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Title IX Audit
Maine Maritime Academy

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Executive Summary

Over the last decade, the troubling issue of sexual misconduct on college and university campuses has garnered significant attention, and postsecondary institutions have dedicated a great deal of time and resources toward preventing and effectively addressing instances of sexual assault and other forms of sexual misconduct. Those efforts are key aspects of an institution's "Title IX system" in reference to Title IX of the Education Amendments of 1972, the seminal Federal civil rights law which prohibits all forms of sex-based discrimination in college programs and activities.

Maine Maritime Academy is similar to many colleges and universities seeking to meet the demands of Title IX and developing a robust system for combating sex-based misconduct and ensuring the safety of its students, faculty, staff, and other community members. The Academy has the added challenge in that its system must account for the uniqueness of its mission, its culture, and rigorous programs (both on campus and at sea) for training professionals in the male-dominated marine industry. In fact, issues of sexual misconduct, and whether the maritime industry and the training academies are doing enough to address such misconduct, have recently received increased attention within the academies, including Maine Maritime.

Amidst that backdrop and as part of its continuous improvement efforts, Maine Maritime Academy enlisted the firm of Drummond Woodsum to conduct an internal, comprehensive audit of its Title IX system. As is detailed in the enclosed report, from a legal perspective, the Academy's system is compliant with Title IX – appropriate policies and procedures are in place for responding and investigating harassment claims, and the Academy administration responds promptly and effectively each time an allegation of sexual assault or other harassing conduct has been brought to its attention.

In conducting this internal examination, however, Academy leaders made clear their interest in not only fulfilling any legal mandates, but in assessing (and improving upon) Maine Maritime's practices, prevention efforts, and other initiatives for addressing sexual misconduct. Thus, a number of recommendations for fortifying the Maine Maritime's Title IX system are detailed in the report and are intended to assist the Academy as it continues to tackle existing obstacles. For instance, Maine Maritime, like every postsecondary institution, wrestles with the recognition that sexual harassment often goes unreported and that it must fashion strategies for increasing reporting levels and continuing to effectively address all such incidents.

Most challenging to Maine Maritime is the sentiment, as shared by most of the faculty and staff who participated in this audit, that the Academy needs to address those aspects of its "culture" involving disrespectful comments about women, their roles or qualifications, and other implicit biases. The Academy has made strides in this area over the past several years through changes in personnel and improving related processes. Yet, Academy leaders also recognize, as expressed by several employees (both female and male), that there is still important work to be done. Thus, recommendations around needed educational and training programs, among other steps, are also detailed in the report. No doubt, those who participated in this audit and others within the

Academy have additional or alternative ideas for fostering improvement that also should be closely considered.

Throughout this review, students and employees shared their perspectives, and also expressed appreciation that the administration has chosen to closely assess its practices and campus culture, and pursue change where warranted. In the words of one community member, Maine Maritime is made up of “really good people” who care deeply for the institution and expect a great deal from it. I trust the Academy will work to meet any challenges described here, due in no small part to the cooperation of those who participated in this review. I am also thankful for their participation and credit the Maine Maritime leadership and its larger community for their commitment to this activity and to its students and employees.

Allen Kropp
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I. Introduction and Scope of Review

In October of 2020, Maine Maritime Academy¹ requested that Drummond Woodsum conduct an external review of its policies, procedures, and practices in addressing issues of sexual harassment within the Academy. Maine Maritime is subject to most all State and Federal civil rights laws and has adopted an extensive system for complying with Title IX of the Education Amendments of 1972 (Title IX), the seminal federal law that prohibits sex or gender-based discrimination, including sexual harassment, within postsecondary institutions. Title IX also imposes specific requirements on colleges and universities to respond promptly and effectively to instances of sexual harassment of which it has knowledge. Sexual harassment can take many forms, from physical assault or other physical contact, to stalking or pressuring individuals to engage in sexual conduct, to sexualized comments and gestures, and many more.

