

Training Ship – Special Considerations
for incorporating
Every Mariner Builds A Respectful Culture
Standards

Purpose

This document, *Training Ship – Special Considerations for incorporating EMBARC Standards* (TS-EMBARC), lists the special considerations for a State Maritime Academy (SMA) or a Maritime Administration (MARAD) assigned General Agent (GA) to incorporate EMBARC-based¹ Standards into their Sexual Assault and Sexual Harassment (SASH) Prevention and Response (PR) policies and procedures on MARAD-owned Training Ships (TS).

SMA Compliance Measures

When a SMA has custody of a TS, the SMA shall comply with the TS-EMBARC Standards. The SMA shall incorporate the EMBARC Standards as modified by the *Special Considerations – SMA Operated TS* listed below into their Safety Management System (SMS) for their assigned TS. There may be instances where cadets from more than one SMA are onboard the TS operated by a MARAD-assigned General Agent (GA). In such instances, each SMA with cadets aboard the TS shall comply with the EMBARC Standards as modified by the *Special Considerations – GA Operated TS*.

A MARAD-owned TS is a United States Coast Guard (USCG) certificated vessel used by one of the SMAs for training purposes. As such, there may be overlapping federal and state statutory and regulatory regimes that the SMA may be required to comply with.² The SMA shall remain responsible for meeting the applicable statutory and regulatory regimes while the TS is under the SMA’s custody. The SMA shall advise MARAD if there is a conflict between a MARAD requirement and other statutory and regulatory requirements. MARAD will work with the SMA to reconcile the intersectional but distinctive obligations related to MARAD requirements and may provide technical assistance on compliance with other statutory and regulatory requirements.

¹ Every Mariner Builds A Respectful Culture (EMBARC) Standards are designed to apply to the participation of commercial, ocean-going vessel operators that carry U.S. Merchant Marine Academy (USMMA) cadets as part of the USMMA Sea Year Program. The TS-EMBARC is required because State Maritime Academies are subject to federal and state legal obligations that could conflict with certain EMBARC requirements.

² This document contemplates the State Maritime Academy (SMA) providing certain documents and information to the Maritime Administration (MARAD). The SMA may de-identify those documents and information in accordance with relevant laws, including the Family Education Rights and Privacy Act. If the SMA determines that de-identification would be impossible or impractical, the SMA must inform MARAD of such concerns to discuss alternatives.

Requests for Additional Special Considerations to EMBARC Standards

The SMA may request additional special considerations from the standards listed below.³ Such requests shall include adequate justification explaining why it would be impractical to comply with the EMBARC Standards or associated special considerations and the details of the proposed alternative approach that will meet the intent of the EMBARC Standards. Upon receipt of the information, MARAD shall make a determination based on the unique circumstance.

SMA Notifications and Submissions to MARAD

SMA submittals to MARAD regarding the implementation of TS-EMBARC shall be emailed to the Office of Cadet Training At-Sea Safety (OCTAS) at embarc@dot.gov.

Initial notifications regarding allegations of SASH involved behavior aboard the TS shall be emailed to the MARAD Coordination Center (MCC) at mccwatchanalyst@dot.gov. A SMA may de-identify information included in such initial notifications to protect information covered by the Family Education Rights and Privacy Act (FERPA) from disclosure.

SMA must submit investigation reports and related documents on SASH incidents aboard the TS to the MARAD Office of Civil Rights (OCR) at civilrights.marad@dot.gov, consistent with the requirements of the MARAD-SMA Memorandum of Agreement.

GA Operation of the Training Ship

In instances where a MARAD-assigned GA is the Vessel Operator for a training cruise, MARAD will hold the GA to the EMBARC Standards with the special considerations listed below under *Special Considerations – GA Operated TS*.

When the TS is used for missions other than a cadet training cruise and if cadets are on board, MARAD will hold the GA operating the training vessel to the EMBARC Standards.

Special Considerations for Training Ships

Note: This section lists the text of each item in the EMBARC Standards, followed by any Special Considerations for Training Ships — first, a *TS operated by a SMA* and second, a *TS operated by a GA*. Portions of the EMBARC Standards that are not applicable to TS have been lined out.

³ Requests may be emailed to the Office of Cadet Training At-Sea Safety (OCTAS) at embarc@dot.gov.

I. Core Tenets

The EMBARC Standards outline policies and procedures that seek to prevent, respond to, and redress incidents of SASH and foster a safe and supportive environment. The following core tenets frame the EMBARC Standards, which call on U.S.-flagged shipping companies as well as educational institutions, labor, and mariners to:

1. Build and maintain a shipboard culture of inclusion and respect.
2. Establish *zero tolerance* policies for SASH, harassment, and hostile work environment, *zero tolerance* for retaliation against anyone who reports assault or harassment, and proportionate responses to policy infractions.
3. Eliminate the barriers that survivors, witnesses, and bystanders face in reporting SASH incidents.
4. Support survivors, witnesses, and bystanders who report SASH incidents.
5. Promptly address any report of behavior that is inconsistent with EMBARC Standards, using every available resource.
6. Review all company⁴ and vessel policies and procedures to ensure such policies fully support a work environment in which assault, harassment, and retaliation against those who report assault or harassment is not tolerated.
7. Implement SASH best practices and commit to adopting updates when such practices are promulgated by MARAD.^{5,6}
8. Incorporate SASH prevention, response, and reporting procedures into the Company and Vessel Safety Management Systems.

❖ Special Considerations – SMA Operated TS: No special considerations necessary.

❖ Special Considerations – GA Operated TS: No special considerations necessary.

II. Compliance with EMBARC Standards

1. Each Vessel Operator agrees to comply with the EMBARC Standards, which replace the SCCT Sea Year Eligibility Requirements (dated March 16, 2020), by confirming completion of the immediate actions (set forth in Section III, below) on the EMBARC Accession checklist and submitting the checklist to MARAD. Vessel operators shall submit copies of their SASH policies together with the accession checklist and statement of compliance document.

