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# Congress of the United States

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April 23, 2013

The Honorable Calvin L. Scovel III  
Inspector General  
United States Department of Transportation  
1200 New Jersey Ave. S.E., 7th Floor  
Washington, DC 20590

Dear Inspector General Scovel:

We write today to request that your office conduct a comprehensive evaluation of efforts by the U.S. Merchant Marine Academy to address sexual harassment and sexual violence.

On November 4, 2011, Department of Transportation Secretary Ray LaHood issued a report on the results of a survey on sexual harassment and sexual assault that was administered by the Academy in the 2009-2010 academic year. The report, which the Secretary called “deeply disturbing,” found that midshipmen reported “11 incidents of actual or attempted rape or assault,” and that 21 midshipmen reported they had been “sexually harassed” multiple times. The 21 midshipmen who stated that they had been sexually harassed reported more than 358 incidents of sexual harassment in one form or another.<sup>1</sup> As a group, “58 percent of the midshipmen believe that the senior leadership creates a climate that to a large extent is intolerant of sexual harassment.” The report stated:

Only 42 percent—less than half—of the faculty and staff responding to the survey believe that the *senior leadership* has created a climate that to a large extent is intolerant of *sexual assault*. ...

When asked about likely consequences of reporting or bringing charges of sexual harassment against an Academy employee, fewer than 40 percent of faculty and staff

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<sup>1</sup> United States Merchant Marine Academy, *2008-2009 Academic Year Annual Report and 2009-2010 Academic Year Biennial Survey and Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy* (Nov. 4, 2011) (online at [www.marad.dot.gov/documents/Report-Sexual\\_Harassment\\_and\\_Sexual\\_Assault\\_at\\_the\\_USMMA.pdf](http://www.marad.dot.gov/documents/Report-Sexual_Harassment_and_Sexual_Assault_at_the_USMMA.pdf)).

respondents thought that it was “very likely” or “likely” that there would be a fair investigation, that the harassment would stop, or that the harasser would be punished.

Particularly troubling is the fact that female *faculty* respondents expressed even less confidence than the female upperclassmen that the senior leadership created a climate in which, to a large extent, sexual harassment and sexual assault are not tolerated. Only 31 percent of the female faculty expressed confidence that *sexual assault* is not tolerated, as compared to 37 percent of the female upperclassmen.<sup>2</sup>

The Academy agreed that these findings were “unacceptable” and announced that it would implement measures to combat sexual assault and sexual harassment.<sup>3</sup> In its “Plan to Reduce Sexual Assault and Harassment,” the Academy set forth nine goals to ensure that every member of the Academy community will “feel safe and have confidence in the reporting system designed to identify and hold offenders accountable.” The nine goals include creating a “no tolerance and full reporting” climate, overhauling the system used to report incidents of sexual assault and harassment, improving training to prevent sexual assault and harassment, and reforming the process by which the Academy surveys students on assault and abuse.<sup>4</sup> The Academy also announced that it would hire a full-time Sexual Assault Response Coordinator who would report directly to the Office of Civil Rights within the Maritime Administration or the Department of Transportation.<sup>5</sup>

Pursuant to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Academy is required to conduct a survey of midshipmen, faculty, and staff every two years, and it is required to assess its prevention policies, training, and procedures every year. The most recent assessment, covering the 2010-2011 academic year, found that “the Academy had six reports of sexual assault involving midshipmen.” The assessment also indicated that the newly-hired Sexual Assault Response Coordinator began on April 22, 2012, and is working to advance many of the initiatives needed to achieve the nine goals set forward by the Academy. In August 2012, the Academy also adopted a policy to allow unrestricted reporting of sexual assaults, which is similar to the policies in place at other federal service academies.<sup>6</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> United States Merchant Marine Academy, *Plan to Reduce Sexual Assault and Harassment* (online at [www.marad.dot.gov/documents/U.S.\\_Merchant\\_Marine\\_Academy.pdf](http://www.marad.dot.gov/documents/U.S._Merchant_Marine_Academy.pdf)).

<sup>5</sup> United States Merchant Marine Academy, *2008-2009 Academic Year Annual Report and 2009-2010 Academic Year Biennial Survey and Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy* (Nov. 4, 2011) (online at [www.marad.dot.gov/documents/Report-Sexual\\_Harassment\\_and\\_Sexual\\_Assault\\_at\\_the\\_USMMA.pdf](http://www.marad.dot.gov/documents/Report-Sexual_Harassment_and_Sexual_Assault_at_the_USMMA.pdf)).

<sup>6</sup> United States Merchant Marine Academy, *2010-2011 Academic Year Annual Report on Sexual Harassment and Sexual Assault at the United States Merchant Marine Academy* (online at [www.marad.dot.gov/documents/Sexual\\_Harassment\\_Report.pdf](http://www.marad.dot.gov/documents/Sexual_Harassment_Report.pdf)).

We are encouraged by the steps the Academy is taking to create a climate in which sexual assault and harassments are not tolerated, to expand training and outreach on sexual assault and harassment, and to ensure that midshipmen are able to report instances of assault and harassment, and we appreciate the personal commitment of the Academy's new Superintendent, Rear Admiral James Helis, to address these urgent issues. However, in order to ensure that the Academy has thoroughly assessed these issues and is implementing all available measures to create a climate in which sexual assault and harassment are not tolerated and in which students, faculty, and staff feel confident that such incidents will be immediately addressed, we request that your office conduct a comprehensive evaluation of the Academy's efforts to date. At a minimum, we request that your evaluation address the following issues:

- The Academy's implementation of Section 3507 of the Duncan Hunter National Defense Authorization Act and all other applicable statutory requirements, including the adequacy of the Academy's:
  - training programs to raise awareness of sexual assault and harassment;
  - procedures midshipmen follow in the event of sexual assault or harassment;
  - disciplinary procedures; and
  - training provided to the entire Academy community on sexual assault and harassment;
- The Academy's goals and action plans to prevent and respond to sexual assault and harassment; and
- The Academy's methods for surveying students, faculty, and staff regarding the extent of sexual assault and harassment at the Academy.

We thank you for your attention to this matter and look forward to receiving the results of your review. If you have any questions about this request, please contact Lucinda Lessley at (202) 225-4741.

Sincerely,



Elijah E. Cummings  
Ranking Member



Jackie Speier  
Member of Congress

cc: The Honorable Darrell E. Issa, Chairman