Recently, increased attention has been brought to the issue of sexual harassment in the maritime industry and alleged forms of such misconduct at maritime academies across the country. The information posted online and distributed by an advocacy organization has led to a great deal of discussion and various forums within Maine Maritime regarding sexual harassment, resulting in a commitment on the part of the Academy's leadership to, among other things, pursue this review, assess its current practices, address any deficiencies and take appropriate steps to ensure the safety of its community.

Over the last several years, MMA has instituted a series of initiatives to meet shifting directives from the Federal government concerning Title IX, and more importantly, to develop appropriate systems – policies and procedures, training and education programs, committee listening sessions, and other activities – intended to prevent instances of sexual harassment or misconduct, on campus.² This review, also referred to as the Academy's "Title IX Audit," includes a discussion of those efforts as part of an overall assessment of the Academy's approach for addressing sexual harassment, their effectiveness, and recommended improvements. MMA's "culture" to which many participants in the audit referred, is also discussed as a prominent factor related to the Academy's Title IX initiatives.³

¹ The designations MMA, Maine Maritime, and the Academy are used throughout this report to refer to Maine Maritime Academy.

² The terms "sexual harassment" and "sexual misconduct" are used somewhat interchangeably in higher education, and in this report. As discussed in Section II, MMA has separate policies for addressing Title IX sexual harassment, as well as other forms of "sexual harassment" prohibited under the Maine Human Rights Act. MMA also has a "sexual misconduct" policy which defines "sexual misconduct" similarly to "sexual harassment," with some differences that are not necessary to describe here.

³ Since its passage, Title IX has exempted from its coverage "educational institutions whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine." See 20 USC 1681(a)(4) and 34 CFR 106.13. There is some debate as to the scope of institutions to which that exemption applies today. The U.S. Department of Education's Office for Civil Rights (OCR) has asserted Title IX jurisdiction, and initiated Title IX investigations, at certain maritime academies. However, those actions were not challenged or addressed in a final ruling. Additionally, most every maritime academy across the country has adopted Title IX policies and protocols, appointed Title IX Coordinators, and appeared to have built "Title IX systems" within their institutions in a manner similar to other colleges and universities subject to Title IX. Although the argument

This report details findings and corresponding recommendations with regard to three topics:

- A review of MMA policies for addressing sexual harassment, whether they comply with Title IX, and potential improvements to the Academy's Title IX system, policies, and information sources.
- A review of recent Title IX cases to assess the Academy's responsiveness and readiness in addressing complaints or allegations of sexual harassment.
- A review of MMA's culture, its education and other initiatives concerning sexual harassment, and recommended strategies for preventing sexual harassment among MMA students and/or employees.

The Audit included an extensive review of hundreds of pages of documents, including Academy policies, procedures, training materials, information flyers, prevention resources, Annual Security reports, climate surveys, Human Resource materials, and other information. I also reviewed the Academy's Title IX case files for matters that arose during the 2017-2018, 2018-2019, and 2019-2020 academic years. In some cases, the case records reflected an extensive and full investigation, while others were more limited, comprised of emails or other correspondence between the MMA administrators and the parties to the matter, the reasons for which are explained further in Section III of this report.

Finally, and most critical to the review, were the interviews I conducted, via zoom video conferencing, with many members of the Maine Maritime community. Academy leadership sought for me to gain a wide range of perspectives, including those of current students, student-athletes, faculty, staff, coaches, and administrators. Among those interviewed were students and administrators from within and outside the MMA Regiment of Midshipman (Regiment) in order to account for differences in experiences, as well as aspects that are unique to the Regiment, its students, and the environment in which those in the Regiment learn and work. Many of those I spoke with also serve on the Academy's "Title IX Committee," a broad representative body that has led several discussions or initiatives on awareness and prevention of sex-based discrimination, and has been a major proponent of this audit. In all, I had the pleasure of meeting with over thirty persons, in individual or small group sessions. The interviews were instrumental to this review and the information set forth in this report, particularly the information regarding campus culture, the strides the Academy has made in addressing sexual harassment to this point, and the continued challenges it still faces.⁴

remains that MMA is exempt from Title IX, the Academy recognizes that a robust Title IX system is, in effect, the industry standard and best means for effectively addressing sexual misconduct in higher education. Thus, MMA initiated this audit in order to assesses the Academy's Title IX system, as well as its culture, and ensure that its system is as effective as it can be.

