
Office of Inspector General

Audit Report

BETTER PROGRAM MANAGEMENT AND OVERSIGHT ARE REQUIRED FOR USMMA'S EFFORTS TO ADDRESS SEXUAL ASSAULT AND HARASSMENT

Maritime Administration

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Memorandum

U.S. Department of
Transportation

Office of the Secretary
of Transportation
Office of Inspector General

Subject: **ACTION:** Better Program Management and
Oversight Are Required for USMMA's Efforts To
Address Sexual Assault and Harassment
Report Number ST-2015-004

Date: October 23, 2014

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Inspector General

Reply to
Attn. of: JA-30

To: The Secretary

Nearly 6 years ago, Congress passed the Duncan Hunter Act,¹ which required the Secretary of Transportation and the U.S. Merchant Marine Academy (USMMA) to address sexual assault and harassment at the Academy. While USMMA and the Department of Transportation (DOT) have taken actions, the effectiveness of those actions and Academy prevention efforts have been called into question. Specifically, USMMA reported in March 2014 that an estimated² 25 midshipmen were sexually assaulted and 136 midshipmen were sexually harassed in the 2011–2012 academic program year (APY),³ but no incidents of sexual assault or harassment were officially reported. The Secretary called these results “deeply disturbing” and reiterated the Department’s commitment to providing midshipmen with an academic environment free of sexual assault and harassment.

DOT’s Maritime Administration (MARAD) operates USMMA, which is responsible for training midshipmen to become professional merchant marine officers. USMMA midshipmen must comply with prescribed disciplinary and honor systems, and the Academy must maintain a culture that does not tolerate sexual assault and harassment. The Act required USMMA to prescribe policy on sexual harassment and sexual violence applicable to the midshipmen and other Academy personnel; conduct an annual assessment of the effectiveness of the Academy’s sexual harassment and sexual violence policies, training, and

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

² Estimated based on Defense Manpower Data Center survey results of 482 midshipmen projected/weighted to a campus population of 946 midshipmen.

³ USMMA’s academic year runs from July 1 through June 30.

procedures; and submit to the Secretary of Transportation an annual report on the status of these efforts.

In April 2013, Ranking Member Elijah Cummings and Congresswoman Jackie Speier of the House Committee on Oversight and Government Reform requested that we conduct a comprehensive evaluation of the Academy's efforts to create a climate in which sexual assault and harassment are not tolerated and that midshipmen, faculty, and staff are confident in reporting such incidents. Subsequently, in May 2014, Chairman Patty Murray and Ranking Member Susan Collins of the Senate Appropriations Subcommittee on Transportation, Housing, and Urban Development requested that we consider the findings of USMMA's 2011–2012 survey as we evaluate the Academy's efforts to prevent sexual assault and harassment. They also asked us to evaluate the role of DOT and MARAD senior leadership in implementing the Academy's action plans. Accordingly, we assessed (1) USMMA's implementation of its action plan to prevent, respond to, and resolve instances of sexual assault and harassment; (2) USMMA's annual reports; and (3) oversight of USMMA's sexual assault and harassment prevention, response, and resolution efforts.

We conducted this review between August 2013 and August 2014 in accordance with generally accepted Government auditing standards. To conduct our work, we interviewed officials at USMMA, MARAD, and in the Office of the Secretary (OST) regarding the Academy's action plan and its Sexual Assault Prevention and Response (SAPR) program.⁴ We reviewed relevant Academy policies, procedures, guidance, and initiatives to evaluate USMMA's adherence to statutory requirements and implementation of its action plan. We also assessed MARAD and DOT orders, directives, memorandums, and other documentation related to Departmental oversight of the Academy's action plan and the SAPR program. Exhibit A provides further details on our scope and methodology.

RESULTS IN BRIEF

USMMA has made progress in implementing its nine broad goals to reduce sexual assault and harassment—goals that are based on its 2009–2010 survey and included in the Academy's initial action plan. For example, USMMA leadership updated its Superintendent Instructions on sexual assault and harassment in 2012 and 2013, respectively,⁵ to address the goal of “improving the incident reporting and recordkeeping system.” The updated policies provide new restricted reporting

⁴ SAPR is defined here to include all actions taken by USMMA to address sexual assault and sexual harassment, which comports both with past usage of the term in USMMA annual reports and with the USMMA's current initiative to combine its efforts to address sexual assault and sexual harassment.

⁵ Superintendent Instruction (2012-08) “Policy on Sexual Assault Prevention and Response” July 30, 2012, and Superintendent Instruction (2013-02) “Policy Against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen,” Feb. 4, 2013.

options for victims. Despite USMMA's progress in addressing the nine goals, none have been fully achieved, as some implemented actions have significant shortcomings, and the Academy has yet to complete more than a third of the actions to establish effective SAPR program management. Notably, the Sexual Assault Response Coordinator (SARC) position became vacant in April 2014. While acting SARCs have been appointed, many standard operating procedures (SOP) essential for effective SAPR program management are incomplete. Thus, even when a new USMMA SARC is hired, that person will be challenged to maintain the continuity of the SAPR program. In addition, USMMA has not fully identified tasks, responsibilities, and timeframes for its updated action plan, which was published in March 2014.

Since the Duncan Hunter Act took effect in October 2008, USMMA has not issued its reports for the first 4 APYs in a timely manner. The reports have consistently been issued on average, nearly 2 years after the APY ended. USMMA's report for the 2012–2013 APY—which ended June 30, 2013—has yet to be issued. According to USMMA officials, several factors have delayed USMMA's annual reports, including the need to conduct a separate survey of midshipmen returning from at-sea duty. The usefulness of the biennial surveys has also been limited due to variations in the survey instruments, their administration, and the process used to calculate results. These variations make it difficult for USMMA to establish a comprehensive baseline that would allow results to be compared. Further, the action plans in the reports are based on outdated data. Reporting delays and other weaknesses ultimately result in Congress receiving irrelevant and potentially misleading information on data such as survey results and action plans. For example, the most recent report and accompanying action plan, issued in March 2014, covered the biennial survey from July 1, 2011, through June 30, 2012—which predates the introduction of the SAPR program and the hiring of the original SARC.

A lack of clear oversight authority and responsibility undermine USMMA's efforts to address sexual assault and harassment. To date, OST has not designated authority or assigned responsibility for overseeing USMMA's SAPR program and for ensuring compliance with legislative requirements. Specifically, it has not delineated the SAPR program elements that are to be managed at the Department level and those that are to be managed by MARAD or USMMA. In addition, MARAD has not established clear lines of reporting or training requirements for key positions related to the Academy's sexual assault and harassment prevention programs. Ultimately, there is no clear accountability for addressing and correcting program weaknesses.

We are making recommendations related to USMMA's achievement of the goals in its original action plan, the timeliness of the Academy's annual reports, and oversight of the SAPR program.

BACKGROUND

The Secretary of Transportation has a general authority to provide for the education and training of U.S. citizens for the safe and efficient operation of the U.S. merchant marine, which encompasses all the Nation's commercial vessels and the personnel that operate them, both afloat and ashore.⁶ The Secretary has delegated these responsibilities to MARAD, which funds and operates the U.S. Merchant Marine Academy at Kings Point, New York. Dedicated in 1943, USMMA is the only Federal service academy operated by DOT and MARAD.

