk Management Officer, who recognized a gap in accountability for ensuring items were completed and began tracking completion of the MSCHE and LMI recommendations. The Risk Management Officer has worked to ensure that recommendations are fully complete before they are closed. For example, the Academy's November 2017 report on the LMI recommendations marked five Sea Year-related items as 100 percent complete, but these recommendations remained open in February 2018 because they lack supporting documentation for closure.

The Academy's actions related to the 61 completed recommendations from AY 2016–2017 included:

- addressing MSCHE requirements—in November 2017, MSCHE found that USMMA had successfully satisfied all standards of accreditation, including those related to combatting sexual assault and sexual harassment;
- developing a Culture Campaign Action Plan to involve faculty, staff, and USMMA leadership in the process of improving the Academy's culture;
- establishing the SAPRO;
- providing awareness training to midshipmen, faculty, and staff;
- holding Sexual Assault Awareness Month activities; and
- establishing a rapid response team to address threats.

MARAD also completed recommendations related to USMMA's Sea Year program. For example, in response to LMI's recommendations, it:

- created the Shipboard Climate Compliance Team (SCCT), which developed standards for shipping companies participating in Sea Year in January 2017;
- issued evaluation criteria to assess shipping companies' compliance in February 2017;

²³ *USMMA Follow-up Letter to Congress* (OIG Controlled Correspondence No. CC2016011), August 11, 2016.

- reinstated the Sea Year program aboard commercial vessels in March 2017;
- revised its criteria in August 2017 to encourage more companies to participate; and
- contracted with a subject matter expert and engaged industry through the Ship Operations Cooperative Program (SOCP), an industry-government partnership, to create computer-based training programs and a best practices guide to combat sexual assault and sexual harassment.

Despite progress, the Academy has missed target dates for completing recommendations, including items intended to address significant problems identified in internal surveys and outside studies, such as combating retaliation and reprisal, improving Sea Year preparation, and enhancing engagement between the Academy and the maritime industry. For example, the Academy has yet to complete 24 of the 37 recommendations in its Culture Change Action Plan identified for immediate action and completion by June 2017, including establishing policies and procedures against retaliation and reprisal and instituting a process to give survivors the results of investigations in writing. MARAD also missed one of its target dates but took sufficient action to close the recommendation by February 2018.

Progress is hindered in part because the Academy does not prioritize recommendations for implementation based on risk. Although the various recommendations have different target completion dates, based on our review and our interviews, the dates do not reflect a risk-based prioritization. Our body of work across the Department²⁴ and GAO's *Standards for Internal Control* suggest that the most effective plans are risk based and assign additional resources to those items with higher risk levels. In October 2017, a MARAD official informed us that the Academy was in the process of prioritizing its many recommendations, which it would report to METERB. In turn, the METERB would ask questions or make suggestions about those priorities. We have not seen any evidence that these actions were completed.

In addition, the Academy has not reduced overlap and duplication in the 138 recommendations. The Academy acted on recommendations from external sources without identifying how they fit into its internally developed SAPR

²⁴ See, for example, *Improvements in FTA's Safety Oversight Policies and Procedures Could Strengthen Program Implementation and Address Persistent Challenges* (OIG Report No. ST-2017-004), November 2016, and *FRA Lacks Guidance on Overseeing Compliance With Bridge Safety Standards* (OIG Report No. ST-2016-059), April 2016. See Exhibit A: Scope and Methodology for additional examples.

Framework or annual action plans. Instead, the Academy tracked recommendations from its action plan and external studies separately. For example, during this audit we identified recommendations dealing with interrelated topics and issues, including Sea Year preparation and reintegration, addressing reprisal, and training. Based on our interviews, however, these recommendations were developed in isolation from one another and are tracked independently. Moreover, some of the recommendations have resulted in additional items that the Academy tracks separately. For example, in response to a LMI recommendation, the Academy developed a SAPR Framework checklist with 39 items tracked by the Deputy Superintendent. The checklist overlaps with some of the LMI recommendations monitored by the Academy's Risk Management Officer, such as those related to the culture campaign, reviewing sexual assault and sexual harassment policies, and reviewing and revising the Sea Year program.