⁴ Interviews were held in individual and small group sessions, and sincere attempts were made to ensure each person had ample opportunity to share their perspective. Some persons also spoke or communicated with me independently following a group interview. In all of the sessions, participants were informed as to the purposes and systemic nature of the review, and I explained that I was not directed, nor was it within the scope of my responsibilities, to address any specific complaints or allegations of alleged misconduct warranting investigation or response on the part

II. Policies, Procedures, and System for Addressing Sexual Harassment

MMA has kept pace with colleges and universities across the country as far as developing and publishing policies and procedures addressing all forms of sexual harassment. Title IX is enforced by the U.S. Department of Education's Office for Civil Rights (OCR) which has continued to add to, remove, or otherwise alter the specific obligations of postsecondary institutions in responding to allegations of sexual harassment through published guidance, "Dear Colleague Letters," and most recently through formal Federal regulations that took effect on August 14, 2020. While there are significant differences among the Title IX policies or rules issued by different Administrations, the core aspects of Title IX systems have remained the same – that is, institutions are to adopt and publish a grievance procedure that provides for the "prompt and equitable" resolution of any complaint of discrimination under Title IX, including allegations of sexual harassment. In following its specific grievance processes, the Academy must: fully investigate formal complaints of sexual harassment filed by alleged victims; offer supportive measures to the parties to a complaint (victim and the accused) while the investigation is pending; and take appropriate action (e.g., discipline, restorative measures, ongoing supports) if it determines the accused party has engaged in prohibited sexual harassment and ensure the victim can safely participate in Academy programs. One notable alternative is an institution's "informal resolution" process in which the college facilitates a resolution or agreement among the parties when both voluntarily choose that more streamlined path instead of a full investigation and potential disciplinary process. Each institution's Title IX Coordinator – in the Academy's case, Vice President for Student Affairs and Enrollment Management, Dr. Elizabeth True – is responsible for compliance with all Title IX requirements.

The Academy fulfills these expectations through a compilation of policies and procedures that, based on a detailed review, appear consistent with relevant Title IX requirements and policies over recent years. Currently, the Academy's primary Title IX sexual harassment policy and procedure is *MMA Policy 201.2 - Title IX Sexual Harassment Complaint Procedure* which was adopted to conform to the new Title IX regulations that became effective, August 14, 2020. The regulations set forth a lengthy series of procedural steps that are to be followed whenever a person comes forward with a report of sexual harassment.⁵ I did not identify any particularly noteworthy discrepancies between *Policy 201.2* and the new Title IX regulations. In other words, the Academy's Title IX grievance procedures are generally compliant with the Title IX rules.⁶

of the Academy. All persons were directed to contact Academy Administrators [e.g., Vice President Elizabeth True, Dean Deidre Davis, or Commandant John Cashman (for matters pertaining to the Regiment) with any such concerns].

⁵ For instance, the Title IX rules set forth a number of procedural steps whenever a person comes forward with a report of sexual harassment, including the provision of "supportive measures" for the alleged victim, and a full investigation process if the victim chooses to file a formal complaint. Both parties are then afforded extensive rights throughout an investigation, including, among other things, the right to: present evidence and witnesses; review all evidence; review and comment on an investigation report; and have a personal advisor/attorney who may cross-examine the other party or witnesses during a live hearing. *See* the amended regulations at 34 CFR Part 106 [86 Fed. Reg. 30572, May 19, 2020].