In 2008, Congress passed the Duncan Hunter Act for fiscal year 2009, which required actions to address sexual assault and harassment at USMMA. The Act requires the Secretary of Transportation to direct USMMA to prescribe policies for addressing sexual harassment and sexual violence; conduct annual assessments of the effectiveness of its policies, training, and procedures; and submit an annual progress report to the Secretary, who then transmits it to Congress. The Act also requires USMMA to conduct a DOT-administered survey of Academy personnel every 2 years, and develop action plans every academic year on the prevention of and response to sexual harassment and sexual violence.

Since the Act was passed, the Academy and the Department have undergone significant leadership changes. USMMA has had four different Superintendents, and prior to 2011, the Academy did not have a Civil Rights Director. Between 2011 and 2013, there were changes in other key positions, such as the Deputy Superintendent, Commandant, Counsel to the Academy, and the Director of Public Safety. Leadership changes at the Department level include the Secretary and MARAD Administrator. In addition, there have been four MARAD Civil Rights Directors since 2012.

⁶ 46 U.S.C. § 51103(a). This is the Secretary of Transportation's general statutory authority, with respect to the merchant marine, which is delegated to MARAD.

USMMA MADE PROGRESS ON ITS ORIGINAL ACTION PLAN, BUT MANY ACTIONS REMAIN INCOMPLETE

USMMA has taken steps toward implementing the goals outlined in its original action plan to address sexual assault and harassment. However, none of the nine goals have been fully achieved, as some of its implemented actions have significant shortcomings, and the Academy has not completed a number of actions to establish effective SAPR program management. USMMA also has not fully identified tasks, responsibilities, and timeframes to make its most recent action plan fully operational.

USMMA Has Taken Steps To Implement Its Original Action Plan

As required by the Duncan Hunter Act, USMMA published a “Plan of Action” to reduce sexual assault and harassment in its combined 2008–2009 and 2009–2010 reports to Congress. Since publishing the plan in November 2011, USMMA has taken actions toward implementing the goals in this action plan. For example:

- USMMA hired a SARC in April 2012 to serve as the on-site subject matter expert—an action related to two goals: “reinforce a no tolerance and full reporting climate” and “provide additional staff resources.” The SARC began implementing the SAPR program from the ground up, and the Academy states that the SARC position is the first level of advocacy; all other levels report directly to the SARC as the “center of gravity” for the program. As such, the SARC is involved in all aspects of the program, including many of the action items developed to address the nine goals. USMMA officials confirmed that the SARC was instrumental in initiating the SAPR program.
- To support USMMA’s goal to “improve the support network and interventions,” the SARC also leads, trains, and supports selected midshipmen as sexual assault victim advocates, who serve as peer-level first responders to assist victims with reporting an incident, accompanying them to the hospital, and providing other confidential support.
- To further USMMA’s goal to “improve faculty, staff, and senior leadership awareness, prevention, and training,” the SARC developed the 2013 SAPR Training and Campaign Plan for all Academy personnel. For APY 2013–2014, nearly all staff and faculty attended a sexual assault and harassment awareness training class.

- To address the goal of “improving the incident reporting and recordkeeping system,” USMMA leadership updated its Superintendent Instructions on sexual assault and harassment in 2012 and 2013, respectively.⁷ The updated policies provide new restricted reporting options for victims that allow for confidential access to support services, such as medical help and counseling, without triggering an official investigation. USMMA also implemented and promoted a 24-hour, 7-days a week sexual assault emergency hotline staffed by the SARC.

The Academy has also taken actions to enhance its safety and security infrastructure. While this effort was not a specific action item in USMMA’s original plan, vulnerabilities in campus safety and security were highlighted in a 2012 DOT security assessment.⁸ Further, the plan’s introduction states that every member of the Academy community must feel safe and have confidence in the reporting system. To that end, USMMA hired a Director of Public Safety in 2012, a position that had been vacant for 8 years. Under his direction, the Academy installed six emergency call boxes (see figure 1) across campus, which connect to an on-site command center. This new command center, which is staffed by armed security personnel, also has upgraded video surveillance capabilities through several high-definition cameras placed throughout the campus. Also, security staffing was recently expanded to provide 24-hour, 7-days a week armed response capabilities across the USMMA campus. In 2012, USMMA reported to the Department of Education that access control systems to secure barracks entry doors were “active.”⁹ However, during our last site visit to the Academy in April 2014, the controls were inoperable, leaving entry doors unlocked at all times and vulnerable to unauthorized access. According to USMMA officials, delays in activating the entry control system were due to software and construction challenges. Recently, USMMA provided documentation showing that the system was activated on May 19, 2014, but we did not have an opportunity to conduct on-site verification.

⁷ Superintendent Instruction (2012-08) “Policy on Sexual Assault Prevention and Response” July 30, 2012, and Superintendent Instruction (2013-02) “Policy Against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen,” Feb. 4, 2013.

⁸ “Physical Security Assessment of the USMMA by Office of the Secretary” Office of Security, Division for Physical and Technical Security (M-40), July 20, 2012.

⁹ USMMA Crime Awareness and Campus Security: Campus Crime Report, Annual Report for 2012.

Figure 1. Call Box, Emergency Panel and Camera, and Rotational High-Definition Camera



Source: OIG

USMMA Has Not Completed Many Actions To Establish Effective SAPR Program Management

Despite USMMA's progress in addressing the goals in its original plan, none of the nine goals have been fully achieved because the Academy has not taken steps to maintain effective SAPR program management. Notably, the SARC position became vacant in April 2014, but the Academy has yet to hire a new permanent SARC. While an Academy staff member was assigned to act as an interim SARC, USMMA lacks a permanent subject matter expert to maintain and further program goals. Therefore, it is unclear in the interim how USMMA will, for example, conduct sexual assault training that is under the SARC's purview, such as midshipmen sea-year lectures and annual sexual assault prevention training for all staff and faculty. The longer the SARC position remains open, the greater the risk the program will lose its impact.

The Academy also has not established SOPs essential for effective SAPR program management. Therefore, once a permanent SARC is hired, it will take time for the new SARC to integrate into the Academy community; maintain and reinvigorate the program; and gain the trust of midshipmen, staff, and faculty. Per USMMA's internal control requirements, each Academy department must maintain such procedures for key business activities to support "uniformity in the process by providing a reference to common business practices, activities, or tasks."¹⁰ While USMMA has started developing SOPs related to the SAPR program, they are still

¹⁰ Superintendent Instruction 2012-12 "Development and Revision of Academy Policies and Procedures," Nov. 26, 2012.

in draft form—including SOPs for processing restricted sexual assault reports and for investigating sexual harassment and sexual assault. Other key SOPs have not even been drafted, including procedures for collecting evidence related to sexual assault and for meeting reporting requirements. Without comprehensive SOPs for the SAPR program, the new permanent SARC will be challenged to determine what procedures are in place, identify gaps in the procedures, and develop strategies to close those gaps. Finally, the new SARC will also be required to take on sexual harassment prevention responsibilities that USMMA added to the position since it was vacated in April.