Finally, Academy officials and staff described critical position vacancies and a lack of accountability as barriers to full implementation of recommendations. NAPA reported that USMMA has fewer staff and faculty per student compared to other service academies. The NAPA report also noted USMMA's operating budget per cadet is 59 percent of the Coast Guard Academy, 60 percent of the Air Force Academy, 81 percent of West Point, and 92 percent of the Naval Academy budgets. Because of USMMA's small size, vacancies in certain critical offices, such as SAPRO, slowed work on Academy programs and addressing recommendations.

In some cases, other Academy staff assumed duties for vacant positions in addition to their own. For example, although the SARC and Civil Rights Director were responsible for approximately 38 percent of the recommendations in the AY 2016–2017 plan, the Academy did not have a SARC from January through July 2017 or a full-time Civil Rights Director from January 2015 until May 2017. In the SARC's absence, the Deputy Superintendent took the lead on a number of SARC duties, including tracking implementation of the previous SARC's planned actions, despite also being responsible for a number of other recommendations and Academy functions.

Regarding accountability, Academy staff and officials indicated that some faculty and staff—even SARB members—resist completing assigned recommendations, do not respond to requests for information, and do not take thorough action to address recommendations. Some Academy staff and officials we interviewed stated that although they had complained to a senior leader about these issues, they felt the faculty and staff members in question were not held accountable for incomplete items. The senior leader told us the Academy can hold staff and faculty responsible through their performance reviews, but it is hard to take action against staff who have consistently received high ratings in prior years. The Academy developed language regarding accountability for SAPR program

implementation but did not include that language in faculty and staff performance plans due to union concerns.

Without a risk-based approach, the Academy cannot ensure that its milestones are realistic and achievable, and that it is focusing its attention, limited resources, and oversight on the most critical areas. Furthermore, unless USMMA ties action plans to objectives and outcomes, it cannot measure its accomplishments against its goals, tailor its prevention strategies to identified risks, or hold staff accountable.

Lack of Full Compliance With Its Procedures, Particularly for Sexual Harassment, Limits USMMA's Ability To Respond to Incidents and Report to Congress

While the Academy did not fully comply with established procedures, it maintained records of each incident of sexual assault that it reported to Congress for AY 2014–2015 through AY 2015–2016 and those it plans to report for AY 2016–2017.²⁵ Based on the cases we reviewed, it generally followed its procedures for responding to those incidents. However, the Academy did not maintain sufficient documentation for us to assess its responses to seven of the eight incidents of sexual harassment reported during the period of our review. In addition, we identified a potential for underreporting both sexual assault and sexual harassment incidents.

The Duncan Hunter Act requires the USMMA Superintendent to develop a policy that contains procedures for reporting and responding to incidents of sexual assault or sexual harassment. Since the legislation took effect, the Academy has revised its policies to address such incidents. Additionally, in response to our 2014 report, the Academy developed SOPs for restricted and unrestricted reports of sexual assault, and a records maintenance procedure that pertains to both sexual assault and sexual harassment complaints, including tracking reports and record retention. These SOPs could facilitate data collection and enable the Academy to meet the Duncan Hunter Act's requirement for the Superintendent

²⁵ From AY 2014–2015 through AY 2015–2016, the Academy reported five sexual assault incidents to Congress. For AY 2016–2017, the Academy plans to report an additional nine sexual assault incidents to Congress. Two reports are under investigation; thus, we reviewed documentation for the remaining 12. We relied on numbers the Academy plans to report, because as of March 2018, the Academy had not yet released its AY 2016–2017 report.

to report annually to Congress, via the Secretary, on the number of sexual offenses involving cadets or other personnel reported to Academy officials, as well as the number that have been substantiated. In response to our October 2014 report, MARAD developed a plan to deliver the report to Congress by January 15 of each year. However, as of March 2018, neither the preliminary nor final AY 2016–2017 reports nor the final report for AY 2015–2016 had been provided to Congress.

In addition to fulfilling statutory requirements, establishing and following response procedures, including tracking and reporting on incidents, are important components of a comprehensive program to prevent sexual violence and respond after violence has occurred. The CDC states that sexual violence includes a continuum of behaviors, including attempted or completed rape, sexual coercion, unwanted contact, and non-contact unwanted experiences like harassment. In addition, military research suggests that there is a clear relationship between sexual harassment and sexual assault; according to the Army SHARP, 30 percent of the Army's sexual assault cases started with sexual harassment. Preventing sexual violence of all types requires a shift in culture and climate, which the CDC expert noted could be undermined unless there is a proactive response. The Academy's response to reports of both sexual assault and sexual harassment is therefore a key element in addressing the campus climate.