⁶ Dr. True and I did discuss the need for a number of technical edits and potential clarifications to the policies.

Several other MMA policies and procedures also are central to the Academy's processes for addressing sexual misconduct, for a variety of reasons. First, "sexual harassment" is a defined term under the Title IX regulations and generally refers to severe and pervasive forms of sex-based conduct (e.g., sexual assault, stalking, etc.) that in effect, prevents a student, staff, or other Academy member victim from taking part in Academy programs. However, other instances of sex-based behavior (e.g., a one-time gesture, verbal or written comment, etc.) may be less impactful to a victim and thus may not fall within the scope of "Title IX sexual harassment," but may nonetheless, be highly inappropriate and require responsive action on the part of the Academy. In fact, it is those very types of behaviors – comments or jokes about sexual topics, and other sexualized or misogynistic statements or actions – that, according to many of the persons I interviewed, warrant additional attention and action (*See* discussion under Section IV below). Accordingly, the Academy has adopted a series of other policies addressing sex-based conduct that may not fall within Title IX, including: *Policy 201 – Sexual Harassment and Consensual Relations*; *Policy 201.1 – Academy Procedure on Discrimination, Harassment, Sexual Harassment, and Affirmative Action Complaints*; *Policy 604 - Student Sexual Misconduct and Assault, Stalking, and Relationship Violence*; as well as the *Policy 501 - Student Honor Code of Conduct and Responsibilities*. The Honor Code is of particular importance in establishing the principles and expectations by which all Academy students are to abide; it also sets out the disciplinary processes ordinarily followed should a student be found to have engaged in sexual misconduct.⁷

All that being said, the array of Academy policies for addressing sexual harassment or misconduct can be quite confusing for students, staff, or others in understanding the process that administration will follow and that a victim may need to participate in, should they report an incident or file a complaint. That is not uncommon when it comes to complex policies adopted by postsecondary institutions. In addition, certain Academy policies – e.g., the Title IX policy (*Policy 201.2*) and sexual misconduct policy (*Policy 604*) are redundant to one another in a number of ways and may create confusion as to which applies in a given situation. The students I spoke with noted a general awareness that the College "has a process or policies," it follows, but few had any understanding of what that might entail. Vice President True, as well as Dean of Students Deidra Davis who serves as the Academy's Title IX investigator, expend a great deal of time communicating with students who report allegations of sexual harassment. They explain the investigation or alternative processes that may follow and provide supports to alleged victims, including guiding them toward law enforcement and medical, counseling, and other important resources. Still, it may be useful, as many institutions find, to develop additional guidance or brief informational materials explaining the relevant policies, the Academy's processes (including the victim's role), and available resources that readers can readily grasp. As one group of female students noted, it would be helpful for students to know where to find "a simple document that is easy to follow."

Ease of access to Title IX information is also an important aspect of an institution's Title IX system, as well as an area of focus for OCR. Of course, the most common means of accessing information pertaining to the Academy's Title IX system is the MMA website. The Title IX

⁷ The Title IX rules (and MMA's related policy - *Policy 201.2*) mandate a different disciplinary process in situations where the conduct constitutes sexual harassment under Title IX.

information on the website is quite extensive in terms of directing individuals to on-campus supports, external resources, and the options for filing a complaint of sexual misconduct, either formally or anonymously. However, all of the Title IX information is found on the Campus Safety website within the Student Life tab, which suggests to some (erroneously) that Campus Security oversees the Academy's Title IX processes. It is not clear whether persons have had difficulty finding the requisite information, as few of those I spoke with had been directly involved in a Title IX case or needed to access and use the information specified. Regardless, the Academy's expressed commitment to a sufficiently robust and effective Title IX system suggests that the Title IX information should be more prominently presented on the website and readily accessible to community members.