❖ Special Considerations – SMA Operated TS:

The SMA shall document its initial compliance with TS-EMBARC by submitting a TS-

⁴ *Company* means Vessel Operator.

⁵ Clarifications to the EMBARC Standards may be found in the [EMBARC Frequently Asked Questions](#).

⁶ Current best practices may be found at [Best Practices Guide on Prevention of Sexual Harassment & Sexual Assault in the U.S. Merchant Marine](#) (BPG); Ship Operations Cooperative Program (SOCP), June 2017.

EMBARC statement of compliance document, a completed TS-EMBARC accession checklist, a copy of the SMA SASH PR policies, and a copy of all SASH PR related provisions in their TS SMS to MARAD.

❖ Special Considerations – GA Operated TS:

- A. If, at the time of assignment as Vessel Operator by MARAD, the GA is already enrolled in EMBARC, the GA shall document its initial compliance with TS-EMBARC by submitting a completed TS-EMBARC Self-Assessment Checklist and a copy of all SASH PR related provisions in their TS SMS to MARAD.
 - B. If the GA is not already enrolled in EMBARC, the GA shall also submit a statement of compliance document, a completed EMBARC Self-Assessment Checklist, and a copy of the GA's SASH PR policies to MARAD.
2. Each Vessel Operator agrees to conduct self-assessments of its compliance with the EMBARC Standards annually thereafter and to submit confirmation of such self-assessments and any resultant changes from the annual self-assessments to MARAD. Vessel Operators shall submit copies of their SASH policies together with assessment results.

❖ Special Considerations – SMA Operated TS: No special considerations necessary.

❖ Special Considerations – GA Operated TS:

Upon each assignment to a TS, the GA shall conduct a self-assessment before commencement of the training cruise and submit the results to MARAD.

3. Each Vessel Operator agrees to permit MARAD—including third parties engaged by MARAD—to conduct recurring assessments of its compliance with the EMBARC Standards.

❖ Special Considerations – SMA Operated TS:

The standards the Vessel Operator will be held to are TS-EMBARC.

❖ Special Considerations – GA Operated TS:

The standards the Vessel Operator will be held to are TS-EMBARC.

III. Immediate Actions by each Vessel Operator

Before accepting cadets on board, each operator shall take the following actions:

1. Safety Management System.

Affirm that SASH reporting policies and procedures that ensure compliance with the Standards of the EMBARC program will be operational upon enrollment and will be documented within the Safety Management System (SMS) within 90 days of enrollment.

❖ Special Considerations – SMA Operated TS:

SMA shall affirm that SASH reporting policies and procedures that ensure compliance with the special considerations listed herein in the TS-EMBARC will be operational upon enrollment and will be documented within their TS SMS within 90 days of enrollment.

❖ Special Considerations – GA Operated TS:

GA shall affirm that SASH reporting policies and procedures that ensure compliance with the special considerations listed herein in the TS-EMBARC are operational and have been documented within their TS SMS.

2. Designated SASH Contact.

Designate a person ashore who will be the primary contact for all SASH issues (SASH Contact). The SASH Contact must have completed the free 40-hour [Victim Assistance Training Online](#) provided by the Office for Victims of Crime Training and Technical Assistance Center, and received the Certificate of Completion, or have completed an equivalent training program.

❖ Special Considerations – SMA Operated TS: No special considerations necessary.

❖ Special Considerations – GA Operated TS:

- A. Each SMA shall designate a person ashore, who has completed the training required under the EMBARC Standard, as the primary SMA SASH Contact for all SASH issues related to that SMA's cadets aboard the TS. The SMA SASH Contact may designate additional SMA persons as their representative(s) aboard the TS. The SMA SASH Contact and designees will remain the primary contact for SASH issues related to the SMA's cadets aboard the TS.
- B. GA shall designate a person ashore, who has completed the training required under the EMBARC Standard, as the primary GA SASH Contact for all SASH issues related to the GA as vessel operator and the GA's crew aboard the TS.
- C. The GA SASH Contact and SMA SASH Contact shall coordinate and harmonize their SASH related policies and procedures aboard the TS.

3. Meetings Between the SASH Contact and Cadet.

Confirm that cadets will have (1) a virtual or in-person meeting with the SASH Contact before joining a ship; or (2) if there is inadequate time between a cadet's assignment to a vessel and the cadet's embarkation, the SASH Contact shall have contact with the cadet within 48 hours of the cadet's embarkation.

❖ Special Considerations – SMA Operated TS:

The SMA SASH Contact or designee may conduct the required meetings either individually with each cadet or with a group of cadets.

❖ Special Considerations – GA Operated TS:

- A. Each SMA SASH Contact or designee shall have (1) a virtual or in-person meeting with all its SMA cadets before the cadets join the TS for a training cruise; or (2) if there is inadequate time between a cadet's assignment to a vessel and the cadet's embarkation, the SMA SASH Contact or designee shall have contact with the cadet within 48 hours of the cadet's embarkation. The SMA SASH Contact or designee may hold this meeting either individually with each cadet or jointly with a group of cadets.
- B. GA SASH Contact will coordinate with each SMA SASH Contact and provide any information about the GA's SASH policies and procedures which should also be communicated by the SMA SASH Contact or designee to the cadets during the SMA SASH Contact's meeting with their cadets.