Regarding sexual assault, our review of eight restricted and four unrestricted reports found the Academy generally complied with its sexual assault response procedure requirements to take a report, offer survivor services, and notify leadership. For unrestricted reports, it also conducted administrative investigations and took actions to address the issues, for example by expelling a perpetrator. None of the cases we reviewed were referred to the Department of Justice for criminal prosecution.

However, we noted some gaps between the Academy's policies and procedures and its practices, which may hinder its response to sexual assaults. For example, the Academy did not consistently comply with the requirement to capture the alleged perpetrator's name, if known, in incident reports. According to legal and safety officials at the Academy and OIG Investigators, this step is important for protecting the safety of the campus and facilitating investigations. The Academy had a serial perpetrator (one person named by multiple survivors) in the past, who was expelled, and knowing the names of alleged perpetrators is critical to identifying such cases. However, there was no field to document this on the incident report form. An official attributed this to an oversight and said it was never intended to be left off the form. Following our review the Academy closed this gap by revising both its form and the accompanying instructions, effective November 2017. In addition, the SOP for investigating unrestricted reports of sexual assault requires the USMMA Department of Public Safety (DPS)

administrative investigator to document whether the facts established by the investigation meet the definition of a sexual assault and an explanation of the nexus between the facts and the determination. However, the DPS investigator does not document this information. An Academy official said in order to provide the alleged perpetrator due process, USMMA revised its investigative reporting practice, limiting it to a factual summary without any determination about whether a sexual assault occurred. Now it is the role of the Superintendent, as the Academy's hearing officer, to make the determination. However, the Academy did not update its SOP to reflect this practice.

Regarding sexual harassment, from AY 2014–2015 through AY 2016–2017, the Academy reported eight incidents to Congress, all of which were reported in AY 2015–2016. We sought documentation for all of the incidents, but the former SARC did not maintain records related to sexual harassment complaints as required by the Academy's records maintenance procedure. We could not find comprehensive files in any other location at the Academy or MARAD. The SARC's files contained correspondence related to six complaints, but they were not specifically labeled as sexual harassment reports or numbered as specified in the procedure. Furthermore, they did not provide complete information about the response or resolution, including services offered to the survivors. We found adequate documentation in the Commandant's files to support the complaint and resolution of one of the six incidents described in the SARC's file. The Academy could not provide any other documentation to support the eight incidents reported to Congress.

The lack of sexual harassment documentation can be attributed to several factors. An Academy official attributed the gap in documentation to a long-standing vacancy in the Civil Rights Office and the departure of the SARC in December 2016. This discontinuity in key positions contributes to a lack of institutional knowledge that is exacerbated by the weaknesses in the Academy's policies and procedures we noted above. This also reinforces the importance of sustained leadership at all levels and oversight to ensure a shared vision and consistent approach. In addition, our interviews indicated there is widespread confusion among Academy staff and officials about how to report complaints from midshipmen about sexual harassment. In fact, based on our compilation of interviewees' understanding of the process, a midshipman could report a sexual harassment incident and be referred from the Commandant to the SAPRO, from the SAPRO to EEO, and from EEO back to the Commandant. Furthermore, the Academy does not have a SOP for investigating and responding to sexual harassment incidents and does not have a sexual harassment intake form. The Academy also does not log reports or validate the number of reported incidents. A USMMA official told us they "trusted" the numbers that the SARC provided.

In addition, Academy staff raised concerns about whether all incidents of sexual assault or sexual harassment reported to faculty and staff outside the SAPR and

Civil Rights offices are addressed. This concern was supported by the results of USMMA's 2016 survey of faculty and staff, which made clear that faculty and staff do not realize they are responsible for reporting midshipman sexual assaults up the chain of command. For AY 2015–2016, 25 percent of staff and faculty said that a midshipman had reported a sexual assault incident to them, which could have resulted in approximately 17 reports. However, the Academy only received four official reports of sexual assault, which were all restricted. One faculty member described a "distressing situation" in which a student reported an incident to a trusted faculty member who then failed to report the incident. During our review, we learned that, in another case, the Academy took administrative action and suspended several staff members who did not report an incident. The report on the survey results concluded that it is crucial that the faculty and staff report incidents of sexual assault so that survivors can obtain proper counseling and support and recommended that future training focus on this responsibility.