In addition to these shortcomings, the Academy has yet to complete action items related to specific program goals. For example:

- Two years after developing the SAPR program, USMMA cannot determine the program’s impact or effectiveness, despite assurances to Congress that a plan for measuring program effectiveness was in place. As part of its goal to “improve program measurement and evaluation,” USMMA committed to outlining performance goals, milestones, and metrics—also required by the Superintendent Instruction on Internal Controls.¹¹ However, this action is incomplete. Confusion surrounding the development and use of metrics has been particularly problematic. According to the prior SARC, potential performance metrics for the program were developed shortly after he was hired, and MARAD officials stated that OST approved the metrics. However, the SARC indicated that the metrics were never used. Moreover, Academy leaders stated they had never seen or approved a MARAD report that included these metrics and corresponding data. Ultimately, the MARAD Administrator confirmed that while the metrics were approved, they were never actually implemented. Instead, USMMA leadership relies on biennial survey results to gauge the progress of the SAPR program. Yet, the Academy has not completed a biennial survey since the SAPR program started in 2012. Results for the 2013–2014 survey—the first survey that covers a period that the program was active—are unlikely to be issued before 2015.
- The Academy has made little progress in meeting its goal of improving incident reporting and recordkeeping. USMMA’s sexual assault and harassment incident files are kept in various formats in different offices across campus. Similarly, USMMA does not have an efficient recordkeeping system of sexual assault and harassment training for midshipmen. The lack of centralized systems makes it difficult to readily access records and ensure they are complete, as well as track midshipmen and faculty compliance with training requirements.

¹¹ Superintendent Instruction 2013-09 “Internal Control Program” July 11, 2013.

In all, USMMA has not completed more than a third of the 32 action items it developed to address the 9 goals:

- (1) reinforce “no tolerance and full reporting” climate;
- (2) improve incident reporting and recordkeeping system;
- (3) improve “at-sea” protocols and climate aboard commercial vessels;
- (4) improve faculty, staff, and senior leadership awareness, prevention, and training;
- (5) improve midshipmen awareness, prevention, and training;
- (6) provide additional staff resources, including hiring a full-time SARC;
- (7) improve support network and interventions;
- (8) improve program measurement and evaluation; and
- (9) increase employee and Regiment of Midshipmen gender diversity.

Table 1 lists the actions that are currently incomplete and the goals each action supports. (For a complete breakdown of the 32 actions and their status, see exhibit B.)

Table 1. Incomplete USMMA Actions and Goals the Actions Support

Action Item and Abbreviated Description	Goal(s) That Action Supports ^a								
	1	2	3	4	5	6	7	8	9
1. Hire a SARC	X					X	X		
2. SARC reports to the Academy	X					X	X		
3. Identify, train, and synchronize sexual assault victim advocates' efforts							X		
12. Review midshipmen honor code, regulations, and policies	X	X							
15. Review and update sea-year training			X						
18. Incorporate SARC into sea-year training			X						
19. Develop sexual harassment and violence prevention training program				X	X				
21. SARC serves as center of gravity for prevention efforts							X		
22. Create midshipmen network of sexual assault victim advocates							X		
27. Establish a plan to set performance goals, milestones, and metrics								X	
30. Review outreach and recruitment (for staff)									X
31. Perform workforce analysis twice a year									X
32. Increase diversity of student body									X

Source: OIG analysis of USMMA 2009–2010 Action Plan

^a OIG assigned the 32 USMMA action items to the 9 broad goals as we determined appropriate, based on how the action items addressed a particular goal, or part thereof.

USMMA's Most Recent Action Plan Lacks Important Details Needed To Put It Into Operation

As part of its 2011–2012 APY report to Congress, and as required by the Duncan Hunter Act, USMMA issued a new action plan in March 2014. The new plan builds on existing goals and initiatives to further develop the Academy's broader strategies to address sexual assault and harassment. While USMMA has started to operationalize this latest action plan, implementation has not been well coordinated. For example, USMMA has two implementation plans—one from the outgoing SARC, and one from Academy leadership and OST—and the two plans do not correlate or fully identify tasks, responsibilities, and timeframes for accomplishing all the plan's goals. Additionally, almost half of the tasks that have been assigned are at least partially the responsibility of the SARC, a position that has not been permanently filled. Without a comprehensive implementation strategy that addresses all the elements of the action plan, it is unclear how USMMA intends to fully achieve its goals.

DELAYS AND SURVEY WEAKNESSES LIMIT THE USEFULNESS OF USMMA REPORTS

While USMMA has submitted annual reports on sexual assault and harassment for APYs 2008–2009 through 2011–2012, the reports have consistently been issued, on average, nearly 2 years after the APY ended. The biennial surveys have also been problematic, and no comprehensive baseline has been established to measure midshipmen, staff, and faculty perceptions of the campus climate. Delays and other reporting weaknesses ultimately result in Congress receiving irrelevant and potentially misleading information, including data on survey results and action plans.

USMMA Has Not Issued Annual Reports in a Timely Manner, and Surveys Have Been Problematic

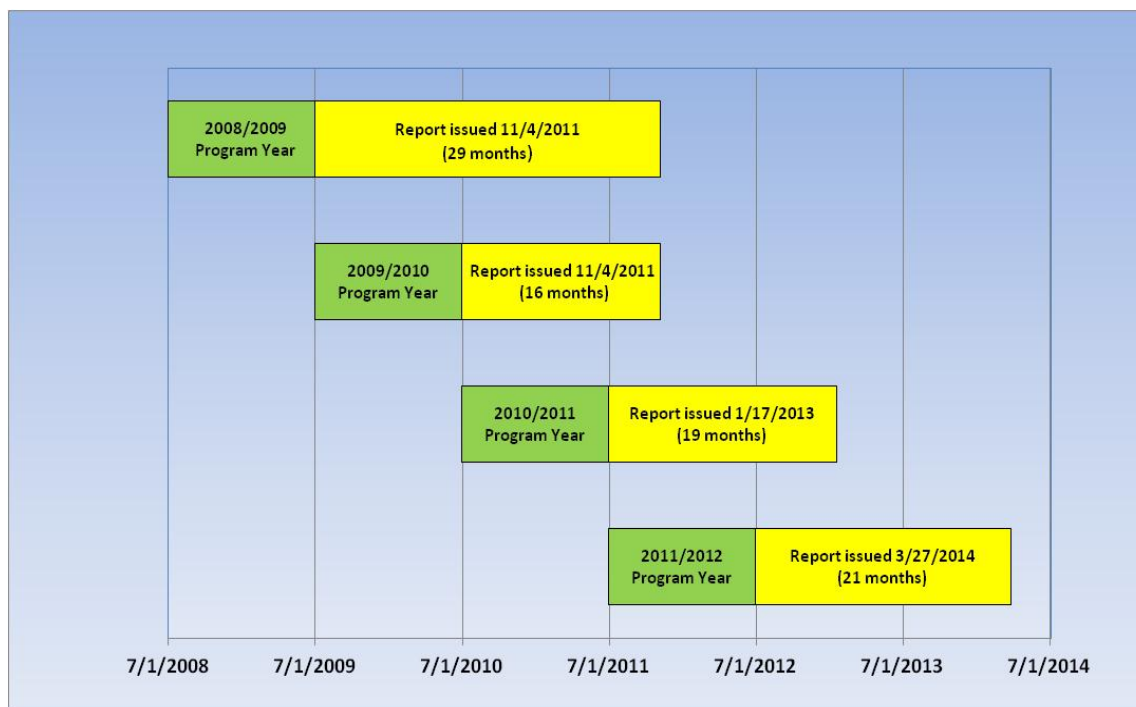
Since the Duncan Hunter Act took effect in October 2008, USMMA has issued three reports covering the first 4 APYs.¹² However, the Academy has not developed a plan with milestones to ensure the annual reports are timely, and reports have consistently been issued, on average, nearly 2 years after the APY ended (see figure 2).¹³ USMMA's report for the 2012–2013 APY—which ended June 30, 2013—has yet to be issued, and USMMA officials were unable to provide an estimated date for completion. In contrast, Department of Defense (DOD) military service academies, which must comply with essentially the same

¹² The 2008-2009 annual report was issued under the same cover as the 2009-2010 report.