As with all Title IX-related duties, the responsibility for responding to sexual harassment complaints rests with Vice President True as Title IX Coordinator, in conjunction with Dean of Students Davis, both of whom have very broad responsibilities for managing student affairs at MMA. OCR expects that Title IX Coordinators and investigators be properly trained, and the new Title IX regulations set forth specific training requirements in identifying and addressing sexual harassment. Both Vice President True and Dean Davis have received such training and Dean Davis is a trained Title IX investigator. Investigations involving alleged misconduct by personnel are referred to and typically handled by the Human Resources Director, Carrie Margrave who consults with Vice President True and/or legal counsel in following Title IX, as necessary.⁸

Fortunately, the Academy's relatively small size lends itself to close coordination among administrators and presumably, with faculty and staff who are charged, under Academy policy, with reporting instances of sexual misconduct to the Title IX Coordinator. Many of the personnel I spoke with recognized that although Vice President True is extraordinarily busy – “spread thin” was a common description as to the demands on her time – and is responsible for oversight of all student matters, she (as well as Dean Davis) will immediately prioritize and quickly respond to sexual misconduct issues brought to their attention. The case records I reviewed also support that sentiment (*see* Section III below). At the same time, some students indicated that they were either not very familiar with Vice President True, or would not be inclined to seek her out as a senior administrator. Additionally, many faculty and staff expressed concern that instances of sexual misconduct often go unreported, and the Academy should give greater attention or prominence to a Title IX office or Title IX initiatives as a means of raising the profile of the Academy's Title IX system and providing ongoing direct support for victims.

Conclusion and Recommendations – Title IX Policies, Procedures, and System

Based on the foregoing, the Academy has in place sufficient policies and procedures for addressing sexual harassment that generally comply with Title IX, and makes available to the community appropriate information regarding its processes for addressing such misconduct and resources of support. Additionally, the Academy should consider:

⁸ The most recent training in which Dr. True, Dean Davis, and Director Margrave took part pertained to the new Title IX regulations and was conducted by the General Counsel's Office of the Maine Community College System.

1. Developing brief user-friendly guidance materials that explain the interplay of the Title IX and other policies, and the processes that the Academy follows in responding to allegations of sexual harassment. The Academy last developed a 12-page handout “*Title IX – Addressing Sexual Harassment/ Sexual Violence*” in 2018, which is one such resource and could be updated, distributed broadly, and discussed during trainings or other forums. A shorter, more streamlined guidance document should also be considered.
2. Better publicizing and more prominently locating its Title IX information and materials on the MMA website to align with an increased focus and attention on sexual harassment prevention and response efforts. Additionally, only persons with a personal Academy online account and email address can access the policies pertaining to sexual misconduct from the website. The Academy needs a method for providing access to policies by external persons such as parents, advisors to the parties to an investigation, and other interested individuals.
3. Developing a full-time Title IX Coordinator position, or combining the Title IX Coordinator with that of a Director of Equity and Inclusion (DEI). Although this audit focused on Title IX and sexual harassment, many persons shared that the Academy “lags behind” in addressing equity issues generally and that a coordinated approach toward increasing diversity and efforts to support students, staff, and others from minority groups is warranted. A dedicated or full-time DEI Official who also fulfills the role of the Title IX Coordinator is an approach taken by some smaller institutions as a means of expanding diversity on campus, fostering inclusiveness, and effectively addressing issues of discrimination and harassment.
4. Recruiting and training one or more interested employees in serving as a confidential Title IX Advocate for students, faculty, or staff. Some institutions enlist current personnel, or an external advocate, to serve in a more direct support role for those impacted by sexual harassment, supplement the efforts of the Title IX Coordinator, and help students or others to navigate the range of supports and processes available to them both internally and externally. A Title IX Advocate may also serve as a party’s Advisor, which the Academy is required to make available in matters involving sexual harassment under Title IX.