Because its files, particularly for sexual harassment, are incomplete, the Academy is limited in its ability to provide survivor services, hold the accused accountable, accurately assess its progress in addressing sexual assault and sexual harassment, and fully and timely report to Congress, stakeholders, and the public. Furthermore, by not consistently documenting incidents of sexual harassment, the Academy may be missing indications of potential safety issues on campus.

Conclusion

Confronting and addressing sexual assault and sexual harassment at USMMA is of critical importance and a high priority for Congress and DOT. The Academy's SAPR program has a laudable mission—eliminating sexual assault and sexual harassment from USMMA's campus and to ensure that if it occurs, the Academy provides immediate and compassionate survivor support, timely investigations, and appropriate discipline for those found in violation of policies. However, gaps in the Academy's SAPR program infrastructure and deficiencies in its response to sexual harassment incidents limit its ability to demonstrate its progress toward this goal to Congress, its stakeholders, and the public. Furthermore, the Academy has committed to undertaking numerous actions aimed at improving its culture. Success in these efforts will depend on sustained leadership from all levels—midshipmen, staff, faculty, and executives—to ensure a shared vision in targeting actions and resources to the most crucial areas.

Recommendations

To better align the U.S. Merchant Marine Academy's (USMMA or the Academy) Sexual Assault Prevention and Response (SAPR) program with recognized best practices and improve the program's effectiveness, we recommend the Maritime Administrator direct the Superintendent of the USMMA to take the following actions:

1. Update policy or develop procedures to place a greater emphasis on prevention in the SAPR training program and incorporate the Centers for Disease Control's elements of a comprehensive prevention program, such as providing bystander intervention training at all levels (students, faculty, staff, and leadership).
2. Complete a Sexual Assault Review Board review of all Academy policies and procedures, including the Midshipmen Regulations, to identify any gaps or inconsistencies with SAPR messaging and revise the policies and procedures accordingly.
3. Communicate the revised policies and procedures to all Academy stakeholders.
4. Establish and formalize in policy or procedures methodologies to evaluate the effectiveness of the SAPR program and its practices, including metrics to evaluate training outcomes.
5. Revise sexual assault policies and procedures and sexual harassment policies to clearly provide for documenting, tracking, and maintaining reports, such as by cross-referencing to the records maintenance standard operating procedure.
6. Develop and implement procedures for prioritizing responses to recommendations based on risk and aligning resources accordingly.
7. Develop and implement controls to ensure staff at all levels and faculty are held accountable for taking actions to support the SAPR program, including completing assigned action items.
8. Align the investigative reporting practice with the standard operating procedure for investigating an unrestricted report of sexual assault.
9. Develop and implement a procedure for reporting, investigating, and responding to sexual harassment complaints.
10. Develop and implement a procedure for validating the Academy's data on reported sexual assault and sexual harassment incidents.

Agency Comments and OIG Response

We provided MARAD with our draft report on February 14, 2018, and received its response on March 15, 2018, which is included as an appendix to this report. MARAD concurred with all 10 of our recommendations and provided appropriate completion dates for recommendations 1 through 9. In addition, MARAD stated that USMMA has already implemented actions to address recommendation 10 and requested we close this recommendation. MARAD provided documentation related to this request on March 8 and March 15, 2018; we reviewed it and determined it was not sufficient to close the recommendation. Specifically, the Academy established a process to validate the accuracy of data on incidents of sexual assault and sexual harassment reported to the Sexual Assault Response Coordinator, but it is not clear how the process will validate the completeness of the data—the intent of this recommendation. Until MARAD provides additional clarification, we consider recommendation 10 open and unresolved.

Actions Required

We consider recommendations 1 through 9 resolved but open pending completion of planned actions. In accordance with DOT Order 8000.1C, we request that MARAD provide us with the additional information requested above for recommendation 10 within 30 days of the date of this report.

Exhibit A. Scope and Methodology

We conducted our work from June 2017 through February 2018 in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence provides a reasonable basis for our findings and conclusions based on our audit objectives.

The NDAA for fiscal year 2017 mandated that we issue a report by March 31, 2018, describing the effectiveness of USMMA's SAPR program. Accordingly, we initiated this audit to assess:

1. The SAPR program's policies and procedures;
2. The Department's and Academy's progress and challenges in prioritizing and addressing recommendations from past studies and current action plans, including the 2017 Culture Change Action Plan; and
3. The Department's and Academy's responses to reports of sexual assault or harassment involving members of the Academy.