4. Communication Measures.

Implement measures to—

- a. Confirm that SASH Contacts and cadets can communicate as needed once a cadet is on board, including adopting measures to require that the SASH Contact initiate contact with each assigned cadet within the first 7 days of vessel onboarding;
- b. Confirm that the SASH Contact shall respond to cadet outreach no later than the next business day;
- c. Ensure that whenever a cadet is aboard a vessel for more than 30 days, the SASH Contact shall initiate contact, via email, with the cadet at least every 14 days;
- d. Require the SASH Contact to encourage and honor requests from cadets for increased frequency of check-ins; and
- e. Ensure the SASH Contact makes a record of any possible violations and ensures prompt and thorough investigation and corrective action, where appropriate, and/or referral to proper authorities.

❖ Special Considerations – SMA Operated TS:

Each SMA shall implement measures to:

- A. Establish and implement procedures for appropriate communication frequency, communication means, and response times for communications between the SMA SASH Contact and the SMA's cadets aboard the training vessel, in lieu of a-c above.
- B. Ensure that effective means exist for a cadet to privately contact the SMA SASH Contact.
- C. Submit the SMA communication procedures to MARAD as part of the SMA SASH procedures submittal required under II.1.

❖ Special Considerations – GA Operated TS:

- A. Each SMA shall:
 - i. Establish and implement the SMA procedures for appropriate communication frequency, communication means and response times for communications between the SMA SASH Contact or designee and the SMA's cadets aboard the training vessel.
 - ii. Ensure that means exist for a cadet to privately contact the SMA SASH Contact.
 - iii. Submit the SMA communication procedures to MARAD as part of the SMA SASH procedures submittal required under II.1.
- B. SMA SASH Contact shall keep the GA SASH Contact advised about the SMA established communication procedures between the SMA SASH Contact and the SMA's cadets aboard the training vessels.
- C. SMA SASH Contact shall also immediately notify the Vessel Master and the GA SASH Contact about any alleged SASH violations aboard the training vessel.
- D. Both the SMA SASH Contact and the GA SASH Contact shall make a record of any possible violations and ensure prompt and thorough investigation and corrective action, where appropriate, by their respective organizations and referral to proper authorities.

5. Safety practices.

Reinforce Vessel Operator safety practices (including SASH prevention, bystander intervention, reporting procedures, and alcohol prohibitions) frequently with every cadet and crew member through onboard or virtual meetings in accordance with company procedures to strengthen a culture of prevention and build industry-wide understanding and accountability.

❖ Special Considerations – SMA Operated TS: No special considerations necessary.

❖ Special Considerations – GA Operated TS:

- A. GA shall establish and implement the procedures to reinforce Vessel Operator safety practices (including SASH prevention, bystander intervention, reporting procedures, and alcohol prohibitions) frequently with each *crew member* through onboard or virtual meetings in accordance with company procedures to strengthen a culture of prevention and build industry-wide understanding and accountability with the SMA cadets aboard the training vessel.
- B. GA SASH Contact and SMA SASH Contact shall coordinate to establish and implement such joint Vessel Operator/SMA procedures for reinforcing Vessel Operator safety practices (including SASH prevention, bystander intervention, reporting procedures, and alcohol prohibitions) frequently with every cadet.
- C. Each SMA shall ensure that GA's safety practices, agreed upon jointly per subsection above, are frequently reinforced to each of their cadets, faculty, staff, and subcontractors aboard the TS.

6. Crew-Cadet Interaction.

Adopt policies that prohibit cadets from entering the stateroom of any other crew member; prohibit ship's crew members from entering cadets' private staterooms for any reason other than official maintenance or housekeeping duties during appropriate working hours and with adequate notice; and provide functional door locks for all cadet staterooms. Vessel Operator SASH policies shall include a list of all master key holders with access to cadet staterooms identified by position. Vessel Operator policies shall also establish and maintain open-door office or workspace interaction between cadets and other ship's employees, except when impractical due to vessel compartment configuration or safety procedures.

❖ Special Considerations – SMA Operated TS:

- A. The SMA shall adopt policies that:
 - i. Prohibit cadets from entering the stateroom of any crew members, SMA faculty, SMA staff, SMA contractors and supernumeraries (hereinafter collectively referred to as “non-cadets”) except in specific circumstances.
 - ii. Prohibit non-cadets from entering cadets' private staterooms or large shared berthing compartments except for official maintenance, housekeeping, or sanitary inspections during appropriate working hours and with adequate notice.
- B. The SMA may establish other criteria, such as safety checks, emergencies, or room inspection when non-cadets may enter cadets' staterooms and berthing compartment.
- C. When non-cadets are in the private stateroom or berthing compartment with cadets, the door shall be left open and a minimum of either two cadets or two non-cadets should be present.
- D. “Cadets' private staterooms” and “cadet staterooms” exclude any cadet berthing compartments and large occupancy rooms (dormitory style cadet berthing compartments) which are not considered to be private cadet staterooms.
- E. For dormitory style cadet berthing compartments on a non-NSMV TS, a lock is not required on the door.

❖ Special Considerations – GA Operated TS:

- A. Each SMA and the GA shall adopt policies that:
 - i. Prohibit cadets from entering the stateroom of any crew members, SMA faculty, SMA staff, SMA contractors and supernumeraries (hereinafter collectively referred to as “non-cadets”) except in specific circumstances.
 - ii. Prohibit non-cadets from entering cadets' private staterooms or large shared berthing compartments except for official maintenance, housekeeping, or sanitary inspections during appropriate working hours and with adequate notice.
- B. The SMA may establish other criteria, such as safety checks, emergencies, or room inspection when non-cadets may enter cadets' staterooms and berthing compartment.

