



**Final 2017-2018 Academic Year Biennial Survey and Report
on
Sexual Harassment and Sexual Assault at the
United States Merchant Marine Academy**

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List of Attachments

- Attachment 1 Superintendent Instruction 2018-05, Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen, dated 31 May 2018
- Attachment 2 Superintendent Instruction 2018-06, Reporting, Investigating, and Resolving Complaints of Retaliation Against Midshipmen, dated 31 May 2018

Foreword

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 requires the U.S. Merchant Marine Academy (USMMA or the Academy) to conduct a survey on sexual harassment and sexual assault every other year. In April, August, and November 2018, the Office of People Analytics (OPA) administered the Service Academy Gender Relations Survey (SAGR Survey) to Midshipmen.¹ OPA provided initial results from the April and August survey sessions to the Academy in November 2018; results for the session held in November 2018 could not be processed in time to meet the Congressionally-mandated submission date for the Report. A preliminary Report to Congress was submitted in March 2019. The Academy received the final results of the SAGR Survey, incorporating the April, August, and November sessions, in April 2020, and thus, this is the final Report for Academic Year 2017-2018. This is the fourth time that the SAGR Survey has been administered at the Academy, and it continues to provide valuable data that can be used to measure the efficacy of the Academy's Sexual Assault Prevention and Response (SAPR) Program.

OPA's final results show that the overall unwanted sexual contact prevalence rate was 10.6 percent for female Midshipmen and 1.4 percent for male midshipmen, while in 2016, the rates were 18.4 percent and 0.8 percent respectively. The final results also show that while the majority of unwanted sexual contact incidents take place on campus and involve fellow Academy students, the Sea Year experience was also a source of unwanted sexual contact incidents. Of female Midshipmen who experienced unwanted sexual contact, 24 percent indicated that the event occurred during maritime duty (the rate was 35 percent in 2016) and 25 percent indicated that the offender was someone affiliated with the maritime industry (the rate was 26 percent in 2016). While any sexual assault is one too many, these results are encouraging as they represent the first significant drop in the unwanted sexual contact prevalence rate for women since the Academy began administering the SAGR Survey in 2012. There was also a drop in the unwanted sexual contact rate experienced by female Midshipmen on sea duty. The Academy must continue working to bring these rates down even further.

The Academy has expanded and improved its SAPR Program. In 2017, the program office was expanded from a single Sexual Assault Response Coordinator (SARC) to a four-person office by adding a Sea Year Liaison Officer and two Prevention Educator/Victim Advocate positions. The Sea Year Liaison position was filled by a U.S. Navy Strategic Sealift Officer in 2017. Both Prevention Educator/Victim Advocate positions were filled in 2018, and the office now has its full complement of assigned personnel. To provide more comprehensive support to victims, the Academy added a Special Victim Advisor to the Maritime Administration (MARAD) Office of Chief Counsel, and

¹ In 2012, the SAGR Survey was administered to a partial complement of Midshipmen in April and November due to the Academy's unique Sea Year construct, in which one-half of the Third Class (sophomore) and one-half of the Second Class (junior) Midshipmen are away from campus and at sea at any one time during the academic year. In 2014, an extra session was held in August to survey members of the Class of 2015 who had returned from sea early, resulting in three sessions total for 2014. Three sessions were also held in 2016 and 2018. The extra session enabled OPA to provide the Academy with data analysis based on surveys from two sessions of students – more than 80 percent of the Regiment of Midshipmen.

this position was also filled in 2018. Another significant accomplishment was contracting with the Rape, Abuse, and Incest National Network (RAINN) for a global 24/7 hotline. The hotline went live in May 2018 and, given its global reach, is a resource to Midshipmen at sea as well as those on campus. In addition, and in accordance with the National Defense Authorization Act of 2018, the Academy purchased 300 Garmin InReach Global Positioning System texting devices to send to sea with Midshipmen. Devices were issued to Midshipmen bound for sea in November 2018 for the first time.

The Academy continues to work with MARAD to fully restore the commercial vessel inventory for Sea Year. MARAD's Shipboard Climate Compliance Team (SCCT)--formed to assess commercial shipping company policies and procedures to ensure that incidents of sexual assault, harassment, hazing, coercion, retaliation, and bullying occurring onboard their ships are handled appropriately--has streamlined the requirements for Sea Year Eligibility (SYE) to accommodate smaller operators. Twenty-three companies have been declared SYE so far, and the sea-time earned from commercial vessels cumulatively has returned to the level that existed prior to the stand-down.

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

Elaine L. Chao
Secretary of the U.S. Department of Transportation

Executive Summary

The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), requires the U.S. Merchant Marine Academy to prescribe a policy and conduct an assessment during each academic year² to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault prevention. For each Academic Year beginning in an odd-numbered year, the Academy also must administer a survey.

Readers are reminded that this report is for the 2017-2018 Academic Year and that data and information in this report may not reflect the most current conditions in the SAPR office or within the Regiment of Midshipmen. The Academy did not receive its final analysis of the 2018 SAGR Survey results from OPA until April 30, 2020, and thus was late in completing this final Report. Any questions regarding the most up-to-date status of the SAPR Program should be directed to the Academy's Deputy Superintendent, RDML Sue Dunlap, by email at dunlaps@usmma.edu or by phone at 516-726-5814.

Six restricted and seven unrestricted³ reports of sexual assault were made to the Academy in the 2017-2018 Academic Year. Six restricted and three unrestricted reports of sexual assault were made to the Academy in the 2016-2017 Academic Year. The Academy received only four restricted reports in the 2015-2016 Academic Year, and no unrestricted reports. The increased number of reports indicates that Midshipmen have greater trust than in previous years that the Academy will respond appropriately to their allegations, protect their privacy, and ensure their safety. In addition, more than half of the reports were unrestricted, enabling the Academy to conduct an administrative investigation of potential perpetrators, and, when warranted, take appropriate corrective action.

OPA's final results show that the overall unwanted sexual contact prevalence rate was 10.6 percent for female Midshipmen and 1.4 percent for male midshipmen, while in 2016, the rates were 18.4 percent and 0.8 percent respectively. The number of reports is nearly equal to the number of unwanted sexual contact events reported anonymously, this may indicate that Midshipmen feel that they can come forward and trust the Academy to handle their allegations appropriately. These results represent the first significant drop in the unwanted sexual contact prevalence rate for women⁴ since the Academy began administering the SAGR Survey in 2012. That said, OPA found that the sharp decline in the prevalence rate of unwanted sexual contact for women in 2018 was uncharacteristic of women at the other service academies, particularly for junior and senior women. OPA posits that one explanation for the decline might be that women chose to self-censor their survey answers and minimize the unwanted sexual contact prevalence rate in order to avoid another Sea Year stand down. Although OPA analysts investigated the

² An Academic Year at the Academy begins on July 1 of each year and ends on June 30 the following year.

³ A restricted report may only be made to the Sexual Assault Response Coordinator or a Victim Advocate. A restricted report enables a victim to receive support services without triggering an administrative or criminal investigation. An unrestricted report made be made to any source, enables a victim to receive support services, and initiates an administration investigation, and, with the victim's consent, a criminal investigation.

⁴ OPA recommends caution in interpreting the significant drop in the 2018 unwanted sexual contact prevalence rate compared to 2016. The "Summary of Changes from the Preliminary Report" section of this Report explains that OPA could not determine if the decrease in unwanted sexual contact, particularly for junior and senior women, was a result of data manipulation or a legitimate decrease.

potential illegitimacy of the results, it was impossible for them to discern whether the decrease in the unwanted sexual contact prevalence was a result of data manipulation or a legitimate decrease. Because of this, OPA strongly advises that interpretation of these results should be made cautiously. The final results show that while the majority of unwanted sexual contact incidents take place on campus and involve fellow Academy students, the Sea Year experience was also a source of unwanted sexual contact incidents. Of female Midshipmen who experienced unwanted sexual contact, 24 percent indicated that the event occurred during maritime duty (the rate was 35 percent in 2016) and 25 percent indicated that the offender was someone affiliated with the maritime industry (the rate was 26 percent in 2016). The Academy must continue working to bring these rates down even further.

The Academy has contracted with OPA since 2012 to administer its confidential SAGR Survey.⁵ The advantages of contracting with OPA are threefold: (1) it enables the Academy to use an unbiased outside resource to administer a standardized survey tailored to students attending service academies; (2) it provides professional compilation and analysis of results; and (3) it gives the Academy the ability to compare results with other Federal service academies.

The 2018 SAGR final analysis presents results for a Midshipman population of 901 based on 765 eligible respondents to the Survey. Eligible respondents fell into two categories: eligible, complete respondents, who returned the survey with critical items completed and at least 50 percent of items completed (765 Midshipmen); and eligible, incomplete respondents, who returned the survey with critical items not completed or at least 50 percent of items not completed (136 Midshipmen). Only eligible, complete respondents were considered in OPA's calculation of response rate. There were 765 eligible, complete respondents out of the population of 901, for a response rate of 85 percent. There were an additional 100 students who checked in to the Survey session but failed to turn in a Survey and 36 students who failed to check in at all; these students were considered non-eligible. Per OPA policy, foreign nationals and students who leave the Academy are excluded from the Survey. In 2016, the Academy had ten foreign national students from Malaysia, Republic of Korea, and the Republic of Panama. These students were not included in the 901 total for Midshipman population.

The SAGR Survey is a product developed specifically for Federal service academy students and cannot be administered to Academy faculty or staff. A survey of faculty and staff was conducted in 2018. The results of the faculty and staff survey are presented in this Report.

The 2018 SAGR Survey was given to Midshipmen in three separate sessions – in April, August, and November 2018 – to members of the Classes of 2019 through 2022.⁶ A total of 669 Midshipmen participated in the April and August surveys. A session was held in November 2018 to survey 96 members of the Class of 2019 who had returned from Sea Year. The Academy anticipates that OPA will continue to conduct three survey sessions per year with the

⁵ This is the same survey that OPA administers at the Nation's other four service academies: the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

⁶ For reporting results: Senior (First Class) – 2019, Junior (Second Class) – 2020, Sophomore (Third Class) – 2021, and Freshman (Fourth Class or Plebe) – 2022

goal of collecting as much data as possible (from the April and August surveys) to permit it to draft a preliminary Report to Congress. Since the majority of students are surveyed in April and August that data provides a good prediction of what the final results might be. OPA will continue conducting the November sessions to sweep up the remainder of students returning from Sea Year, but it takes OPA six months to analyze the data and return a final report. This means that a survey year will always consist of both preliminary and final reports.

The final SAGR Survey results show that an estimated 62 percent of female and 75 percent of male Midshipmen believe that senior leadership (defined as the Superintendent, Deputy Superintendent, Academic Dean, Commandant, and Vice/Deputy Commandant) makes honest attempts to stop sexual harassment and sexual assault. Intercollegiate athletic coaches and trainers (61 percent of women and 79 percent of men), physical education representatives and advisors (56 percent of women and 77 percent of men), and commissioned officers (57 percent of women and 76 percent of men) were also considered to make honest and reasonable efforts to stop sexual harassment and sexual assault. Significantly, the results showed increased confidence in Midshipman leaders compared to the previous year, with 47 percent of women and 72 percent of men saying that those leaders would make reasonable attempts to stop sexual harassment and sexual assault. This is an upward trend from 2016, when only 27 percent of women and 54 percent of men thought Midshipmen leaders made honest attempts to stop sexual harassment and sexual assault.

The Academy has closed out the Plan of Action that appeared in our previous Report to Congress and drafted a Plan of Action for Academic Year 2018-2019. This updated Plan of Action is provided as an appendix to this Report. We expect to focus our attention in the following areas:

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

Summary of Changes from the Preliminary Report

The 2018 SAGR Survey was given to Midshipmen in three separate sessions – in April, August, and November 2018 – to members of the Classes of 2019 through 2022. A total of 669 Midshipmen participated in the April and August surveys. A session was held in November 2018 to survey 96 members of the Class of 2019 who had returned from Sea Year. OPA could not process data from the November session in time for the Academy to generate a report that would meet the Congressionally-mandated report deadline; therefore, a preliminary Report to Congress, analyzing only the data from the April and August sessions, was submitted in March 2019. The Academy received the final results of the SAGR Survey, incorporating the April, August, and November sessions, in April 2020.

Because the April and August survey sessions included nearly 75 percent of the student body, the addition of the remaining students surveyed in November has, in many cases, altered the final statistics by only one or two percentage points. The largest differences between the preliminary and final reports is the addition of margins of error and significance testing to the final report. This final Report provides margins of error for data in all applicable figures and tables. Margins of error are further discussed in the “Midshipmen Response Rates” section of this Report. Significance testing refers to statistically significant comparisons between survey years (2016 and 2018, for example), and within the current survey year by class membership (senior, junior, sophomore, or freshmen) and gender (where applicable). Where OPA has noted statistically significant differences in its final analysis, they are noted in this Report as well.

In addition, this final Report has updated the figures presented in the preliminary report by completing the drawing of trend lines. In its initial analysis, OPA only evaluated data from the April and August survey sessions; to indicate that its findings are preliminary, OPA uses the convention of drawing the trend line for previous years but not connecting the line to the current year’s data point. The single, unconnected data point serves as a reminder that the current year’s statistic is incomplete and subject to change once the last tranche of Midshipmen finishes the survey and the data from the administration of all three sessions is calculated. In its final analysis, OPA connects the trend line to the current year data point, so this Report does as well.

In the benchmark statistic of this Report, estimated past year unwanted sexual contact, there was very little change between the preliminary and final reports. The preliminary Report showed that 10.8 percent of female Midshipmen experienced unwanted sexual contact since June 2017, while the final Report shows that 10.6 percent of women experienced unwanted sexual contact since June 2017. The preliminary Report showed that 1.4 percent of male Midshipmen experienced unwanted sexual contact; this is unchanged in the final Report. It is worth noting, however, that in its final analysis, OPA found that the trend comparison between survey years 2016 and 2018 was statistically significant for both women and men. In 2016, 18.4 percent of women experienced unwanted sexual contact compared to 10.6 percent for 2018, and in 2016, 0.8 percent of males experienced unwanted sexual contact compared to 1.4 percent for 2018.

OPA found that the sharp decline in the prevalence rate of unwanted sexual contact for women in 2018 was uncharacteristic of women at the other service academies, particularly for junior and senior women. Since prevalence rates for women at the other academies either rose or stayed the same, OPA decided to conduct further investigation into USMMA’s results. OPA posits that one explanation for the decline might have been the Sea Year stand down, which occurred from June

2016 to March 2017 when former Secretary of Transportation Anthony Foxx suspended Sea Year while the Maritime Administration examined ways to address sexual assault and sexual harassment occurring onboard commercial ships. Women in the classes of 2018 and 2019 were enrolled in the Academy as rising juniors and seniors (the two class years most affected by the stand down). OPA hypothesized that the suspension of Sea Year caused these women to self-censor their survey answers to avoid another Sea Year stand down by possibly minimizing the unwanted sexual contact prevalence rate. Although OPA analysts investigated the potential illegitimacy of the results, it was impossible for them to discern whether the decrease in the unwanted sexual contact prevalence was a result of data manipulation or a legitimate decrease. Because of this, OPA strongly advises that interpretation of these results should be made cautiously.

In the “Academy Culture and Climate” section of its final analysis, OPA chose to present bystander intervention data in a different format than in its preliminary briefing. In its preliminary briefing, OPA provided a table listing types of offensive behaviors and the percentages of Midshipmen who had observed each type of behavior, and in a second table, OPA listed interventions taken in response to those observed behaviors and the percentages of Midshipmen who opted to respond in each manner of intervention. In its final analysis, OPA provided a single table, listing the top three risky situations that Midshipmen had observed and the top three techniques that Midshipmen had employed to diffuse those situations. As a result, Table 3 in the “Midshipman Perceptions: Training and Culture” section of this Report has been revised to reflect OPA’s final analysis.

In the “Midshipman Unwanted Sexual Contact” section of its final analysis, OPA chose to present demographics of the alleged offender, location of the unwanted sexual contact, and timing of the unwanted sexual contact data in a different format than in its preliminary briefing. In its preliminary briefing, OPA provided a table for each category, with every demographic description, location information, and timing instance reported by Midshipmen. In its final analysis, OPA still provided three tables for each respective category, but listed only the top alleged offender statuses, the most frequent locations, and most prevalent times reported by Midshipmen. As a result, Table 7 and Figures 19 and 20 in the “Sources of Sexual Assault: Offenders, Location and Timing” section of this Report have been revised to reflect OPA’s final analysis.

OPA’s preliminary analysis did not contain data on Midshipmen who reported to authorities the one situation of unwanted sexual contact that impacted or affected them the most, but its final analysis contained not only statistics on how many women and men reported, but also what were the top reasons for reporting the incident and reasons for not reporting the incident. Because it is important to understand why Midshipmen do and do not report unwanted sexual contact, this final Report includes OPA’s reporting analysis by adding a section, “Reporting the Unwanted Sexual Contact Situation,” in the “Midshipman Unwanted Sexual Contact” chapter. The section also includes a new Table 8 and a new Figure 21.

Finally, this final Report includes the Faculty and Staff Survey that is done every other year in conjunction with the Midshipman SAGR Survey.

Legislative Requirement

This Report is produced in compliance with the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), title XXXV – Maritime Administration, section 3507 (Act) (Appendix B). The Act requires an annual assessment at the Academy to determine the effectiveness of its policies, training and procedures with respect to sexual harassment and sexual assault involving its personnel. In odd-numbered Academic Years (*e.g.*, 2011-2012 Academic Year), the annual assessment consists of the Academy’s self-assessment and an anonymous survey of Midshipmen. In even-numbered years (*e.g.*, 2010-2011 Academic Year), the Academy performs its annual assessment and reports changes to policies, training, and outreach material. This assessment includes the results of a survey, which is the Academy’s fourth SAGR Survey since implementation of the requirements of the Duncan Hunter Act.

2017-2018 Academic Year Survey Development and Methodology

In 2004, the U.S. Military Academy, U.S. Naval Academy, and U.S. Air Force Academy began to follow a sexual harassment and sexual assault program assessment cycle that consisted of alternating surveys and focus groups.⁷ The first assessment in the series was conducted by the Department of Defense Inspector General. Responsibility for subsequent assessments was transferred to OPA, which conducted surveys in 2005, 2006, 2008, 2010, 2012, 2014, and 2016 and Focus Groups in 2007, 2009, 2011, 2013, 2015, and 2017. USMMA officials requested to be included in the service academy assessment program, beginning in 2012, to make use of a readily available survey for a comparable cohort and to take advantage of the services of professional statisticians in analyzing survey results.

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

OPA administered the SAGR Survey in April, August and November 2018 to the Academy’s Midshipmen in the Classes of 2019 through 2022. The Academy’s student population in April, August, and November was 901 students (153 female and 748 male Midshipmen). The total Midshipmen population number is important because data from respondents is weighted by OPA analysts so that the results are reflective of the entire population. Three administrations of the Survey were necessary because approximately half of the Third Class (sophomore) and Second Class (junior) Midshipmen were away from campus on Sea Year training during the April survey session. The second session was held in August to mirror the timing of the 2014 and 2016 SAGR surveys in capturing responses from Midshipmen who had returned to campus in late July after completing their Sea Year training. The third session was held in November to

⁷ As codified in Title 10 of the U.S., as amended by Section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

capture responses from Midshipmen who departed for Sea Year in March and did not return until mid-November.

The SAGR Survey also was administered at the four other Federal service academies. The same survey and analytical procedures were used at all academies producing comparable results with one caution – the USMMA results include a longer timeframe as a reference for some of the questions (June 2017 to November 2018 as opposed to June 2017 to May 2018) for those Midshipmen who were surveyed in November. Prevalence rates might be slightly higher due to the longer timeframe. The ability to calculate annual prevalence rates is a distinguishing feature of this Survey. The final results include rates of unwanted sexual contact and unwanted gender-related behaviors experienced during the Academic Year 2017-2018 (defined in the questions as June 2017 through the date of the survey administration in April, August and November 2018).

Survey Administration

Data was collected in April, August, and November 2018 from Academy Midshipmen in Classes 2019 through 2022. A team from OPA administered the anonymous paper-and-pen survey in group sessions. Separate sessions were held for female and male students. After checking in, each student was handed a survey, an envelope, a pen, and an Academy-specific information sheet. The information sheet included details on where students could obtain help if they became upset or distressed while taking the survey or afterwards. Students were briefed on the purpose of the survey and the importance of participation, yet completion of the survey itself was voluntary. Students could leave the session at the completion of the mandatory briefing if they did not wish to take the survey. Students returned completed or blank surveys (depending on whether they chose to participate) in sealed envelopes to the survey staff as they exited the session.

Midshipmen Response Rates

The total Survey sample for the April and August sessions consisted of a census of 901 students based on student rosters provided by the Academy. The number 901 was achieved after excluding ten foreign nationals, who, in accordance with OPA policy, were not considered part of the sample population. Of those 901 students, 36 did not complete the Survey because they were sick, on leave, or otherwise unable to be present. Of the remaining students, 100 chose not to complete any of the Survey and 136 submitted incomplete Surveys (considered eligible, incomplete respondents). Surveys were completed by 765 students (considered eligible, complete respondents). Table 1 shows the Midshipmen population, number of Survey respondents, number of completed Surveys submitted and response rates. Overall, the Survey had an 85 percent weighted response rate, with 85 percent of male Midshipmen participating and 84 percent of female Midshipmen participating. The Academy's overall response rate of 85 percent is much improved compared to 2016, when the response rate was only 77 percent.

Table 1: Response Rates by Gender			
Gender/Class	Midshipmen Population	Survey Respondents ⁸	Response Rate (%)
Male	748	636	85
Female	153	129	84
Total	901	765	85

The population of interest for the 2018 SAGR Survey consisted of all students at the Academy in class years 2019 through 2022, except for visiting students and foreign nationals. Since the Survey was voluntary, not all students responded to the Survey, and some students who did take the Survey did not answer all the questions. Because of this, OPA applies a weighting algorithm to produce estimates of population totals, proportions and means (as well as other statistics) that are representative of their respective populations. The weighting process consists of the following steps:

- Adjustment for selection probability – sample selection arises when the observed sample is not a random draw from the population of interest. Failure to take this selection into account can potentially lead to inconsistent and biased estimates. OPA typically adjusts for selection probability, but in the case of the Academy, the entire population was chosen for sampling. Thus, the selection probability is 100 percent and the base weights are calculated to be zero.
- Adjustments for non-response⁹ – Non-response bias is the possibility that the results of the Survey are incorrect because some categories of students had a much lower response rate than others. If the categories of students who had higher response rates experienced a different rate of sexual harassment or sexual assault from the categories of students that had lower response rates, then the results of the Survey would be biased.

OPA adjusts for non-response in creating population estimates by first calculating the base weights as the reciprocal of the probability of selection, then adjusts the base weights for those who did not respond to the survey, and finally adjusts for those who

⁸ Survey respondents include the number of surveys returned, that are considered eligible or ineligible, but exclude surveys returned blank.

⁹ While a thorough analysis of non-response bias has not been conducted for this Survey, OPA has in the past performed such an analysis for the similar surveys that it has conducted for active duty military personnel (Defense Manpower Data Center, *2012 Workplace and Gender Relations Survey of Active Duty Members: Nonresponse Bias Analysis Report*, Alexandria, Virginia, January 2014). In its 2012 study, OPA concluded that the level of non-response bias appeared to be modest, and that the amount of non-response bias seemed more likely to understate the rate of unwanted sexual contact (USC) rather than to overstate it. It detected some evidence that categories of respondents that were more likely to experience USC were less likely to complete subsequent surveys, thus understating the prevalence of USC, but described this effect as “minimal.”

started the Survey but did not complete¹⁰ it. Adjustment to known population values – OPA typically adjusts the weights in the previous step so selected demographic variables conform to actual known values in the population; this accounts for any remaining bias. In the case of the 2018 SAGR, the weights in the previous step were adjusted to known population values using the three known demographic variables (Academy, class year, and gender). The post-stratification adjustments have a value of one because the three demographic variables were already accounted for in the previous step.

Ranges of margins of error are shown when more than one estimate is displayed in a table or figure. The margin of error represents the precision of the estimate and the confidence interval coincides with how confident one is that the interval contains the true population value being estimated. For example, if it is estimated that 55 percent of individuals selected an answer and the margin of error was ± 3 , there is 95 percent confidence that the “true” value being estimated in the population is between 52 percent and 58 percent. OPA warns that caution should be exercised in interpreting results for women by class year analyses (e.g., junior women) given small sample sizes. Charts in this Report will be annotated in cases where some subcategories are not reportable due to small sample sizes.

Midshipmen Perceptions: Training and Culture

Training

The Academy conducted 67 training and awareness events during Academic Year 2017-2018. Training was held mostly in small group settings and formats ranged from group lecture to scenario driven discussions and case studies. Training was delivered and received by both staff and students. Table 2 summarizes the training conducted.

¹⁰ “Completed” is defined as answering 50% or more of the questions asked of all participants, at least one response from the MEO violations questions (Q4, Q7, Q13, Q16, Q19, Q22, Q25, Q29, Q32, Q34, Q36, or Q38), and a valid response to Q48 on unwanted sexual contact.

Table 2: Training Provided or Overseen by the Sexual Assault Prevention and Response Office in Academic Year 2017-2018 (July 1, 2017 to June 30, 2018)

Name of Event	Audience	Date	Required	Description
Plebe Candidate Indoctrination Prevention Education Training	-2021 -Approx. 260 broken down into groups of 25-30	June 29, 2017 -SAPR I (101) -SAPR I (102) -SAPR I (202) -SAPR I (202) June 30 -SAPR I (301) -SAPR I (302) -SAPR I (401) -SAPR I (402) July 5 -SAPR I (501) -SAPR I (502) -SAPR I (B01) -SAPR I (B02) July 6 SAPR II (101) SAPR II (102) SAPR II (B01)	Plebe Candidate Indoctrination Prevention Education Training	-2021 -Approx. 260 broken down into groups of 25-30 <u>SAPR I:</u> Academy Mission statement. Learning to identify healthy and unhealthy relationship characteristics. Introducing the continuum of harm. Defining bullying, Hazing, joking, dating violence and stalking. Review on-line safety and introduction to the Safe Center. <u>SAPR II:</u> Reviewed last module and readdressed the continuum of harm and sexist behaviors exercise. Definitions of sexual assault and sexual harassment. Myths and Facts. Command climate, relationship between sexist behavior, sexual assault and sexual harassment. Restricted and unrestricted reporting. Impact of assault on victims. Alcohol. Resources

	<p>SAPR II (B02)</p> <p>July 7 SAPR II (102) SAPR II (202) SAPR II (501) SAPR II (502)</p> <p>July 10 SAPR II (301) SAPR II (302) SAPR II (401) SAPR II (402)</p> <p>July 11 Bystander Intervention (BI) (201) BI (202)</p> <p>July 12 BI (401) BI (402) BI (501) BI (502)</p> <p>July 13 BI (301) BI (302) BI (B01) BI (B02)</p> <p>Total 34 trainings</p>	<p>for help on campus/off campus and consent.</p> <p><u>Bystander Intervention (Green Dot Overview):</u> An interactive training designed to equip targeted participants with the necessary connection, knowledge and skill to increase their proactive and reactive bystander behaviors in reducing Sexual violence, intimate partner violence and stalking.</p>
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Focus Group	3/C Band Company	8/07/2017	Yes	Students reviewed educational menu offerings (SAPR, consent, healthy relationships) and provided feedback.
Senior Leadership Risk Assessment Training	40 Midshipmen Regimental Leaders	8/9/2017	No	Students were trained on behaviors related to being a victim of interpersonal violence and resources for reporting and providing services
Green Dot	5 CHROs	8/12/2017	No	Refresher training requested by CHRO cadre
HRO Victim Considerations in Climate	7 HROs	8/15/2017	Yes	Students were briefed on expectations with regard to student support and creating a culture of safety for all.
Consent and Healthy Relationships	Approx. 200 1/C and 2/C Midshipmen	8/28/2017	Yes	Students were trained in affirmative consent, effective communication strategies, healthy relationship dynamics, and the cycle of abuse.
Pre-Sea Training - 2 nd sailing for 2018A, 1st CO	Approx. 125 Midshipmen	8/28/2017	Yes	Where to find vessel policies on SH/SA, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, sea year stand down, ways to improve sea year preparation and training re: SAPR.