III. Case Reviews

I reviewed the Academy’s case files pertaining to incidents of sexual harassment or misconduct reported to the MMA Administration over the last three full academic years – 2017-2018, 2018-2019, and 2019-2020 – in order to assess the effectiveness of Academy policies and procedures, and its general responsiveness to allegations of sexual misconduct. Each of the cases was reported to Vice President True as TIX Coordinator and ranged in nature, severity, and type of conduct. Very few involved reported instances of sexual assault or physical sexual contact.

Most all of the people I spoke with shared that they did not believe that sexual assaults were prevalent on campus and that other forms of sexual harassment – e.g., sexual comments, jokes or gestures, pursuing and causing discomfort for a female student, misogynistic comments, etc. – were far more common. The case records appeared to bear that out in that, over the last three

full academic years, there were few instances in which an alleged victim of sexual assault met with Vice President True (or Dean Davis) or filed a complaint; the vast majority of cases involved instances in which a male student or students made inappropriate comments, jokes or gestures, or failed to respect boundaries with regard to a female student they were interested in. In general, students reported that MMA is a “physically safe place to be,” although a few students indicated that they knew of persons who were sexually assaulted who chose not to come forward, for a variety of reasons (those obstacles and the Academy’s efforts to foster reporting are addressed in Section IV below). Nonetheless, the records support the view that very few sexual assaults have been reported to College officials.

When allegations of sexual harassment were reported, the Academy’s responses were prompt and responsive to the concerns raised by the complaining party. In each case, the documentation generally establishes that Vice President True: promptly met with the victim to obtain an initial account of the alleged misconduct, facilitated access to medical services and law enforcement (as appropriate), offered additional supports (e.g., restrictions on contact between the parties, counseling or academic support, etc.), and explained the Academy’s policy and process for investigating and resolving a claim should the individual file a formal complaint. In only three instances did the victim elect to file a complaint and pursue a full investigation, each of which was conducted by Dean Davis, as the Academy’s trained Title IX Investigator. The subsequent investigation and reports appeared to be thorough and each resulted in a finding that the accused student was responsible for violating Academy policies prohibiting sexual misconduct.

As noted, the Academy’s Honor Code details the resolution and/or disciplinary process to be followed after a sexual misconduct violation, which the Dean determines based on the “nature and severity” of the violation. Given unique, extenuating circumstances to each of the cases investigated by Dean Davis, the subsequent resolution – usually resulting in an ongoing “no contact order” between the parties, as well as housing, academic or other supports for the victim – followed the “Informal Process” under the Academy Honor Code. Utilizing that process for each of those three cases appeared justified and reasonable, and there is no information in the records to indicate that the victim disagreed with the resolution or whether they sought a more severe penalty or sanction for the accused.

Nonetheless, there is some confusion within the policies as to the specific “Informal Process” that is to be followed when resolving a sexual harassment or sexual misconduct claim. Correspondence indicates that the victim could elect to pursue an informal resolution in place of participating in a formal disciplinary hearing process (a hearing involving questioning of the parties is a far less preferable option for most victims). However, the right of the victim to elect to resolve a matter through an informal process instead of a full investigation is not clearly explained in the sexual misconduct policy (*Policy 604*), or referenced in the Honor Code.

All other cases of alleged misconduct – regarding, for example, students who made sexualized comments or jokes, posted graffiti of a sexual nature on another student’s dormitory door, pursued and created discomfort for a female student, or engaged in other potentially harassing behavior – also were addressed “informally” pursuant to the Honor Code, rather than through a full investigation. In general, Vice President True would hold detailed discussions

with the alleged victim or target of the conduct and provide appropriate supports. Then, she or Dean Davis would meet with the alleged perpetrator, inform that student of the conduct violative of the sexual misconduct policy, warn the student not re-offend, and impose other appropriate restrictions (e.g., “no contact” orders, required apologies, etc.).⁹ Although none of the cases involved a full investigation, some level of investigation may have been conducted by Campus Security or by Dean Davis. Overall, the nature of the alleged conduct suggested that the prompt and efficient, yet informal, means for resolving each matter was appropriate, and that administration took the interests and concerns of any targeted student into account.