- C. When non-cadets are in the private stateroom or berthing compartment with cadets, the door shall be left open and a minimum of either two cadets or two non-cadets should be present.
 - D. “Cadets’ private staterooms” and “cadet staterooms” exclude any cadet berthing compartments and large occupancy rooms which are not considered to be private cadet staterooms.
 - E. For dormitory style cadet berthing compartments on a non-NSMV TS, a lock is not required on the door.
7. Vessel Operator training requirements.
- a. Safety Management Systems shall establish quarterly training requirements on SASH prevention, bystander intervention, reporting, and response procedures for all shipboard personnel (regardless of whether cadets are onboard). Cadets shall participate in, but shall not have any role in managing, this training.
- ❖ Special Considerations – SMA Operated TS:
The SMA may provide a role to appropriately trained senior cadets in managing the quarterly training requirements on SASH prevention, bystander intervention, reporting, and response procedures for *other junior cadets only* aboard the TS.
 - ❖ Special Considerations – GA Operated TS:
 - A. Each SMA shall establish quarterly training requirements on SASH prevention, bystander intervention, reporting, and response procedures for their SMA cadets, faculty, staff, and subcontractors.
 - B. The SMA may provide a role to appropriately trained senior cadets in managing the quarterly training requirements on SASH prevention, bystander intervention, reporting, and response procedures for *other junior cadets only* aboard the TS.
 - C. The GA’s TS SMS shall establish quarterly training requirements on SASH prevention, bystander intervention, reporting, and response procedures for all GA crew members (regardless of whether cadets are onboard). Cadets may participate in but shall not have any role in managing this crew training.
 - b. All officers and crew shall be required to complete the *Maritime Sexual Assault and Sexual Harassment Prevention Training*⁷ before a cadet is embarked and to repeat the training annually.
 - ❖ Special Considerations – SMA Operated TS:
The SMA shall ensure that all SMA crew, cadets, faculty, and onboard SMA contractor personnel individually complete the Ship Operations Cooperative Program (SOCP)

⁷ This interactive computer-based training (CBT) on [Maritime Sexual Assault and Sexual Harassment Prevention Training](#) is available at no charge from SOCP.

computer-based training on *Maritime Sexual Assault and Sexual Harassment Prevention Training* before embarking the vessel, or if not practicable, within the first 48 hours of being onboard, and to repeat the training annually such that there is no more than 365 days between two consecutive training sessions.

❖ Special Considerations – GA Operated TS:

- A. Each SMA shall ensure that all their SMA cadets, faculty, and onboard SMA contractor personnel individually complete the Ship Operations Cooperative Program (SOCP) computer-based training on *Maritime Sexual Assault and Sexual Harassment Prevention Training* before embarking the vessel, or if not practicable, within the first 48 hours of being onboard, and to repeat the training annually such that there is no more than 365 days between two consecutive training sessions.
 - B. The GA shall ensure that all their crew members individually complete the Ship Operations Cooperative Program (SOCP) computer-based training on *Maritime Sexual Assault and Sexual Harassment Prevention Training* before embarking the vessel, or if not practicable, within the first 48 hours of being onboard, and to repeat the training annually such that there is no more than 365 days between two consecutive training sessions.
- c. Incorporate SASH discussions in periodic Vessel Safety Meetings using materials similar to those in the Facilitator’s Guide and Student’s Workbook in the [SOCP SASH Tool Kit](#).⁸

❖ Special Considerations – SMA Operated TS: No special considerations necessary.

❖ Special Considerations – GA Operated TS:

- A. The GA shall determine, establish, and implement the procedures and materials to incorporate SASH discussions in periodic Vessel Safety Meetings for their crew members aboard the TS.
 - B. SMA SASH Contact shall coordinate with the GA SASH Contact and establish/ implement the procedures and materials to incorporate SASH discussions in periodic Vessel Safety Meetings for their SMA cadets, faculty, staff, and subcontractors aboard the TS.
- d. Provide copies of Vessel Operator’s SASH prevention policies and reporting procedures to each cadet upon boarding the vessel.

❖ Special Considerations – SMA Operated TS:

The SMA shall provide copies of the SMA’s SASH prevention policies and reporting procedures to each of their SMA cadets, faculty, staff, and subcontractors upon boarding

⁸ This [SASH Prevention Tool Kit](#) (Tool Kit) is available at no charge from SOCP

the TS.

❖ Special Considerations – GA Operated TS:

- A. GA shall provide copies of GA's SASH prevention policies and reporting procedures to each crew member upon boarding the training vessel.
 - B. GA SASH Contact shall provide an electronic copy of the GA's SASH prevention policies and reporting procedures to each SMA SASH Contact before commencement of the training cruise.
 - C. Each SMA SASH Contact shall coordinate with the GA SASH Contact to resolve any conflicts between the GA's and SMA's SASH prevention policies and reporting procedures and develop consolidated SASH prevention policies and reporting procedures for their cadets aboard the training vessel.
 - D. Each SMA SASH Contact shall arrange to distribute copies of the consolidated GA's and SMA's SASH prevention policies and reporting procedures to each of their SMA cadets, faculty, staff, and subcontractors upon boarding the TS.
- e. Display company policies prohibiting SASH, retaliation, drug and alcohol usage, and cadet presence in crew member staterooms/crew member presence in cadet staterooms, on board.

❖ Special Considerations – SMA Operated TS:

The SMA shall display SMA policies prohibiting SASH, retaliation, drug and alcohol usage, and cadet presence in non-cadet staterooms/non-cadet presence in cadet staterooms, on board.

❖ Special Considerations – GA Operated TS:

- A. The GA shall provide the GA's proposed onboard display of company policies prohibiting SASH, retaliation, drug and alcohol usage, and cadet presence in non-cadet staterooms/non-cadet presence in cadet staterooms, to each SMA SASH Contact before each TS training cruise.
 - B. Each SMA SASH Contact shall coordinate with the GA SASH Contact to resolve any conflicts between the GA's and SMA's SASH policies prohibiting SASH, retaliation, drug and alcohol usage, and cadet presence in non-cadet staterooms/non-cadet presence in cadet's private staterooms; and may jointly develop consolidated GA/SMA policies.
 - C. The GA shall display either the agreed upon consolidated policies or both the GA's and the SMA's policies in common areas on the TS.
- f. Display posters and guides that support a respectful and inclusive workplace culture. Display SASH prevention, reporting, and response posters prominently in common areas of the vessel. Vessel Operators shall also display such posters in shoreside facilities to which cadets have access.