Consent and Healthy Relationships	Approx. 300 3/C and 4/C Midshipmen	9/11/17	Yes	Students were trained in affirmative consent, effective communication strategies, healthy relationship dynamics, and the cycle of abuse.
Pre-Sea Training - 2 nd sailing for 2018A, 1st CO	Approx. 100 Midshipmen	9/11/17	Yes	Where to find vessel policies on SH/SA, reporting chain of command on vessels, reporting options, situational awareness, risk reduction, bystander intervention, sea year stand down, ways to improve sea year preparation and training re: SAPR.
Day of Learning	Approx. 700 Midshipmen, faculty and staff	9/22/2017	Yes	All Midshipmen viewed the presentation “Speak About It,” followed by: 4/C, 3/C, 2/C – Group discussions with “Speak About It” facilitator 3/C, 2/C – Military Sealift Command SAPR talk 1/C – Reflection
SAPR Sea Year Lecture	Approximately 75 students preparing for sea	11/20/2017	Yes	Sea year preparation-reporting options, safety at sea
SAPR refresher – report options, prevention and response	83 Plebes	1/8/2018	Yes	Review of reporting options, services, and bystander tactics

ATR sensitivity training	4 ATRs	1/9/2018	Yes	Reviewed warm hand off procedure and how to protect reporting options for cadets requesting SAPR services while at sea. Sensitivity training on what “needs to know” in policy refers to.
Victim Care	New rotation CHROs, RHRO, BAVA, RSAVA	1/11/2018	Yes	New rotation of Midshipman CHRO leaders received briefing on special considerations when doing a warm hand off to the SAPRO or other provider
SAPR refresher – report options, prevention and response	37 Plebes	1/16/2018	Yes	Review of reporting options, services, and bystander tactics
Faculty Forum training	24 Faculty Members	1/22/2018	No	How to protect reporting options and do warm hand off for students who initiate conversation around SASH
SAPR refresher – report options, prevention and response	26 Plebes	1/29/2018	Yes	Review of reporting options, services, and bystander tactics
Haven	Approx. 500 2018, 2019B and 2021A Midshipmen, all faculty and staff	1/31/2018	Yes	Haven is the premier online program addressing the critical issues of sexual assault, relationship violence, stalking, and sexual harassment – among students, faculty and staff.

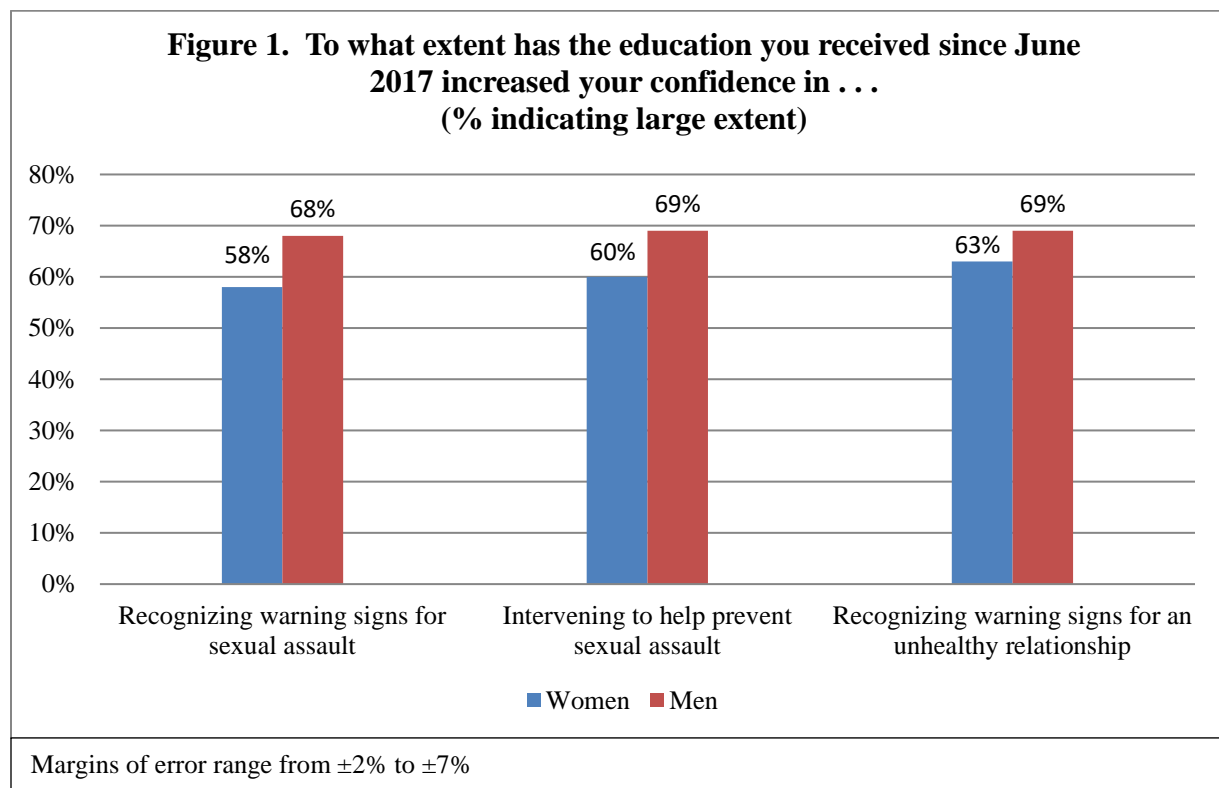
SAPR refresher – report options, prevention and response	32 Plebes	2/5/2018	Yes	Review of reporting options, services, and bystander tactics
Reintegration for 2020A Split	Approx. 116 Midshipmen	3/16/2018	Yes	Provide a safe space to reflect and conceptualize Sea Year experiences, gain comfort in sharing with others, integrate leadership training at sea with overall USMMA leadership development, enhance leadership toolbox, provide tangible structure and outline for enhancing communication skills and human relations, re-connect with family, friends, community
Sexual Assault Awareness Month (SAAM) Kick-off Speaker, Mike Domitrz, “Can I Kiss You”	Approx. 700 Midshipmen	3/29/2018	Yes	60 minute program covering the following topics: <ul style="list-style-type: none"> • Asking First for Consent • Making Smarter Choices with Partners • Supporting Survivors of Sexual Assault • Intervening when Danger is Present at Parties and Group Settings with Alcohol • Creating a Cultural Shift on Campus
SAAM Kick-off by Superintendent	Approx. 700 Midshipmen	4/2/2018	Yes	Superintendent introduction of the importance of sexual assault awareness and

				a preview of the month's activities
"It's On Us" Day	Approx. 700 Midshipmen	4/6/2018	No	Uniform of the Day changed to SAAM t-shirts provided to Midshipmen, faculty and staff
Survivor Story: Antuan Raimone	Approx. 35 Midshipmen, faculty and staff	4/9/2018	No	A survivor of childhood sexual assault, Antuan described his experience and his healing process.
Movie: <i>The Invisible War</i> and panel	All 1/C Midshipmen going active duty: 64	4/10/2018	Yes	Documentary with interviews of female veterans who recount the events of their sexual assault and the frustration of receiving justice through the military system
Fear 2 Freedom	Approx. 150 Midshipmen, faculty, staff and parents	4/19/18	No	Assembly of After Care Kits to provide to sexual assault victims in the hospital
Speaker: Kevin Basik and group discussions based on Basik's presentation	Approx. 700 Midshipmen, 150 faculty and 45 staff	4/23/18 and 4/24/18	Yes	Leadership, and how embracing the concepts of leadership can eliminate sexual assault and sexual harassment
Denim Day	Approx. 700 Midshipmen, faculty and staff	4/25/2018	No	Regiment, faculty and staff wore jeans to show solidarity with rape victims

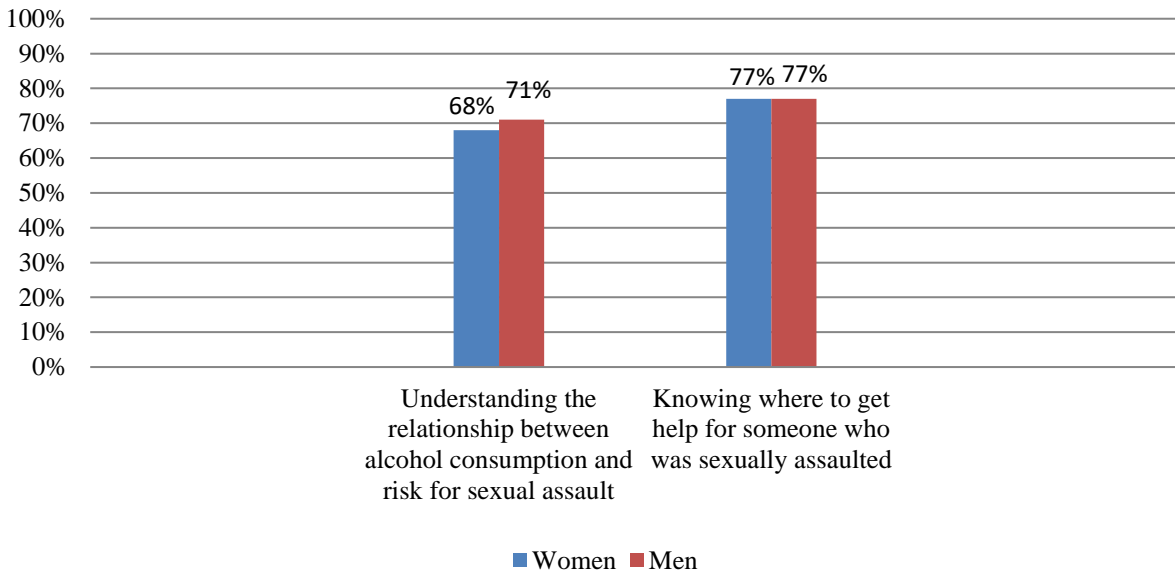
SANE Nurse Briefing	Approx. 12 Midshipmen, Volunteer Victim Advocates (VVAs), SAPRO Director, Superintendent	4/26/18	Yes for VVAs, optional for Midshipmen	Briefing on SANE examination procedures
SAAM Wrap-up by Superintendent	Approx. 700 Midshipmen	4/30/2018	Yes	Superintendent provided closing remarks and reflections on the month's activities
Bringing in the Bystander (BITB)	38 Midshipmen, faculty and staff	5/16/18	No	Train the trainer session for BITB
Indoctrination Planning/BITB	19 Midshipmen, faculty and staff	6/04/18	Yes	Planning session for Indoctrination; what will be taught, who will teach
New Employee SAPR Training	5 staff	6/18/18	Yes	Training in SAPR policy, issues, bystander intervention

Effectiveness of Training

Previous SAGR Surveys asked about the overall effectiveness of training, with both men and women reporting in the high eighties and low nineties percentile range that the Academy's training was slightly to very effective. This question changed in the 2018 SAGR Survey to ask students more specifically to what extent the training they received has increased their confidence in being able to recognize behaviors leading to sexual assault, understand the risk factors for sexual assault or respond to sexual assault. Figures 1 and 2 show that over half of male and female students felt that training increased their confidence in recognizing warning signs for sexual assault, intervening to help prevent sexual assault, recognizing warning signs for an unhealthy relationship, understanding the relationship between alcohol consumption and risk for sexual assault and knowing where to get help for someone who was sexually assaulted. The results validate Academy training and show that students receive substantial benefit from learning about these topics.



**Figure 2. To what extent has the education you received since June 2017 increased your confidence in . . . (continued)
(% indicating large extent)**



Margins of error range from ±2% to ±7%

Alcohol Use by Students

The 2018 SAGR Survey asked students about their drinking habits. This is a new item for 2018, and thus cannot be trended to earlier years. The results of these questions are fairly alarming.

Figure 3. How many alcoholic drinks do you have on a typical day when drinking?

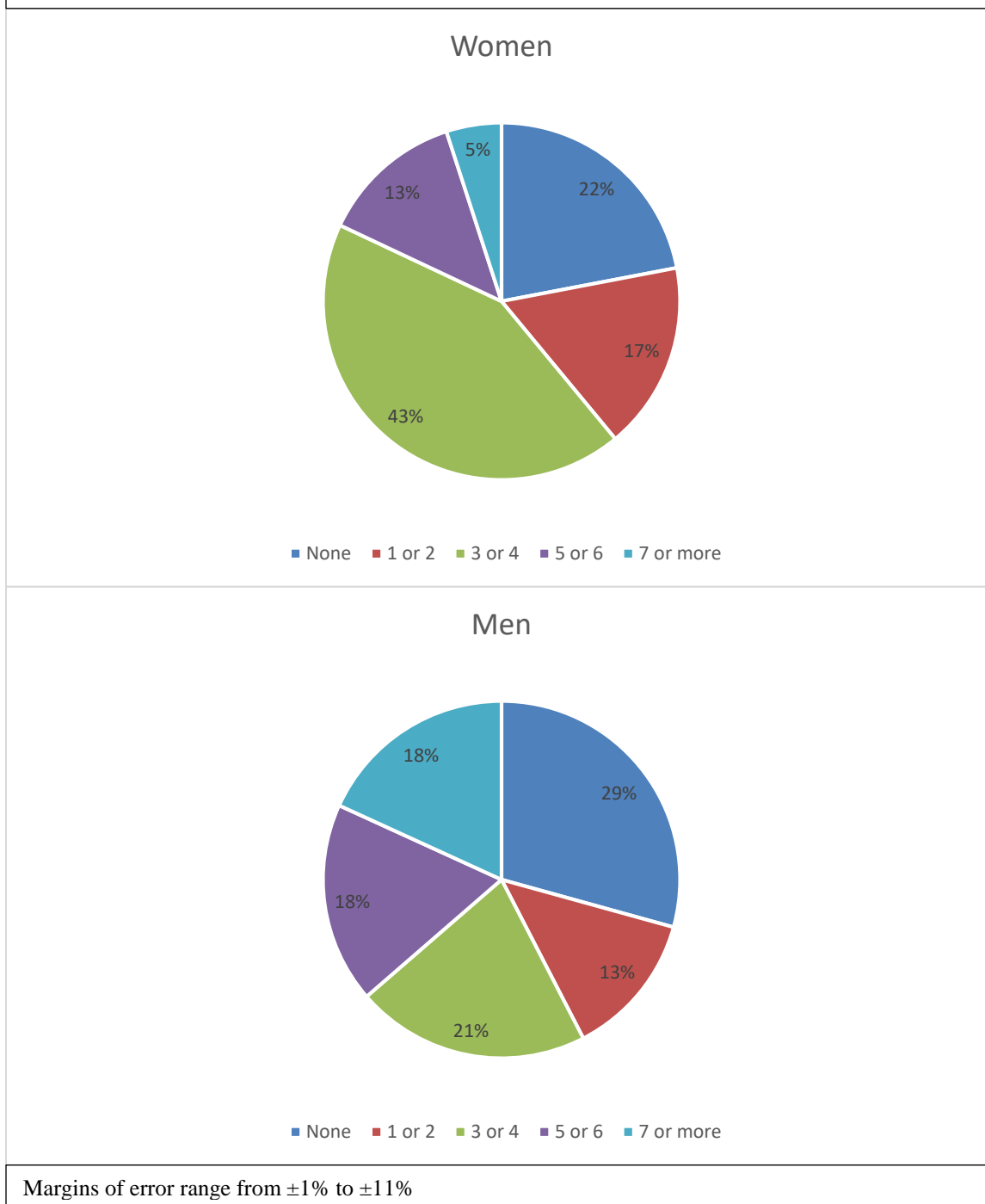
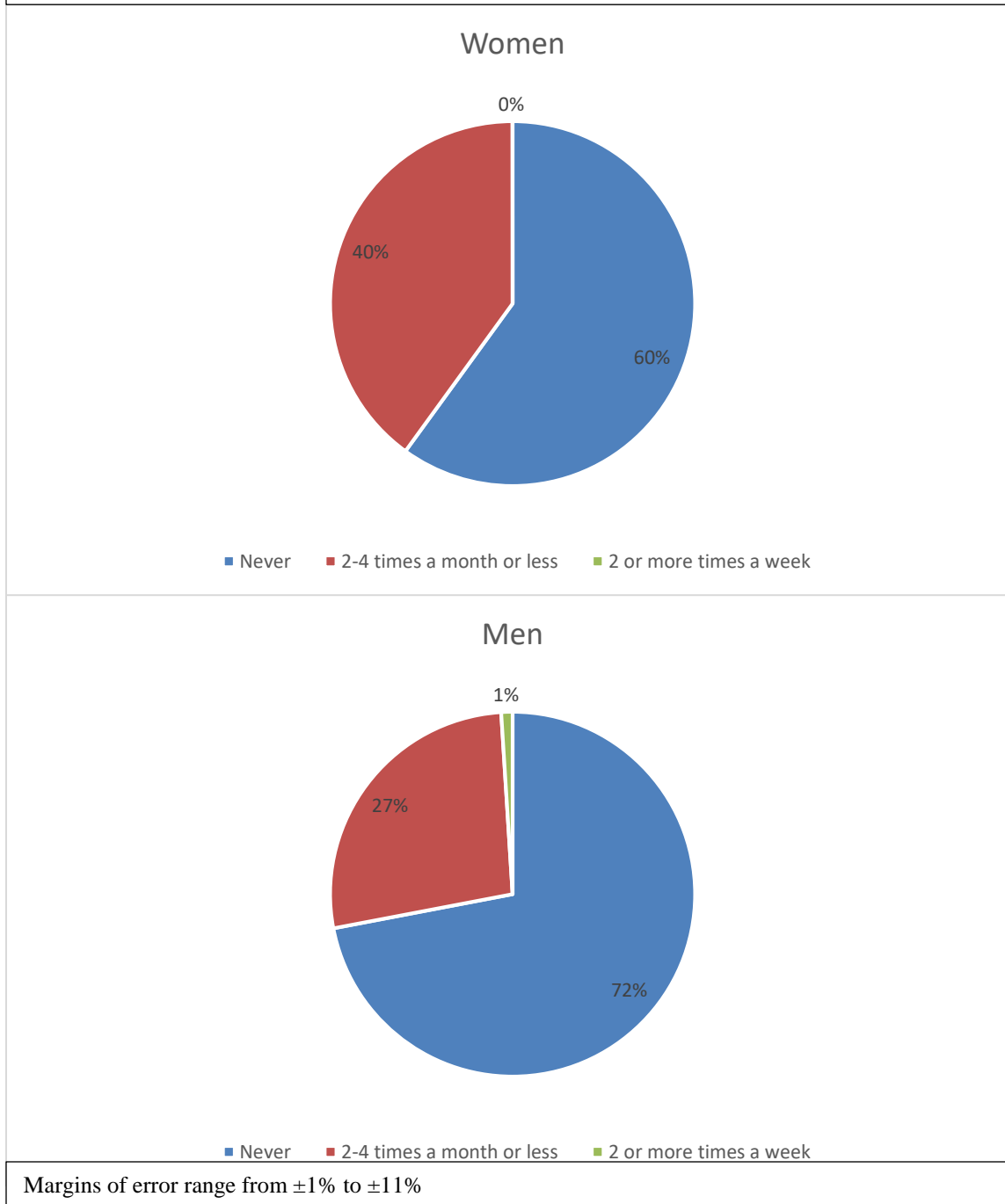


Figure 3 shows that more than half of male and female Midshipmen have three drinks or more on a typical day when drinking, with nearly a quarter of men and women having five drinks or more. That Midshipmen are drinking high amounts of alcohol is cause for concern. The National Institute on Alcohol Abuse and Alcoholism defines binge drinking as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to 0.08 grams percent or above. This typically happens when men consume five or more drinks or women consume four

Figure 4. In the past year, how often have you been unable to remember what happened the night before because you had been drinking?



or more drinks in about two hours.¹¹ Figure 3 indicates that nearly a quarter of Academy men and women are not just drinking socially, but are drinking specifically to get drunk. Indeed,

¹¹ National Institute on Alcohol Abuse and Alcoholism, "Drinking Levels Defined," accessed at <https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/moderate-binge-drinking>.

Figure 4 shows that 40 percent of women and 27 percent of men drank so much that they were unable to remember what happened the night before, and that they were doing it at a frequency of 2-4 times per month (or less).

Alcohol can be a contributing factor to incidents of sexual assault. Researchers note that “beliefs about alcohol’s effects on sexual and aggressive behavior, stereotypes about drinking women, and alcohol’s effects on cognitive and motor skills contribute to alcohol-involved sexual assault.”¹² In order to help combat sexual assault, therefore, the Academy must address student use of alcohol. The Academy is investigating strategies to include better prevention and response training as well as disciplinary measures to educate students about the dangers of irresponsible alcohol use.

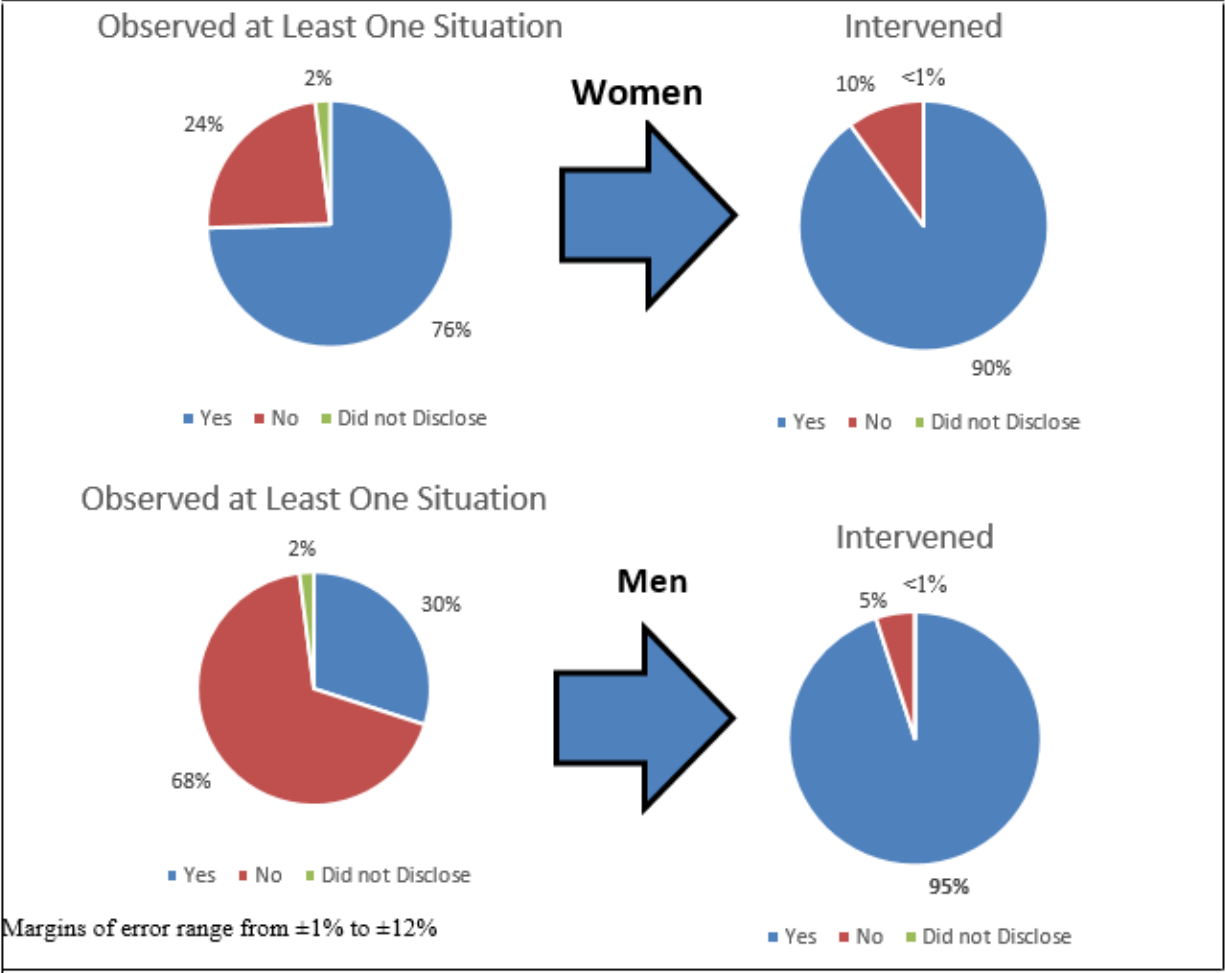
Bystander Intervention

In the previous two years, the Academy used the Green Dot bystander intervention protocol to teach students how to intervene in situations where a sexual assault seemed likely. Combined with the “Be Kings Point (KP)” culture campaign, Green Dot seemed to take hold in the Regiment of Midshipmen, resulting in a change of attitude and behavior. During Academic Program Year 2017-2018, the Academy adopted an evidenced-based bystander intervention training program endorsed by the Centers for Disease Control. Bringing in the Bystander® is a highly interactive curriculum that uses a community responsibility approach. It teaches bystanders how to safely intervene in instances where sexual violence, relationship violence or stalking may be occurring or where there may be risk that it will occur. The results shown in Figure 5 and Table 3 represent the effectiveness of the Academy’s bystander intervention programs and culture campaign. Of the 76 percent of women who observed at least one situation of risky behavior, 95 percent said that they intervened to help a potential victim escape the situation. Of the 30 percent of men who observed at least one situation of risky behavior, 90 percent said that they intervened. The top intervention method for women (66 percent) was that they talked to those who experienced the situation to see if they were okay. The top intervention technique for men (57 percent) was that they spoke up to address the situation.

The results show that bystander intervention programs are effective and that the Academy should continue to emphasize bystander intervention in training.

¹² Antonia Abbey, PhD, et al, “Alcohol and Sexual Assault,” accessed at <https://pubs.niaaa.nih.gov/publications/arh25-1/43-51.htm>.