However, the documentation in some case files was very limited which raises a number of issues. In certain cases there was no information explaining the nature of the alleged misconduct, which may make it difficult for administrators to assess whether a student has re-offended or to identify trends warranting additional action (such as intervening with a group of students involved in or present during the misconduct). More common was the lack of records demonstrating the administration’s follow-through on the conditions imposed on perpetrators or in contacting affected victims. Thus, I was unable to confirm that resolution steps – for example, adjustments to schedules, checks-ins with affected students, or required apologies – actually occurred. I have no reason to believe they did not. However, a number of those I spoke with asserted that the Academy “doesn’t do enough” about sexually harassing comments, or other incidents, while others spoke of a general “mistrust” that the administration will respond effectively. Although confidentiality rules restrict the Academy from sharing disciplinary or other information pertaining to particular students or employees, the Academy must ensure that the corrective actions taken in response to alleged harassment are carried out and properly documented.

Most all of the case files I reviewed involved male students engaging in alleged misconduct directed at female students (and, in one instance, a female faculty member). Very few cases involved faculty or staff respondents, although Human Resources Director Margrave investigated a complaint of workplace harassment in 2018; that investigation was timely, thorough, and led to an effective resolution.¹⁰ As explained further in Section IV below, the faculty and staff I met with – including male employees – expressed concerns that a limited (but noteworthy) number of employees make inappropriate, demeaning, and/or misogynistic comments; such comments may or may not be directed at specific individuals. Moreover, according to these employees, there remains a great deal of reluctance or apprehension in reporting inappropriate conduct or comments to the administration. The relatively few reports of workplace sexual misconduct would appear to support that point. In addition, while the administration explained that any matter pertaining to faculty or staff is referred to Human Resources, it did not appear that the personnel office was involved or apprised in each of the matters that involved alleged misconduct on the part of an employee.

⁹ Dr. True also consistently informed students of the Academy’s clear prohibitions on retaliation, and the potential, serious consequences for retaliating against any victim either directly, or through others.

¹⁰ Two other matters, which were reportedly addressed informally, involved an inappropriate comment by a male employee toward a female student, while another matter pertained to a male victim who was reportedly sexually harassed during a cadet shipping experience.

Conclusion and Recommendations - Case Reviews

The information obtained during the audit indicates that over the last three full academic years, the Academy has responded promptly to allegations of sexual misconduct, conducted appropriate complaint investigations, and worked to resolve any allegations brought to its attention. At the same time, the Academy should consider taking the following steps:

1. Modify the various Academy policies and related information sources to clarify the Academy's "informal resolution" processes, when they apply (before, during, or after an investigation), and when and how they will be utilized. As part of that effort, the Academy should establish protocols for assessing allegations, and reviewing case trends or circumstances that may warrant a formal investigation or disciplinary process, as opposed to an informal resolution.
2. Establish protocols for checking in with parties following a complaint or investigation, and documenting that corrective action and other remedies have been implemented. The Academy should also assess the effectiveness and modify corrective actions as necessary, and consider whether more systemic steps – e.g., directed trainings, monitoring of programs or certain locations, etc. – are warranted.
3. Ensure appropriate coordination, and sharing of information, between the Title IX and Human Resources offices whenever a student incident also involves Academy faculty or staff (whether as a responding party or victim). Consistent documentation practices should also be followed with regard to receiving and responding to allegations of sexual harassment. In addition, the Academy must effectively assess and address the purported under-reporting of incidents involving MMA personnel (see Section IV below for further discussion).