¹³ The Duncan Hunter Act does not specify due dates, but the reports are required annually to update Congress on progress being made.

reporting requirements,¹⁴ routinely deliver their reports to Congress no later than 8 months after the end of the APY.

Figure 2. Time To Issue USMMA Annual Reports to Congress After the Close of the Academy Program Year



Source: OIG analysis of USMMA annual reports

Several factors have delayed USMMA's annual reports, including the time it takes for reports to go through OST and Office of Management and Budget review processes. There are also delays in obtaining complete survey data to include in the reports since USMMA must conduct a separate survey of midshipmen returning from at-sea duty—typically in November, or 5 months after the end of the APY.¹⁵

In addition, the usefulness of the biennial surveys has been limited due to variations in the survey instruments, their administration, and the process used to calculate results. USMMA created and administered the first survey (for the 2009–2010 APY); the Defense Manpower Data Center (DMDC)¹⁶ conducted subsequent surveys. Comparing data from the first two biennial surveys was not possible, largely because they had different questions and were administered to different

¹⁴ The John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109-364, 120 Stat. 2083 (Oct. 17, 2006) requires DOD service academies to submit reports on sexual harassment and assault annually.

¹⁵ The USMMA Sea Year program places midshipmen aboard ocean-going maritime vessels for training purposes for about 135 days during their sophomore year and about 265 days during their junior year at the Academy.

¹⁶ DMDC administers the Service Academy Gender Relations (SAGR) surveys to all DOD service academies (U.S. Military Academy, U.S. Naval Academy, and U.S. Air Force Academy) and the U.S. Coast Guard Academy.

populations at different times (see table 2). In addition, the USMMA-administered survey was conducted online, while the DMDC surveys are given in person.

Table 2. Summary of USMMA Biennial Survey Populations and Dates Administered

APY	Population Surveyed			Dates Administered
	Midshipmen on Campus	Midshipmen at Sea	Staff/Faculty	
2009–2010	Yes	No	Yes	April and June 2010
2011–2012	Yes	Yes	No	May and November 2012
2013–2014	Yes	Yes	Yes	April, November (planned), and June 2014

Source: OIG analysis

These differences in survey execution make it difficult for USMMA to establish a comprehensive baseline that would allow results to be compared from year to year. As a result, nearly 6 years after passage of the Duncan Hunter Act, USMMA still cannot accurately assess the current Academy climate or determine whether progress has been made to address sexual assault and harassment at the Academy. DMDC’s ongoing survey of midshipmen will provide the first set of results that can be directly compared to a previous survey, but USMMA will not have the results from DMDC until 2015.

Reporting Delays Have Impeded Efforts To Inform Congress

Reporting delays ultimately result in Congress receiving outdated information and data on USMMA’s efforts to address sexual assault and harassment at the Academy. For example, the most recent report, issued in March 2014, covered the biennial survey from July 1, 2011, through June 30, 2012—which predates the introduction of the SAPR program and the hiring of the original SARC. The 2013–2014 report will be the first to include results of a survey administered after many of USMMA’s actions. However, the survey is still ongoing, and the 2012–2013 report has yet to be issued. Consequently, it is unlikely that USMMA, the Department, or Congress will know the impact of the Academy’s actions to reduce sexual assault and harassment before 2015.

The action plans included in the reports are also outdated. The Duncan Hunter Act requires each annual report to include an action plan to address sexual assault and harassment for the following APY. However, the 2011–2012 report and accompanying action plan were issued in March 2014—nearly 9 months after the 2012–2013 APY had already ended. Likewise, the action plan contained in the 2012–2013 report will be issued after the end of the 2013–2014 APY.¹⁷ Without a plan that includes milestones to ensure timely reporting, Congress will continue to

¹⁷ The 2013–2014 APY ended June 30, 2014.

receive potentially irrelevant and misleading information, survey results, and action plans.

USMMA'S SAPR PROGRAM LACKS CLEAR OVERSIGHT AUTHORITY AND RESPONSIBILITY

Many of the weaknesses we identified are linked to a lack of clear oversight authority for the SAPR program. While general oversight responsibilities have been established by law, the responsibility for specific oversight of sexual assault and harassment prevention and response programs or for complying with legislative requirements have not been specified. Furthermore, MARAD has not established clear lines of reporting for key positions related to the SAPR program or training requirements for the SARC position.

OST Has Not Designated Authority or Assigned Responsibilities for Overseeing the SAPR Program

Oversight responsibilities for USMMA's efforts to prevent, respond to, and resolve sexual assault and harassment are not clear. According to an OST official, OST assigned oversight responsibility to MARAD and USMMA. However, MARAD officials were unaware that OST had assigned MARAD oversight responsibility, and OST could not provide any implementing documents that specify authority and responsibility for the Duncan Hunter Act requirements, such as directives or memoranda.¹⁸

OST and MARAD officials acknowledge that they have general oversight responsibilities with regard to USMMA as an institution,¹⁹ and the law specifies that OST is responsible for ensuring USMMA complies with the Duncan Hunter Act. However, key aspects of program oversight have not been assigned. Government internal control standards call for agencies to clearly define key areas of authority and responsibility in order to achieve their mission and desired program results.²⁰ While OST and MARAD officials met periodically to monitor

¹⁸ The Secretary has delegated authority to the Maritime Administrator to "carry out the functions and exercise the authorities vested in the Secretary under Subtitle V of title 46, U.S.C..." (49 CFR § 1.93). The delegation of Subtitle V predates the Duncan Hunter Act and includes Chapter 513, which addresses the USMMA. The Duncan Hunter Act requirements can be found in the Note to 46 U.S.C. § 51301.

¹⁹ 46 U.S.C. § 51301(a) obligates the Secretary of Transportation "to maintain the United States Merchant Marine Academy as an institution of higher education to provide instruction to individuals to prepare them for service in the merchant marine of the United States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize." DOT Order 1100.69A, "Department of Transportation Organizational Manual, Maritime Administration," indicates that MARAD is responsible for training merchant marine officers at the United States Merchant Marine Academy, Kings Point, NY. The Maritime Administration is also generally delegated authority under 49 CFR § 1.92 for "Operating the U.S. Merchant Marine Academy" in order to train officers for the Nation's merchant marine.