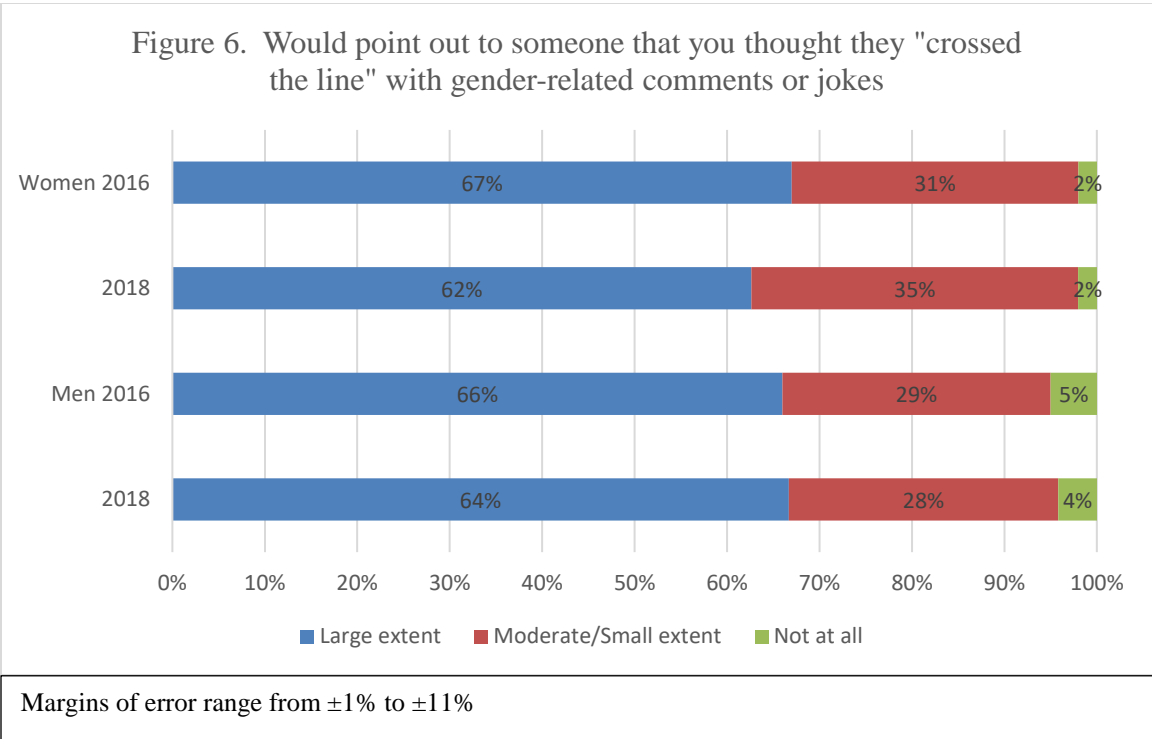
Figure 5: Bystander Intervention for USMMA Midshipmen

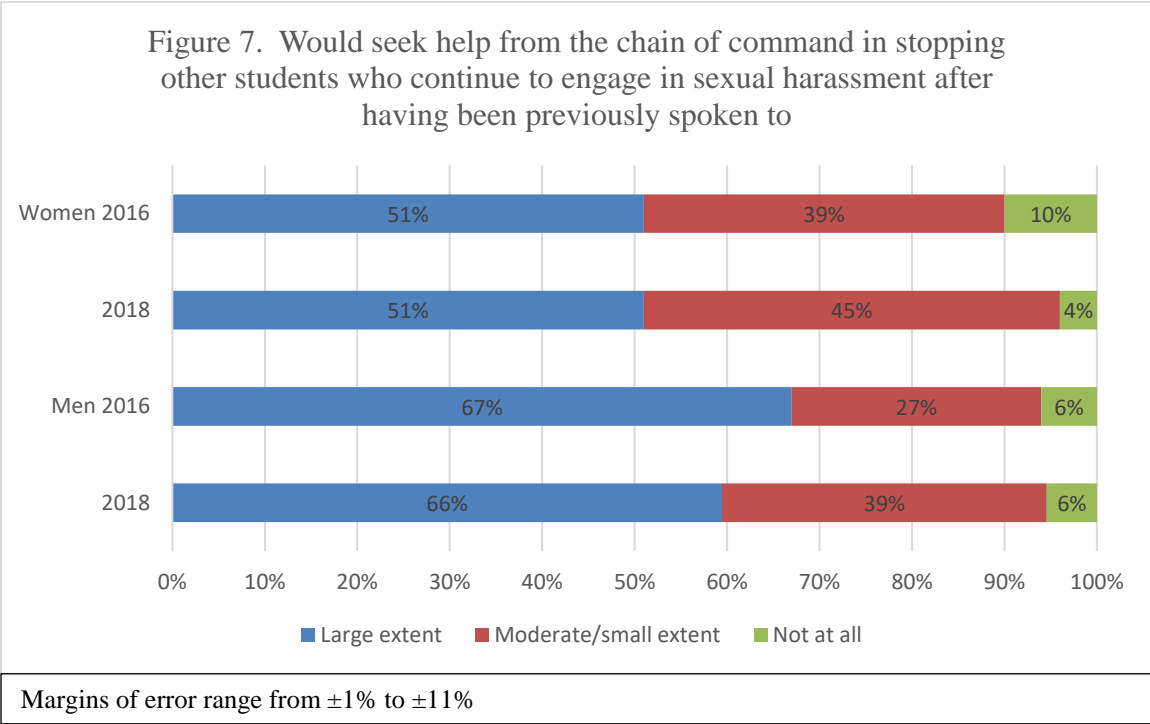


Willingness to Stop Sexual Harassment

The bystander intervention program has also had results in the willingness of students to stop sexual harassment. Figure 6 shows that a majority of male and female Midshipmen said that they would speak up to tell someone they “crossed the line” with gender-related comments or jokes. Only 2 percent of women and 4 percent of men said they would do nothing at all to stop gender-related comments or jokes. By a large majority, Midshipmen further indicated (Figure 7) that they would seek help from the chain of command in stopping other students who continue to engage in sexual harassment after having been previously spoken to. Only 4 percent of women and 6 percent of men said that they would not seek help from the chain of command. Further, OPA noted that there was a statistically significant decline from 2016 (10 percent) to 2018 (4

Table 3. Bystander Intervention (Percent of Midshipmen who observed a potentially dangerous situation)			
Women	Top 3 Situations Observed		Men
66%	Encountered someone who drank too much and needed help		28%
50%	Observed someone who “crossed the line” with sexist comments or jokes		11%
29%	Encountered an individual being bullied		8%
Women	Top 3 Methods for Intervening		Men
62%	Talked to those who experienced the situation to see if they were okay	Spoke up to address the situation	57%
60%	Spoke up to address the situation	Intervened in some other way	50%
43%	Told someone else about it after it happened	Talked to those who experienced the situation to see if they were okay	48%
	Intervened in some other way		
Margins of error range from ±1% to ±12%			





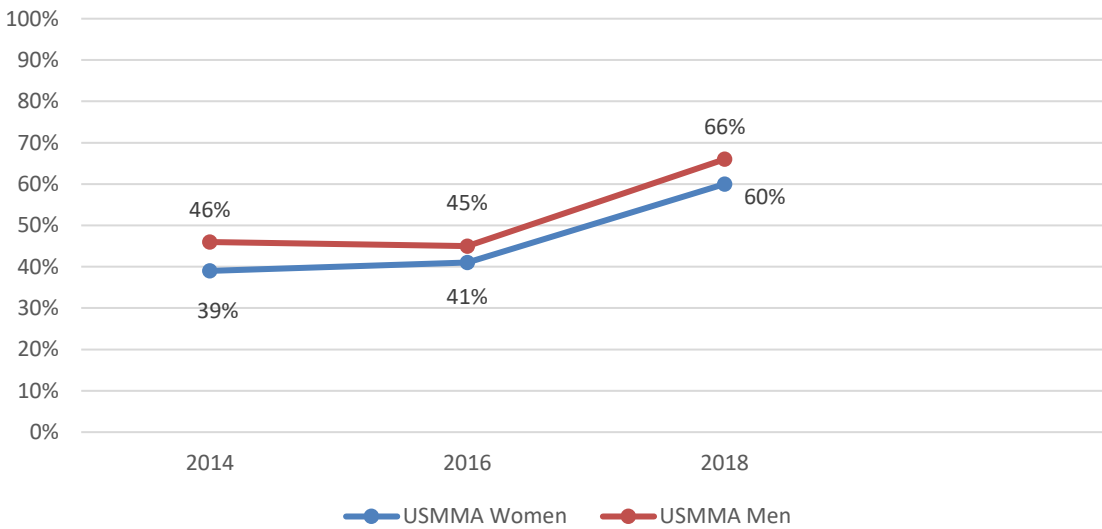
percent) in the number of women who said that they would not at all seek help from the chain of command in stopping other students who continue to engage in sexual harassment after having previously been spoken to. This reflects trust in the chain of command that action will be taken if an incident of sexual harassment is officially reported.

Academy Culture

More than any other initiative, the Academy has worked hard to change its culture. Senior leadership has placed emphasis on responsible behavior and Midshipman leaders have rallied behind the “Be KP” culture campaign. Even faculty members have initiated culture change efforts within their own cohort. These efforts are beginning to pay off. Figures 8 and 9¹³ show that more than half of Midshipmen were more inclined than in previous years to think that both commissioned and non-commissioned officers set good examples in their own behavior and talk. Even more encouraging, OPA considered it a statistically significant increase from 2016 to 2018 for both men and women who believe that commissioned and non-commissioned officers set good examples in their own behavior and talk.

¹³ In Figures 7 through 10, data points for 2018 are estimated results, and thus could not be trended against previous years.

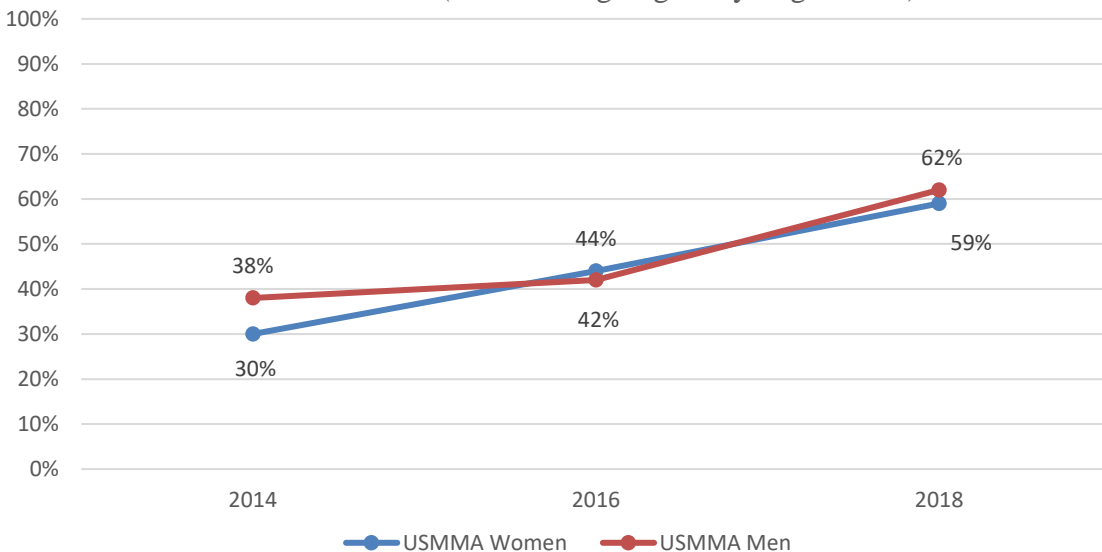
Figure 8. Commissioned officers set good examples in their own behavior and talk (% indicating large/very large extent)



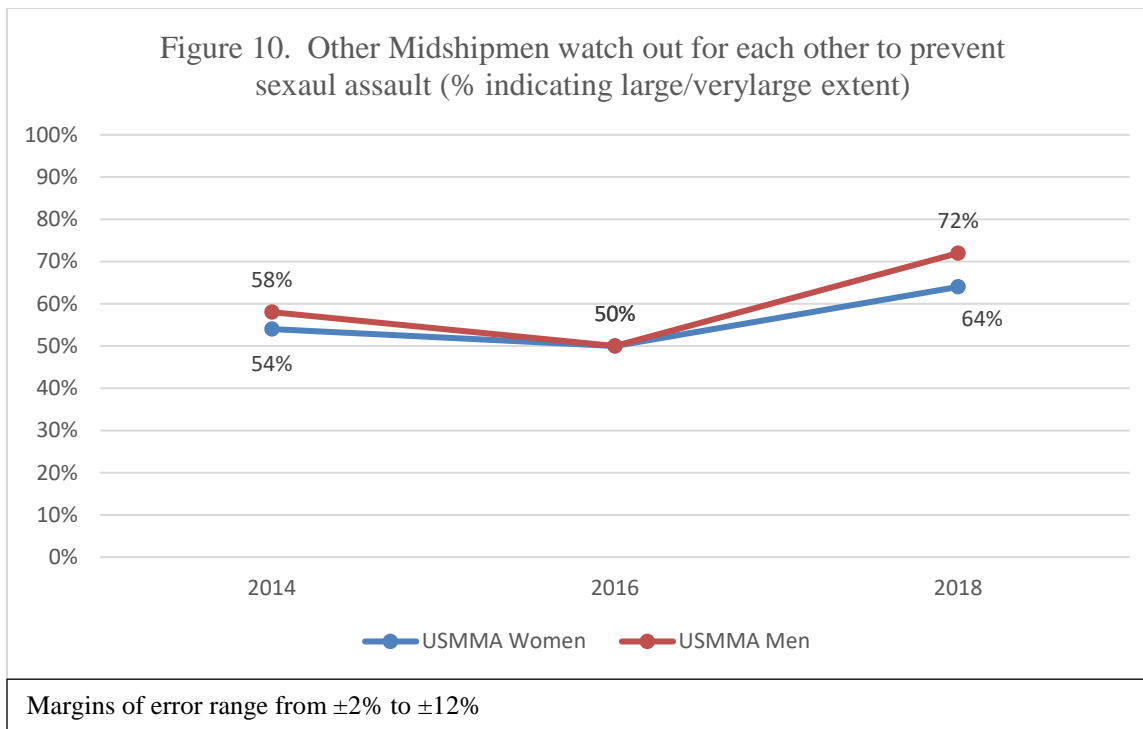
Margins of error range from $\pm 2\%$ to $\pm 12\%$

Significantly, Midshipmen are beginning to see changes within the Regiment itself. Figure 10 indicates that in 2016, only half of Academy men and women thought that Midshipmen watch out for each other to prevent sexual assault. In 2018, those numbers rose, with 64 percent of women and 72 percent of men inclined to think that Midshipmen watch out for each other to prevent sexual assault. This was a statistically significant increase as well. While there is still

Figure 9. Non-commissioned officers set good examples in their own behavior and talk (% indicating large/very large extent)



Margins of error range from $\pm 2\%$ to $\pm 12\%$

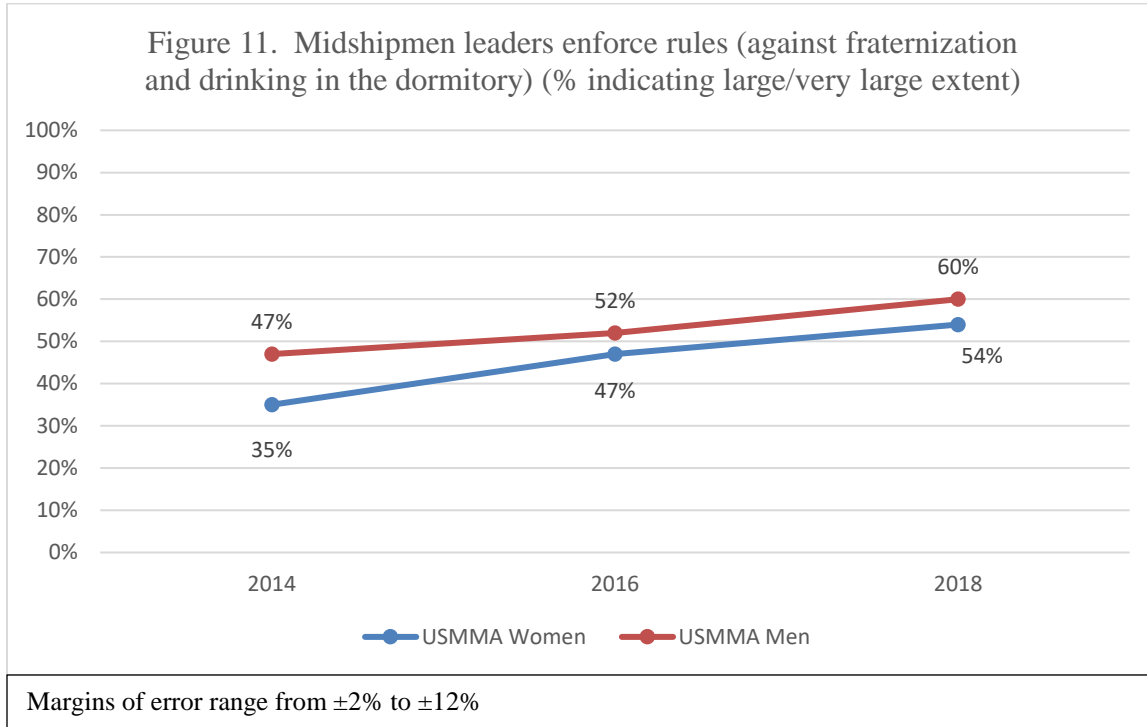


work to be done, these results are encouraging, and show that training and the “Be KP” culture campaign have had a positive effect.

In this Academic Program Year, the SARC has placed more emphasis on training Midshipmen Human Relations Officers, some of whom have received nationally-recognized credentialing as Victim Advocates. This may lead Midshipmen to think that their peers are watching out for them to prevent sexual assault. Academy senior leadership also continues working to cultivate the notion that Midshipmen take care of each other.

Training in 2018 has focused on prevention of fraternization, which is defined in the Midshipmen Regulations as “an unduly familiar association or dealing between seniors and juniors/subordinates, which prejudices good order and discipline, either by compromising regard and respect for authority, or by impairing the ability of the senior member to exercise fair and impartial judgement.” This raised awareness may account for the results shown in Figure 11, which shows an increase from 2016 to 2018 in Midshipmen who believe that their own leaders enforce rules against fraternization and drinking in the barracks. In 2016, slightly more than half of men and less than half of women thought that Midshipmen leaders enforced rules in the dormitory against fraternization and drinking. In 2018, those numbers increased to 60 percent of men and 54 percent of women. This was a statistically significant increase. It is important that the Academy continue to promote this trend, as Midshipmen leaders themselves are on the front line in preventing fraternization and drinking in the dormitory. They must be examples for the underclassmen to emulate and must be the first to speak up when they observe infractions of the

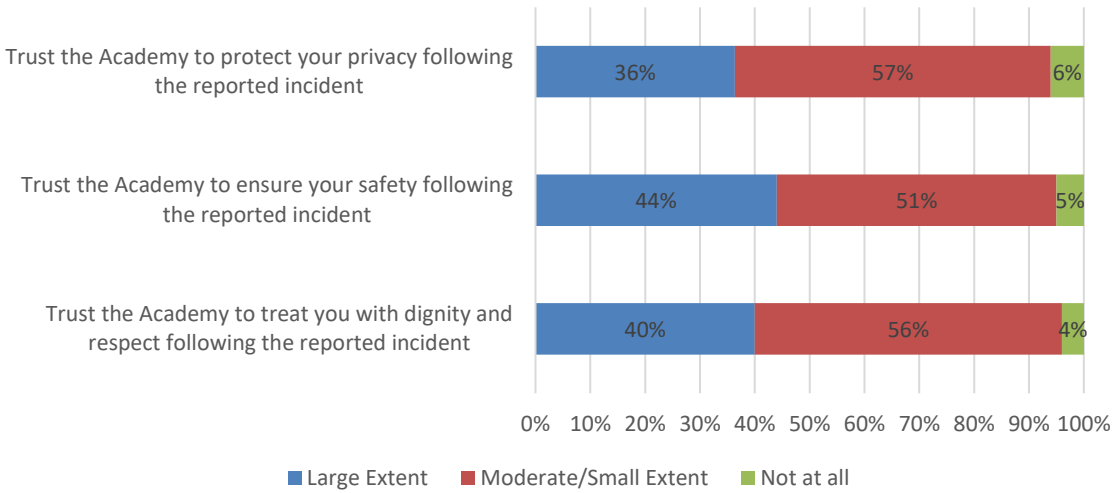
rules. By policing their own ranks, Midshipmen leaders can be at the forefront of sexual assault prevention and help to control irresponsible drinking.



Trust in the Academy

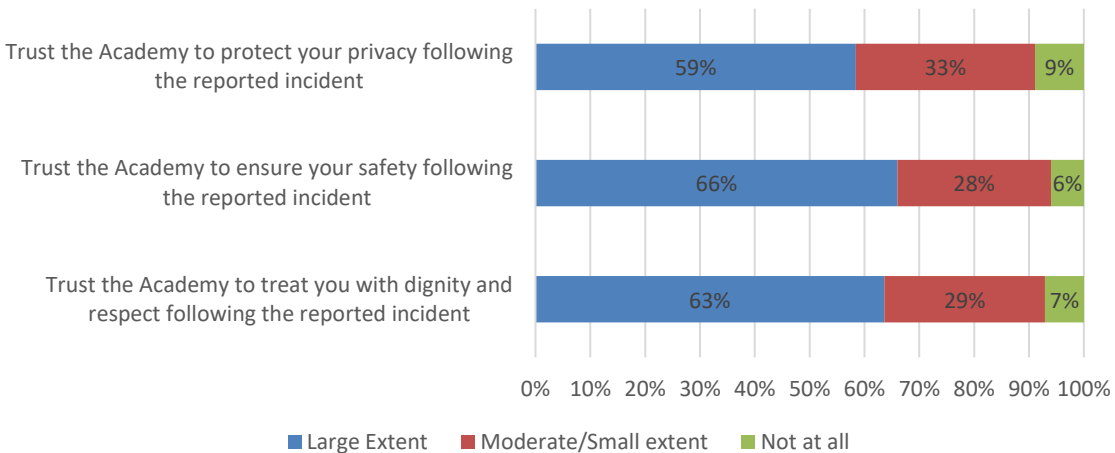
The 2018 SAGR Survey asked Midshipmen that, if they were to experience sexual assault in the future, to what extent would they trust the Academy to protect their privacy, ensure their safety, and treat them with dignity and respect. Female Midshipmen were more likely to trust the Academy to protect their privacy and treat them with dignity and respect than were males. Figures 12 and 13 show that only 6 percent of females believed that the Academy would not protect their privacy, compared to 9 percent of males. Five percent of women and 6 percent of men said they would not trust the Academy to ensure their safety, and only 4 percent of women said that they would not trust the Academy to treat them with dignity and respect, compared to 7 percent for males.

Figure 12. Female trust in the Academy. If you were to experience sexual assault in the future, to what extent would you . . . (% of students who did not experience unwanted sexual contact in the past year)



Margins of error range from $\pm 1\%$ to $\pm 9\%$

Figure 13. Male trust in the Academy. If you were to experience sexual assault in the future, to what extent would you . . . (% of students who did not experience unwanted sexual contact in the past year)



Margins of error range from $\pm 1\%$ to $\pm 9\%$

The Academy introduced initiatives in 2018 to garner Midshipmen trust that the institution would protect their privacy if they reported an incident of sexual harassment or sexual assault.

The Academy revived the Midshipmen Volunteer Victim Advocate program due to rising student interest in helping their peers, while still working to recruit faculty and staff Volunteer Victim Advocates. The Academy currently has five trained faculty and staff Volunteer Victim Advocates and two Midshipmen Volunteer Victim Advocates who can take restricted reports and serve as trusted counselors to victims of sexual assault, sexual or gender-based harassment, relationship violence and stalking. Faculty, staff and Midshipmen Volunteer Victim Advocates are well-trained in the importance of victim privacy.

The Academy is constantly working to improve its safety and security posture and is continuing to upgrade campus safety and security systems. The Academy installed 77 cameras in dormitory hallway areas and four cameras at the Elmridge Road pedestrian access, bringing the total surveillance platform to 93 cameras. The cameras are recording to updated digital video recorders and have a 30-day forensic capability. Projects for 2018-2019 include installation of surveillance cameras at the waterfront, replacement of the north and south perimeter fences, and upgraded campus lighting. Additional campus security upgrades are contemplated through Fiscal Year 2020, including the installation of front entry gateway with a visitor scanning system and a pedestrian gate at the Elmridge Road access area. In addition, as academic buildings come due for renovation in the coming years, they will be outfitted with access card readers and other safety and security features.

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

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

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

Deterrents to Reporting Sexual Assault

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

Despite these training sessions and the Sexual Assault Prevention and Response Office (SAPRO) staff's ongoing encouragement that they report sexual harassment and sexual assault, it continues to be a challenge to alleviate the fears of Midshipmen that they will be stigmatized by members of the Regiment of Midshipmen or punished for a separate offense connected with the assault, such as under-age alcohol consumption. To attempt to understand why Midshipmen are reluctant to report sexual assault, the 2018 SAGR Survey asked them for their perceptions about various factors that might influence one's decision to report. OPA's preliminary analysis contained data for four such factors: high profile cases, negative peer reaction, media scrutiny, and victim-blaming. The results show that these factors are increasingly of concern for both men and women in choosing whether or not to report sexual assault.

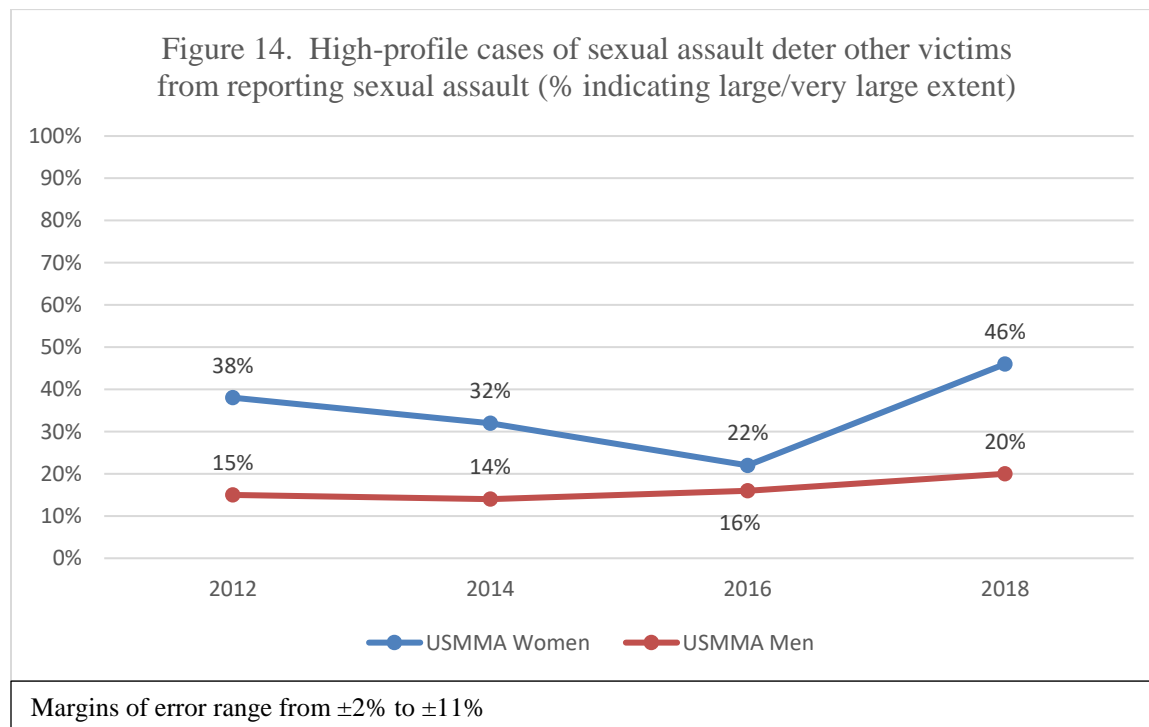


Figure 14 shows that high profile cases of sexual assault are a large deterrent to reporting, and that nearly half of women find in the example of high profile cases a reason not to report sexual assault (compared to only 22 percent of women in 2016). This is a statistically significant increase for both women and men. This result may have been influenced by two high profile sexual assault cases occurring at the Academy in 2018, one of which received media attention.