To address this mandate, we identified and reviewed criteria, including the CDC's Sexual Violence prevention documents, the Duncan Hunter Act, the NDAA, our prior audits and testimony, GAO's reports on DoD's sexual assault and sexual harassment programs, and GAO's *Standards for Internal Control*.

To assess the effectiveness of the SAPR program's policies and procedures, we identified and verified the Academy's current SAPR-related policies and procedures, which were issued from April 2002 through May 2017. To meet an NDAA requirement that we either include at least one member with expertise and knowledge of sexual assault prevention and response policies on the audit team or consult with subject matter experts in the prevention of and response to sexual assaults, we consulted with the CDC's subject matter experts. These experts provided their views on what makes an effective program and how that is measured, in addition to their insights on key Academy policies and procedures and the SAGR survey's efficacy as a tool for assessing program effectiveness. They provided feedback on our methodology for evaluating the five components of the CDC's approach to campus sexual violence prevention: comprehensive prevention, infrastructure, audience, partnership, and evaluation. We also obtained the CDC's subject matter experts' technical comments.

To assess the Department's and Academy's progress and challenges in prioritizing and addressing recommendations, we first identified the universe of recommendations from studies reported in AY 2015–2016 and AY 2016–2017 and

action plans that were current in AY 2016–2017. We obtained supporting documentation and testimonial evidence to assess the extent to which the Academy had implemented the recommendations identified in the various action plans and reports, including items that had carried over from the AY 2015–2016 Action Plan. We also obtained testimonial evidence about the Department’s and Academy’s processes for prioritizing those recommendations and progress and challenges in implementing them.

Furthermore, we reviewed our body of work across the Department and GAO’s *Standards for Internal Control* to contribute to our understanding of risk-based planning. The OIG work we reviewed included: *Improvements in FTA’s Safety Oversight Policies and Procedures Could Strengthen Program Implementation and Address Persistent Challenges* (ST-2017-004, November 2016). *FRA Lacks Guidance on Overseeing Compliance With Bridge Safety Standards* (ST-2016-059, April 2016). *FRA’s Oversight of Hazardous Materials Shipments Lacks Comprehensive Risk Evaluation and Focus on Deterrence* (ST-2016-020, February 2016). *FHWA Effectively Oversees Bridge Safety, But Opportunities Exist to Enhance Guidance and Address National Risks* (ST-2015-027, February 2015). *FAA Continues To Face Challenges in Implementing a Risk-Based Approach for Repair Station Oversight* (AV-2013-073, May 2013). *National Bridge Inspection Program: Assessment of FHWA’s Implementation of Data-Driven Risk-Based Oversight* (MH-2009-013, January 2009).

To assess the Department’s and Academy’s responses to reports of sexual assault or sexual harassment involving members of the Academy, we obtained testimonial and documentary evidence about the Academy’s reporting processes, incident files, responses, and suggestions for improvement. We consulted with our legal counsel and investigations offices and agreed with the Academy on an approach to obtain the information contained in the incident files, while not recording the survivors’ or alleged perpetrators’ names to protect their identities. We reviewed sexual assault report files and documents related to sexual harassment incidents reported from September 2014 through June 2017. We also obtained and reviewed MARAD’s iComplaints report for sexual harassment complaints, which would have included complaints made by Academy staff and faculty, for the same time period.

Throughout the course of the audit, we interviewed current and former staff from the Office of the Secretary of Transportation (OST) and MARAD officials. We conducted multiple site visits to USMMA in Kings Point, NY, and interviewed Academy officials, faculty, and staff. Additionally, we met with the USMMA Alumni Association and Foundation and the National Parents Association to obtain their perspectives on the Academy’s SAPR program, and spoke with the Army’s SHARP Branch Chief to understand the potential benefits of including “harassment” in the program title.