²⁰ See GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1, Nov. 1, 1999, p. 8.

progress on the action plan, they have not defined and formalized roles and responsibilities among OST, MARAD, and USMMA to oversee sexual assault and harassment prevention programs at the Academy and correct program weaknesses. Specifically, OST and MARAD have not individually or collectively:

- established a results-oriented oversight framework related to USMMA's SAPR program and compliance with the Duncan Hunter Act. To evaluate program effectiveness, best practices call for the SAPR program oversight agency to develop and implement an oversight framework that includes, at a minimum, long-term goals, objectives, and milestones; performance goals; strategies for accomplishing the goals; and criteria for measuring progress.²¹ Without a comprehensive oversight framework, OST lacks visibility into the effectiveness of USMMA's SAPR program and the Academy's compliance with statutory requirements. Lack of an oversight framework is especially concerning given that USMMA has no formal SOPs for much of the SAPR program and many of the SARC's responsibilities, despite USMMA's internal requirements for such procedures.²²
- developed a Department-level SAPR policy for monitoring the program and for ensuring compliance with the Duncan Hunter Act.²³ Such a policy would delineate the SAPR program elements that are to be managed at the Department level and those that are to be managed by MARAD or USMMA. The lack of an explicit designation of authority and policy has placed the entire burden of program management and statutory compliance on USMMA.
- established adequate oversight mechanisms for required annual assessments on the effectiveness of USMMA policies, training, and procedures and annual reports to Congress. This has affected the quality, timeliness, and credibility of information that OST and USMMA have provided to Congress on USMMA's actions to address sexual assault and harassment. In contrast, responsibility for conducting assessments of sexual assault and harassment at DOD military service academies, and compiling and issuing annual reports to Congress are primarily performed by a Departmental oversight office—not by DOD academies.²⁴ Such direct involvement by DOD's oversight agency is the result of a series of Government Accountability Office (GAO) audit recommendations highlighting the importance of having a comprehensive

²¹ See GAO 11-809 and GAO 08-924.

²² Superintendent Instruction 2012-12 "Development and Revision of Academy Policies and Procedures," Nov. 26, 2012.

²³ The USMMA SAPR program has been redefined to include sexual harassment and is now called the Sexual Assault Prevention and Response Program (SAPRO). No Department-wide policy exists for either the SAPR or the SAPRO programs.

²⁴ DOD designated oversight authority over the DOD sexual assault and response program to the Sexual Assault Prevention and Response Office (SAPRO) in DOD Directive 6495.01.

analysis performed at the Department level before annual academy reports are forwarded to Congress. To date, DOD has also consistently issued its reports to Congress in a timely manner—due in part to its clear designation of oversight authority and responsibility.

MARAD Has Not Established Clear Lines of Reporting or Training Requirements for Key SAPR Program Positions

Unassigned oversight authority and responsibilities have resulted in a lack of clear lines of reporting for USMMA officials responsible for addressing sexual assault and sexual harassment at USMMA—including the SARC. Additionally, changes in leadership within the Department and at the Academy have also contributed to unclear lines of reporting for these officials. Establishing clear lines of reporting and providing proper supervision are important internal controls for ensuring accountability.

Unclear lines of reporting responsibility for the SARC stem from the original 2011 job description for the position, which did not define a supervisory relationship for the job. While the job description was revised in November 2013, the SARC’s supervisory relationship remained unclear. Specifically, the revised job description stated that the SARC (1) was “under the direct supervision of the USMMA Superintendent,” (2) was to be “provided daily operational instruction from the Deputy Superintendent,” and (3) had a “concurrent reporting responsibility to the MARAD Executive Director on matters relating to Department-level SAPR policy and improper action by USMMA senior leadership on SAPR matters.” As previously discussed, since there is no Department-level SAPR policy, the matters on which the SARC reports to the Executive Director are undefined. In total, DOT reported five different supervisory relationships for the SARC from the time he was hired in February 2012 through March 2014. The SARC, who left the Academy in April 2014, indicated that one of his challenges in implementing the SAPR program at USMMA was uncertain reporting responsibilities.

Reporting responsibilities for the USMMA Civil Rights Director are also unclear. Notably, the Director’s current position description establishes contradictory reporting responsibilities to two different officials—the Director of Civil Rights of MARAD and the USMMA Superintendent.

Finally, MARAD has not established continuing education requirements for USMMA’s SARC. In contrast, DOD recently established a certification requirement for all its SARCs to standardize sexual assault response to victims and

professionalize victim advocacy roles.²⁵ Training and evaluating personnel are vital to an agency's internal control environment. Without continuing education requirements for the SARC, USMMA cannot ensure that the SARC's knowledge and skills are consistent with current best practices for such positions.

CONCLUSION

Sexual assault and sexual harassment cause great psychological and physical harm and must be met with zero tolerance. While USMMA has taken some actions to address sexual assault and harassment, many of its planned actions are incomplete. Until action is taken to implement meaningful program goals and measures, ensure timely reporting on USMMA's progress, and provide effective oversight of the SAPR program, the Nation's midshipmen and USMMA's faculty and staff will remain at risk of operating in a hostile environment with incidents of sexual assault and harassment continuing and potentially going unreported.

RECOMMENDATIONS

We recommend that the Office of the Secretary of Transportation take the following action:

1. Define and designate oversight responsibility for USMMA's SAPR program (including sexual harassment prevention for students) to the Maritime Administration.

We recommend that the Maritime Administrator take the following actions:

2. Establish an oversight framework for the USMMA SAPR program and its sexual harassment prevention efforts, including goals by which USMMA's progress can be assessed.
3. Clarify lines of reporting for the Academy SARC and the Civil Rights Director, and define the position requirements for the SARC.
4. Establish continuing education requirements for the USMMA SARC position.
5. Develop performance metrics for the USMMA SAPR program and its sexual harassment prevention activities and an internal mechanism to measure USMMA's progress in meeting established program goals.

²⁵ *The National Defense Reauthorization Act for FY 2012* required the Secretary of Defense to establish a professional and uniform training and certification program for DOD Sexual Assault Response Coordinators and Sexual Assault Victim Advocates. In response, DOD established the Sexual Assault Advocate Certification Program (D-SCAAP) as part of the training requirement for all DOD SARCs. Effective October 1, 2013, all SARCs in DOD are required to hold this certification to be assigned SARC duties.

6. Develop a plan with milestones, assigned responsibilities, and deadlines by which annual reports and action plans on sexual assault and harassment are delivered to Congress.
7. Formalize standard operating procedures related to the SARC's responsibilities and the execution of the SAPR program.
8. Identify associated tasks, responsibilities, and timeframes to accomplish each goal of its most recent action plan.
9. Develop a systematic recordkeeping system for sexual assault and sexual harassment reports and incidents and related training.

AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

We provided MARAD with a copy of our draft report on August 21, 2014, and received its response on October 3, 2014. MARAD's complete response is included as an appendix to this report. MARAD concurred with all nine of our recommendations and stated it had implemented all of them. Based on MARAD's response and our review of documentation the Agency provided with its response, we consider recommendations 1, 2, 5, 6, 8, and 9 resolved and closed. We consider recommendation 4 resolved and open, pending completion of planned actions. MARAD's response and supporting documentation provided for recommendations 3 and 7 were not sufficient to consider them fully addressed. Accordingly, those recommendations will remain open and unresolved until MARAD provides further information on its planned actions and completion timeframes.

