

**STATEMENT OF
JOEL SZABAT
EXECUTIVE DIRECTOR
MARITIME ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION**

**BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON TRANSPORTATION, HOUSING AND URBAN
DEVELOPMENT, AND RELATED AGENCIES**

UNITED STATES SENATE

**HEARING ON PREVENTING SEXUAL ASSAULT AND SEXUAL HARASSMENT
AT THE UNITED STATES MERCHANT MARINE ACADEMY**

April 5, 2017

Good morning, Chairman Collins, Ranking Member Reed and members of the Subcommittee. Thank you for the opportunity to discuss the United States Merchant Marine Academy (Academy or USMMA).

The Academy is America's flagship school for educating licensed merchant mariners capable of serving our nation in peace and war. The USMMA is operated by the U.S. Department of Transportation (DOT) and managed by the Maritime Administration (MARAD). It offers a four-year maritime-focused program, centered on rigorous academic and practical technical training that leads to a Bachelor of Science degree, a United States Coast Guard (USCG) merchant mariner credential with an unlimited tonnage or horsepower officer endorsement, and, upon application and acceptance, a commission as an officer in the Armed Forces or uniformed services (National Oceanographic and Atmospheric Administration (NOAA) Corps or the Public Health Service (PHS) Corps) of the United States. USMMA graduates incur an obligation to serve five years as a merchant marine officer aboard U.S. documented vessels or on active-duty with the U.S. Armed Forces or uniformed services. In addition, they must serve as a commissioned officer in a reserve unit of the U.S. Armed Services for eight years. In 2017, 176 Midshipmen are expected to graduate from the Academy.

DOT, MARAD, and the USMMA take sexual assault and sexual harassment at the Academy very seriously. We adopted the same standardized approach to this problem as other Federal service academies. As best and as fast as we can, we are introducing policies to change the behavior and culture at the Academy to combat all kinds of abusive or coercive behaviors. This testimony discusses the actions MARAD has taken in conjunction with maritime industry, while

the testimony from Superintendent Helis will discuss actions taken to combat sexual assault and harassment on the USMMA campus.

Sea Year

The USMMA's shipboard training program, or "Sea Year," exposes Midshipmen to life at sea on board commercial and military vessels and provides cost-effective hands-on seamanship and engineering sea time that meets the requirements to secure USCG mariner credentials.

Midshipmen are required to have 360 days of sea service during their four-year maritime education to obtain their USCG merchant mariner credentials. Shipping companies and the U.S. Navy are part of a cooperative effort to ensure that a Midshipman's shore based education is enhanced by the required on-the-job training at sea.

Sea Year is critical to the education and training of Midshipmen at the USMMA, and all training must be conducted in a safe and respectful environment. In the wake of a series of reports that indicated problems with sexual misconduct and other coercive behaviors, both on campus and at sea, DOT and MARAD leadership suspended commercial Sea Year so we could develop a better understanding of the problem and a strategy to ensure the safety of the Midshipmen. An independent external consultant assessed the organization and made recommendations in December 2016¹.

Last year, Secretary Foxx's decision to stand down commercial sea year over concerns about Midshipmen being subjected to sexual misconduct stirred vocal disagreement from industry leaders. Those same leaders, including many USMMA alumni, worked with MARAD through an extended stand down of Sea Year while the cultural audit was conducted. A consortium of 14 leading maritime companies came together with MARAD to examine ways to ensure that Sea Year training is conducted in a safe and respectful environment. Just two weeks after the stand down, the consortium brought forth a proposal to address sexual assault and harassment prevention and response. MARAD and DOT subsequently created the Shipboard Climate Compliance Team (SCCT) to establish standards and collaborate with industry, labor and the consortium, and lay out workable criteria for the companies to achieve those standards. The SCCT is led by a MARAD Senior Executive Service leader, who is a USMMA graduate. The team is made up of 10 experienced mariners (four of whom are female), and sexual harassment and sexual assault and civil rights experts. Working with industry and labor partners, and with assistance from a subject matter expert, the SCCT has established stringent new requirements that companies must meet to be eligible to participate in Sea Year training. Because of the strong working relationship between MARAD and these maritime leaders, five companies today

¹ Logistics Management Institute (LMI). December 2016. "Department of Transportation U.S. Merchant Marine Academy Culture Audit." Available at: <https://www.usmma.edu/sites/usmma.edu/files/docs/USMMAReport%20508.pdf>

are already meeting new standards for sea year eligibility and have Midshipmen currently, or preparing to, sail aboard their companies' vessels.