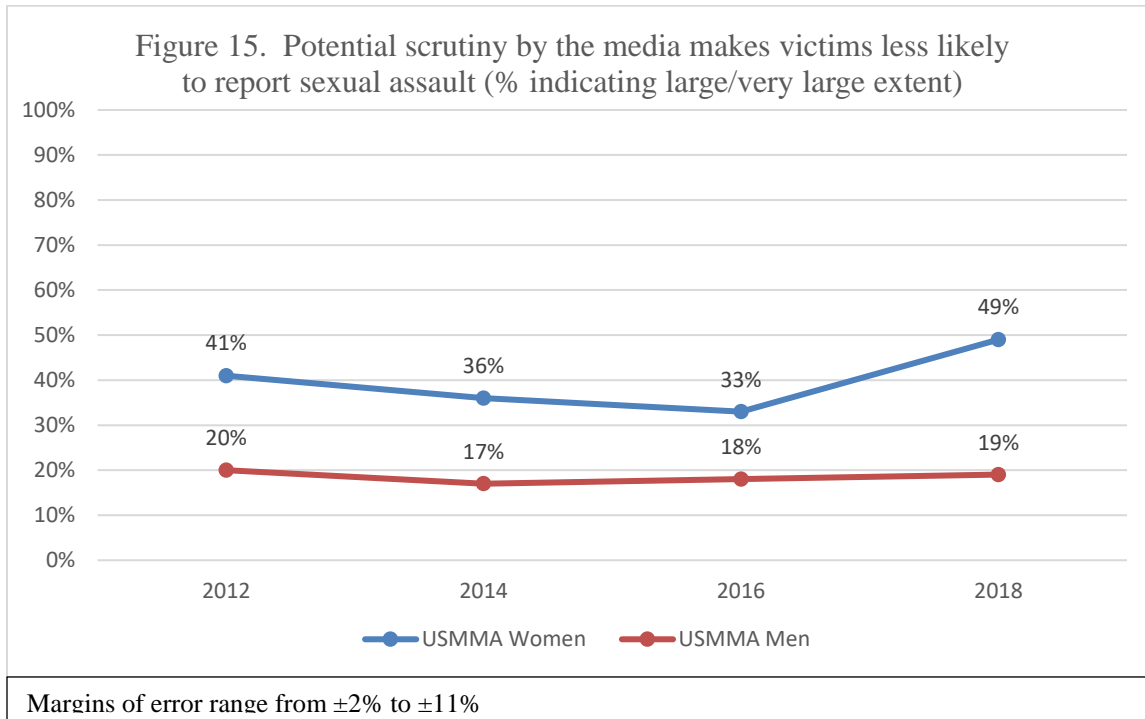
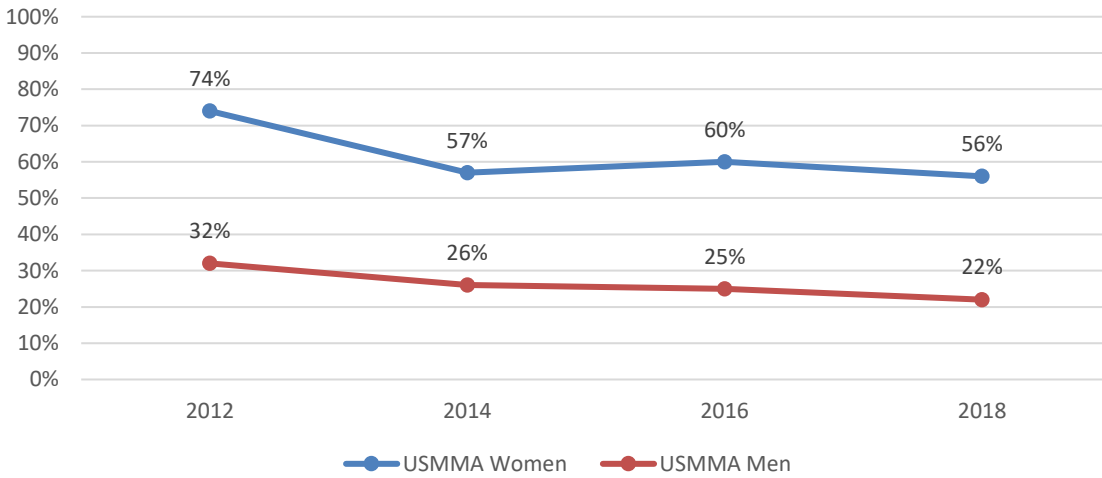


Figure 15 shows that, similarly, women fear the media attention that can accompany a high profile case of sexual assault, and that this fear was on the rise in 2018. Almost half of women

Figure 16. Potential negative reaction from Academy peers makes victims less likely to report sexual assault (% indicating large/very large extent)

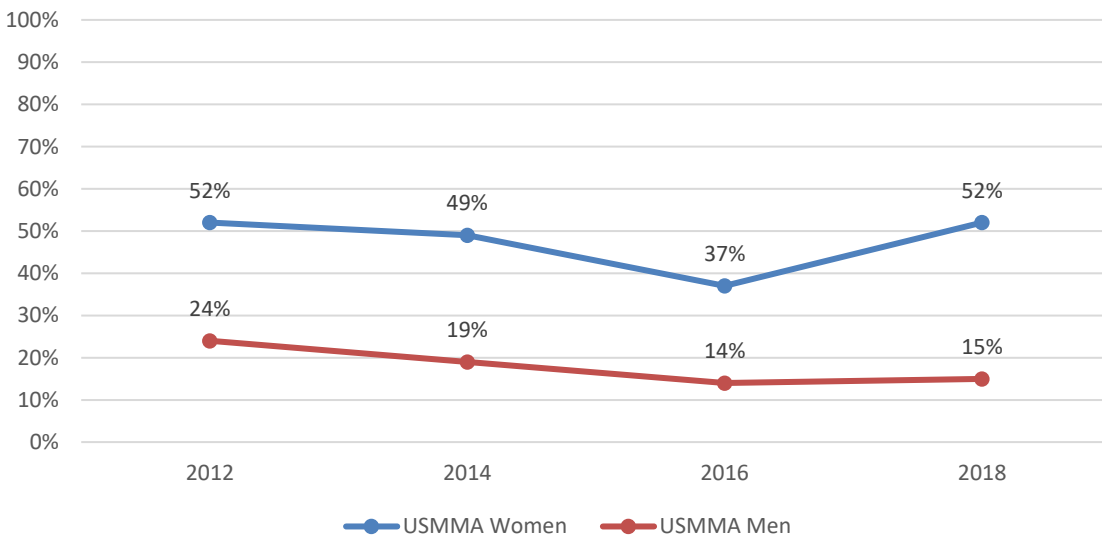


Margins of error range from $\pm 2\%$ to $\pm 11\%$

said that media scrutiny was a large or very large deterrent, compared to only 33 percent in 2016. This was a statistically significant increase for women only.

Figure 16 is again an example of how culture change is beginning to take hold with the Regiment. In a shift from previous years, both men (22 percent) and women (56 percent) are less likely to say that potential negative reaction from peers would prevent them from reporting. This is compared to 25 percent of men and 60 percent of women in 2016 who said that peer

Figure 17. "Victim blaming" occurs (% indicating large/very large extent)



Margins of error range from $\pm 2\%$ to $\pm 11\%$

reaction would prevent them from reporting. Both men and women are less afraid of what their peers would think of them for reporting sexual assault, which is a positive sign that Midshipmen have more respect and compassion for victims.

While female Midshipmen are less worried about negative peer reaction, they are increasingly worried about victim-blaming. Female Midshipmen have witnessed the predominantly male Regiment react swiftly and negatively to women who have reported peers for sexual assault, particularly in response to recent high profile cases. Although it is slowly changing, the culture within the Regiment is such that victims would rather remain silent and endure the trauma of sexual assault than “betray” a fellow student. While this is evidence of insularity within the Regiment of Midshipmen, it may also reflect a “culture of passivity and tolerance..., which too often allows this type of violence to persist.”¹⁵ Men are less likely to report sexual assault because they don’t think they will be believed or they worry that they will be perceived as a homosexual (if assaulted by another man).¹⁶ Women are less likely to report due to fear of retribution and shame.¹⁷ Figure 17 shows that more than half of Academy women (52 percent) are much more fearful of the stigmatization of sexual assault than men (15 percent); for them, reporting a sexual assault means they will be blamed for causing the assault and for “ratting out” a fellow student. This was a statistically significant shift for women only.

Academy policy is aimed at ensuring the safety and protecting the privacy of a victim of sexual assault. In its 2018 revision of the Superintendent Instruction on sexual assault, sexual or gender-based harassment, relationship violence and stalking, the Academy committed to ensuring that victims are treated with fairness and respect for their dignity and privacy. In addition, the Instruction contains a provision to provide a victim with amnesty for disciplinary infractions connected to a sexual assault (with exceptions for health and safety, repeat infractions and infractions that constitute honor offenses). This collateral misconduct provision is intended to facilitate reporting by minimizing a victim’s fear that he or she will be punished for a secondary offense incident to the assault. The Academy created a second instruction in 2018 to deal specifically with retaliation against victims who report violations; this policy states that every effort will be made to protect members of the Academy community against reprisal for reporting incidents. A copy of the Academy’s sexual assault policy is provided as Attachment 1 and a copy of the policy against retaliation is provided as Attachment 2.

Effective policy statements, however, require more than just declarations against the behavior. Research shows that successful execution of policy requires effort and support on the part of administration, faculty, staff and Midshipmen¹⁸, and this requires familiarity with policy content. The SARC has developed a Midshipman training plan in which freshmen receive introductory

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

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

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

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

policy training. The Deputy Superintendent conducted training for approximately 64 percent of the faculty and staff to provide an overview of the SAPR program, review definitions of sexually violent behavior, and explain Academy policy. Training was provided to all faculty and staff in Fiscal Year 2019.

Leadership

Midshipmen are influenced every day by different cohorts of people who come into and out of their lives, including the Commandant Department’s staff members, academic faculty, coaches, and especially, their own peers. Different cohorts were identified as having particular influence over the Regiment of Midshipmen: members of senior leadership, uniformed and civilian academic faculty, athletic staff, uniformed officers and Midshipmen in leadership positions. Members of senior leadership set the overall tone for the Academy while the academic faculty sets the tone within the classroom and the athletic staff sets the tone on the playing field. Midshipmen leaders are responsible for day-to-day oversight of the Regiment of Midshipmen and set the tone within barracks living spaces. The SAGR Survey asked Midshipmen whether they believed that these cohorts make honest efforts to stop sexual harassment and sexual assault. Their answers speak to the effectiveness of the Academy effort to create a climate where sexual harassment, sexual assault and sexist behavior will not be tolerated.

The Survey results (Table 4) showed that for Midshipmen respondents overall, more than half believe that senior leadership, coaches, athletic department staff, and commissioned and non-commissioned officers are making honest efforts to stop sexual harassment and sexual assault. In fact, there was a statistically significant shift upward in every category for women, except for the category of “civilian academic faculty.” For men, there was a statistically significant shift in every category.

Compared to 2016, however, when respondents placed Midshipmen leaders at the bottom of the list in making honest efforts to stop sexual harassment and sexual assault (54 percent of men and 27 percent of women), the 2018 results showed that confidence in Midshipmen leaders rose

Table 4. The following persons make honest and reasonable efforts to stop sexual assault and sexual harassment to a large/very large extent				
	Women		Men	
	2016	2018	2016	2018
Academy senior leadership	55%	62%	68%	75%
Intercollegiate coaches and trainers	50%	61%	60%	79%
Commissioned officers directly in charge of unit	42%	57%	58%	76%
Physical education instructors	43%	56%	57%	77%
Club team coaches and trainers	41%	56%	56%	73%
Intercollegiate officer representatives/advisors	43%	56%	59%	76%
Non-commissioned officers or senior/chief petty officer in charge of unit	37%	54%	59%	76%
Military/uniformed academic faculty	35%	53%	55%	74%
Civilian academic faculty	45%	49%	53%	69%
Club team officer representatives/advisors	39%	52%	55%	73%

Intramural officer representative/advisors	40%	49%	56%	72%
Intramural coaches and trainers	41%	49%	57%	71%
Midshipman leaders	27%	47%	54%	72%
Midshipmen not in appointed leadership positions	20%	39%	46%	62%
Margins of error range from ±2% to ±13%				

significantly, with 47 percent of women and 72 percent of men saying they make honest efforts to stop sexual harassment and sexual assault. Females were less confident across the board that any leaders would make honest efforts to stop sexual harassment and sexual assault.

Clearly, the Academy must work harder to create a culture where Midshipmen, particularly women, are confident that all members of faculty, staff, and Midshipmen leadership are committed to stopping sexual harassment and sexual assault.

Midshipman Unwanted Sexual Contact

Incidents of Unwanted Sexual Contact

Unwanted sexual contact ranges from unwanted touching to forced sexual acts. The 2018 SAGR Survey assesses the same unwanted sexual contact measure as previous SAGR surveys.

In the SAGR Survey, each Midshipman was asked whether, since June 2018, he or she had “experienced any of the following intentional sexual contacts that were against your will or which occurred when you did not or could not consent in which someone: 1) sexually touched you (for example, intentional touching of genitalia, buttocks, [breasts if you are a woman]), or made you sexually touch them, 2) attempted to make you have sexual intercourse, but was not successful, 3) made you have sexual intercourse, 4) attempted to make you perform or receive oral sex, anal sex or penetration by a finger or object, but was not successful, or 5) made you perform or receive oral sex, anal sex, or penetration by a finger or object.” Students who marked “yes” to any of these items are included in the unwanted sexual contact prevalence rate.

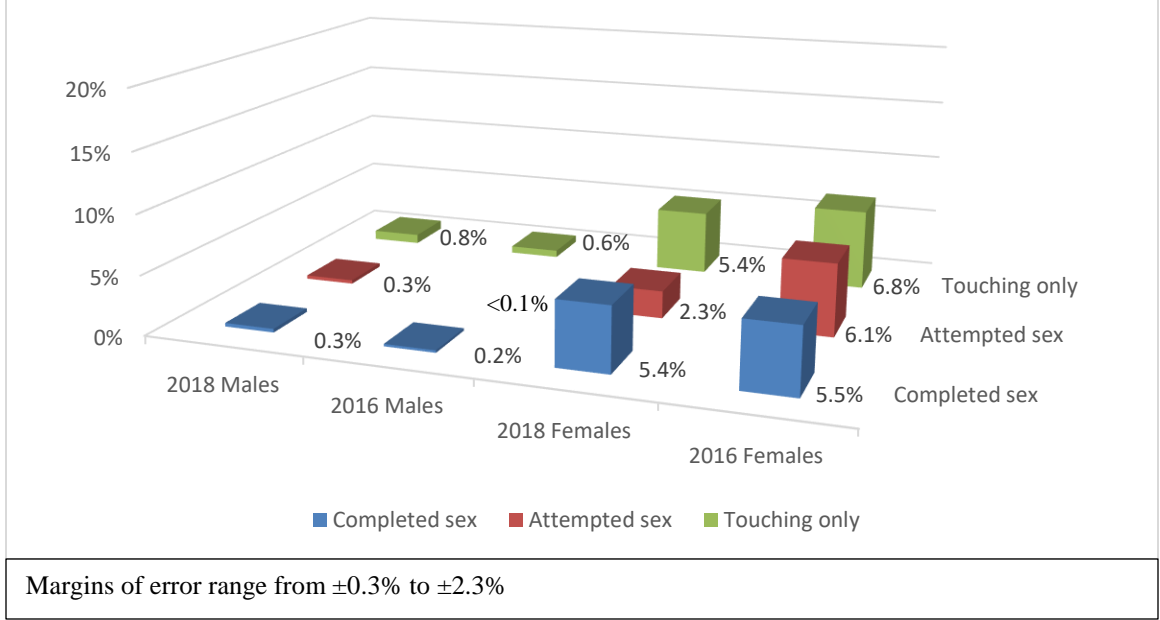
Table 5. Unwanted Sexual Contact (% of all students)		
	Women	Men
2012	14.4%	1.3%
2014	17.1%	2.0%
2016	18.4%	0.8%
2018	10.6%	1.4%
Margins of error range from ±0.3% to ±2.3%		

Table 5 shows that 10.6 percent of women and 1.4 percent of men responded that they had experienced at least one incident of unwanted sexual contact during the 2018 reporting period. The results for women are substantially better than they were in 2012, 2014, and 2016, when the incidence rate was 14.4 percent, 17.1 percent, and 18.4 percent respectively. The 2018 results represent a statistically significant decrease in the prevalence rate shift for women. The results for men are slightly worse than last year, with 1.4 percent of men reporting unwanted sexual contact compared to 0.8 percent in 2016. This is a statistically significant increase.

Types of Unwanted Sexual Contact Behaviors Experienced

Figure 18 illustrates the types of unwanted sexual contact experienced by Academy men and women. In 2016, the predominant type of unwanted sexual contact for women was unwanted sexual touching, followed by attempted sex. In 2018, the predominant type of unwanted sexual contact for women was completed sex, followed by unwanted sexual touching. There was a statistically significant decrease from 2016 to 2018 for women in attempted sex and unwanted sexual touching. In 2016, the predominant type of unwanted sexual contact for men was unwanted sexual touching, followed by completed sex. In 2018, the predominant type of unwanted sexual contact for men was unwanted sexual touching, followed by completed sex and attempted sex at the same rate. There was a statistically significant increase from 2016 to 2018 for men in attempted sex.

**Figure 18. Unwanted Sexual Contact Behaviors Experienced
(Percent of males and females)**



Academy Sexual Assault Cases

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

Sources of Sexual Assault: Offenders, Location and Timing

Academy students who experience sexual assault often indicate that they have experienced multiple incidents during the reporting period. The 2018 Survey asked students who have experienced multiple incidents to identify the “one situation” that had the greatest effect on them and to use that “one situation” in answering the remaining questions in that section. The value of this is to move beyond answers to hypothetical questions and to ascertain what really did happen after a student experienced sexual assault. The analysis¹⁹ that follows is only for the “one situation” that had the greatest impact on a victim and should not be construed as concrete estimates for all situations experienced at the Academy.

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

Table 6: Disposition of Reported Cases of Sexual Assault during the 2017-2018 Academic Year*

Incident	Victim	Subject	Investigation	Result
1	Midshipman	Midshipman	Unrestricted – referred for administrative and criminal investigation	Perpetrator administratively disenrolled from Academy; no criminal prosecution
2	Midshipman	Midshipman	Unrestricted – referred for administrative and criminal investigation	Perpetrator administratively disenrolled from Academy; no criminal prosecution
3	Midshipman	Unknown	Unrestricted – occurred off-campus; victim opted not to report to local law enforcement	No administrative action possible
4	Midshipman	Stranger	Unrestricted – occurred at sea; victim reported to shipping company	Unlicensed crew member was removed from vessel – Midshipman finished sailing
5	Unaffiliated with the Academy	Midshipman	Unrestricted – occurred off campus; victim reported to Academy and local law enforcement for administrative and criminal investigation	Perpetrator administratively setback at Academy; no criminal prosecution
6	Midshipman	Midshipman	Unrestricted – referred for administrative and criminal investigation	Sexual assault charge administratively dismissed; no criminal prosecution
7	Midshipman	Crew Member	Unrestricted – occurred at sea; referred to U.S. Coast Guard for investigation	No criminal prosecution; referred to shipping company for administrative handling
8	Midshipman	Midshipman	Restricted – no investigation as per Policy	Support services offered
9	Midshipman	Midshipman	Restricted – no investigation as per Policy	Support services offered
10	Midshipman	Midshipman	Restricted – no investigation as per Policy	Support services offered
11	Midshipman	Crew Member	Restricted – no investigation as per Policy	Support services offered

12	Midshipman	Midshipman	Restricted – no investigation as per Policy	Support services offered
13	Midshipman	Midshipman	Restricted – no investigation as per Policy	Support services offered
*See footnote 3 for an explanation of restricted versus unrestricted.				

Table 7 shows that of the women experiencing unwanted sexual contact, 58 percent were victimized by another student in the same class year – a decrease from 60 percent in 2016. Another 34 percent were victimized by a member of an intramural or club team and 33 percent were victimized by an Academy student in a higher class year. The change from 2016 to 2018 in

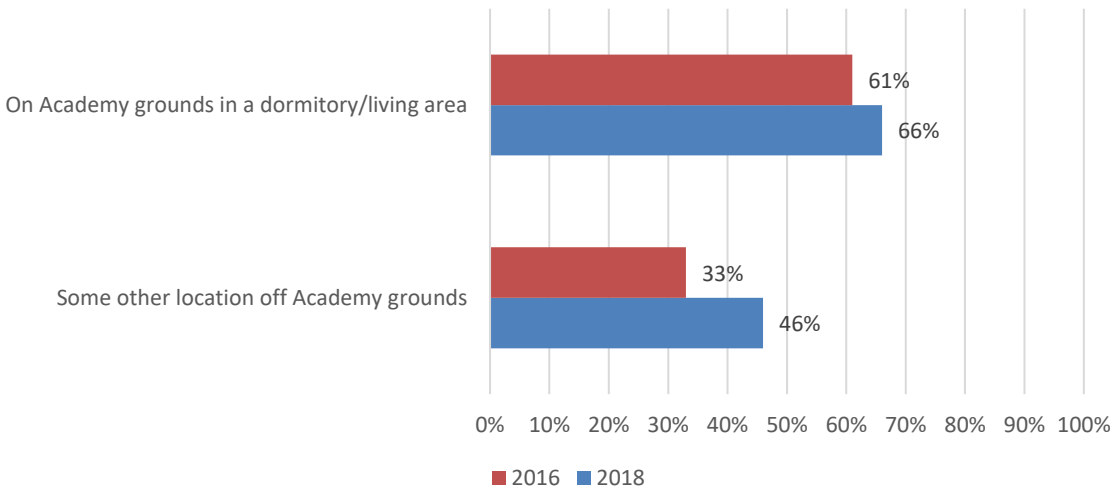
Table 7. Top Unwanted Sexual Contact Alleged Offender Status (% of women who experienced unwanted sexual contact (one situation) in the past year)		
Offender Status	2016	2018
Student in same class	60%	58%
Student in higher class	19%	33%
Member of intramural/club team	9%	34%
Person affiliated with the maritime industry	26%	25%
Margins of error range from ±2% to ±11%		

women being victimized by a member of an intramural/club team is a statistically significant increase. The data appears to match national statistics showing that approximately two-thirds of rapes were committed by someone known to the victim.²⁰ Twenty-five percent of students reported that the unwanted sexual contact was perpetrated by a person affiliated with the maritime industry – nearly unchanged from 2016.

Nearly two-thirds of men (61 percent) indicated that the alleged offender was someone affiliated with the Academy and/or an Academy student, often someone in the same class year (39 percent) or a person affiliated with the maritime industry (39 percent). At a rate of 57 percent, men indicated that the alleged offender was a man and 43 percent indicated the alleged offender was a woman.

²⁰ U.S. Department of Justice, 2005 National Crime Victimization Study, 2005.

Figure 19. Top Locations Where Unwanted Sexual Contact Offenses Occurred (% of women who experienced unwanted sexual contact (one situation) in the past year)



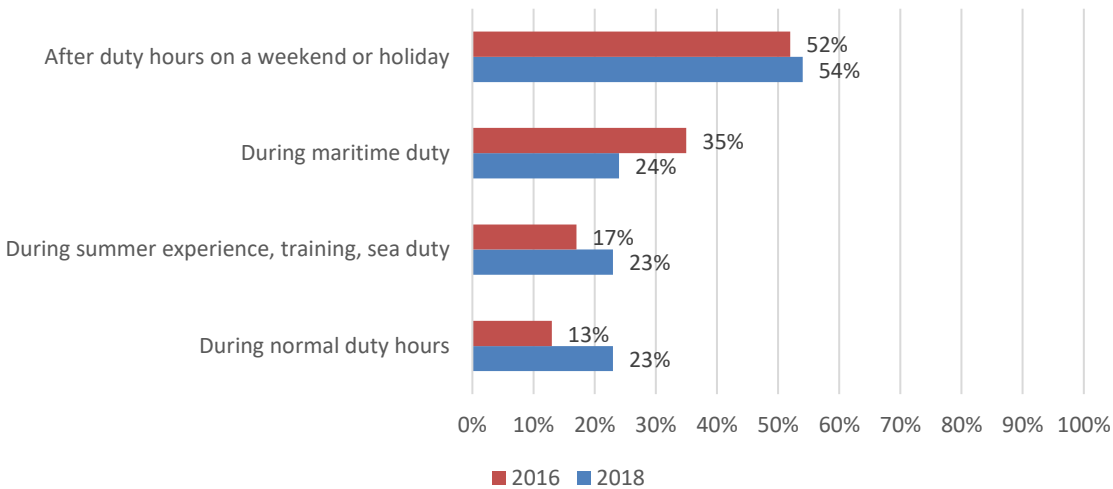
Margins of error range from $\pm 4\%$ to $\pm 16\%$

Figure 19 shows that of the women experiencing unwanted sexual contact incidents, 61 percent said that it occurred on campus in the dormitory or living areas, followed by 46 percent who said that it occurred at some other location off Academy grounds. Over half of women reported that the alleged offender had been drinking at the time of the incident and nearly half (46 percent) indicated that they had been drinking at the time of the incident. Of those women who said they had been drinking, 66 percent indicated that the alleged offender bought or gave them alcohol to drink.

The top locations where unwanted sexual contact incidents occurred were the same for men as they were for women. Of the men who experienced unwanted sexual contact, 42 percent said that it happened on campus in the dormitory or living areas and 39 percent said that it happened off Academy grounds at some other location. Results on alcohol use and additional context of the one situation for men were not reportable.

Figure 20 shows that of the women experiencing unwanted sexual contact, 54 percent reported that the situation occurred after duty hours on a weekend or holiday. This is consistent with data from 2016, when 52 percent of women indicated that the incident occurred after duty hours on a weekend or holiday. The Survey timing data in Figure 20 was not correlated to the location data in Figure 19, but the high percentage of students experiencing unwanted sexual contact in the dormitories during evenings, weekends or holidays suggests that the campus and off-duty hours are where and when students are most vulnerable. The evenings, weekends and holidays are also periods when the Academy is most lightly staffed.

Figure 20. Top Timing of Unwanted Sexual Contact Offenses (% of women who experienced unwanted sexual contact (one situation) in the past year)



Margins of error range from $\pm 4\%$ to $\pm 16\%$

The second greatest prevalence of sexual assault occurs during Sea Year: of the students who experienced unwanted sexual contact, 24 percent reported that the situation occurred during maritime duty and 23 percent reported that the situation occurred during summer experience/training/sea duty.