- ❖ Special Considerations – SMA Operated TS:
 - A. The SMA shall display posters and guides that support a respectful and inclusive workplace culture, SASH prevention, reporting, and response posters, and the Title IX notice required by the MARAD-SMA Memorandum of Agreement 2023, Article 5(D)(3), prominently in common areas of the TS.
 - B. In lieu of “*Vessel Operators shall also display such posters in shoreside facilities to which cadets have access*”, the SMA shall comply with the requirements in the MARAD-SMA Memorandum of Agreement 2023, Article 5(D)(3).

- ❖ Special Considerations – GA Operated TS:
 - A. The GA shall provide the GA’s proposed SASH prevention, reporting, and response posters and guides that support a respectful and inclusive workplace culture to each SMA SASH Contact before each TS training cruise.
 - B. Each SMA SASH Contact shall coordinate with the GA SASH Contact to resolve any conflicts between the GA’s and SMA’s SASH policies prohibiting SASH, retaliation, drug and alcohol usage, and cadet presence in non-cadet staterooms/non-cadet presence in cadet’s private staterooms; and may jointly develop consolidated GA/SMA posters and guides for display aboard the TS.
 - C. GA shall display either the agreed upon posters and guides or both the GA’s and the SMA’s posters and guides in common areas on the TS. The GA is not required to remove/cover any pre-existing posters/guides displayed on the TS, unless they conflict with the agreed upon posters/guides or the GA’s displayed posters/guides.

- g. Distribute the quick reference guide brochures in the [SOCP SASH Tool Kit](#) or other comparable materials to all crew, officers, cadets, and all shore-based personnel who interact with, or have responsibilities related to, officers, crew, and cadets. Tips for prevention of, and response to, SASH behaviors shall be provided as appropriate for each intended audience.

- ❖ Special Considerations – SMA Operated TS:

SMA shall distribute the quick reference guide brochures in the [SOCP SASH Tool Kit](#) or other comparable materials to all crew, officers, cadets, faculty, staff, and subcontractors aboard the TS; and to all shore-based personnel who interact with, or have responsibilities related to, officers, crew, and cadets. Tips for prevention of, and response to, SASH behaviors shall be provided as appropriate for each intended audience. The SMA may satisfy this requirement in part by distributing SASH PR materials produced by or for their serving Title IX office.

- ❖ Special Considerations – GA Operated TS:
 - A. Each SMA SASH contact shall arrange to distribute the quick reference guide brochures in the [SOCP SASH Tool Kit](#) or other comparable materials to all their SMA cadets, faculty, staff, and subcontractors aboard the TS; and to all SMA

shore-based personnel who interact with, or have responsibilities related to, officers, crew, and cadets aboard the TS.

- B. GA SASH Contact may provide electronic copies of any GA's additional comparable materials to the SMA SASH Contact for distribution to all SMA cadets, faculty, and contractor personnel aboard the TS.
- C. The GA shall distribute the quick reference guide brochures in the [SOCP SASH Tool Kit](#) or other comparable materials to all GA's crew, officers, and supernumeraries aboard the TS; and to all GA shore-based personnel who interact with, or have responsibilities related to officers, crew, and cadets aboard the TS. Tips for prevention of, and response to, SASH behaviors shall be provided as appropriate for each intended audience.

h. Vessel Operators agree to reinforce training, by specifically:

- i. Requiring Vessel Masters to introduce cadets to ship's company employees as soon as practicable after boarding to foster an open, welcoming environment for ~~Sea-Year~~ students.
- ii. Requiring Vessel Masters to ensure that cadets are familiarized with the ship during onboarding in accordance with the Safety Management System.

❖ Special Considerations – SMA Operated TS: No special considerations necessary.

❖ Special Considerations – GA Operated TS:

GA and each SMA shall reinforce training, by specifically:

- A. Coordinating between the GA SASH Contact and each SMA SASH Contact to establish and implement efficient procedures to ensure introduction of their cadets to ship's company employees and ensure that cadets are familiarized with the ship during onboarding in accordance with the Vessel Operator's SMS.
- B. Requiring Vessel Masters to introduce cadets to ship's company employees as soon as practicable after boarding to foster an open, welcoming environment for students. This introduction may be completed in a group setting.
- C. Requiring Vessel Masters to ensure that cadets are familiarized with the ship during onboarding in accordance with the Safety Management System.

i. Reporting procedures provided to officers, crew, cadets, and posted on the vessel shall include:

- i. Contact information for the Vessel Operator's SASH Contact(s).
- ii. Point of contact information for notifications to the Coast Guard. Notifications can be made to the Coast Guard National Command Center at +1 (202) 372-2100, or through the CGIS Tips, a web-based and mobile alternative to submit either attributed or anonymous reports about crimes witnessed or experienced aboard a

vessel directly to a Coast Guard criminal investigator.

The CGIS Tips app can be downloaded from a mobile provider's marketplace using the following QR code:



For more information about CGIS, or to submit a tip via the web, visit:
<https://www.uscg.mil/Units/Coast-Guard-Investigative-Service/>.

❖ Special Considerations – SMA Operated TS:

Reporting procedures provided to officers, crew, cadets, faculty, staff, and SMA subcontractors and posted on the vessel shall include:

- A. Contact information for the SMA's SASH Contact(s);
- B. If applicable, contact information for any SMA SASH Contact designee on board to whom cadets may make reports in lieu of reporting to the SMA SASH Contact ashore;
- C. Point of contact information for notifications to the Coast Guard. Refer to the EMBARC Standard above for additional details.