MARAD's "Sea Year Eligibility" criteria include the following:

Company-Wide Zero Tolerance Message – Shipping company CEOs will issue an annual company-wide message outlining specific rules for the workplace, strongly stating that sexual assault and sexual harassment, including any retaliation based on a complaint, are unacceptable, and committing the company to eradicate such behavior and enforcing a zero-tolerance policy.

Annual Sexual Assault and Sexual Harassment Prevention Training Requirement for Crew – Annual sexual assault and harassment prevention training will ensure that crewmembers clearly understand what constitutes sexual assault and sexual harassment, its negative impact, the importance of prevention, and the severe penalties for engaging in prohibited behavior or for failing to report an incident. All crewmembers will clearly understand their responsibility as supervisors, employees, witnesses, and bystanders. Crewmembers must complete this training prior to Midshipmen arriving on board, or within 72 hours of signing-on, if Midshipmen are already onboard the vessel.

Mentors with Enhanced Selection Criteria and Duties – Mentors for each ship play a crucial role in the success and development of cadets. Per enhanced mentor qualifications, a mentor must certify that he/she does not have any pending complaints or history of violations of any other company's Sexual Assault Sexual Harassment policies. The mentor must be of good character, and know, support, and advocate for the company's sexual assault sexual harassment prevention and response policies. Mentor duties include:

- Helping Midshipmen understand company shipboard policies and procedures, and their roles and responsibilities aboard the ship;
- Serving as a resource for Midshipmen while onboard;
- Being readily available to Midshipmen and seeking to understand each individual's concerns about their vessel assignment;
- Guiding the Midshipmen in understanding shipboard protocol, sexual assault and harassment prevention and response policies, and expected code of conduct;
- Supporting Midshipmen once they join the crew and helping them transition from their academic learning environment to the professional shipboard setting;
- Encouraging the development of a well-rounded mariner;
- Referring Midshipmen to other resources as needed, such as other crewmembers aboard the vessel, company employees, or Academy personnel; and
- Participating in prescribed sexual assault and harassment prevention and anti-discrimination training and serving as a reporting mechanism for complaints of sexual misconduct.

Verify Annual Sexual Assault and Sexual Assault Prevention and Response Training –

Each company will provide MARAD documents describing company-specific training protocols; the company’s anti-discrimination, harassment, retaliation and sexual misconduct policies, including complaint reporting policies and procedures; a description of the company’s investigation process and enforcement procedures; and, a mechanism for verifying their understanding of the issue.

Zero-Tolerance Policy Regarding Romantic or Sexual Relationships – Companies will actively support the USMMA Sea Year Conduct policy for Midshipmen, which prohibits romantic or sexual relationships between Midshipmen and crewmembers, and the consumption of alcohol by Midshipmen under 21 years old. Companies will immediately report known Midshipmen violations to the USMMA. A violation of the USMMA Sea Year policy may result in counseling or punishment pursuant to the Midshipmen Regulations.

MARAD Will Maintain a Record of all Relevant Company Policies – Companies will submit all relevant policies and documentation to MARAD, and MARAD will verify compliance annually. Required documentation includes, but is not limited to, sexual assault and harassment prevention and response policies; a description of company’s complaint reporting process and procedures; policies related to confidentiality, enforcement, and retaliation and investigation procedures; and, the location of sexual misconduct prevention policies onboard the vessel.

Company Debrief – Currently, both Midshipmen and the Vessel Masters evaluating them provide a report to the USMMA upon completion of an individual’s Sea Year training. In addition to these reports, the new criteria require the company to provide the Academy a sexual assault and sexual harassment debrief at the completion of the Midshipmen’s Sea Year time with the company. The debrief provides the company an opportunity to specifically address issues and note any concern or need for improvements.