For recommendation 3, while MARAD clarified reporting lines for the Academy Civil Rights Director and defined position requirements for the SARC, reporting lines for the SARC remain inconsistent due to discrepancies between the position description and the Maritime Administrative Order (MAO) 150-1, which outlines roles and responsibilities of Academy personnel. Therefore, similar to the Academy Civil Rights Director, the SARC position description needs to be further updated to reflect changes consistent with MAO 150-1. Until we receive the revised position description, we will consider this recommendation open and unresolved.

Finally, for recommendation 7, the Academy finalized SOPs for Processing Restricted Reports and Investigating Unrestricted Reports. However, the Academy has yet to develop procedures for collecting evidence related to sexual assault, a critical component to carrying out those procedures. Until we receive an SOP for collecting evidence, we will consider this recommendation open and unresolved.

ACTIONS REQUIRED

MARAD's planned actions and time frames for recommendation 4 are responsive, and we consider it resolved but open pending completing of the planned actions. We consider recommendations 3 and 7 open and unresolved. In accordance with DOT Order 8000.1C, we request that MARAD provide additional information on recommendations 3 and 7 as described above, within 30 days of this report.

We appreciate the courtesies and cooperation of OST, USMMA, and MARAD representatives during this audit. If you have any questions concerning this report, please call me at (202) 366-1959 or Mitch Behm, Assistant Inspector General for Surface Transportation, at (202) 366-5630.

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cc: MARAD Audit Liaison, MAR-392
DOT Audit Liaison, M-1

EXHIBIT A. SCOPE AND METHODOLOGY

We conducted this audit from August 2013 through August 2014 in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit objectives were to assess (1) USMMA's implementation of its action plan to prevent, respond to, and resolve instances of sexual assault and harassment; (2) USMMA's annual reports; and (3) oversight of USMMA's sexual assault and harassment prevention, response, and resolution efforts.

To conduct our work, we reviewed relevant laws, Academy policies, procedures, guidance, and initiatives to evaluate USMMA's adherence to statutory requirements and implementation of its action plans. These documents included the Duncan Hunter Act of 2009, Academy sexual assault and harassment prevention policies, training plans and rosters, gender relation survey results, budget documents, personnel-related documents, goals, and action plans. We also assessed MARAD and DOT orders, directives, memorandums, and other documentation related to Departmental oversight of the Academy's action plan and the SAPR program. Because the John Warner National Defense Authorization Act for Fiscal Year 2007 requires DOD military service academies to report annually on their efforts to address sexual assault and harassment, we reviewed the Act and DOD's assessment and reporting protocols with regard to the actions the military service academies are required to take to address sexual assault and harassment.

We interviewed officials and staff at USMMA; officials in MARAD's Office of Civil Rights; and officials in OST's Office of Civil Rights, Office of Budget and Financial Information, and Office of General Counsel regarding the Academy's action plan, its SAPR program, and DOT oversight of these efforts. We were provided information from officials at DOD's Sexual Assault Prevention and Response Office and interviewed officials with the Defense Manpower Data Center.

Over the course of our audit, we conducted three site visits to the USMMA campus in Kings Point, NY, to conduct meetings and interviews; collect documentation; observe physical security measures, recordkeeping systems, and infrastructure; and tour the Academy grounds, to include the recently installed command center.

EXHIBIT B. STATUS OF USMMA ORIGINAL ACTION PLAN AND ASSOCIATED ACTION ITEMS

The following table lists the status—completed (●), partially complete (◉), or incomplete or carried over (○)—of the 32 actions items USMMA developed to address 9 goals: (1) reinforce “no tolerance and full reporting” climate; (2) improve incident reporting and recordkeeping system; (3) improve “at-sea” protocols and climate aboard commercial vessels; (4) improve faculty, staff, and senior leadership awareness, prevention, and training; (5) improve midshipmen awareness, prevention, and training; (6) provide additional staff resources, including hiring a full-time SARC; (7) improve support network and interventions; (8) improve program measurement and evaluation; and (9) increase employee and Regiment of Midshipmen gender diversity.

Action Item and Abbreviated Description	Goal(s) That Action Supports ^a									Status
	1	2	3	4	5	6	7	8	9	
1. Hire a SARC	X					X	X			○
2. SARC reports to the Academy	X					X	X			○
3. Identify, train, and synchronize sexual assault victim advocates' efforts							X			◉
4. Form a Students Against Sexual Assault (SASA) Club	X						X			●
5. Leverage Human Resource Committee (HRC)	X						X			●
6. Recognize Sexual Assault Awareness Month (SAAM)	X				X					●
7. Engage Ship Operators Cooperative Program (SOCP)	X		X							●
8. Raise awareness at the Women on the Water Conference	X		X							●
9. Create dual sexual assault reporting capabilities		X								●
10. Establish a 24-7 victim emergency hotline		X								●
11. Review sexual assault investigation procedures		X								●
12. Review midshipmen honor code, regulations, and policies	X	X								○
13. Review sexual assault and harassment policies		X								●
14. Engage Ship Operators Cooperative Program (SOCP)	X		X							●
15. Review and update sea-year training			X							◉

Exhibit B. Status of USMMA Original Action Plan and Associated Action Items

Action Item and Abbreviated Description	Goal(s) That Action Supports ^a									Status	
	1	2	3	4	5	6	7	8	9		
16. Revise code word procedure for at-sea students			X								●
17. Update return procedures for at-sea students			X								●
18. Incorporate SARC into sea-year training			X								○
19. Develop sexual harassment and violence prevention training program				X	X						⦿
20. Review academic program and include prevention principles								X			●
21. SARC serves as center of gravity for prevention efforts								X			○
22. Create midshipmen network of sexual assault victim advocates								X			⦿
23. Form SASA Club for added visibility and awareness								X			●
24. Review Training for Human Relation Officers (HRO)								X			●
25. Contract with DMDC for Biennial Gender Relation Surveys									X		●
26. Convene Focus Groups for Midshipmen									X		●
27. Establish a plan to set performance goals, milestones, and metrics									X		○
28. Hire a Civil Rights specialist										X	●
29. Review midshipmen HRO performance								X			●
30. Review outreach and recruitment (for staff)										X	○
31. Perform workforce analysis twice a year										X	○ ^b
32. Increase diversity of student body										X	○

Source: OIG analysis of USMMA 2009–2010 Action Plan

^a OIG assigned the 32 USMMA action items to the 9 broad goals as we determined appropriate, based on how the action items addressed a particular goal, or part thereof.

^b We requested but did not receive documentary evidence for item 31.