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

The Academy campus is relatively isolated within a residential community, so the Academy tries to keep students occupied with activities in the evenings, on weekends, and during holidays. About half of Midshipmen participate in intercollegiate athletics and there is also a robust intramural sports program. There are nearly 40 Midshipman clubs. The Student Activities Director shows movies on Friday nights and organizes trips to New York City on evenings and weekends. The Academy Band plays at sports events, marches in parades locally, and travels away for performances such as the Presidential Inauguration. The Academy will continue to

seek out opportunities for Midshipmen participation in alcohol-free extracurricular activities to reduce idle time and drinking opportunities which might contribute to incidents of unwanted sexual contact.

Reporting the Unwanted Sexual Contact

Of the 10.6 percent of women who experienced unwanted sexual contact, 47 percent of those women said that they reported the one situation that most impacted them to Academy authorities. This is a significant increase over 2016, when only 10 percent of women said that they reported the incident to Academy authorities. Of the 1.4 percent of men who experienced unwanted sexual contact, 32 percent of those men said that they reported the one situation that most impacted them to Academy authorities. No data was available for men for 2016.

Table 8: Top Reasons for Reporting (% of women who experienced unwanted sexual contact (one situation) in the past year and reported the incident to Academy authorities)	2018
Someone you told encouraged you to report	83%
To stop the person from hurting others	83%
Raise awareness that it occurs at the Academy	50%
To get mental health assistance	50%
To discourage other potential offenders	50%
To stop the person from hurting you again	49%
Some other reason	49%
Margins of error do not exceed $\pm 16\%$	

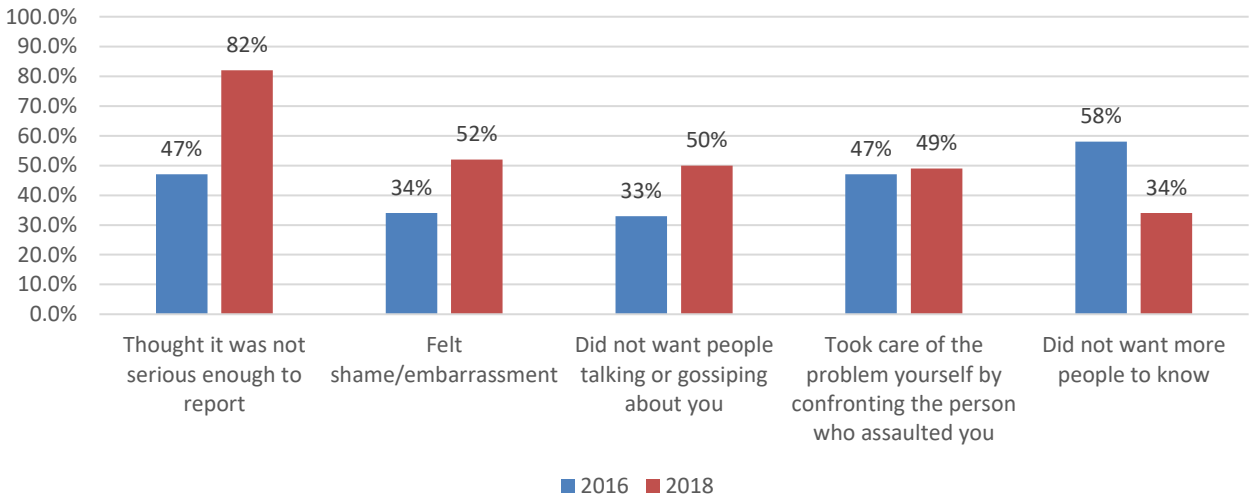
Table 8 lists the top reasons why women reported the one situation of unwanted sexual contact to Academy authorities. Reasons for reporting were not reportable for men.

Reasons for Not Reporting the Unwanted Sexual Contact One Situation

More than half of the 10.6 percent of women (53 percent) reporting unwanted sexual contact chose not to report the one situation that impacted them the most. Figure 21 shows the reasons why women opted not to report. The top reason why women chose not to report was that they thought it was not serious enough to report (82 percent, a statistically significant increase from 2016). Women also said that they would feel shame or embarrassment if they reported the incident (52 percent), that they did not want people talking or gossiping about them (50 percent), or that they took care of the problem by themselves by confronting the person who assaulted them (49 percent). The top reason for not reporting in 2016 was that women did not want more people to know about the incident (58 percent); this became the least considered reason why women would not report in 2018 (34 percent), a statistically significant decrease.

Data for reasons for not reporting were not reportable for men.

Figure 21. Reasons for Not Reporting Unwanted Sexual Contact (% of women who indicated experiencing unwanted sexual contact (one situation) in the past year and did not report)



Margins of error range from $\pm 6\%$ to $\pm 16\%$

Military Equal Opportunity (MEO) Violations

Sex-Based MEO Violation Prevalence Rates

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

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

Sexually Hostile Work Environment²¹

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

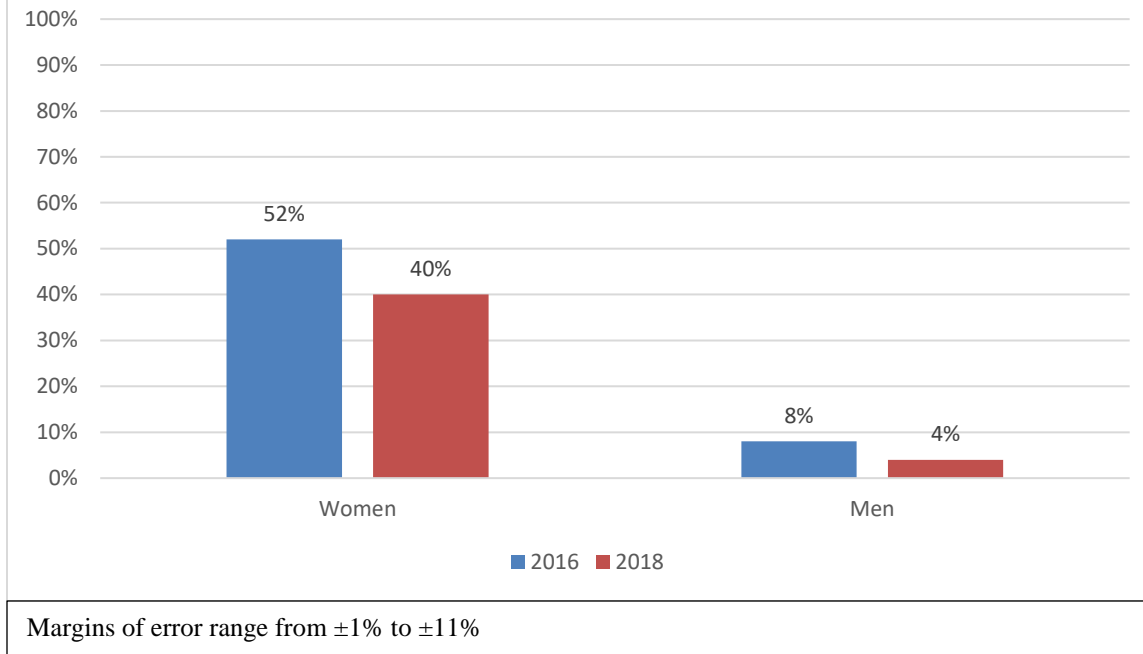
Sexual Quid Pro Quo²²

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

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

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

Figure 22. Sexual Harassment (% of all students)



OPA used “yes” responses to questions about a sexually hostile work environment and sexual quid pro quo to develop its data on males and females experiencing sexual harassment. Figure 22 shows that an estimated 40 percent of all women at the Academy experience sexual harassment, down from 52 percent in 2016. Men experienced sexual harassment at a much lower rate than women, with Figure 22 showing that only 4 percent of all men experienced the criteria behaviors. OPA noted that these were statistically significant decreases for both women and men.

Gender Discrimination

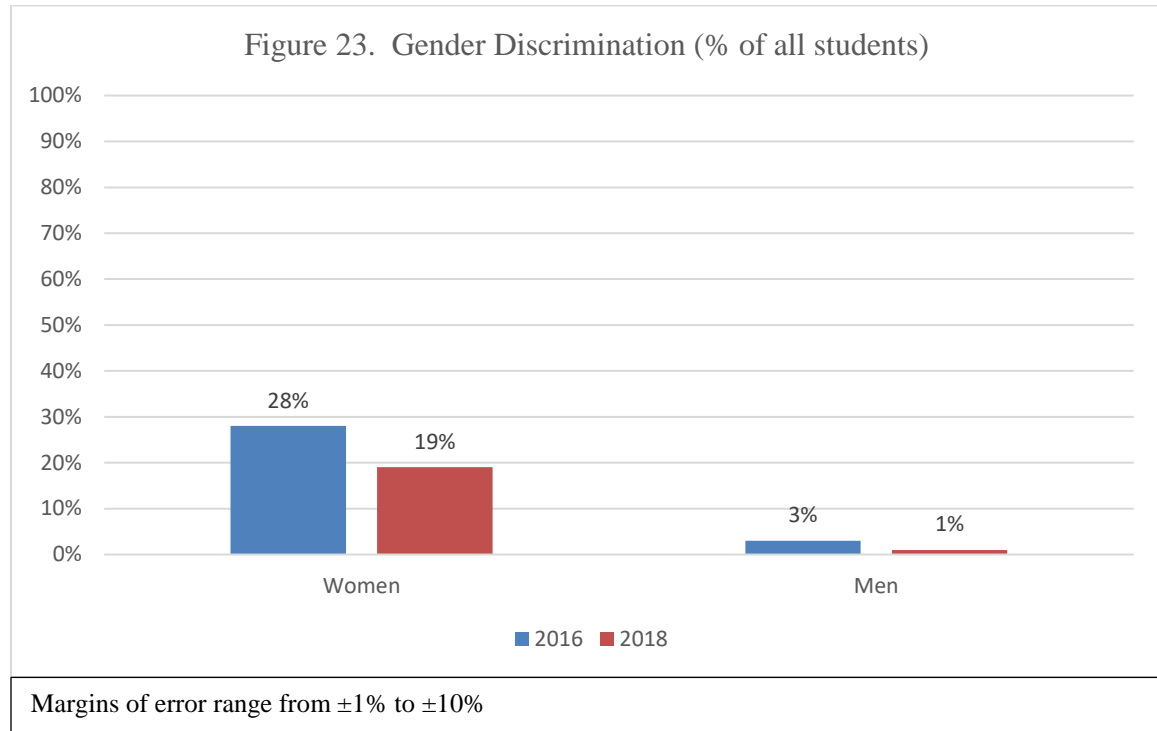
Students experiencing gender discrimination²³ included those who answered “yes” to any items as follows:

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

As with sexual harassment, women experienced gender discriminatory behavior at a much higher rate than men. Figure 23 shows that where 19 percent of all Academy women experienced gender discriminatory behavior, only 1 percent of men had the same experience. The good news is that the estimated rate in 2018 is greatly decreased from 2016, when 28 percent of women experienced gender discrimination. OPA noted that these were statistically significant decreases for both women and men.

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

That women experience more sex-based MEO violations than men is not a surprise. The maritime industry workforce has traditionally been dominated by men and the Regiment of



Midshipmen is typically comprised of about 80 percent men. Studies indicate that men are more likely to harass women who are working in jobs traditionally done by men, and that “sexual harassment may be deliberate and resentful behavior, designed to deter women from entering historically male jobs.”²⁴ Since gender equity is an important factor in reducing discrimination and harassment²⁵, the Academy has focused on recruiting more women and each entering class over the last four years has contained a higher percentage of women. The Class of 2022, for example, was 22.9 percent female – the most ever in a freshman class. The Academy will continue its efforts to bring women into the school and to promote women in the commercial industry. Successful female role models are crucial to the Academy’s recruiting efforts, because they demonstrate that maritime careers are a viable employment option for women.

Studies also stress the importance of ongoing education in the subjects of sexual harassment and gender discrimination. Paludi writes that “there is ample empirical research to indicate that training about discrimination, harassment, and sexual misconduct changes attitudes and behaviors” and that “training increases knowledge acquisition and reduces the inappropriate behavior of men who had a high propensity to harass.”²⁶ The Academy continues to educate Midshipmen, faculty and staff about sexual harassment and gender discrimination.

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

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

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

Conclusions

OPA wrote in its final analysis that the overall unwanted sexual contact prevalence rate for women had a statistically significant drop below levels seen in the previous three survey years (from 14.4 percent in 2012, 17.1 percent in 2014, and 18.4 percent in 2016, to 10.6 percent in 2018) and that this result was unusual. Since the decline in prevalence was uncharacteristic of prevalence trends at the other service academies, especially for junior and senior women, OPA's analysts took a closer look at survey data to determine whether this was a legitimate decline or a result of junior and senior women who censored their response to the survey for fear of causing another Sea Year stand down. Since it was unable to conclusively determine the reason for the decline, OPA advised that the 2018 SAGR survey unwanted sexual contact prevalence rate for women should be interpreted with caution. For men, there was a statistically significant increase in the unwanted sexual contact prevalence rate from 2016 (0.8 percent) to 2018 (1.4 percent). The survey asked women and men who had experienced unwanted sexual contact to provide additional information on what they considered to be the worst or most serious experience of unwanted sexual contact, subsequently referred to as the "one situation." For those women who had experienced unwanted sexual contact and who were asked to consider the one situation that impacted them the most, a majority of women (75 percent) said that a fellow Academy student committed the unwanted sexual contact and 58 percent indicated that it was someone from the same class year. For men who had experienced unwanted sexual contact and who were asked to consider the one situation that impacted them the most, a majority of men (61 percent) said that the offender was affiliated with the Academy and/or was a fellow Academy student, often someone in the same class year (39 percent). Two-thirds of women (66 percent) who experienced unwanted sexual contact said that the one situation that had impacted them the most occurred on Academy grounds in a dormitory or living area. Men (42 percent) who experienced unwanted sexual contact also said that the one situation that had impacted them the most occurred on Academy grounds in a dormitory or living area. With respect to Sea Year, 23 percent of women and 39 percent of men experiencing unwanted sexual contact said that the one situation occurred during maritime duty. While findings show that the majority of unwanted sexual contact occurs on campus and is perpetrated by Midshipmen, such incidents also occur during the Sea Year program.

SAGR survey results from 2016 showed that Midshipmen ranked Regimental leadership, as well as the rest of their peers, at the very bottom of the list when it comes to making "honest and reasonable efforts to stop sexual harassment and assault to a large or very large extent," and OPA recommended that Academy leadership target Midshipmen leaders and upper classmen in attempting to set the tone for the Regiment. OPA also suggested that leadership encourage Midshipmen to take ownership of the problem and to shape their own culture of zero tolerance for such behavior in a civilized society. In the 2018 SAGR Survey results, there are signs that culture change is beginning to happen within the Regiment of Midshipmen. Bystander intervention training appears to be having an effect, with 95 percent of women and 90 percent of men who observed at least one risky situation saying that they intervened. Midshipmen have more confidence in their peers to take steps to prevent sexual assault and sexual harassment; 47 percent of women (compared to 27 percent in 2016) and 72 percent of men (compared to 54

percent in 2016) see their own leadership as making honest and reasonable efforts to stop sexual harassment and sexual assault. Unfortunately, the SAGR Survey revealed that alcohol consumption plays a role in Regimental culture, with more than half of men and women saying that they have between three and seven (or more) drinks on a typical day when drinking. More than one-quarter of men (27 percent) and two-fifths of women (40 percent) indicated that they were unable to remember what happened the night before two to four times a month during the past year.

In 2016, SAGR Survey results showed that of the 18.4 percent of women who experienced unwanted sexual contact, only 10 percent said they officially reported the incident. In 2016, more than half (60 percent) of women and 25 percent of men believed that reporting sexual assault was likely to lead to negative reaction from their peers and 37 percent of women and 14 percent of men reported that victim blaming occurs. In 2018, fewer women (56 percent) and men (22 percent) said that reporting sexual assault was likely to lead to negative reaction from their peers, but the belief that victim blaming occurs was stronger than ever (52 percent of women and 15 percent of men). Yet, the number of reported incidents in 2018 increased dramatically, with 47 percent of the 10.6 percent of women and 32 percent of the 1.4 percent of men who experienced unwanted sexual contact saying they reported. In fact, for the first time, the number of officially reported sexual assault cases mirrors the number of cases reported anonymously through the OPA survey. The 2018 SAGR Survey reported that a majority of women and men trust the Academy to protect their privacy, ensure their safety, and treat them with dignity and respect, and this may account for the increased number of reports. But the Academy must continue to change its culture, so that Midshipmen truly look after their own and victims are not stigmatized within the student body. The challenge ahead for the Academy is to engage its entire community in addressing this culture and in instituting meaningful change which will create a supportive living and learning environment for each Midshipman.

The 2016 SAGR Survey introduced new measures of sexual harassment and gender discrimination incorporating the DoD legal criteria for MEO violations, establishing a baseline for sexual harassment and gender discrimination statistics. Whereas more than half of women (52 percent) and nearly one in twelve men (8 percent) indicated experiencing sexual harassment in 2016, those numbers improved in 2018, with only 40 percent of women and 4 percent of men saying that they experienced sexual harassment. Likewise, gender discrimination statistics improved as well; in 2016, 28 percent of women and 3 percent of men reported experiencing gender discrimination, and in 2018, only 19 percent of women and 1 percent of men said that they experienced gender discrimination. While these decreases are encouraging, the Academy must continue to work on eradicating sexual harassment and gender discrimination, as these are precursor behaviors to sexual assault on the continuum of harm.

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

Staff Response

Staff Response Rates

The Academy self-administered a survey of its own faculty and staff in 2018. Tables 9 and 10 detail the demographics of the 132 faculty, staff and contractor respondents. Although the tables reflect an overall response rate of 33 percent, it should be noted that not every faculty or staff member answered every question. When fewer than 132 faculty, staff, or contractors responded to a particular question, the associated table is annotated to indicate the number of members who did respond. It is worth noting that the response rate doubled in 2018 (33 percent) compared to the last faculty, staff, and contractor survey conducted in 2016. It is important to get maximum participation in the staff survey so as to increase the accuracy of the results.

Table 9. Faculty and Staff Response Rates by Gender			
Gender	On-Campus Population	Percentage of Responses (%)	Response Rate (%)
Male	305	67%	29%
Female	97	33%	44%
Total	402	67%	33%
*There were 131 respondents to this question.			

Table 10. Faculty and Staff Response Rates by Position				
Position	On-Campus Population	Number of Responses	Percentage of Responses (%)	Response Rate (%)
Faculty	105	58	44%	55%
Faculty (Contractor/Adjunct)	23	3	2%	13%
Staff	111	48	36%	43%
Contractor	163	23	17%	14%
Total	402	132	33%	33%

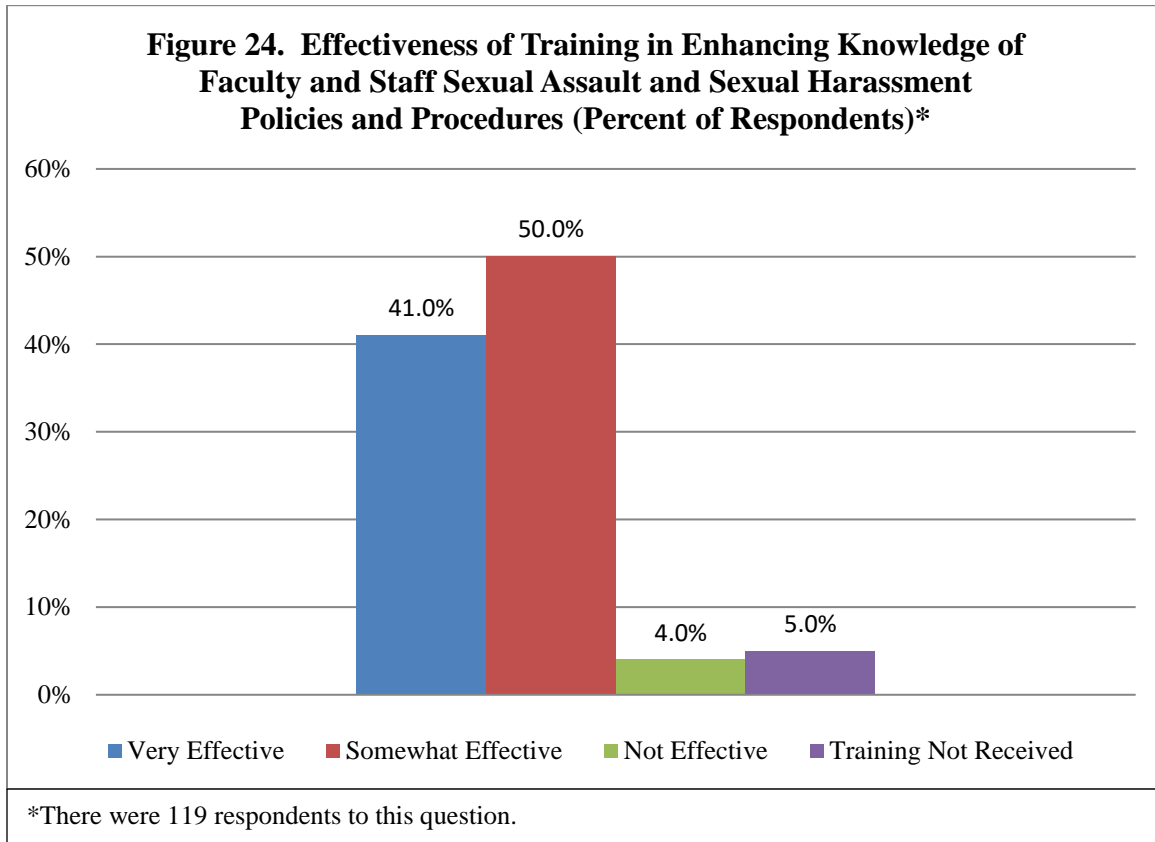
Staff Perceptions

Training

Figure 24 shows that 91 percent of 119 respondents reported that they had received training on policies and procedures for handling incidents of sexual assault and sexual harassment involving faculty and staff and that the training was either somewhat or very effective. Training included large group presentations, small group presentations and online EverFi/Haven online training.

With respect to the Academy's sexual harassment and sexual assault policies and procedures, 71 percent reported that they had a substantial understanding of sexual harassment and sexual

assault, 56 percent had a substantial understanding of restricted and unrestricted reporting, 53 percent had a substantial understanding of the Academy’s sexual harassment policy and 58 percent had a substantial understanding of the Academy’s sexual assault policy (Table 11).



Organizational Climate

Table 12 shows that more than 70 percent of faculty, staff, and contractors agree that their supervisors and senior leadership are creating a climate in which sexual harassment is not

Table 11. Faculty and Staff Understanding of Academy Sexual Harassment and Sexual Assault Policies and Procedures (Percent of Respondents)*

Topic	Substantial	Some	Little	None
Sexual harassment vs. sexual assault	71	27	0	2
Restricted vs. unrestricted reporting	56	29	10	5
Academy’s sexual harassment policy	53	36	9	3
Academy’s sexual assault policy	58	31	9	2

*There were 119 respondents to this question.

Table 12. Supervisors and Senior Leadership Create a Climate in Which . . . (Percent of Respondents)						
	Supervisor*			Senior Leadership**		
	Agree	Disagree	Not sure	Agree	Disagree	Not sure
Sexual harassment is not tolerated	91	4	5	71	11	18
Workers encouraged to report sexual harassment	91	4	5	69	8	22
Provides adequate info about harassment policies	74	11	15	71	10	19
*There were 117 respondents to this question. **There were 118 respondents to this question.						

tolerated and workers are encouraged to report sexual harassment. More than 70 percent of faculty, staff and contractors feel that supervisors and senior leadership are providing adequate information about sexual harassment policies.

Assistance to Midshipmen

Faculty members interact with Midshipmen on a frequent basis and develop relationships such that a Midshipman might report an incident of sexual harassment or sexual assault to a trusted faculty member. Some staff members work with Midshipmen on a closer basis than others, and might develop similar trusted relationships. The Survey revealed that 9 percent of 116 faculty and staff members observed sexual harassment in the last 12 months and that 82 percent of the sexual harassment observed involved a Midshipman. The remaining observations of sexual harassment included 27 percent staff members and 9 percent faculty members.

While Table 13 is reassuring in that the majority of faculty and staff appear knowledgeable and able to help a Midshipman, more work is needed. Nearly 22 percent of faculty and staff do not understand how to provide advice and guidance to Midshipman victims of sexual assault and this shortcoming must be remedied. In addition, it appears that faculty and staff are concerned about whether Midshipmen are receiving adequate sexual harassment and sexual assault training, particularly regarding bystander intervention.

Incidents of Staff Sexual Harassment

Four faculty, staff members, or contractors reported that they had experienced sexual harassment during the 2017-2018 Academic Program Year. Two respondents indicated that the follow up question to explain the incident was not applicable. One respondent declined to answer the follow up question. One respondent explained that in the incident, he was called a “queer” in retaliation for reporting another employee for a crime. Two respondents said that they used formal Equal Employment Opportunity channels to report the sexual harassment and that they felt the issue was appropriately handled. One respondent said he/she did not report since he/she thought the sexual harassment would stop and was also concerned that it would escalate if reported. One respondent said he/she did not report because he/she was threatened by retaliation by the other employee.

Table 13. Would a Faculty or Staff Member Understand . . . (Percent of Respondents)*		
	Yes	No
How a Midshipman should report sexual harassment	84	16
How a Midshipman should report sexual assault	88	12
How to provide advice and guidance if a Midshipman confided in you an incident of sexual assault	78	22
If Midshipmen understand the concept of bystander intervention	60	40
If the Academy provides adequate support services to Midshipmen impacted by sexual assault and sexual harassment	75	25
*There were 120 respondents to this question.		

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

For Academic Program Year 2017-2018, the Academy took major steps in the prevention of sexual assault and sexual harassment. The Academy implemented numerous actions while modifying existing policies to meet the program's goals and objectives. Below are key actions that were implemented or modified to prevent sexual assault and sexual harassment.

Prevention Training

- Continued freshmen class indoctrination to include scenario-based sexual assault prevention and response training.
- Required Midshipmen, faculty and staff to complete EverFi Haven training. Haven is computer-based training designed to comply with educational requirements relating to sexual misconduct in Title XI and the Clery Act.
- Conducted more than 60 training and awareness events.
- Procured a 24/7 hotline through the Rape, Abuse and Incest National Network, enabling Midshipmen to talk to a counselor any time of the day or night from anywhere in the world.
- Adopted an evidence-based bystander intervention program called "Bringing in the Bystander®" and training students and faculty in bystander techniques.
- Conducted "Sea Year" surveys to enable anonymous Midshipman feedback regarding the Sea Year experience.
- Conducted "Prevention of Sexist Behavior" training for all faculty and staff members.
- Received two deliverables from the Ship Operators Cooperative Program: 1) an interactive computer based training; and 2) development of a best practices guide for the maritime industry.

Victim Advocacy

- Recruited and trained Midshipmen, faculty and staff Victim Advocates.
- Trained Emergency Medical Service personnel and Human Relations Officers in sexual assault prevention and response.
- Hired a new Sexual Assault Prevention and Response Program Office (SAPRO) Manager.
- Hired two Victim Advocate/Prevention Educators.
- Sent Midshipmen, Victim Advocates, the SAPRO Manager and the Superintendent to Northwell Hospital to receive a briefing from a Sexual Assault Nurse Examiner.
- Added Academy, local and other resources available to Midshipmen on the Intranet page.