The requirements outlined above will be reviewed starting six months after MARAD initially certifies a company to participate in Sea Year, and annually thereafter. In addition, the SCCT has developed and is implementing a company-by-company review process to recommend eligibility for carrying USMMA Midshipmen aboard their commercial ship. The SCCT will review documents provided by carriers to ensure compliance with the criteria. Once that process is complete, the USMMA Superintendent may issue an eligibility letter. MARAD Headquarters will coordinate with USMMA to board vessels and visit companies to conduct Shipboard Climate Compliance Team (SCCT) audits. The audit priority will be driven by review of company documentation that pertain to sexual misconduct. Additional feedback from the companies will be provided in accordance with the SCCT requirements. This is in addition to current reporting from the Midshipmen to the USMMA Department of Shipboard Training Academy Training Representative Midshipman Assignment Report, which provides feedback from the cadet about the company and sea year experience. Each of these reports and opportunities for feedback will specifically address sexual harassment and sexual assault. The audit team will consist of one to two MARAD representatives.

At present, five companies have met compliance requirements and resumed hosting Midshipmen on their vessels. MARAD is also reviewing the packages of several other companies which have applied to meet the Sea Year requirements. Collectively, the companies that have been approved, or are applying, represent 84 percent of the commercial Sea Year training provided before the suspension.

Accreditation

Actions to improve sexual assault and sexual harassment prevention and response at the Academy also address concerns raised during the Academy's reaccreditation. In June 2016, the Middle States Commission on Higher Education (MSCHE) placed the Academy's accreditation in warning status because it found that the Academy was not meeting five of MSCHE's fourteen standards of accreditation. Of the five standards, one pertains to improving sexual misconduct response and prevention and four are related to independent governance at the Academy and returning budget and management authorities to the USMMA as a condition of accreditation.

In 2009, the Government Accountability Office (GAO) issued a report that described certain USMMA budget and management problems, which led Congress to require DOT and MARAD to provide additional oversight of the Academy's budget. The USMMA had three Superintendents from 2008 to 2011 trying to fix these problems. Rear Admiral James Helis became Superintendent in 2012 and brought stability and resolution. By 2014, the GAO reported to Congress that the USMMA had addressed all 47 of the management shortcomings that GAO identified in 2009. Returning budget and management authorities to the USMMA addresses accreditation concerns and recognizes the tremendous accomplishments by Superintendent Helis and his leadership team.

The Academy remains accredited while we work with MSCHE to address their requirements and recommendations, and we are making good progress. As recommended by MSCHE, DOT requested relief from legislation that constrains the Academy's budget. Thanks to the actions of this Subcommittee, one of the two constraints has already been lifted. MARAD and the Academy are currently working to fill key positions and to return direct reporting authority for human resources, financial management and procurement back to the Academy. Finally, as noted above, DOT and MARAD are supporting the Academy's efforts to ensure the safety of its Midshipmen by improving sexual assault and sexual harassment response and prevention on campus and during Sea Year. The Academy has two years to return to full compliance, and we are confident that we will meet that goal and ensure the highest caliber education for the Academy's Midshipmen.

Academy Improvements

Between Fiscal Year (FY) 2010 and FY 2016, \$102.1 million has been appropriated for the Capital Asset Improvement Program (CIP). The USMMA has fully renovated all six student dormitories, as well as the campus dining facility, and security enhancements have been made to provide safe living and learning spaces for Midshipmen. We have replaced the main pier and severely damaged sections of the seawall. These improvements restored structural integrity and enhanced safety, providing a modern platform for instructional, competitive and recreational waterfront activities. Additionally, all phases of the water main replacement are now complete, as are phase two of the survey and design of the electric grid and power supply improvements. This is a three-phase project for all buildings on campus that will increase reliability, improve energy efficiency, and reduce utility costs.

The process to renovate the four main academic buildings has begun, which will improve the Midshipman learning experience. A generous alumni donation has allowed improvements on lower Roosevelt Field. Additionally, renovation of Zero Deck is currently underway and scheduled for completion in May 2017. When completed this project will provide roughly 90,000 square feet of below-grade basement level space that connects all six barracks and Delano Hall, to allow a safe and secure environment when traveling between these locations.

DOT and MARAD are committed to the continued success of the Academy and we intend to build upon the improvements that have been made in recent years. We appreciate the support this Subcommittee has provided and look forward to working with you to ensure the Academy's progress.

Thank you for your interest, and I am happy to answer any questions you may have.