Exhibit B. Status of USMMA Original Action Plan and Associated Action Items

EXHIBIT C. MAJOR CONTRIBUTORS TO THIS REPORT

Name	Title
Toayoa Aldridge	Program Director
Amanda Seese	Project Manager
Keith Klindworth	Senior Analyst
Sara Oliver	Senior Analyst
Henning Thiel	Analyst
Karen Sloan	Communications Officer
Amy Berks	Attorney

APPENDIX. AGENCY COMMENTS



THE DEPUTY SECRETARY OF TRANSPORTATION
WASHINGTON DC 20590

Subject: **INFORMATION:** Management Comments – Office of
Inspector General (OIG) Draft Report on USMMA’s Efforts
to Address Sexual Assault and Harassment

Date: 10/3/2014

From: Victor Mendez
Deputy Secretary

To: Calvin Scovel III
Inspector General

The U. S. Merchant Marine Academy (USMMA) is committed to eliminating sexual assault and sexual harassment to ensure the safety and well-being of our Midshipmen, faculty, and staff. The 2010 and 2012 USMMA surveys indicated rates similar to the other Federal service academies; however, the USMMA finds any incident unacceptable and has made significant progress in developing and implementing a Sexual Assault Prevention Response (SAPR) Program to prevent and respond to sexual harassment and sexual assault. The USMMA added new staff, revised its human relations infrastructure, and developed new policies and procedures, with the goal of preventing sexual harassment and sexual assault. Specifically, the USMMA took the following actions:

- The USMMA implemented a 2417 hotline and fostered a relationship with the Nassau County Rape Crisis Center. Student victim advocates have been designated and trained to provide another restricted reporting outlet for victims in addition to the Sexual Assault Response Coordinator (SARC), Chaplains, and Health Care Providers at Patten Hall. Unrestricted reports can be made to these individuals as well as any other Academy employee.
- The USMMA conducts quarterly training for all Midshipmen as well as training for Plebe Candidates during Indoctrination, prior to and after Sea Year training periods and semi-annually for Midshipmen in Regimental leadership positions. Annual training is also provided to all faculty, administrators, staff, Academy first responders and victim advocates.
- The USMMA contracted with the Defense Manpower Data Center (DMDC) to conduct the Service Academy Gender Relations Focus Groups as follow-up to the written survey given in 2011-2012 to obtain open and honest feedback from students, faculty and staff.
- The USMMA implemented security and safety enhancements across the campus, such as security cameras and call boxes, as well as card reader access vice open

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- access to the barracks.
- The USMMA has recently hired a new Sexual Assault Response Coordinator.

Based upon our review of the draft report, we agree with all OIG recommendations, as written. As part of the USMMA's broader sexual assault and sexual harassment prevention plan, we have already implemented all nine of the proposed recommendations. We look forward to working with the OIG to review our standards, validate our implementation and close out the recommendations.

We appreciate this opportunity to offer a response to the OIG draft report. Please contact Deputy Superintendent Susan Dunlap at (516) 726-5814 with any questions or if the OIG would like to obtain additional details about these comments.

RECOMMENDATIONS STATUS REPORT
FOR
OFFICE OF INSPECTOR GENERAL (OIG) DRAFT REPORT ON
'BETTER PROGRAM MANAGEMENT AND OVERSIGHT ARE REQUIRED FOR USMMA'S EFFORTS TO
ADDRESS SEXUAL ASSAULT AND HARASSMENT'

1. Define and designate oversight responsibility for the USMMA's SAPR program (including sexual harassment prevention for students) to the Maritime Administration.

The Secretary's authority to operate the Academy is set forth in 46 U.S.C. §51301(a): The Secretary of Transportation shall maintain the United States Merchant Marine Academy as an institution of higher education to provide instruction to individuals to prepare them for service in the merchant marine of the United States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.

49 CFR §1.93(a) delegates to the Maritime Administrator the authority to "carry out the functions and exercise the authorities vested in the Secretary under Subtitle V of Title 46, U.S.C., except for 46 U.S.C. 51303 and 55601(c) and (d)." By this provision, oversight responsibility for the USMMA's Sexual Assault Prevention and Response (SAPR) program – as well as oversight responsibility for all other USMMA responsibilities -- is delegated to the Maritime Administrator, unless the authority is specifically withheld. At the onset of the Academy's formal SAPR in early 2012, the Office of the Secretary exercised certain oversight functions, including supervision of the Sexual Assault Response Coordinator (SARC). Following the arrival of the Superintendent in the summer of 2012, those responsibilities reverted to the Maritime Administration (MARAD), and subsequently the reporting chain of the SARC was clarified and resolved, as further described below in response to Recommendation 3.

Within MARAD, the oversight responsibilities are individually defined by the position descriptions of the SARC, the Civil Rights Officer, the Deputy Superintendent and the Superintendent at the USMMA, as well as MARAD's Director of Civil Rights, the Executive Director and the Maritime Administrator. These responsibilities are also addressed in the USMMA Maritime Administrative Order (MAO) 150-1 and Superintendent Instruction 2012-08, "Policy on Sexual Assault Prevention and Response," Superintendent Instruction 2013-02, "Policy Against Discrimination and Harassment, Including Sexual Harassment, of Midshipmen" and Superintendent Instruction 2013-04, "Sexual Assault Review Board (SARB)."

2. Establish an oversight framework for the USMMA SAPR program and its sexual harassment prevention efforts, including goals by which USMMA's progress can be assessed.

The Academy's framework for the SAPR Program is established in the Program Plan dated September 15, 2014. The Plan sets forth four specific goals as follows: (1) Climate – create a culture intolerant of sexual assault and sexual harassment or behaviors that enable it; (2) Prevention – eliminate sexual assault and sexual harassment at the Academy through the

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foundation of a strong preventive culture; (3) Response – improve the availability and quality of response support for victims of sexual assault and sexual harassment as increase victim confidence and lessen the stigma associated with reporting; and (4) Accountability – ensure those who commit sexual assault or sexual harassment at the Academy are held accountable; improve capability and capacity for the reporting, investigation and prosecution of sexual assault; and elevate leadership engagement in response to sexual assault. The specific objectives, actions and assessment tools for each of these goals are outlined in detail within the Plan. The Plan encompasses eight performance metrics to measure effectiveness of the SAPR Program goals and objectives.

3. Clarify lines of reporting for the Academy SARC and the Civil Rights Director and define the position requirements for the SARC.

As delineated in Maritime Administrative Order (MAO) 150-1, signed by the Maritime Administrator on September 5, 2014, the SARC will report directly to the Superintendent and have concurrent reporting responsibility to the MARAD Executive Director on matters only of improper management and conflicts of interest by Academy leadership. In addition, the SARC is required coordinate with the MARAD Office of Civil Rights on all sexual harassment prevention matters to ensure consistency with MARAD and Department of Transportation policies and procedures.

The Academy Civil Rights Director reports directly to the Superintendent (or the Deputy Superintendent, if delegated) and has a concurrent reporting responsibility to the MARAD Director, Office of Civil Rights, with responsibility for developing and supporting the MARAD's Federal Equal Employment Opportunity (EEO), Diversity, Recruitment, Affirmative Employment, Special Emphasis, Persons with Disabilities, and Prevention of Sexual Harassment programs, as well as administering EEO complaints and providing advisory service, guidance and training on EEO process matters.

The position requirements for the SARC, as defined in the official Position Description, are coordinator and manager of the SAPR Program emphasizing the commitment of the institution to maintain a living, learning and working environment that rejects sexual harassment and assault, and attitudes that promote such behaviors. The SARC responds to and provides guidance and other information for victims of sexual harassment and assault; provides policy, guidance and other information concerning sexual harassment and assault prevention to the Academy community at large; and coordinates with internal and external stakeholders and provides program direction and guidance to all concerning reporting procedures, confidentiality, training, safety tips and resources. The SARC also serves as the subject matter expert on national policy issues related to the SAPR Program, sexual harassment, and assault to the Departmental and MARAD Civil Rights Offices. The specific duties of the position are outlined in the Position Description (copy attached).