System Accountability

- Revised the Superintendent Instruction on sexual assault to include sexual harassment and gender-based discrimination against Midshipmen.
- Closed out the Academic Year 2017-2018 Plan of Action and initiated the Academic Year 2018-2019 Plan of Action.
-

- Created a Superintendent Instruction to establish policy for reporting, investigating and resolving retaliation against Midshipmen.
- MARAD's Shipboard Climate Compliance Team determined 13 maritime companies to be Sea Year Eligible (cleared to have Midshipmen back aboard their vessels).
- Installed 77 surveillance cameras, one for each floor in the student dormitories. The cameras are recording to an upgraded video data recorder and have a 30-day forensic capability.
- Continued monthly Sexual Assault Review Board comprised of senior Academy personnel with the goal of addressing systemic issues surrounding sexual assault prevention, and victim advocacy issues. The Board is chaired by the Superintendent or the Deputy Superintendent.
- Purchased 300 Garmin InReach GPS texting devices to provide Midshipmen with the ability to contact the Academy while they are on sea duty.
- Added an anonymous reporting form on the Intranet SAPRO Program SharePoint site allowing Midshipmen to share concerns or ask questions privately.
- The Professional Development and Career Services Office conducted a risk mitigation at sea working group.

Awareness

- Academy representatives attended the "Ending Violence Against Women International Conference," a four-day long plenary and seminar session event on sexual assault prevention and response topics.
- Developed a comprehensive program for Sexual Assault Awareness Month, featuring guest speakers, seminars, and showing of the movie *The Invisible War* with panel discussion afterward.
- Allowed students to wear jeans in lieu of uniforms to the evening meal to promote "Denim Day," a world-wide awareness campaign that debunks myths about rape.
- Printed and posted fliers with phone numbers and sexual assault response information in all dormitories.
-

Appendix B: Excerpt from the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417)

SEC. 3507. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) **REQUIRED POLICY.**—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel at the Academy.

(b) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcibly or non-forcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specified training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) **ANNUAL ASSESSMENT.**—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

- (i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and
 - (ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and
- (B) to assess the perceptions of Academy personnel of—
- (i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;
 - (ii) the enforcement of such policies;
 - (iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and
 - (iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—

- (1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.
- (2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:
 - (A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.
 - (B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.
 - (C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.
- (3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c) (2).
- (4)
 - (A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.
 - (B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

Appendix C: Intimate Partner Violence, Sexual Harassment, and Sexual Assault Prevention Action Plan

Academic Year 2017-2018

Reports	Responsible	Status	Target	Complete	Amended
Submit Interim Report to Congress	Deputy Superintendent, SARC	Preliminary draft completed	12/17	Not Applicable	Carry over to AY 2018-2019
Final Report to Congress	SARC, Deputy Superintendent		4/18	Complete	Carry over to AY 2018-2019
OPA set up for 2017-2018 student survey	Lead: Commandant SARC	Scheduled	4/18	Complete 3-6 April 18 26 July 18	Carry over to AY 2018-2019
Clery Report and Annual Security report for DOE	DPS, Commandant, SARC	Complete	10/17	Complete	Carry over to AY 2018-2019
Climate	Responsible	Status	Target	Complete	Amended
Brief trending best practices to target leaders at the Academy: SC DSMC Level Academy Dept. Heads	SARC, Civil Rights	Provide information and training through webinars	6/15/18	30%	On-going; probably need to change this to briefing just the DSMC and the SARB
Confer with other federal service academies and universities to obtain and share best practices in prevention and response strategies	Superintendent, Commandant, Dean, Professional Development and Career Services (PDCS), SARC	USCGA Visit SUNY Maritime collaboration COSAS – Cal Maritime	10/17 11/17 4/18 6/18	Complete	Ongoing Carry over to 2018-2019
Domestic Violence Awareness Month Stalking Awareness Month Dating Violence Awareness Month	SARC, HRO's, Student Activities Director, Patten, Athletics, Commandant, Dean	Student led- CHRO events	10/17 1/18 2/18	Complete	Carry over to AY 2018-2019

Sexual Assault Awareness Month	SARC, Superintendent, HRO's, Student Activities Director, Athletics, Commandant, Dean, Deputy Superintendent, Patten		4/18	Complete	Carry over to AY 2018-2019
Appoint Human Relations Officers for a yearlong commitment	Commandant, SARC		4/18	Complete	Carry over to AY 2018-2019
Provide focused training to Company Officers	Commandant		6/18	Complete	
Provide focused training for staff and faculty and administration	SARC, Dean, Civil Rights	Haven launch for faculty, staff and administration in January Day of Learning Leadership Development for Climate Change	6/18 9/17 4/23	Complete	
Prevention	Responsible	Status	Target	Complete	Amended
Conduct Plebe Indoctrination Training Plan for the Class of 2021	Commandant, SARC		7/17	Complete	Carry over to AY 2018-2019
Develop Plebe Indoctrination Training Plan for the Class of 2022	Commandant, Deputy Superintendent SARC		5/18	Complete	Carry over to AY 2018-2019
Each team will sign a code of conduct policy under athletics	AD, SARC		6/18	Complete	

Conduct training at all levels to brief changes to SI on sexual assault prevention and response	SARC, Prevention Educators, Deputy Superintendent, Counsel	Revisions briefed to Cabinet and SARB SAPRO needs to brief internally	6/18	10%	SI's just promulgated; not much time to brief Academy community
Conduct training at all levels to brief changes to SI on employee sexual harassment prevention and response	Civil Rights	Revisions briefed to Cabinet and SARB SAPRO needs to brief internally	6/18		MAO applies; no changes to policy this year
Implement bystander training program	SARC	Trained three groups of trainers in Brining in the Bystander curriculum; coaches, faculty, staff and Midshipman leaders in attendance	6/18	Ongoing	Carry over to AY 2018-2019
Provide alcohol awareness education with emphasis on the link between sexual misconduct and alcohol use; partner with other service academies and universities to enhance alcohol awareness efforts	Commandant	Haven; alcohol.edu; Sea Year training	6/18	Complete	Carry over to AY 2018-2019
Post flyers around campus	SARC Office	RAINN flyers posted	2/18	Complete	
Midshipmen small group diversity and inclusion training sessions	Diversity Officer	In progress; just trained 275 plebes; Town Hall on diversity	6/18	Complete	
Develop Sea Year device policy	SARC Office, PDCS	SOP in progress	6/18	75%	
Complete Academy Contact Numbers worksheet	SARC Office	Resource document completed	2/18	Complete	

Update SAPR web page	SARC	SASA Club info still on web page	2/18	Complete	
Small group training sessions with Midshipmen to brief SAGR Survey and focus group results, explain "continuum of harm," healthy relationships, consent, amnesty policy	SARC	Training complete with plebes, faculty and staff, and Regimental leaders	6/18	Complete	
Provide "Prevention of Sexist Behavior" training to faculty and staff	Civil Rights	Day of Learning	6/18	Complete	
Conduct more intensive training in victim care for interested faculty	SARC	Briefed Faculty Forum	6/18	Complete	
Senior leadership provide support at training and observance events	Superintendent, Deputy Superintendent, Commandant and Deputy, Dean and Deputy	Attended sporting events, Vibe Tribe event, Festival of Lights, 9/11 event, etc	6/18	Complete	
Response	Responsible	Status	Target	Complete	Amended
Engage returning Sea Year midshipman and reintegrate into Academy life and professional environment	PDCS, Commandant, Dean, SARC	SOP completed	11/17 4/18	Complete	Carry over to AY 2018-2019
Conduct sea year brief/training with emphasis on reporting avenues and bystander intervention	PDCS, SARC	Also used SOCP computer-based training program	10/17 4/18	Complete	Carry over to AY 2018-2019

Engage with the industry to solicit ideas and make recommendations for additional training or policy changes	Shipboard Climate Compliance Team (SCCT)	Ship Operations Cooperative Program developed Best Practices Guide and computer-based training; SOCP computer-based training completed and accessible on the SOCP website, marketing materials also available for download	6/20/18	Complete	
Incorporate Ship Cooperative Operators Program Computer-based Training (CBT) into SAPR Program	SARC, PDCS	Computer-based training program ready for distribution 30 June 17	6/18	Complete	
Identify and train faculty and staff Victim Advocates (VA) (as necessary)	SARC	Now have seven nationally credentialed victim advocates	6/20/18	Complete	Carry over to AY 2018-2019
Train any new personnel who are Campus Security Authorities (CSA)	DPS, SARC	Training scheduled for 8/15/18	4/18		Carry over to AY 2018-2019
Write Crisis Response Team SI		Determined unnecessary			Determined unnecessary
Accountability	Responsible	Status	Target	Complete	Amended
Develop procedure for Board Secretary to provide information to SARC to pass to victim	Deputy Superintendent	Process is that case managers will meet after the SARB		Complete	
Adhere to SI policy changes that encourage reporting and bystander intervention	SUPT, DEP SUPT Legal	Admin processing of AY 17-18 unrestricted reports adhered to amnesty policy	08/17	Complete	

Assessment	Responsible	Status	Target	Complete	Amended
Assess effectiveness of prevention and intervention approaches	SARC, Institutional Assessment, CAMPUS LABS	Campus Labs in development; OPA SAGR Survey answers need for assessment	6/18	Complete	
Assess Student Activities for effectiveness (attendance, feedback etc.)	Student Activities Director Institutional Assessment	Position just filled		50%	
CHRO/RHRO/RSAVA student leadership effectiveness (approachability assessment)	Institutional Assessment Regimental Leadership	RHRO is a nationally credentialed victim advocate	6/18	Complete	
Assess effectiveness of student recreation programs (attendance, feedback, etc.)	Commandant	Student Activities Director reported to Academy in 6/18	6/18		Duplicate from above
Administrative	Responsible	Status	Target	Complete	Amended
Update SI 2013-02, Policy against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen	Civil Rights, Legal	Midshipman sexual harassment incorporated in SI 2018-04; need to write faculty and staff policy	12/17	50%	
Complete and submit Annual Security and Fire Safety Report	DPS		10/17	Complete	Carry over to AY 2018-2019
Update DOE Clery Database	DPS		10/17	Complete	Carry over to AY 2018-2019
Develop 2018-2019 Plan of Action	SARB		6/18	50%	Carry over to AY 2018-2019
Close out 2017-2018 Plan of Action	SARB		6/18	Complete	Carry over to AY 2018-2019

Appendix D. 2018 Service Academy Gender Relations Survey Instrument

RCS: DD-P&R(AR) 2198
Exp: 3/28/2020



2018 Service Academy Gender Relations Survey

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

Because the survey is anonymous, no individual situation can be addressed. Please avoid putting *any* identifying information in your responses. This is not the vehicle to report something that requires further attention or action by Academy officials.

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

Authority to Survey: The John Warner National Defense Authorization Act for Fiscal Year 2007, Section 532 requires annual assessments of gender-related issues at the Military Service Academies (10 USC 481). DoD Service Academies are surveyed per DoDI 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures. Preparatory Schools are covered

under 32 CFR Part 217. USCGA officials requested the Coast Guard be included, beginning in 2008, in order to evaluate and improve their programs addressing sexual assault and sexual harassment. Beginning in 2012, at the request of the U.S. Merchant Marine Academy (USMMA), USMMA

officials contracted with OPA to include USMMA in the Service Academy Gender Relations Survey and Focus Group efforts. Results for the USMMA are reported separately from the DoD.

COMPLETION INSTRUCTIONS

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

RIGHT



WRONG



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

CORRECT ANSWER



INCORRECT ANSWER



BACKGROUND INFORMATION

1. Which Service Academy/Preparatory School do you attend?

- United States Military Academy
- United States Military Academy Preparatory School
- United States Naval Academy
- United States Naval Academy Preparatory School
- United States Air Force Academy
- CHiPS Participant
- United States Air Force Academy Preparatory School
- United States Coast Guard Academy
- United States Merchant Marine Academy

2. Are you...?

- Male
- Female

3. What is your Class year (the year you will graduate from the Academy)?

- 2018
- 2019
- 2020
- 2021
- 2022 (Preparatory School only)

GENDER-RELATED EXPERIENCES

In this section, you will be asked about several things that someone from your Academy might have done to you that were upsetting or offensive to you and that happened since June 2017.

When the questions say “someone from your Academy,” please include any person you have

contact with as part of your **Academy life**. “Someone from your Academy” could be an officer or non-commissioned officer, fellow cadet or

midshipman, civilian employee, or contractor. These persons can be Academy leadership, faculty, athletic department personnel, or support service staff.

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

4. Since June 2017, did someone from your Academy repeatedly tell sexual “jokes” that made you uncomfortable, angry, or upset?

Yes No ⤵ GO TO Q7

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

Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

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

Yes No

7. Since June 2017, did someone from your Academy embarrass, anger, or upset you by repeatedly suggesting that you do not act like a cadet/midshipman of your gender is supposed to? For example, by calling you a dyke or butch (if you are a woman), or by calling you a woman, a fag, or gay (if you are a man).

Yes No ⤵ GO TO Q10

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

Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

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

Yes No

10. Since June 2017, did someone from your Academy display, show, or send sexually explicit materials like pictures or videos that made you uncomfortable, angry, or upset?

Yes No ⤵ GO TO Q13

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

Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

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

Yes No

13. Since June 2017, did someone from your Academy repeatedly tell you about their sexual activities or make sexual gestures/body movements (for example, thrusting their pelvis or grabbing their crotch) in a way that made you uncomfortable, angry, or upset?

- Yes No ↻ GO TO Q16

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

- Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

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

- Yes No

16. Since June 2017, did someone from your Academy repeatedly ask you questions about your sex life or sexual interests that made you uncomfortable, angry, or upset?

- Yes No ↻ GO TO Q19

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

- Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

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

- Yes No

19. Since June 2017, did someone from your Academy make repeated sexual comments about your appearance or body that made you uncomfortable, angry, or upset?

- Yes No ↻ GO TO Q22

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

- Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

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

- Yes No

22. Since June 2017, did someone from your Academy either take or share sexually suggestive pictures or videos of you when you did not want them to?

- Yes No ↻ GO TO Q25

23. Did this make you uncomfortable, angry, or upset?

- Yes No ↻ GO TO Q25

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

- Yes No

25. Since June 2017, did someone from your Academy make repeated attempts to establish an unwanted romantic or sexual relationship with you? These could range from repeatedly asking you out to asking you for sex or a "hookup."

- Yes No ↻ GO TO Q29

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

- Yes No ↻ GO TO Q29

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

- Yes
 Not applicable, they did not know I or someone else wanted them to stop
 No

Continue to next column

Do you think this was ever severe enough that **most cadets/midshipmen** at your Academy would have been **offended** by these unwanted attempts (Q25)? If you aren't sure, choose the best answer.

28.

- Yes
- No

29. Since **June 2017**, did someone from your Academy repeatedly touch you in a way that made you uncomfortable, angry, or upset? This could include almost any **unnecessary** physical contact including hugs, shoulder rubs, or touching your hair, but would not usually include handshakes or routine uniform adjustments.

- Yes
- No ↪ GO TO Q32

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

- Yes
- Not applicable, they did not know I or someone else wanted them to stop
- No

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

- Yes
- No

32. Since **June 2017**, has someone from your Academy (permanent party, civilian faculty/ staff, and/or cadets/midshipmen in leadership positions) made you feel as if you would get some benefit in exchange for doing something sexual? For example, they might hint that they would give you a good evaluation/fitness report, a better cadet/ midshipman assignment, or better academic grade in exchange for doing something sexual. Something sexual could include talking about sex, undressing, sharing sexual pictures, or having some type of sexual contact.

- Yes
- No ↪ GO TO Q34

Continue to next column

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

	Yes	No
a. They told you they would give you a reward or benefit for doing something sexual		
b. They hinted you would get a reward or benefit for doing something sexual. For example, they reminded you about your evaluation/fitness report about the same time they expressed sexual interest	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Someone else told you they got benefits from this person by doing sexual things.....		

34. Since **June 2017**, has someone from your Academy (permanent party, civilian faculty/ staff, and/or cadets/midshipmen in leadership positions) made you feel like you would get **punished or treated unfairly at your Academy** if you did **not** do something sexual? For example, they hinted that they would give you a bad evaluation/fitness report, a bad grade, or treat you badly if you were not willing to do something sexual. This could include being unwilling to talk about sex, undress, share sexual pictures, or have some type of sexual contact.

- Yes
- No ↪ GO TO Q36

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

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

36. Since June 2017, did you hear someone from your Academy say that someone of your gender is not as good as someone of the opposite gender as a future officer, or that someone of your gender should be prevented from becoming a future officer?

- Yes No **GO TO Q38**

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

- Yes No

38. Since June 2017, do you think someone from your Academy (permanent party, civilian faculty/staff, and/or cadets/midshipmen in leadership positions) mistreated, ignored, excluded, or insulted you because of your gender?

- Yes No **GO TO Q40**

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

- Yes No

If you answered "Yes" to ANY Q4 - Q39, continue to Q40. Otherwise GO TO Q48.

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

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

41. Did the incidents you experienced since June 2017 involve... **Mark one.**

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

GENDER-RELATED SITUATION WITH THE GREATEST EFFECT

The following questions ask about the unwanted situation that had the greatest effect on you. Before you continue, please choose the one unwanted situation since June 2017 that you consider to be the worst or most serious.

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

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

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

- Yes
 No
 Don't know

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

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

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

- Yes (Please specify below)
 No → GO TO Q47

To whom did you discuss/report this situation? Please indicate position or title, not name (e.g., cadet/midshipman commander, AOC/TAC/ Company Officer, SARC, MEO Officer, SHARP Officer). DO NOT INCLUDE NAMES.

 Please print.

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

	Yes	No
a. The situation was corrected		
b. Your situation was/is being investigated.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. You were kept informed of what actions were being taken.....		
d. You were encouraged to let it go or tough it out.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Your situation was discounted or not taken seriously.....		
f. Disciplinary action was taken against you.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Disciplinary action was taken against the offender		
h. Administrative action (e.g., non-judicial punishment) was taken against you.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. You were ridiculed or scorned		
j. Some other action was taken (Please specify in next column).....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
k. You don't know what happened.....		

Continue to next column

Please specify the other action that was taken in response to your discussing/reporting the incident. **Do not include any information that would identify yourself or others.**

 Please print.

If you discussed/reporting the situation → GO TO Q48. Otherwise, continue.

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

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

Please read the following special instructions before continuing the survey.

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

They can happen to both women and men.

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

The following questions will ask you about situations that happened AFTER June 2017. You will have an opportunity to describe experiences that happened BEFORE June 2017 later in the survey.

48. Since June 2017, have you experienced any of the following intentional sexual contacts that were against your will or which occurred when you did not or could not consent in which someone... Mark "Yes" or "No" for each item.

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

If you answered "No" to Q48a through Q48e then GO TO Q85.

49. Please give your best estimate of how many different times (on how many separate occasions) since June 2017, you had these unwanted experiences?

			Times
--	--	--	-------

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

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

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

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

52. Did the person(s) do this when... Mark "Yes" or "No" for each item.

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

UNWANTED SEXUAL CONTACT SITUATION WITH THE GREATEST EFFECT

The following questions ask about the unwanted situation that had the greatest effect on you since June 2017. Before you continue, please choose the one unwanted situation since June 2017 that you consider to be the worst or most serious.

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

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

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

54. How many people did this to you? Mark one.

- One person
- More than one person
- Not sure

55. Was/Were this person(s)... Mark one.

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

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

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

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

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

58. Did the unwanted situation occur... Mark one

answer for each item. If you have not been to these locations since June 2017 please mark "Not applicable."

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

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

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

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

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

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

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

62. At the time of this unwanted situation had you been drinking alcohol? Even if you had been drinking, it does not mean you are to blame for what happened.

- Yes
- No
- Not sure

63. Just prior to this unwanted situation... Mark "Yes" or "No" for each item.

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

Please indicate why you believe you might have been given a drug without your knowledge or consent. Do not include any information that would identify yourself or others.

Please print.

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

- Yes
- No
- Don't know

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

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

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

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

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

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

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

- Yes No **↪ GO TO Q71**

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

- Restricted report? **↪ GO TO Q69**
 Unrestricted report? **↪ GO TO Q70**
 Unsure what type of report I initially made?
↪ GO TO Q70

69. Did your restricted report remain restricted?

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

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

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

Please specify the other reason(s) for reporting the situation. *Do not include any information that would identify yourself or others.*

Please print.

If you reported the situation **↪ GO TO Q72. Otherwise, continue.**

71. What were your reasons for not reporting the situation to an authority? *Mark all that apply.*

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

Please specify the other reason(s) for not reporting the situation. *Do not include any information that would identify yourself or others.*

Please print.

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

- Yes No

EXPERIENCING SEXUAL ASSAULT

73. Thinking about the unwanted event, has anyone in a position of authority/leadership over you (i.e., cadet/midshipman chain of command or permanent party leadership, such as TAC, Company Officer, AOC, Regimental Officer, TAC NCO, SEL, or AMT) either done or threatened to do any of the following after the unwanted event occurred? **USAFA ONLY: Please do not include cadet leadership when considering who took these actions. Mark all that apply.**

- Denied you or removed you from a leadership position
- Denied you a training opportunity that could have led to a leadership position
- Rated you lower than you deserved on a performance evaluation
- Denied you an award or other form of recognition you were previously eligible to receive
- Assigned you new duties without doing the same to others
- Assigned you to duties that do not match your current class year or position within the company/squadron
- Made you perform additional duties that do not match your current class year or position within the company/squadron
- Transferred you to a different company/squadron without your request or agreement
- Ordered you to one or more mental health evaluations
- Disciplined you or ordered other corrective action
- Does not apply, you have not experienced any of the above ☐ GO TO Q77

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

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

If you did not report your sexual assault ☐ GO TO Q77. Otherwise, continue.

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

- Yes
- No
- Not sure

76. Were any of the individual(s) who took the actions you marked as happening to you... **Mark one answer for each item.**

	Yes	No	Not sure
a. Trying to get back at you for making a report (unrestricted or restricted)?..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Trying to discourage you from moving forward with your report?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Mad at you for causing a problem for them?.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

77. Following the unwanted event, have any of your cadet/midshipman peers (including those in your cadet/midshipman chain of command) or your leadership done any of the following? **Mark all that apply.**

- Made insulting or disrespectful remarks or made jokes at your expense in public
- Excluded you or threatened to exclude you from social activities or interactions
- Ignored you or failed to speak to you despite your attempts to communicate (for example, gave you “the silent treatment”)
- You did not experience any of the above ☐ GO TO Q80

If you did not report your sexual assault ☐ GO TO Q80. Otherwise, continue.

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

- Yes
- No
- Not sure

79. Were any of the individual(s) who took these actions trying to discourage you from moving forward with your report or discourage others from reporting?

- Yes
- No
- Not sure

80. Following the unwanted event, have any of your cadet/midshipman peers (including those in your cadet/midshipman chain of command) done any of the following? **Mark all that apply.**

- Made insulting or disrespectful remarks or made jokes at your expense to you in private
- Showed or threatened to show private images, photos, or videos of you to others
- Bullied you or made intimidating remarks about the assault
- Was physically violent with you or threatened to be physically violent
- Damaged or threatened to damage your property
- Does not apply, you did not experience any of the above **↪ GO TO Q83**

If you did not report your sexual assault **↪ GO TO Q83. Otherwise, continue.**

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

- Yes
- No
- Not sure

82. Were any of the individual(s) who took the actions you marked as happening to you... **Mark one answer for each item.**

	Not sure	
	No	
	Yes	
a. Trying to discourage you from moving forward with your report or discourage others from reporting?	<input type="checkbox"/>	<input type="checkbox"/>
b. Trying to abuse or humiliate you?.....	<input type="checkbox"/>	<input type="checkbox"/>

If you did not experience any of the behaviors in Q77 or Q80 **↪ GO TO Q85. Otherwise, continue.**

83. In response to your answers to questions 77 and/or 80, please indicate who you believe took the actions. **Mark one answer for each item.**

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

84. Did any of the actions you marked involve social media (for example, Facebook, Twitter, Jodel, Snapchat, Kik)?

- Yes
- No

BYSTANDER INTERVENTION

The following questions will ask whether you observed a variety of situations since June 2017. These situations could have taken place at your Academy or outside of your Academy.

85. Since June 2017, did you... **Mark "Yes" or "No" for each item.**

	Yes	No
a. See a situation you thought was a sexual assault or could have led to a sexual assault?		
b. Observe someone who "crossed the line" by telling sexist comments or jokes?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Encounter a group or individual being hazed?		
d. Encounter an individual being bullied?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. See someone making unwanted sexual advances towards another cadet/midshipman?		
f. See horseplay or roughhousing that "crossed the line" or appeared unwanted?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Encounter someone who drank too much and needed help (e.g., getting home)?		
h. Encounter someone hooking up with someone who was passed out?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

If you indicated "No" to all items in Q85 **GO TO Q87.**

86. How did you respond to the situation(s) you observed? **Mark "Yes" or "No" for each item.**

	Yes	No
a. I spoke up to address the situation .		
b. I told someone else about it <i>while</i> it was happening.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. I told someone else about it <i>after</i> it happened		
d. I created a distraction	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. I talked to those who experienced the situation to see if they were okay.....		
f. I intervened in some other way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. I did not intervene		

Please tell us why you did or didn't do anything in this situation. **Do not include any information that would identify yourself or others.**

Please print.

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

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

ACADEMY EDUCATION AND CULTURE

88. To what extent has the education you received since June 2017 increased your confidence in... **Mark one answer for each item.**

	Not at all	Small extent	Moderate extent	Large extent	Very large extent
a. Recognizing warning signs for sexual assault?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Intervening to help prevent sexual assault?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Knowing where to get help for someone who was sexually assaulted?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Understanding the relationship between alcohol consumption and risk for sexual assault?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Recognizing the warning signs for an unhealthy relationship?....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

89. If you were to experience sexual assault in the future, to what extent would you... *Mark one answer for each item.*

	Very large extent	Large extent	Moderate extent	Small extent	Not at all
a. Trust the Academy to protect your privacy following the reported incident?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Trust the Academy to ensure your safety following the reported incident?.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Trust the Academy to treat you with dignity and respect following the reported incident?.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

90. How many drinks containing alcohol do you have on a typical day when drinking? *By "drink" we mean a bottle or can of beer, a wine cooler or glass of wine, a shot of liquor, or a mixed drink or cocktail.*

- None
- 1 or 2
- 3 or 4
- 5 or 6
- 7 to 9
- 10 or more

91. During the past year, how often have you been unable to remember what happened the night before because you had been drinking?

- Never
- Monthly or less
- 2-4 times a month
- 2-3 times a week
- 4 or more times a week

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

	Very large extent	Large extent	Moderate extent	Small extent	Not at all	No basis to judge
a. Cadet/midshipman leaders...	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cadets/midshipmen not in appointed leadership positions.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Commissioned officers directly in charge of your unit.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Non-commissioned officers or senior/chief petty officers directly in charge of your unit.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Academy senior leadership (for example, Superintendent, Commandant, Vice/Deputy Commandant, Dean).....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Military/uniformed academic faculty.....	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Civilian academic faculty	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Intercollegiate (NCAA/ Division I) coaches and trainers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
i. Intercollegiate (NCAA/ Division I) officer representatives/advisors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
j. Club team coaches and trainers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
k. Club team officer representatives/advisors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
l. Intramural coaches and trainers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
m. Intramural officer representatives/advisors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n. Physical education instructors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

PRIOR EXPERIENCES

The questions so far have been about things that occurred in the past Academic Program Year (since June 2017). For the next question, please think about situations that happened more than one year ago, BEFORE June 2017. These are all experiences that you did not tell us about earlier in the survey.