❖ Special Considerations – GA Operated TS:

- A. The GA shall provide the GA's reporting procedures to the GA's officers and crew. These shall include:
 - i. Contact information for the GA SASH Contact(s);
 - ii. Point of contact information for notifications to the Coast Guard. Refer to EMBARC Standard above for additional details.
- B. The GA shall provide the GA's reporting procedures to each SMA SASH Contact before each TS training cruise.
- C. Each SMA SASH Contact shall coordinate with the GA SASH Contact to resolve any conflicts between the GA's and SMA's SASH reporting procedures and reach consensus on the reporting procedures to be displayed aboard the TS.
 - i. If applicable, each SMA SASH Contact may include contact information for any SMA SASH Contact designee on board to whom that SMA's cadets, faculty, staff, and subcontractors may make reports in lieu of reporting to the SMA SASH Contact ashore.
- D. Each SMA SASH Contact shall provide the agreed upon SASH reporting procedures to their cadets, faculty, staff, and SMA subcontractors aboard the TS.
- E. The GA shall display either the agreed upon joint GA/SMA SASH reporting procedures or both the GA's and the SMA's reporting procedures in common areas and large dormitory-style cadet berthing compartments on the TS.

8. Reporting.

- a. When cadets are embarked, Vessel Operators shall immediately (within 24 hours after learning of an allegation) notify ~~USMMA~~ of an allegation of SASH-involved behavior, regardless of whether the behavior involves a cadet. If the incident involves a cadet, operators shall provide a complete report of investigation to ~~USMMA~~ when concluded. Vessel Operator policies shall require that: (1) thorough investigation of alleged violations of the SASH policy meet best practices for investigations of sexual assaults and sexual harassments; and (2) interviews be conducted using trauma-informed interview methods.

❖ Special Considerations – SMA Operated TS:

The following apply if the SMA is required to notify the USCG or voluntarily notifies the USCG of an allegation of SASH involved behavior:

- A. The SMA shall notify MARAD via the MCC at mccwatchanalyst@dot.gov within 24 hours after learning of an allegation of SASH involved behavior that occurs or is reported on board the TS, regardless of whether the behavior involves a cadet or even if cadets are not onboard. The notification shall include, at a minimum:
 - i. date of incident;
 - ii. classification of the allegation(s);
 - iii. category of persons involved (such as cadet, licensed crew, unlicensed crew, faculty, SMA contractor, etc.);
 - iv. actions taken by the SMA; and
 - v. confirmation that the USCG was notified.
- B. The TS Master shall notify the SMA SASH Contact of an alleged SASH-involved behavior.
- C. The SMA shall provide a complete report of investigation without FERPA-protected information, regardless of whether the behavior involves a cadet, to MARAD's OCR at civilrights.marad@dot.gov within 15 days of resolution of the complaint.
- D. SMA policies shall require that: (1) thorough investigation of alleged violations of their SASH policy meet best practices, listed in SOCP's Best Practices Guide (BPG) as modified or permitted by other federal or state requirements, for investigations of sexual assaults and sexual harassments; and (2) interviews be conducted using trauma-informed interview methods.

❖ Special Considerations – GA Operated TS:

The following apply if the GA or SMA is required to notify the USCG or voluntarily notifies the USCG of an allegation of SASH involved behavior:

- A. The SMA shall immediately notify the TS Master, the GA SASH Contact, and MARAD via the MCC at mccwatchanalyst@dot.gov of an allegation of SASH-involved behavior, regardless of whether the behavior involves a cadet, aboard the TS, which was made directly to SMA representatives aboard or ashore. The notification shall include, at a minimum:
 - i. date of incident;
 - ii. classification of the allegation(s);

- iii. category of persons involved (such as cadet, licensed crew, unlicensed crew, faculty, SMA contractor, etc.);
 - iv. actions taken by the SMA; and
 - v. confirmation that the USCG was notified by the SMA.
- B. The GA shall immediately (within 24 hours after learning of an allegation) notify MARAD via the MCC at mccwatchanalyst@dot.gov of an allegation of SASH-involved behavior aboard the TS, regardless of whether the behavior involves a cadet.
- C. When cadets are embarked, the GA SASH Contact shall immediately (within 24 hours after learning of an allegation) also notify the SMA SASH Contact of each academy which has cadets aboard the TS.
- D. Both SMA and GA shall provide a complete report of their respective investigations to MARAD's OCR at civilrights.marad@dot.gov when concluded.
- E. If the incident involves a cadet, the GA shall also provide a complete report of its investigation to the cognizant SMA SASH Contact when concluded.
- F. SMA and GA policies shall require that: (1) thorough investigation of alleged violations of their SASH policy meet best practices for investigations of sexual assaults and sexual harassments; and (2) interviews be conducted using trauma-informed interview methods. The GA shall follow SOCP's BPG for investigations, while the SMA may modify the best practices to comply with other federal and state requirements.
- b. The Vessel Operator's company policies shall require that all shipboard complaints of a sexual offense prohibited under current law must be immediately reported to the Coast Guard. These notifications can be made to the Coast Guard National Command Center at +1 (202) 372-2100, or as an attributed report through CGIS Tips—a web-based and mobile alternative to submit reports about crimes witnessed or experienced aboard a vessel directly to a Coast Guard criminal investigator. The CGIS Tips app can be downloaded from a mobile provider's marketplace using the following QR code:



For more information about CGIS, or to submit a tip via the web, visit:
<https://www.uscg.mil/Units/Coast-Guard-Investigative-Service/>.

- ❖ Special Considerations – SMA Operated TS: No special considerations necessary.
- ❖ Special Considerations – GA Operated TS: No special considerations necessary.