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4. Establish continuing education requirements for the USMMA SARC position.

The Academy has established a minimum continuing education requirement for the SARC of 40 hours annually, including but not limited to Sexual Assault Victim Advocate Certification, Sexual Assault Training Program Certification, sexual assault investigation training, and Title IX training and education. Specific training requirements, if necessary, will be established in consultation with the new SARC (expected to arrive in October 2014) and documented in the SARC's Performance Plan within 30 days of reporting and annually thereafter.

5. Develop performance metrics for the USMMA SAPR program and its sexual harassment prevention activities and an internal mechanism to measure USMMA's progress on meeting established program goals.

This recommendation is addressed in the Academy's SAPR Program Plan referenced in No. 2 above. Appendix B of the Plan provides the performance metrics and methodology that will be utilized to measure effectiveness of the SAPR program goal and objectives as follows: 1. Number of reported incidents; 2. Number of restricted reports; 3. Pre and post test scores from online training; 4. Number of sea year reported incidents; 5. Training evaluation feedback; 6. Number of investigations; 7. Victim advocacy referrals; and 8. Number of sexual harassment incidents.

6. Develop a plan with milestones, assigned responsibilities and deadlines by which annual reports and action plans on sexual assault and harassment are delivered to Congress.

The Academy has developed a plan with milestones, assigned responsibilities and deadlines in order to deliver the annual report to Congress by January 15 of each year. The plan, which is based on the Academic Program Year (APY) of the Academy, outlines the procedures for survey years (APY that begins in an odd-numbered calendar year), and non-survey years (APY that begins in an even-numbered calendar year) as defined by the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

For survey APYs, the plan proposes that the SARC will, in June (the ending of the previous APY), commence liaising with the Defense Contract Management Center (DMDC), the contractor conducting the surveys, to set up the survey schedule (proposed as November for the A-splitters, and April for the B-splitters). The SARC and DMDC will work together to review and refine, as necessary, the survey questions well in advance of the first survey timeslot. DMDC will brief the survey results and provide them to the Academy not later than the end of July (90 days). The SARC will prepare the Annual Report for delivery to MARAD HQ by September 1st. MARAD will complete its review and submit by 1 October for OST and OMB review, followed by delivery to the Secretary for signature not later than December. In accordance with the plan, the SARC will administer the faculty and staff survey in January-February timeframe, and complete the survey analysis by March for inclusion in the Report.

The plan calls for focus group sessions to be conducted during the non-survey years. Focus Group Sessions will be facilitated by DMDC in January of the respective APY. DMDC will provide Focus Group results to the SARC by May. The Annual Report will be prepared and submitted for review, concurrence, and signature by the end of December.

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In order to meet the January 15, 2015 mandate, the Annual Report for APY 2013-2014 (the survey year which ended in June 2014) will be based on partial survey data. An addendum to the Report will be provided upon completion of the second Midshipmen survey, to be conducted in November 2014, and receipt of the survey results from DMDC.

7. Formalize standard operating procedures related to the SARC's responsibilities and the execution of the SAPR program.

On September 25, 2014, the Academy issued Standard Operating Procedures (SOPs) related to the SARC's responsibilities and the execution of the SAPR program. Promulgated under the authority of the Superintendent, the SOPs address processing a restricted report of sexual assault and investigating an unrestricted report of sexual assault.

In case of a restricted report of sexual assault, the SARC is responsible for ensuring that the victim has immediate and continuous access to medical or counseling services as desired. The SARC will notify the Superintendent of the restricted report without revealing the name of the victim. The SARC will also complete and file the required documentation to keep a record of the report for future review and statistical analysis.

The specific responsibilities of the SARC for unrestricted reports of sexual assault are to, upon notification of a sexual assault directly or from another party, personally ensure that the victim/complainant has immediate and regular access to services (including medical and counseling services), and create a record of the assault report. The SARC shall immediately notify the Superintendent and the Director, Department of Public Safety (DPS), of the incident and complete the appropriate documentation. While the DPS Director is responsible for contacting the DOT OIG, FBI and Nassau County Special Victims Unit, after which a criminal investigation may be initiated, the SARC is responsible for keeping the complainant/victim informed of the progress and outcome of the investigation, and assist as otherwise required. The SARC is also responsible for the safeguarding and maintenance of all records (hard copy and electronic) relative to reports of sexual assault.

8. Identify associated tasks, responsibilities, and timeframes to accomplish each goal of its most recent action plan.

The updated Action Plan, included as Appendix D in the 2012-2013 Report to Congress and attached hereto, identifies the specific tasks, responsible parties for each task, targets dates for completion and completion percentages for each task. The primary elements of the Action Plan include Climate, Incident Reporting, At-Sea Protocols, Midshipmen and Staff Awareness, Prevention and Training, Support Network and Intervention, Program Effectiveness Assessments, and Gender Diversity. The Action Plan is a fluid document, and is updated regularly. Modifications to the current Action Plan are anticipated following review and input from the new SARC once onboard.

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9. Develop a systematic recordkeeping system for sexual assault and sexual harassment reports and incidents and related training.

The SOP for Maintenance of Restricted and Unrestricted Reports of Sexual Assault and Sexual Harassment and Maintenance of Sexual Assault Prevention and Response and Sexual Harassment Training Materials was finalized on September 25, 2014. This SOP outlines the process for file documentation and the storage and disposition of restricted and unrestricted reports and training files for the SAPR Program. The SOP requires that all records relative to the SAPR Program be maintained and safeguarded by the SARC. All records of sexual assault and sexual harassment are maintained in a locked file in the SARC's office and are retained for at least five years from the date of the report, or one year after the complainant graduates or otherwise separates from the Academy, whichever date is later. Records of unrestricted reports, restricted reports and sexual harassment reports are each maintained separately.

In accordance with the SOP for recordkeeping, upon notification of an unrestricted report, the SARC takes an initial report of the alleged incident to include the name of the complainant, name of the accused (if known), nature of the complaint, date(s) of the incident, witness names, name of the person who received the complaint (if other than the SARC), name of person who prepared the written documentation, date of the written documentation and any other information relevant to the case. This document constitutes the official record of the incident. Unrestricted reports are tracked and reported on a monthly basis to the Sexual Assault Review Board.

When a victim chooses to file a restricted report, the SARC will complete the "Restricted Report of Sexual Assault" form and maintain the document in a secure location. The SARC notifies the Superintendent of receipt of the restricted report, disclosing the date, time, location and general nature of the alleged assault only. The identity of the victim or the accused is not revealed. The SARC maintains a log of all interactions with the victim from intake to final disposition. The SARC will provide the victim with access to services as long as the victim desires. Restricted reports are tracked and reported on a monthly basis to the Sexual Assault Review Board, without personal identifying information.

The SARC will maintain an official record of all training materials for the SAPR Program including but not limited to the date(s) of the training provided, the instructor's name, attendance records for the training, and training survey/feedback forms. These files will be maintained in a storage cabinet in the SARC's office, and will be maintained for five years from the date the training was provided.

Finally, the SOP requires that all digital files/materials pertaining to SAPR Program training will be maintained on a confidential server accessible only to the SARC.

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