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

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

94. Before June 2017, did you ever experience any of the following intentional sexual contacts that were against your will or which occurred when you did not or could not consent in which someone... Mark all that apply.

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

95. Before June 2017, did a friend or someone close to you experience any of the intentional sexual contacts described above that were against their will or which occurred when they did not or could not consent?

- Yes
- No
- Not sure

Attachment 1

Superintendent's Instruction 2018-05, Policy on Sexual Assault Prevention and Response, dated 31 May 2018

Superintendent Instruction 2018—05

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

31 May 2018

SUPERINTENDENT INSTRUCTION 2018-05

Subj: REPORTING, INVESTIGATING, AND RESOLVING COMPLAINTS OF SEXUAL ASSAULT, SEXUAL OR GENDER-BASED HARASSMENT, RELATIONSHIP VIOLENCE, AND STALKING AGAINST MIDSHIPMEN

1. **Purpose:** To establish the United States Merchant Marine Academy (Academy) procedures for reporting, investigating, and resolving complaints of sexual assault, sexual and gender-based harassment, relationship violence, and stalking against Midshipmen.
2. **Applicability:** This Policy applies to all Academy personnel, including Midshipmen, faculty, staff, and personnel of tenant agencies, whether federal employees, military personnel or contract employees.
3. **Supersedes:** Superintendent Instruction 2016-02, *Sexual Assault, Dating Violence, Domestic Violence, Stalking, Prevention Education and Response Policy*; Paragraph 9(a) of Superintendent Instruction 2006-10, *Confidentiality at USMMA*.
4. **Policy:** In an effort to maintain a safe learning and living environment, individuals who have been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking by a Midshipman are strongly encouraged to report such incidents as soon as possible, whether the incident took place on-campus or off-campus.

5. **Reporting Methods:**

a. **Types of Reporting available to Midshipmen:**

- i. **Restricted Reporting:** Restricted reporting allows Midshipmen who have been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking to, on a confidential basis, disclose the details of the incident to the individuals identified below, and receive medical treatment and/or counseling at a location of the individual's choice (on or off-campus), without triggering an official investigation.

Restricted reports may only be made to the following individuals:

- (a) Director of the Sexual Assault, Prevention and Response Office (SAPRO)/Sexual Assault Response Coordinator (SARC)
- (b) Victim Advocate/Prevention Educator (VA/PE) or Volunteer Victim Advocate (VVA)
- (c) Academy Health Care Provider (HCP)
- (d) Others who have been trained and/or credentialed, as designated annually in a Superintendent Notice

All restricted reports taken by VAPes, VVAs Advocates, HCPs, or designated others will also be immediately forwarded to the SAPRO Director/SARC. Midshipmen may also confidentially report such incidents to the Academy's Chaplain. Such reporting is in addition to the current protections afforded privileged communications with the Chaplain and does not alter those protections. The Chaplain will not, without the individual's consent, forward the report to the SAPRO Director/SARC.

Midshipmen who initially elect to make a restricted report can, at any time after their initial restricted report, decide to convert their report to unrestricted, which will result in the initiation of an administrative investigation, and, at the Midshipman's option, a report to law enforcement, which may result in a criminal investigation.

- ii. **Unrestricted Reporting:** Unrestricted reporting allows Midshipmen who have been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking access to advocacy support, medical treatment, and counseling. In addition, an unrestricted report will result in the initiation of an administrative investigation of the allegations.

An unrestricted report can be made to the SAPRO Director/SARC, a VAPE, a VVA, an Academy HCP, the Regimental Human Relations Officer (RHRO), a Company Human Relations Officer (CHRO), the Regimental Sexual Assault Victim Advocate (RSAVA), the Office of Public Safety, through the chain of command (including Company Officers and other Commandant's uniformed staff members), or to any trusted advisor, faculty, or staff member. A report made to anyone other than the SAPRO Director/SARC must immediately be forwarded to him/her, who will have primary responsibility for handling the report, including notifying the Superintendent and Deputy Superintendent within 24 hours of notification.

An individual making an unrestricted report, or converting a restricted report to an unrestricted report, also has the option to notify law enforcement, with or without the assistance of Academy personnel, or to decline to notify law enforcement. Notification to law enforcement may result in a criminal investigation.

The Academy will maintain the confidentiality of an unrestricted report to the greatest extent practicable, with the goal of conducting a thorough and complete investigation, providing any needed accommodations or protective measures, and effecting any appropriate remedial action. Details regarding the incident will be limited to only those personnel who have legitimate need to know.

b. Reporting by Non-Midshipmen:

- i. **Faculty and Staff:** A faculty or staff member who has been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking by a Midshipman may make an unrestricted report to the SAPRO Director/SARC, a VAPE, the Office of Public Safety, or through his or her chain of command. A report made to anyone other than the SAPRO Director/SARC must immediately be forwarded to him/her, who will have primary responsibility for handling the report,

including notifying the Superintendent and Deputy Superintendent within 24 hours of notification. A faculty or staff member making such a report also has the option to notify law enforcement. Notification to law enforcement may result in a criminal investigation

Restricted reporting is not available to faculty and staff. However, the Academy will maintain the confidentiality of an unrestricted report to the greatest extent practicable, with the goal of conducting a thorough and complete investigation, providing any needed accommodations or protective measures, and effecting any appropriate remedial action. Details regarding the incident will be limited to only those personnel who have legitimate need to know.

- ii. **Other Individuals:** Any individual who is not a Midshipmen, faculty or staff member and who has been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking by a Midshipman may make an unrestricted report to the Academy's SAPRO Director/SARC. The SAPRO Director/SARC will notify the Office of Public Safety, the Superintendent and Deputy Superintendent within 24 hours of notification. Restricted reporting, advocacy services, accommodations, protective measures, and [administrative resolution of sexual or gender-based harassment] are not available to such individuals.
- c. **Written Notification of Resources:** All Midshipmen, faculty or staff who make a report, whether restricted or unrestricted, of sexual assault, sexual or gender-based harassment, relationship violence, or stalking will be provided with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, and other available services, both on-campus and in the community.
- d. **Preservation of Evidence:** Any individual who has been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking is strongly encouraged to preserve any and all evidence, as such evidence may be necessary to prove a violation of Academy policy. Steps that can be taken to preserve evidence include saving your clothes and bed linens, not washing, cleaning, or combing your body, closing and locking the door where the prohibited act occurred, and agreeing to a sexual assault forensic examination.
- e. **Requirement to Report:** Allegations of sexual assault, sexual or gender-based harassment, relationship violence, or stalking received by any Academy Midshipman Officer, faculty member, staff member, contract employee, or other employee must be reported immediately to the SAPRO Director/SARC or to the VAPE or VVA on duty, who will take appropriate action pursuant to this Policy.
- f. **Academy Response in Cases of Imminent Danger or of a Repeat Offender:** The Academy will ensure that an individual's election between an unrestricted and restricted report is honored to the maximum extent possible. However, disclosure of confidential communications is authorized when there is imminent threat to the health or safety of the complaining individual (Complainant) or another person, or when there is more than one restricted report against the same alleged perpetrator. In making this determination, the Special Victim Advisor, in consultation with the Deputy Chief Counsel, will consider a range of factors, including but not limited to, the following: (1) the risk that the accused

(Respondent) may commit additional acts of misconduct or other violence; (2) whether the alleged misconduct was perpetrated with a weapon, was otherwise unusually violent, or whether other aggravating circumstances exist; and/or (3) whether the report reveals a pattern of misconduct by the Respondent.

- g. **Collateral Misconduct:** Ensuring the safety of Midshipmen who report violations of this Policy is the Academy's primary concern. In order to facilitate reporting, the Academy may, with limited exceptions, provide amnesty for certain disciplinary infractions that occur contemporaneously with a Policy violation to a Midshipman who reports such a violation, whether directed toward that Midshipman or another Midshipman, or who assists a Midshipman who has been subjected to sexual assault, sexual or gender-based harassment, relationship violence or stalking. Amnesty also may be offered to Midshipmen who intervene to help others before a violation of this Policy occurs, and to Midshipmen who receive assistance or intervention.

Disciplinary infractions for which amnesty may be granted include, but are not limited to, the following:

- (1) Alcohol related offenses, including underage drinking;
- (2) Violations associated with liberty, leave, or accountability;
- (3) Professional relationships, fraternization, & visitation between Midshipmen in Midshipmen rooms;
- (4) Sexual misconduct, as defined by the Midshipman Regulations;
- (5) Visiting homes of Academy staff without authorization; and
- (6) Any violations of Class Rates and Privileges.

Barring special circumstances, the following disciplinary infractions will generally not be eligible for amnesty:

- (1) Minor disciplinary infractions that place or placed the health or safety of any other person at risk;
- (2) Infractions which a Midshipman has previously been found to have committed in a disciplinary proceeding;
- (3) Infractions which do not occur contemporaneously with the alleged Policy violation; or
- (4) Infractions that constitute honor offenses.

It is within the discretion of the Superintendent, or his/her designee, whether to grant amnesty, and such decision will be in writing. If amnesty is provided, no conduct proceedings or conduct record will result for such disciplinary infractions. Repeated requests for amnesty may result in a decision by the Superintendent not to extend amnesty to that Midshipman.

The Commandant of Midshipmen, or his/her designee, shall maintain records regarding the provision of amnesty for at least five (5) years.

- h. **Confidentiality in Publicly-Available Reports:** Pursuant to the Clery Act, the Academy includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education, but does so in an anonymized manner that does not include the specifics of the crime or any identifying information

about persons involved in an incident. In addition, pursuant to the Duncan Hunter Act, the Academy includes statistics about sexual assault, sexual and gender-based harassment, relationship violence, and stalking in reports to the U.S. Congress, but does so in an anonymized manner that protects the confidentiality of persons involved in the incidents.

6. **Initial Assessment and Response:**

a. **Assessment:** Upon receipt of a report from a Complainant, the SAPRO Director/SARC will conduct an initial assessment, which shall include, but not be limited to, the following:

- (1) Address immediate physical safety and emotional well-being needs of the Complainant;
- (2) Discuss reporting options, and the effect of each;
- (3) Advise the Complainant of the right to seek medical treatment, including the importance of preserving evidence, and assist with arrangements as necessary;
- (4) Provide the Complainant with information on how to access on-campus and off-campus resources, including mental health counseling, and assist with arrangements, as necessary;
- (5) Advise the Complainant with the range of appropriate and available protective measures and accommodations;
- (6) Assess for pattern evidence or other similar misconduct by the Respondent;
- (7) Assess the reported conduct for any Clery Act obligations, including entry in the crime log or, in consultation with Counsel to the Academy, the issuance of a timely warning,; and
- (8) Advise that Academy policy prohibits retaliation

b. **Accommodations and Protective Measures:** During or subsequent to the assessment phase, the Academy may take and/or make one or more of the following accommodations or protective measures, which may be temporary or permanent (depending on the resolution of the complaint), for the Complainant(s) and/or the Respondent(s), where reasonable and appropriate under the circumstances.

The Academy will maintain the privacy of any accommodation or protective measure provided under this Policy to the extent practicable.

(1) **Accommodations:**

- (a) Providing academic support services, such as tutoring;
- (b) Rescheduling exams or assignments;
- (c) Providing alternative course completion options, when practicable;
- (d) Making changes in class schedule, including the ability to transfer course sections or withdrawal from a class without penalty, when practicable;
- (e) Making changes to berthing;
- (f) Limiting an individual's or organization's access to Academy facilities or activities, pending resolution of the matter; or
- (g) Accommodating a voluntary leave of absence.

(2) **Protective Measures:** A Complainant who makes a report of sexual assault, sexual or gender-based harassment, relationship violence, or stalking may request assistance in creating a safe distance between him/herself and the Respondent. The Respondent may

also request the same assistance with respect to the Complainant. The Academy may also issue a directive on its own initiative. The following relief may be sought and/or imposed:

- (a) **No Contact Directive:** The Commandant or his/her designee may issue a directive to one or both Midshipmen involved in an allegation of sexual assault, sexual or gender-based harassment, relationship violence, or stalking to refrain from engaging in any form of contact with each other. Such contact includes in person, in writing, by phone, by email, by text or other electronic messaging, through social media (including, but not limited to, Facebook, Twitter, Instagram, or Snapchat), or through a third person. Unless otherwise stated in the Directive, if the Respondent and the Complainant observe each other in a public place, it is the responsibility of the Respondent to leave the area immediately without directly contacting the Complainant.
 - (b) **Persona Non Grata (PNG) Directive:** The Commandant or his/her designee may issue a directive to one or both Midshipmen involved in an allegation of sexual assault, sexual or gender-based harassment, relationship violence, or stalking that prevents the Midshipman from entering designated Academy buildings (either entirely or during set hours), or participating in Academy programs or activities.
 - (3) Both the Complainant and the Respondent may request review of the need for and/or modification of the terms of any interim measure, accommodation, or directive, and can submit evidence in support of any such request. Requests for review/modification should be made to the Deputy Superintendent. Requests will be handled within five business days, unless circumstances warrant extending the time.
7. **Investigation Process:** If a Complainant makes an unrestricted report, or converts a restricted report to an unrestricted report, the Academy will conduct a prompt, fair and impartial administrative investigation, which will generally proceed as follows:
- (1) The SAPRO Director/SARC shall notify the Superintendent, the Deputy Superintendent and the Director, Office of Public Safety (OPS) that there has been a report of sexual assault, sexual or gender-based harassment, relationship violence, or stalking.
 - (2) For cases of sexual assault, relationship violence, or stalking, and with the Complainant's consent, the OPS Director will notify the Department of Transportation Office of Inspector General (OIG) or, if the misconduct occurred at sea, the U.S. Coast Guard Investigative Service (CGIS), or Naval Criminal Investigative Service (NCIS). At the Complainant's request, the OPS Director may also notify additional law enforcement agencies.
 - (3) When law enforcement has been notified, and at their request, the Academy may agree to defer its administrative investigation until after the initial stages of a criminal investigation. The Academy will nevertheless communicate with the Complainant and the Respondent regarding the availability of protective measures and accommodations available under this Policy. The Academy will commence its administrative investigation as soon as it is notified by law enforcement that there is no longer a need to delay. Such delays will not last longer than ten days, unless law enforcement requests and justifies a longer delay.
 - (4) The Deputy Superintendent will appoint an internal or external investigator to conduct an administrative investigation. All investigators will receive annual training on issues

related to sexual assault, sexual and gender-based harassment, relationship violence, and stalking, and how to conduct an investigation that protects the safety of complainants, and promotes accountability. The investigator will provide the Complainant and the Respondent with a written explanation of their rights, attached as Appendices A and B to this Policy.

- (5) During the investigation, the Complainant and the Respondent will have an opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. In the absence of good cause shown, information discoverable through the exercise of due diligence that is not provided to the investigator will not be considered at the hearing. The investigator will notify and seek to meet with the Complainant, the Respondent, and identified witnesses separately, and will also gather other evidence and information relevant to the determination as to whether a policy violation has occurred. Witnesses cannot participate solely to speak about an individual's character; they must have information deemed by the Investigator to be relevant to the investigation. The investigator may choose to record the interviews of the Complainant, the Respondent, and/or the witnesses. The statements of the Complainant, the Respondent, and the witnesses will be summarized in a written statement, which they will have an opportunity to review for accuracy, and, once he or she deems it accurate, he or she will sign and date.
- (6) Throughout the investigative process, both the Complainant and the Respondent have the right to be accompanied by an advisor of their choice, who is not otherwise a party or witness involved in the investigation. The Complainant or the Respondent may bring the advisor to his or her interview(s). While the advisor may be present during interviews, the advisor may not speak or otherwise participate in the meetings, and must comport himself or herself in a manner that is not disruptive to the interviews. The advisor may be an attorney retained by the Complainant or by the Respondent at his or her own expense.
- (7) The Complainant's or the Respondent's prior sexual history with persons other than the other party involved in the investigation will not be considered as evidence during an investigation or, if resultant, a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.
- (8) At the conclusion of the investigation, the investigator will prepare an Investigation Report that summarizes the information gathered. As part of the Report, the investigator will issue a determination as to whether a reasonable hearing officer(s) could determine that there is sufficient evidence to support a finding that a violation of Academy policy has occurred. As a general rule, a hearing will be held unless it is clear from the Complaint and the Investigative Report that no reasonable grounds exist for believing that the conduct as alleged by the Complainant constituted sexual assault.
 - a. If the investigator determines that there is sufficient evidence for a reasonable hearing officer(s) to find that a violation of Academy policy has occurred, the report will be submitted to the Deputy Superintendent for further action as outlined in Section 8 of this Policy.
 - b. If the investigator determines that there is insufficient evidence for a reasonable hearing officer(s) to find that a violation of Academy policy has occurred, no

further action will be taken, except a copy of the report will be provided to the Deputy Superintendent, who will notify the Complainant and the Respondent in writing of the determination. The Complainant may request an administrative review of the investigator's determination that no further action is warranted by submitting a written statement to the investigator setting forth the basis for the request within 5 business days of receiving notification of the investigator's determination. The investigator will submit the request to the Deputy Superintendent. The investigator will also notify the Respondent of the request, who may submit a written statement of his/her position to the Deputy Superintendent within 5 business days of such notification. The Deputy Superintendent may consult with the investigator, the Complainant, the Respondent, or any other individual. The Deputy Superintendent may agree with the investigative finding, request additional investigative follow-up, or direct that a hearing be held in accordance with Academy policy and procedures. The Deputy Superintendent will render a decision in writing to both the Complainant and the Respondent within 15 business days of the request for review.

- (9) The investigation typically will be completed within fourteen business days from the date of the initiation of the investigation. This timeframe may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Academy breaks, to account for complexities of a case, such as the number of witnesses and/or volume of information provided by the parties, or for other legitimate reasons. Any extension of the timeframe, and the reason for it, will be shared with the parties in writing.
- (10) The investigator may consult with Counsel to the Academy during the investigation.

8. HEARING AND APPEAL

a. Pre-Hearings Steps

- (1) **Review of Investigation Report:** The Deputy Superintendent will receive and review the investigation report. The Deputy Superintendent may accept the report as rendered or may request that the investigator conduct additional interviews or seek out other evidence as deemed to be appropriate. Any additional investigation, and a supplemental report, should be completed promptly.
- (2) **Selection of Hearing Format:** Upon recommendation from the Deputy Superintendent, the Superintendent will decide whether an Executive Board or a Superintendent's Disciplinary Hearing will be held. Such Board or Hearing will be subject to the Academy's specific policies and procedures for it for complaints of sexual assault, sexual or gender-based harassment, relationship violence, and stalking. All persons serving as a hearing officer(s), whether at an Executive Board or a Superintendent's Disciplinary Hearing, must have received annual training with respect to the adjudication of claims of misconduct under the Academy's policy on sexual assault, sexual or gender-based harassment, relationship violence, and stalking, must conduct the hearing in a way that protects the Complainant and

promotes accountability, and must also be impartial and free from bias or conflict of interest.

- (3) **Notice of Hearing:** The Complainant and the Respondent will be notified in writing of the date, time, and location of the hearing, the charges to be reviewed by the hearing officer(s), and the witnesses to be called at the hearing. In general, the Complainant and the Respondent will be provided the Notice of Hearing at least five business days prior to the date of the hearing. The date on which the hearing is conducted may be extended for good cause at the discretion of the Superintendent or his or her designee. Good cause may include the availability of the parties, the availability of witnesses, the timing of Academy breaks, a compelling emergency, or any other extenuating circumstances.
- (4) **Pre-Hearing Review of Documents:** At least five business days in advance of the hearing, the Respondent will be provided with a copy of the final investigation report, including any supplemental report, and any relevant documents that are provided to the hearing officer(s), and will also be provided with copies of his/her academic file, personnel jacket, company file, Midshipman profile, sea year file (if applicable), and any other relevant student records that might be considered during a disciplinary phase of the hearing, if such occurs. The hearing officer(s) will be provided with the same documents at least five business days in advance of the hearing. The Complainant will be given the opportunity to review the final investigation report, including any supplemental report, and any documents relevant to the charges provided to the hearing officer(s) at least five days in advance of the hearing. The Complainant will not have access to the Respondent's student records that might be considered during a disciplinary phase of the hearing, if such occurs.
- (5) **Witnesses:** The hearing officer(s) will identify, in the Notice of Hearing, any witnesses that he/she/it wishes to hear from at the hearing based on a review of the investigation report. The Complainant and the Respondent each have the right to request the presence of any additional witnesses at the hearing, and must notify the Academy of the witnesses at least 48 hours before the hearing. The Respondent must also identify any character witnesses he/she wishes to call during Phase II of the hearing, if such Phase becomes necessary. The Academy shall make reasonable efforts to insure the attendance of the witnesses identified by the Midshipman who are enrolled at or employed by the Academy. Appearance by witnesses not employed by, or enrolled at, the Academy is the sole responsibility of the Midshipman.

Typically, only witnesses who were identified and interviewed as part of the investigation may be called at the hearing, with the exception of witnesses identified by the Respondent for Phase II of the hearing, if such Phase becomes necessary. Under very limited circumstances, the Complainant or the Respondent may identify a witness with relevant information who has not previously been interviewed. In such case, the hearing officer(s) will determine if the new witness's participation at the hearing is relevant and appropriate, and, if so, permit the witness to testify. Alternatively, the hearing officer(s) may refer the matter back to the investigator for additional investigation to determine whether the witness has

relevant information, and to prepare a supplemental report. Such a referral may delay the timing of the hearing.

b. Hearing

1. **Timing:** Typically a hearing will be held within sixty days from the date of the initiation of the investigation. This timeframe may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Academy breaks, to account for complexities of a case, such as number of witnesses or volume of information provided by the parties, or to address other legitimate reasons. Any extension of the timeframe, and the reason for it, will be shared with the parties in writing.
2. **Advisors:** The Complainant and the Respondent have the right to attend the entire hearing (Phase I and Phase II, if applicable), except for deliberations, and to be accompanied at the hearing by one advisor of his/her choice who is not otherwise a party or witness involved in the investigation, a Chaplain, a member of the Commandant's Office, or a direct report to the Superintendent (other than the SAPRO Director/SARC). While the advisor may be present, the advisor may not speak or otherwise participate in the hearing, may not address the hearing officer(s) or question witnesses, and must comport him/herself in a manner that is not disruptive to the hearing. The advisor may be an attorney retained by the Complainant or by the Respondent at his or her own expense.
3. **Presence at Hearing:**
 - a. The Complainant or the Respondent is not required to participate in person at the hearing in order for the hearing to proceed.
 - b. The Complainant or the Respondent may request alternative testimony options that would not require physical proximity to the other party, including testifying via a remote electronic method. This request should be made no less than two business days prior to the hearing.
 - c. If the Complainant or the Respondent fails to attend, the hearing may proceed in full, including the imposition of disciplinary sanctions for the Respondent, if warranted. In doing so, the hearing officer(s) will consider the available testimony and evidence. In the absence of clear evidence that emergency circumstances prevented such person from being present, the decision of the hearing officer(s) will stand.
 - d. In general, all witnesses should testify in person. However, upon good cause shown, the hearing officer(s) may permit witnesses to testify via a remote electronic method.
4. **Questioning:** The Complainant and the Respondent will not be permitted to directly question one another, but may propose questions to the hearing officer(s), who will screen the questions for appropriateness and relevance.

5. **Audio Recording:** An audio recording will be made of the hearing. The Academy will maintain the recording for at least five years from the date of the hearing. A written transcript of the hearing will not be made unless the Academy determines that it has a need to prepare a transcript for its own use. Upon request, a copy of the audio recording will be provided to the Complainant and/or the Respondent, subject to signing a Confidentiality/Non-Disclosure

Agreement. The Complainant's and/or the Respondent's advisor may also receive a copy of the recording, likewise subject to execution of a Confidentiality/Non-Disclosure Agreement.

Recipients of copies of audio recordings may not copy, show or otherwise disseminate the contents of the recording to anyone without the prior expressed written permission of the Counsel to the Academy. Once the disciplinary hearing and any related administrative proceedings including appeals, if applicable, have been completed, all recipients will promptly return their copies of the audio recording to the Counsel to the Academy.

6. **Standard of Proof:** The standard of proof that will be used to support a finding of responsibility for a violation of Academy policy is a preponderance of evidence.
7. **Hearing Format – Phase I (Determination Phase):** The hearing officer(s) has the discretion to designate the hearing format, within the procedures established for an Executive Board or Superintendent's Disciplinary Hearing, depending on which is selected by the Superintendent. The following is presented as a general example of the hearing format:
- (a) The hearing officer(s) will explain the hearing process, provide an opportunity to all parties to ask questions about the procedures, and read the charges.
 - (b) The Respondent will be given an opportunity to make a brief opening statement.
 - (c) The investigator will provide a brief statement summarizing the investigation. The hearing officer(s) may then pose questions to the investigator, and will then permit the Complainant and the Respondent to pose questions to the investigator.
 - (d) The hearing officer(s) may pose questions to the Complainant, including, in the discretion of the hearing officer(s), questions suggested in writing by the Respondent. The Complainant may then supplement the information provided to the hearing officer(s) with a brief statement.
 - (e) The hearing officer(s) will then hear from witnesses determined by he/she/it to have information that is relevant to the matter, as identified by the hearing officer(s), the Complainant and the Respondent. Each witness will be questioned by the hearing officer(s) and, as appropriate, the Complainant and the Respondent will each be given a brief final opportunity to address any outstanding issues of fact.
 - (f) The hearing officer(s) may then pose questions to the Respondent, including, in the discretion of the hearing officer(s), questions suggested in writing by the Complainant. The Respondent may then supplement the information provided to the hearing officer(s) with a brief statement.
 - (g) At the conclusion of the hearing, the hearing officer(s) will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of Academy policy. If so, Phase II will commence,

either immediately after Phase I or at a later time and/or date as determined by the hearing officer(s).

8. Hearing Format – Phase II (Sanction Phase)

- (a) The Respondent may present evidence, including written statements from witnesses, and call witnesses to demonstrate exceptional potential for development and present extenuating and/or mitigating evidence and arguments for retention at the Academy or for minimum or no disciplinary action. The Academy reserves the right to reasonably limit the number of witnesses called in Phase II to avoid repetitive testimony. The burden for demonstrating sufficient cause for retention is on the Respondent.
- (b) The Complainant will be given an opportunity to make a brief impact statement.
- (c) The hearing officer(s) will evaluate and determine the appropriate sanction(s) outside the presence of the Respondent, his/her advisor, the Complainant, his/her advisor, and any witnesses. In determining the appropriate sanction(s), the hearing officer(s) will consider a number of factors, including, but not limited to, the following:
 - i. The nature of the misconduct, including whether it involved violence
 - ii. The impact of the misconduct on the Complainant
 - iii. The impact or implications of the misconduct on the Academy community, including maintenance of a safe and respectful environment conducive to living and learning
 - iv. Any previous conduct violations by the Respondent, as well as any criminal convictions
 - v. Whether the Respondent has accepted responsibility for the misconduct
 - vi. Any statements or evidence provided by the Respondent during Phase II
 - vii. The Respondent's entire Academy record (academic, regimental, sea year, and extra-curricular)
 - viii. The Complainant's impact statement, if made
 - ix. Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution

9. **Possible Sanctions:** If the Respondent has been found, by a preponderance of the evidence, to be responsible for a violation of the Academy policy, he/she may be subject to the full range of penalties for a Class I violation as set out in the Midshipman Regulations, up to and including disenrollment.