- c. Vessel Operator company leadership should inform the Coast Guard of adverse or

disciplinary actions that result in termination or a probationary status of any crewmember for harassment or SASH. Reports of mariner misconduct should be made to nearest Coast Guard Officer In Charge, Marine Inspection which can be found at the following website: <https://www.uscg.mil/contact/>

- ❖ Special Considerations – SMA Operated TS: No special considerations necessary.
- ❖ Special Considerations – GA Operated TS: No special considerations necessary.

9. Best Practices.

Each Vessel Operator shall review company policies within the Safety Management System to determine if they are at least as comprehensive as those listed in the current version of the [SOCP Best Practices Guide](#) and revise as necessary, including but not limited to the following policies:

- a. Employee Best Practices:
 - i. Best Practice #1: Reporting of Sexual Harassment & Sexual Assault
 - ii. Best Practice #2: Basic Dos and Don'ts
 - iii. Best Practice #3: Safety on Shore Leave
 - iv. Best Practice #4: Response to Sexual Harassment & Sexual Assault
 - v. Drugs & Alcohol
 - vi. Company Investigation Process
 - vii. Victim Advocacy
 - viii. "Did You Know?"
- b. Vessel Operator Company Best Practices:
 - i. Best Practice #1: Defining Sexual Harassment & Sexual Assault
 - ii. Best Practice #2: Nurturing a Culture Free of Sexual Harassment & Sexual Assault
 - iii. Best Practice #3: Development of Prevention Policies
 - iv. Best Practice #4: Effective Training on Sexual Harassment & Sexual Assault Prevention and Response
 - v. Best Practice #5: Establishing Reporting Options
 - vi. Best Practice #6: Response to Sexual Harassment & Sexual Assault

Note: Vessel Operators shall comply with the reporting procedures listed herein under section III.7.i and section 8, instead of any obsolete reporting procedures in the SOCP Best Practices Guide.

- ❖ Special Considerations – SMA Operated TS: No special considerations necessary.
- ❖ Special Considerations – GA Operated TS: No special considerations necessary.

10. Compliance Review.

Vessel Operators shall meet with DOT, MARAD, USMMA, and other invited government and industry participants quarterly, or as called by DOT/MARAD/USMMA, to assess compliance with SASH policies and implement any necessary adjustments and/or corrections.

- ❖ Special Considerations – SMA Operated TS: No special considerations necessary.
- ❖ Special Considerations – GA Operated TS: No special considerations necessary.

IV. Intermediate Actions to be taken by Vessel Operators, to be completed within the times noted below after adoption of these EMBARC Standards.

1. Within one year, implement vessel master key control systems, manual or electronic.
2. Within one year, develop and implement recommended SASH Contact training and annual refresher training for designated SASH contacts to include survivor advocacy and instruction in training and education principles. Each Vessel Operator shall designate and train an appropriate number of designated SASH Contacts to ensure that an adequate number (a minimum of one primary and one alternate) are always available.
3. Within one year, work with other Vessel Operators, labor, academies, SOCP and/or other industry organizations, SASH subject matter experts, MARAD and other stakeholders to review and enhance SASH policies used by vessel operators. MARAD will initiate revisions of the SOCP SASH Best Practices Guide. Such revisions will include, among other things updates to best practices and templates to support incorporation of SASH prevention, reporting, and response as well as internal audit and external audit procedures into Company and Vessel Safety Management Systems.
4. Within one year, work with other Vessel Operators, labor, academies, industry organizations, SASH subject matter experts, MARAD and other stakeholders to develop and implement enhanced policies and training pertaining to bystander reporting requirements and bystander duty to intervene in SASH incidents.
5. Within eighteen months, collaborate with other Vessel Operators, mariner unions, Academies, union training schools, SASH subject matter experts, MARAD, USCG and other stakeholders to develop and implement expanded mandatory annual SASH training for all crew members including, but not limited to:
 - a. SASH (including bystander intervention);
 - b. Micro aggression consciousness;
 - c. Cadet relationships;

- d. Creating and maintaining a respectful work environment; and
 - e. Training regimens and methods that enable effective crew awareness of SASH prevention principles.
6. As soon as practicable, but not later than two years, work with other Vessel Operators, labor, Academies, industry organizations, SASH subject matter experts, MARAD, USCG, and other stakeholders, to develop, establish and participate in, to the extent permissible under law, the maintenance and operation of a SASH perpetrator information exchange. The exchange shall contain the names of all merchant mariners who are the subjects of substantiated reports of discriminatory, SASH-related, violent, or other violative behavior, or who were terminated in related proceedings; the incident dates; the bases of substantiation; and the disposition of each circumstance shall be recorded and accessible to all operators of U.S.-flagged vessels.

- ❖ Special Considerations – SMA Operated TS: No special considerations necessary.
- ❖ Special Considerations – GA Operated TS: No special considerations necessary.

V. Long-Term Actions to be taken by Vessel Operators

These will be developed in coordination with the MARAD and other Government and maritime industry participants and may include:

1. Consideration of a range of possible measures to address accountability for the SASH climate onboard Vessel Operator ships that could include:
 - a. training on records maintenance;
 - b. identified perpetrator tracking and record keeping, to the extent permissible by law;
 - c. recorded video monitoring of, at a minimum, passageways immediately adjacent to cadet staterooms;
 - d. enhanced Diversity, Equity, and Inclusion (DEI) initiatives and practices in the mariner workforce; and
 - e. training and credentialing of officers at the Provisional level by the National Advocate Credentialing Program.
2. Collaboration with the U.S. Coast Guard, other Vessel Operators, mariner unions, and industry organizations to develop the requirements of a merchant mariner credential that satisfies training requirements for SASH Contacts and designated onboard officers or other persons ashore to attain and maintain respective Basic and Provisional NACP training levels.

- ❖ Special Considerations – SMA Operated TS: No special considerations necessary.
- ❖ Special Considerations – GA Operated TS: No special considerations necessary.