Exhibit B. Organizations Visited or Contacted

Department Facilities

Office of Civil Rights, OST Headquarters, Washington, DC

MARAD Facilities

Maritime Administration Headquarters, Washington, DC

U.S. Merchant Marine Academy, Kings Point, NY

Other Organizations

Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention

USMMA Alumni Association and Foundation

USMMA National Parents Association

U.S. Army's Sexual Harassment/Assault Response and Prevention Program

Exhibit C. List of Acronyms

AY	Academic Year
CDC	Centers for Disease Control and Prevention
DoD	Department of Defense
DOT or Department	U.S. Department of Transportation
DPS	Department of Public Safety
EEO	Equal Employment Opportunity
GAO	Government Accountability Office
LMI	Logistics Management Institute
MARAD	Maritime Administration
METERB	Maritime Education and Training Executive Review Board
MSCHE	Middle States Commission on Higher Education
OIG	Office of Inspector General
OST	Office of the Secretary of Transportation
SAGR	Service Academy Gender Relations
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARB	Sexual Assault Review Board
SARC	Sexual Assault Response Coordinator
SCCT	Shipboard Climate Compliance Team
SHARP	U.S. Army's Sexual Harassment/Assault Response and Prevention
SOCP	Ship Operations Cooperative Program
SOP	Standard Operating Procedures
USMMA or Academy	U.S. Merchant Marine Academy
VA/PE	Victim Advocate/ Prevention Educator

Exhibit D. Major Contributors to This Report

TIFFANY MOSTERT	PROGRAM DIRECTOR
GEORGE LAVANCO	PROJECT MANAGER
DAWN FRATRIN	PROJECT MANAGER
LINDA MAJOR	SENIOR AUDITOR
EMILY ROBERTS	SENIOR ANALYST
MICHAEL DZANDZA	AUDITOR
JENNIFER HATCH	ANALYST
JEROME WEI	ANALYST
JANE LUSAKA	WRITER-EDITOR
AMY BERKS	SENIOR COUNSEL

Appendix. Agency Comments



U.S. Department
Of Transportation
**Maritime
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

From: Mark H. Buzby  14 MAR 2018
Maritime Administrator

To: Barry DeWeese
Assistant Inspector General for Surface Transportation Audits

Subject: Management Comments – Office of Inspector General (OIG) Draft Report
– USMMA’s Sexual Assault Prevention and Response Program Limit

Prevention of and response to sexual assault and sexual harassment is a top priority for the U.S. Merchant Marine Academy (USMMA or Academy). The Maritime Administration (MARAD) and the Academy are committed to creating a campus environment where Midshipmen can live and learn free from the threat of sexual misconduct or violence. The USMMA has made significant strides in establishing an effective Sexual Assault Prevention and Response Program (SAPR). Students have implemented a Culture Change Campaign, called “BE Kings Point (KP),” that embraces the Academy’s core values of honor, service and respect, showing that Midshipmen are owning the problem. The Academy also has seen students take bystander actions, such as their removal of offensive material from class Facebook posts, which indicate that Midshipmen are policing themselves. In addition, Midshipmen have shown an increased trust in the administration’s ability to provide recovery services and hold perpetrators accountable, as evidenced by the increased number of official sexual assault reports this year compared to prior years. While USMMA agrees with the OIG’s draft report that it has challenges in updating policy, analyzing risk and validating data, it also believes that the SAPR program is increasingly effective through actions within the Regiment of Midshipmen, where it counts the most.

The USMMA has several efforts completed or underway to further enhance its SAPR, including the following actions:

- Achieved full reaccreditation in November 2017, successfully satisfying the five deficient standards of accreditation, including the standards tied to combatting sexual assault and sexual harassment.
- Contracted with the Rape, Abuse, and Incest National Network (RAINN) to obtain a 24/7/365 global hotline that Midshipmen can call to obtain advice and referrals, equipping those at sea with an important reach-back resource.
- Expanded the SAPR Office to include two Victim Advocate/Prevention Educators and a Sea Year Liaison in addition to the Sexual Assault Response Coordinator. Also, the MARAD Office of Chief Counsel plans to hire an Assistant Counsel to the Academy, whose primary duty will be to serve as a special victim advisor to Midshipmen who make complaints under the Academy's sexual assault policy; and
- Participated in the National Collegiate Athletic Association's *It's On Us* campaign to prevent sexual assault.

Based upon our review of the draft report, we concur with all ten OIG recommendations, as written, to better align USMMA's SAPR with recognized best practices and improve the program's effectiveness. The USMMA has already implemented actions to address Recommendation 10 and on March 8, 2018 provided supporting documentation to the OIG requesting closure of this Recommendation. The USMMA plans to complete actions to address Recommendation 7 by July 31, 2018; Recommendations 1, 5, 8 and 9 by September 15, 2018; Recommendations 2 and 6 by October 31, 2018; and Recommendation 3 and 4 by December 31, 2018.

We appreciate the opportunity to review the OIG draft report. Please contact Michelle Underwood, SAPRO Director, at 516-726-6153 with any questions or to obtain additional details.

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