10. **Notification of Outcome:** The Complainant and the Respondent will be notified simultaneously in writing (which may include email) of the outcome of the hearing, relevant findings of fact, the rationale for the outcome, the sanction(s) imposed, if any, and the options for appeal within seven business days of the date of the notification, unless circumstances warrant extending the timeframe.

11. **Right to Appeal:** The Complainant and/or the Respondent may appeal the determination by submitting an intent to request an appeal, in writing, within 24 hours

after receiving notification of the decision. The appeal must be submitted, in writing, within seven business days of the notification. Grounds for appeal are limited to (a) a material procedural error, (2) previously unavailable relevant evidence that could affect the outcome, and/or (3) a sanction being substantially disproportionate to the misconduct found. Each party will be notified if the other party files an appeal, and will be provided the opportunity to submit a responsive appeal statement within five business days of being notified. Both initial and responsive appeal statements must be submitted by the Complainant or the Respondent (not by an advisor or counsel).

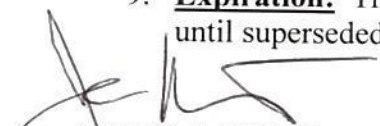
- a. In cases where either there is (1) a determination that no misconduct has occurred, or (2) a sanction of less than disenrollment is imposed, appeals must be submitted to the Superintendent. The Superintendent will issue a decision on any appeal within 7 business days of receipt of the appeal, unless circumstances warrant extending the timeframe.
- b. In cases where a sanction of disenrollment is imposed, appeals must be submitted to the Superintendent, who will forward it to the Maritime Administrator, along with any responsive appeal statement, for determination. The Superintendent will include his/her recommendation on any appeal, which will also be provided to the Complainant and the Respondent.

During the pendency of an appeal of a disenrollment decision, the Respondent is generally entitled to remain at the Academy pending consideration of his or her appeal, including, as appropriate, in a deferred graduate status, provided that the Respondent abides with all Academy policies, including the Midshipman Regulations. If the Respondent is enrolled in classes during the pendency of the appeal, he or she will continue in those classes. If the Respondent is scheduled to depart for sea year or an internship during the pendency of the appeal, he or she will either remain on board at the Academy or return home, at the Superintendent's discretion, until a decision has been reached.

- c. Following his/her review, the Superintendent or Maritime Administrator may (1) affirm the hearing officer(s)'s determination, (2) overturn the hearing officer(s)'s determination, (3) alter the sanctions rendered, if raised as a ground for appeal, or (4) send the matter back to the hearing officer(s) for further proceedings consistent with his/her decision. The decision shall be in writing, and will include a statement of the reasons for the decision. Unless the Superintendent or Maritime Administrator sends the matter back to the hearing officer(s) for further proceedings, the decision of the Superintendent or Maritime Administrator is final and the matter is closed. During the pendency of an appeal of a disenrollment decision, the Respondent is generally entitled to remain at the Academy pending consideration of his or her appeal, including, as appropriate, in a deferred graduate status, provided that the Respondent abides with all Academy policies, including the Midshipman Regulations. If the Respondent is enrolled in classes during the pendency of the appeal, he or she will continue in those classes. If the Respondent is scheduled to depart for sea year or an internship during the pendency of the appeal, he or she will either remain on board at the Academy or return home, at the Superintendent's discretion, until a decision has been reached.

- d. The Complainant and the Respondent will be notified simultaneously in writing (which may include email) of any changes to the hearing outcome, and when such changes are final.

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



JAMES A. HELIS
Rear Admiral, USMS
Superintendent

Dist. via Email

Responsible Official: Superintendent

Appendix A

United States Merchant Marine Academy Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman

1. You have the right to a prompt, fair and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have [irrelevant] prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately notify the SAPRO Director/SARC. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
9. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
10. You have all the other rights for Complainants set out in the following Academy policies: [list policies]

I, _____ (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

Date

Appendix B

United States Merchant Marine Academy

Rights of Midshipmen Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanction for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have [irrelevant] prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately notify [whom]. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
10. You have all the other rights for Respondents set out in the following Academy policies: [list policies]

I, _____ (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

Date

Attachment 2

Superintendent's Instruction 2018-06, Policy on Reporting, Investigating, and Resolving Complaints of Retaliation Against Midshipmen, dated 31 May 2018

United States Merchant Marine Academy
Kings Point, New York

31 May 2018

SUPERINTENDENT INSTRUCTION 2018-06

**Subj: REPORTING, INVESTIGATING, AND RESOLVING COMPLAINTS OF
RETALIATION AGAINST MIDSHIPMEN**

1. **Purpose:** To establish the United States Merchant Marine Academy (Academy) procedures for reporting, investigating, and resolving complaints of retaliation against Midshipmen.
2. **Applicability:** This Policy applies to all Academy personnel, including Midshipmen, faculty, staff, and personnel of tenant agencies, whether federal employees, military personnel or contract employees.
3. **Policy:** In an effort to maintain a safe learning and living environment, any Midshipman, or faculty or staff member, who has been subjected to retaliation by a Midshipman for engaging in protected activity is strongly encouraged to report such incidents as soon as possible, whether the incident took place on-campus or off-campus.
4. **Reporting Methods:** A Midshipman who has been subjected to retaliation by another Midshipman can make a report to the Sexual Assault Prevention and Response Office (SAPRO) Director/Sexual Assault Response Coordinator (SARC), a Victim Advocate Prevention Educator (VAPE), a Volunteer Victim Advocate (VVA), an Academy Health Care Professional (HCP), the Regimental Human Relations Officer (RHRO), a Company Human Relations Officer (CHRO), the Regimental Sexual Assault Victim Advocate (RSAVA), the Office of Public Safety, through the chain of command (including Company Officers and other Commandant's uniformed staff members), or to any trusted advisor, faculty, or staff member.

A faculty or staff member, Academy contractor, or Federal employee working on Academy grounds, who has been subjected to retaliation by a Midshipman can make a report to the SAPRO Director/SARC, a VAPE, the Office of Public Safety, or through his or her chain of command.

A report made to anyone other than the SAPRO Director/SARC must immediately be forwarded to the SAPRO Director/SARC, who will have primary responsibility for handling the report, including notifying the Superintendent and Deputy Superintendent within 24 hours of notification.

- a. **Preservation of Evidence:** Any individual who has been subjected to sexual assault, sexual or gender-based harassment, relationship violence, or stalking is strongly encouraged to preserve any and all evidence, as such evidence may be necessary to prove a violation of Academy policy. Evidence might include notes, pictures, texts, Facebook posts, and other similar items.
- b. **Written Notification of Resources:** All Midshipmen, faculty or staff who make a report of retaliation will be provided with written notification about existing counseling, health, mental

health, victim advocacy, legal assistance, and other available services, both on-campus and off campus.

- c. **Confidentiality:** The Academy will maintain the confidentiality of a report of retaliation to the greatest extent practicable, with the goal of conducting a thorough and complete investigation, providing any needed accommodations or protective measures, and effecting any appropriate remedial action. Details regarding the incident will be limited to only those personnel who have legitimate need to know.
- d. **Requirement to Report:** Allegations of retaliation received by any Academy Midshipman Officer, faculty member, staff member, contract employee, or other employee must be reported immediately to the SAPRO Director/SARC or to the VAPE or VVA on duty, who will take appropriate action pursuant to this Policy.

5. **Initial Assessment and Response:**

- a. **Assessment:** Upon receipt of a report from a Midshipman, or a faculty or staff member (Complainant), the SAPRO Director/SARC will conduct an initial assessment, which shall include, but not be limited to, the following:
 - (1) Address immediate well-being needs of the Complainant;
 - (2) Provide the Complainant with information on how to access on-campus and off-campus resources, including mental health counseling, and, for a Midshipman Complainant, assist with arrangements, as necessary;
 - (3) Advise the Complainant of the range of appropriate and available protective measures and accommodations;
 - (4) Assess for pattern evidence or other similar misconduct by the Respondent;
- b. **Accommodations and Protective Measures:** During or subsequent to the assessment phase, the Academy may take and/or make one or more of the following accommodations or protective measures, which may be temporary or permanent (depending on the resolution of the complaint), for the Complainant(s) and/or the Respondent(s), where reasonable and appropriate under the circumstances.

The Academy will maintain the privacy of any accommodation or protective measure provided under this Policy to the extent practicable.

(1) **Accommodations:**

- (a) Providing academic support services, such as tutoring;
- (b) Rescheduling exams or assignments;
- (c) Providing alternative course completion options, when practicable;
- (d) Making changes in class schedule, including the ability to transfer course sections or withdrawal from a class without penalty, when practicable;
- (e) Making changes to berthing;
- (f) Limiting an individual's or organization's access to Academy facilities or activities, pending resolution of the matter; or
- (g) Accommodating a voluntary leave of absence.

(2) **Protective Measures:**

A Midshipman Complainant who makes a report of retaliation may request assistance in creating a safe distance between him/herself and the Respondent. A Midshipman Respondent may also request the same assistance with respect to The Complainant. The Academy may also issue a directive on its own initiative. The following may be sought and/or imposed:

- (a) **No Contact Directive:** The Commandant or his/her designee may issue a directive to one or both Midshipmen involved in an allegation of retaliation to refrain from engaging in any form of contact with each other. Such contact includes in person, in writing, by phone, by email, by text or other electronic messaging, through social media (including, but not limited to, Facebook, Twitter, Instagram, or Snapchat), or through a third person. Unless otherwise stated in the Directive, if the Respondent and the Complainant observe each other in a public place, it is the responsibility of the Respondent to leave the area immediately without directly contacting the Complainant.
- (b) **Persona Non Grata (PNG) Directive:** The Commandant or his/her designee may issue a directive to one or both Midshipmen involved in an allegation of retaliation that prevents the Midshipman from entering designated Academy buildings (either entirely or during set hours), or participating in Academy programs or activities.

- (3) Both the Complainant and the Respondent may request review of the need for and/or modification of the terms of any interim measure, accommodation, or directive, and can submit evidence in support of any such request. Requests for review/modification should be made to the Deputy Superintendent. Requests will be handled within five business days, unless circumstances warrant extending the time.

6. **Investigation Process:** The Academy will conduct a prompt, fair and impartial administrative investigation of all retaliation complaints, which will generally proceed as follows:

- (1) The SAPRO Director/SARC shall notify the Superintendent and the Deputy Superintendent that there has been a report of retaliation.
- (2) The Deputy Superintendent will appoint an internal or external investigator to conduct an administrative investigation. All investigators will receive annual training on issues related to retaliation, and how to conduct an investigation that protects the safety of complainants and promotes accountability. The investigator will provide the Complainant and the Respondent with a written explanation of their rights, attached as Appendices A and B to this Policy.
- (3) During the investigation, the Complainant and the Respondent will have an opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. In the absence of good cause shown, information discoverable through the exercise of due diligence that is not provided to the investigator will not be considered at the hearing. The investigator will notify and seek to meet with the Complainant, the Respondent, and identified witnesses separately, and will also gather other evidence and information relevant to the determination as to whether a policy

violation has occurred. Witnesses cannot participate solely to speak about an individual's character; they must have information deemed by the Investigator to be relevant to the investigation. The investigator may choose to record the interviews of the Complainant, the Respondent, and/or the witnesses. The statements of the Complainant, the Respondent, and the witnesses will be summarized in a written statement, which they will have an opportunity to review for accuracy, and, once he or she deems it accurate, he or she will sign and date.

- (4) Throughout the investigative process, both the Complainant and the Respondent have the right to be accompanied by an advisor of their choice, who is not otherwise a party or witness involved in the investigation. The Complainant or the Respondent may bring the advisor to his or her interview(s). While the advisor may be present during interviews, the advisor may not speak or otherwise participate in the meetings, and must comport himself or herself in a manner that is not disruptive to the interviews. The advisor may be an attorney retained by the Complainant or the Respondent at his or her own expense.
- (5) At the conclusion of the investigation, the investigator will prepare an Investigation Report that summarizes the information gathered. As part of the Report, the investigator will issue a determination as to whether a reasonable hearing officer(s) could determine that there is sufficient evidence to support a finding that a violation of Academy policy has occurred. As a general rule, a hearing will be held unless it is clear from the Complaint and the Investigative Report that no reasonable grounds exist for believing that the conduct as alleged by the Complainant constituted retaliation.
 - a. If the investigator determines that there is sufficient evidence for a reasonable hearing officer(s) to find that a violation of Academy policy has occurred, the report will be submitted to the Deputy Superintendent for further action as outlined in Section 9 of this Policy.
 - b. If the investigator determines that there is insufficient evidence for a reasonable hearing officer(s) to find that a violation of Academy policy has occurred, no further action will be taken, except a copy of the report will be provided to the Deputy Superintendent, who will notify the Complainant and the Respondent of the determination in writing. The Complainant may request an administrative review of the investigator's determination that no further action is warranted by submitting a written statement to the investigator setting forth the basis for the request within 5 business days of receiving notification of the investigator's determination. The investigator will submit the request to the Deputy Superintendent. The investigator will also notify the Respondent of the request, who may submit a written statement of his/her position to the Deputy Superintendent within 5 business days of such notification. The Deputy Superintendent may consult with the investigator, the Complainant, the Respondent, or any other individual. The Deputy Superintendent may agree with the investigative finding, request additional investigative follow-up, or direct that a hearing be held in accordance with Academy policy and procedures. The Deputy Superintendent will render a decision in writing to both the Complainant and the Respondent within 15 business days of the request for review.
- (6) The investigation typically will be completed within fourteen business days from the date of the initiation of the investigation. This timeframe may be extended for good cause as

necessary to ensure the integrity and completeness of the investigation, to accommodate the availability of witnesses, to account for Academy breaks, to account for complexities of a case, such as the number of witnesses and/or volume of information provided by the parties, or for other legitimate reasons. Any extension of the timeframe, and the reason for it, will be shared with the parties in writing.

(7) The investigator may consult with Counsel to the Academy during the investigation.

7. HEARING AND APPEAL

a. Pre-Hearings Steps

- (1) **Review of Investigation Report:** The Deputy Superintendent will receive and review the investigation report. The Deputy Superintendent may accept the report as rendered or may request that the investigator conduct additional interviews or seek out other evidence as deemed to be appropriate. Any additional investigation, and a supplemental report, should be completed promptly.
- (2) **Selection of Hearing Format:** Upon recommendation from the Deputy Superintendent, the Superintendent will decide whether an Executive Board or a Superintendent's Disciplinary Hearing will be held. Such Board or Hearing will follow the Academy's specific policies and procedures for complaints of retaliation. All persons serving as a hearing officer(s), whether at an Executive Board or a Superintendent's Disciplinary Hearing, must have received annual training with respect to the adjudication of retaliation claims, must conduct the hearing in a way that protects the Complainant and promotes accountability, and must also be impartial and free from bias or conflict of interest.
- (3) **Notice of Hearing:** The Complainant and the Respondent will be notified in writing of the date, time, and location of the hearing, the charges to be reviewed by the hearing officer(s), and the witnesses to be called at the hearing. In general, the Complainant and the Respondent will be provided the Notice of Hearing at least five business days prior to the date of the hearing. The date on which the hearing is conducted may be extended for good cause at the discretion of the Superintendent or his or her designee. Good cause may include the availability of the parties, the availability of witnesses, the timing of Academy breaks, a compelling emergency, or any other extenuating circumstances.
- (4) **Pre-Hearing Review of Documents:** At least five business days in advance of the hearing, the Respondent will be provided with a copy of the final investigation report, including any supplemental report, and any relevant documents that are provided to the hearing officer(s), and will also be provided with copies of his/her academic file, personnel jacket, company file, Midshipman profile, sea year file (if applicable), and any other relevant student records that might be considered during a disciplinary phase of the hearing, if such occurs. The hearing officer(s) will be provided with the same documents at least five business days in advance of the hearing. The Complainant will be given the opportunity to review the final investigation report, including any supplemental report, and any documents relevant to the charges provided to the hearing officer(s) at least five days in advance of the hearing. The Complainant will not have access to the Respondent's student records that might be considered during a disciplinary phase of the hearing, if such occurs.

- (5) **Witnesses:** The hearing officer(s) will identify, in the Notice of Hearing, any witnesses that he/she/it wishes to hear from at the hearing based on a review of the investigation report. The Complainant and the Respondent each have the right to request the presence of any additional witnesses at the hearing, and must notify the Academy of the witnesses at least 48 hours before the hearing. The Respondent must also identify any character witnesses he/she wishes to call during Phase II of the hearing, if such Phase becomes necessary. The Academy shall make reasonable efforts to insure the attendance of the witnesses identified by the Midshipman who are enrolled at or employed by the Academy. Appearance by witnesses not employed by, or enrolled at, the Academy is the sole responsibility of the Midshipman.

Typically, only witnesses who were identified and interviewed as part of the investigation may be called at the hearing, with the exception of witnesses identified by the Respondent for Phase II of the hearing, if such Phase becomes necessary. Under very limited circumstances, the Complainant or the Respondent may identify a witness with relevant information who has not previously been interviewed. In such case, the hearing officer(s) will determine if the new witness's participation at the hearing is relevant and appropriate, and, if so, permit the witness to testify. Alternatively, the hearing officer(s) may refer the matter back to the investigator for additional investigation to determine whether the witness has relevant information, and to prepare a supplemental report. Such a referral may delay the timing of the hearing.

b. Hearing

1. **Timing:** Typically a hearing will be held within sixty days from the date of the initiation of the investigation. This timeframe may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to accommodate the availability of witnesses, to account for Academy breaks, to account for complexities of a case, such as number of witnesses or volume of information provided by the parties, or to address other legitimate reasons. Any extension of the timeframe, and the reason for it, will be shared with the parties in writing.
2. **Advisors:** The Complainant and the Respondent have the right to attend the entire hearing (Phase I and Phase II, if applicable), except for deliberations, and to be accompanied at the hearing by one advisor of his/her choice who is not otherwise a party or witness involved in the investigation, a Chaplain, a member of the Commandant's Office, or a direct report to the Superintendent (other than the SAPRO Director/SARC). While the advisor may be present, the advisor may not speak or otherwise participate in the hearing, may not address the hearing officer(s) or question witnesses, and must comport him/herself in a manner that is not disruptive to the hearing. The advisor may be an attorney retained by the Complainant or the Respondent at his or her own expense.
3. **Presence at Hearing:**
 - (a) The Complainant or the Respondent is not required to participate in person at the hearing in order for the hearing to proceed.

- (b) The Complainant or the Respondent may request alternative testimony options that would not require physical proximity to the other party, including testifying via a remote electronic method. This request should be made no less than two business days prior to the hearing.
 - (c) If the Complainant or the Respondent fails to attend, the hearing may proceed in full, including the imposition of disciplinary sanctions for the Respondent, if warranted. In doing so, the hearing officer(s) will consider the available testimony and evidence. In the absence of clear evidence that emergency circumstances prevented such person from being present, the decision of the hearing officer(s) will stand.
 - (d) In general, all witnesses should testify in person. However, upon good cause shown, the hearing officer(s) may permit witnesses to testify via a remote electronic method.
4. **Questioning:** The Complainant and the Respondent will not be permitted to directly question one another, but may propose questions to the hearing officer(s), who will screen the questions for appropriateness and relevance.
5. **Audio Recording:** An audio recording will be made of the hearing. The Academy will maintain the recording for at least five years from the date of the hearing. A written transcript of the hearing will not be made unless the Academy determines that it has a need to prepare a transcript for its own use. Upon request, a copy of the audio recording will be provided to the Complainant and/or the Respondent, subject to signing a Confidentiality/Non-Disclosure Agreement. The Complainant's and/or the Respondent's advisor may also receive a copy of the recording, likewise subject to execution of a Confidentiality/Non-Disclosure Agreement.

Recipients of copies of audio recordings may not copy, show or otherwise disseminate the contents of the recording to anyone without the prior expressed written permission of the Counsel to the Academy. Once the disciplinary hearing and any related administrative proceedings, including appeals, if applicable, have been completed, all recipients will promptly return their copies of the audio recording to the Counsel to the Academy.

6. **Standard of Proof:** The standard of proof that will be used to support a finding of responsibility for a violation of Academy policy is a preponderance of evidence.
7. **Hearing Format – Phase I (Determination Phase)**
The hearing officer(s) has the discretion to designate the hearing format, within the procedures established for an Executive Board or Superintendent's Disciplinary Hearing, depending on which is selected by the Superintendent. The following is presented as a general example of the hearing format:
- a. The hearing officer(s) will explain the hearing process, provide an opportunity to all parties to ask questions about the procedures, and read the charges.
 - b. The Respondent will be given an opportunity to make a brief opening statement.

- c. The investigator will provide a brief statement summarizing the investigation. The hearing officer(s) may then pose questions to the investigator, and will then permit the Complainant and the Respondent to pose questions to the investigator.
- d. The hearing officer(s) may pose questions to the Complainant, including, in the discretion of the hearing officer(s), questions suggested in writing by the Respondent. The Complainant may then supplement the information provided to the hearing officer(s) with a brief statement.
- e. The hearing officer(s) will then hear from witnesses determined by he/she/it to have information that is relevant to the matter, as identified by the hearing officer(s), the Complainant and the Respondent. Each witness will be questioned by the hearing officer(s) and, as appropriate, the Complainant and the Respondent will each be given a brief final opportunity to address any outstanding issues of fact.
- f. The hearing officer(s) may then pose questions to the Respondent, including, in the discretion of the hearing officer(s), questions suggested in writing by the Complainant. The Respondent may then supplement the information provided to the hearing officer(s) with a brief statement.
- g. At the conclusion of the hearing, the hearing officer(s) will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of Academy policy. If so, Phase II will commence, either immediately after Phase I or at a later time and/or date as determined by the hearing officer(s).

8. Hearing Format – Phase II (Sanction Phase)

- a. The Respondent may present evidence, including written statements from witnesses, and call witnesses to demonstrate exceptional potential for development and present extenuating and/or mitigating evidence and arguments for retention at the Academy or for minimum or no disciplinary action. The Academy reserves the right to reasonably limit the number of witnesses called in Phase II to avoid repetitive testimony. The burden for demonstrating sufficient cause for retention is on the Respondent.
- b. The Complainant will be given an opportunity to make a brief impact statement.
- c. The hearing officer(s) will evaluate and determine the appropriate sanction(s) outside the presence of the Respondent, his/her advisor, the Complainant, his/her advisor, and any witnesses. In determining the appropriate sanction(s), the hearing officer(s) will consider a number of factors, including, but not limited to, the following:
 - (1) The nature of the misconduct
 - (2) The impact of the misconduct on the Complainant
 - (3) The impact or implications of the misconduct on the Academy community, including maintenance of a safe and respectful environment conducive to living and learning

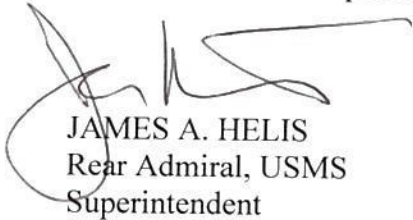
- (4) Any previous conduct violations by the Respondent, as well as any criminal convictions
 - (5) Whether the Respondent has accepted responsibility for the misconduct
 - (6) Any statements or evidence provided by the Respondent during Phase II
 - (7) The Respondent's entire Academy record (academic, regimental, sea year, and extra-curricular)
 - (8) The Complainant's impact statement, if made
 - (9) Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution
9. **Possible Sanctions:** If the Respondent has been found, by a preponderance of the evidence, to be responsible for a violation of the Academy policy against retaliation, he/she may be subject to the full range of penalties for a Class I violation as set out in the Midshipman Regulations, up to and including disenrollment.
10. **Notification of Outcome:** The Complainant and the Respondent will be notified simultaneously in writing (which may include email) of the outcome of the hearing, relevant findings of fact, the rationale for the outcome, the sanction(s) imposed, if any, and the options for appeal within seven business days of the date of the notification, unless circumstances warrant extending the timeframe.
11. **Right to Appeal:** The Complainant and/or the Respondent may appeal the determination by submitting an intent to request an appeal, in writing, within 24 hours after receiving notification of the decision. The appeal must be submitted, in writing, within seven business days of the notification. Grounds for appeal are limited to (a) a material procedural error, (2) previously unavailable relevant evidence that could affect the outcome, and/or (3) a sanction being substantially disproportionate to the misconduct found. Each party will be notified if the other party files an appeal, and will be provided the opportunity to submit a responsive appeal statement within five business days of being notified. Both initial and responsive appeal statements must be submitted by the Complainant or the Respondent (not by an advisor or counsel).
- a. In cases where either there is (1) a determination that no misconduct has occurred, or (2) a sanction of less than disenrollment is imposed, appeals must be submitted to the Superintendent. The Superintendent will issue a decision on any appeal within 7 business days of receipt of the appeal, unless circumstances warrant extending the timeframe.
 - b. In cases where a sanction of disenrollment is imposed, appeals must be submitted to the Superintendent, who will forward it to the Maritime Administrator, along with any responsive appeal statement, for determination. The Superintendent will include his/her recommendation on any appeal, which will also be provided to the Complainant and the Respondent.

During the pendency of an appeal of a disenrollment decision, the Respondent is generally entitled to remain at the Academy pending consideration of his or her appeal, including, as appropriate, in a deferred graduate status, provided that the Respondent abides with all Academy policies, including the Midshipman

Regulations. If the Respondent is enrolled in classes during the pendency of the appeal, he or she will continue in those classes. If the Respondent is scheduled to depart for sea year or an internship during the pendency of the appeal, he or she will either remain on board at the Academy or return home, at the Superintendent's discretion, until a decision has been reached.

- c. Following his/her review, the Superintendent or Maritime Administrator may (1) affirm the hearing officer(s)'s determination, (2) overturn the hearing officer(s)'s determination, (3) alter the sanctions rendered, if raised as a ground for appeal, or (4) send the matter back to the hearing officer(s) for further proceedings consistent with his/her decision. The decision shall be in writing, and will include a statement of the reasons for the decision. Unless the Superintendent or Maritime Administrator sends the matter back to the hearing officer(s) for further proceedings, the decision of the Superintendent or Maritime Administrator is final and the matter is closed.
- d. The Complainant and the Respondent will be notified simultaneously in writing (which may include email) of any changes to the hearing outcome, and when such changes are final.

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



JAMES A. HELIS
Rear Admiral, USMS
Superintendent

Dist. via Email

Responsible Official: Superintendent

Appendix A

United States Merchant Marine Academy

Rights of Individuals Complaining of Retaliation by a Midshipman

1. You have the right to a prompt, fair and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
5. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
6. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
7. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately notify the SAPRO Director/SARC. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
8. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
9. You have all the other rights for Complainants set out in the following Academy policies: [list policies]

I, _____ (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

Date

Appendix B

United States Merchant Marine Academy

Rights of Midshipmen Accused of Retaliation

1. You have the right to be notified of the complaint against you, and of a prompt, fair and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanction for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
6. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
7. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately notify [whom]. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
8. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
9. You have all the other rights for Respondents set out in the following Academy policies: [list policies]

I, _____ (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

Date