ADDENDUM: Definitions

The following definitions and examples are derived from the 2017 Best Practices Guide on Prevention of Sexual Assault and Sexual Harassment in the U.S. Merchant Marine (SOCP BPG), published by the Ship Operations Cooperative Program with support from the U.S. Department of Transportation Maritime Administration under Agreement No. DTMA 91H1600008 and the U.S. Merchant Marine Academy's 2018 [Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy](#).

- ❖ Special Considerations – SMA Operated TS:
SMA shall advise MARAD of any EMBARC definitions which cannot be incorporated in the SMA's SASH procedures due to any conflicts with the definitions in other applicable laws and regulations. The SMA shall submit proposed alternate definitions for MARAD's consideration.
- ❖ Special Considerations – GA Operated TS:
Each SMA with cadets aboard the TS shall advise MARAD of any EMBARC definitions which cannot be incorporated in the SMA's SASH procedures due to any conflicts with the definitions in other applicable laws and regulations. The SMA shall submit proposed alternate definitions for MARAD's consideration.

B. Sexual Assault is a crime of violence defined as intentional touching of a sexual nature against the will (by use of force, physical threat, coercive conduct, or abuse of authority), or without the consent of another person, or where that person is incapacitated (e.g., "passed out," sleeping, or impaired due to the use of alcohol or drugs, including prescription medications) or otherwise incapable of giving consent. The other person can be male or female and the perpetrator of the sexual assault can be of the same or opposite sex. Sexual assault includes, but is not limited to, the following:

1. Sexual intercourse, including anal, oral, or vaginal penetration, however slight, with a body part (e.g., penis, finger, hand or tongue) or an object;
2. Kissing, touching, groping, fondling, or other intentional contact with the breasts, buttocks, groin, or genitals (over or under an individual's clothing) for purposes of sexual gratification or when such private body parts are otherwise touched in a sexual manner;
3. Sexual contact with someone who is unable to say "no" and/or change their mind due to the presence of coercion or intimidation; or
4. Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.

C. Sexual Harassment and Gender-Based Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal,

non-verbal, graphic or physical conduct of a sexual nature, including, but not limited to the following:

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of an Academy program or activity, including shipboard training (*quid pro quo*);
2. Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual (*quid pro quo*); or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective—a reasonable person's view—and subjective—the Complainant's view—standard (hostile environment).

Examples of Sexual Harassment include, but are not limited to, the following behaviors:

- Verbal conduct such as epithets, derogatory or off-color jokes or comments of a sexual nature, slurs or unwanted sexual advances, invitations, or comments, discussing sexual activities, commenting on physical attributes, using demeaning names, or using crude language;
 - Visual conduct such as derogatory or sexually oriented posters, photography, cartoons, drawings, or gestures, or exposing oneself;
 - Physical conduct such as unwanted or unnecessary touching, the blocking of voluntary movement, or interfering with a person's work due to the refusal of sexual advances or a person's sexual orientation;
 - Threats and demands to submit to sexual requests as a condition of continued employment or to avoid discipline; and
 - Rewards and offers of employment benefits in return for sexual favors.
4. **Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature. Examples of sexual or gender-based harassment include, but are not limited to, the following:
- Unwanted flirtation, advances or propositions of a sexual nature;
 - Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendos, or unwelcome comments about an individual's sexual orientation or gender identity;

- Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive, or relate in an unwelcome manner to an individual's sexual orientation or gender identity.

D. **Relationship Violence** refers to controlling, abusive behavior, including any act of violence or threatened act of violence, against a person who is, or has been involved, in a sexual, dating, domestic, cohabiting or married relationship with that person. Relationship violence can take place in heterosexual or same-sex relationships, and sometimes also involves violence against the children in the family. Relationship violence can take a number of forms including physical, verbal, emotional, economic, and sexual abuse, or any combination thereof.

1. **Domestic violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the applicable jurisdiction.
2. **Dating violence:** The term “dating violence” means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

E. **Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Such conduct includes, but is not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. It includes cyber-stalking, in which electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Stalking can occur in a dating relationship, friendship, or past relationship, or can be perpetrated by a stranger.

F. **Harassment** is the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purpose may vary, including racial prejudice, personal malice, and attempt to force someone to quit a job or grant sexual favors, or merely gain sadistic pleasure from making someone fearful or anxious.

- G. **Bullying** is the use of force, threat, or coercion to abuse, intimidate or aggressively dominate others. The behavior is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power, which distinguishes bullying from conflict.
- H. **Consent** means clear words or overt acts by a competent person indicating freely given agreement to engage in mutually agreed upon sexual conduct. An expression of refusal through words or conduct means there is no consent. Consent may not be inferred from silence, passivity or lack of resistance alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence of a current or previous dating or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent may be initially given but can be withdrawn at any time.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, being asleep, being involuntarily restrained, or being coerced or intimidated. Depending on the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants, may be incapacitated and, therefore, unable to consent.

- I. **Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit or for the advantage or benefit of anyone else. Examples of sexual exploitation include but are not limited to the following:
1. Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has the reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, each without the affirmative consent of all parties);
 2. Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's affirmative consent;
 3. Exposing one's genitals to another person without affirmative consent; or
 4. Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.
- J. **Retaliation** (sometimes referred to as reprisal) means taking or threatening to take any adverse action taken against an individual for making a good faith report of conduct prohibited under the organization's Policy, or for participating in any investigation or proceeding resulting from such a report. Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from making a report, or from participating in proceedings related to such a report. Examples of retaliation include, but are not limited, to the following:

1. Disadvantaging or restricting a person in their status as an employee or cadet, or in their ability to gain benefits or opportunities available at the organization ~~or the USMMA~~;
2. Precluding a person from filing a report of prohibited conduct;
3. Pressuring someone to drop or not support a complaint, or to provide incomplete, false, or misleading information; or
4. Adversely altering the educational or work environment of someone who has complained or participated in the complaint process.