IV. Culture, Prevention Efforts, and other Strategies

As stated above, Academy records indicate that the Title IX administrators promptly respond when an incident of sexual misconduct is brought to their attention. Those who participated in this audit generally expressed the same sentiment. Their concerns centered more on the perceived lack of reporting, reluctance to bring information forward to administration, and that sexually charged comments and jokes, crude or sexist remarks, or other potentially discriminatory behavior occur with some level of frequency. The general consensus among the participants is that such "cultural issues" pose the most significant challenges to the Academy's efforts to establish an environment free of discrimination or harassment. The following is a brief summary of the key issues that were raised during the audit, followed by a description of the programming and other preventative steps the Academy has taken to this point, and suggestions for addressing any identified gaps between the two.¹¹

¹¹ Unlike the data-driven reviews of Academy policies (Section II) and cases (Section III) above, the report information concerning the Academy culture comes solely from those individuals who participated in the audit. Without surveying a much larger portion of the Academy, I could not verify the extent to which students and/or staff share the same perspective or concerns reported by the participants. Even so, I found all of the accounts I received

First and foremost, most everyone I spoke with pointed to the relatively limited proportion of women on campus as the most obvious (and key) challenge toward effective prevention efforts.¹² In particular, female students in the Regiment spoke about oftentimes being the sole women in a class or training program, and having to “navigate” inappropriate comments or banter among male students in classes, activities, and training exercises. Many of those same students explained that the Academy is reflective of the marine industry, which is “male-dominated,” and that women must “put up” with a lot within the industry when it comes to comments about physical appearance or bodies, sexual jokes or innuendo, or potential physical and other harassing behaviors. “This is how it is at sea,” was a common refrain and noted as an obstacle to reporting incidents of misconduct. Women who are not in the Regiment shared similar impressions and that the disproportionate number of male to female students fosters much of the sexually charged behaviors they have experienced or observed.

Workforce

I obtained very few records pertaining to instances of sexual harassment targeting faculty or staff. The cases reported to administration were emblematic of the type of experiences that faculty and staff recounted to me. None of those I spoke with were aware of an instance in which a faculty or staff member was subjected to physical acts of sexual harassment. And few instances of overt harassment – sexualized jokes and comments – were raised during my interviews with employees, except for a noteworthy example of a sexualized, clearly offensive comment made by a male student toward a female faculty member.

Yet, most all of the female employees I spoke with shared examples in which they or another female employee felt belittled or devalued, compared to their male counterparts. A number of examples concerned a lack of recognition of women’s experience or credentials, such as when a male officer is addressed by his official title, whereas a female officer of equal rank is addressed as “Miss” or “Ms.,” several other examples pertained to women, who are highly qualified and have vast and meritorious experience in their field, being “disrespected” by male faculty or staff in one way or another. Female employees shared the “discomfort” some have with women faculty or those in positions of authority, as exhibited by comments about “traditional roles” that women should fulfill, jokes about pregnancy, or other disrespectful comments that they must tolerate. The clear sense from these faculty and staff is that disrespectful comments or treatment (or “microaggressions”) are reflective of implicit gender biases and influence the overall environment in which they work and students learn.¹³ As one male employee put it, it seems “extremely frustrating” to be a woman on campus and that “women at the Academy feel a

to be credible, and that the noted concerns were expressed by participants from all levels of MMA, including several of the administrators who participated in the review.

¹² As of the fall of 2020, women make up approximately 17% of the general student population; reportedly, less than 10% of students in the Regiment are female.

¹³ A “microaggression” is commonly defined as a comment or action that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group (See <https://www.merriam-webster.com/dictionary/microaggression>)

constant tension” as to whether they will be respected and treated equitably based on their qualifications and experience.

Certainly, the challenges in confronting implicit biases and microaggressions are not unique to Maine Maritime, as female employees face similar workplace challenges in many institutions and industries. In addition, some long term MMA employees shared that the current culture has improved significantly from several years ago when bias and discrimination toward women were even more prevalent. Nonetheless, all agreed that forms of misogyny or implicit gender bias still occur and that if tolerated, send the “wrong signals” to others (particularly male students) as to acceptable behavior and can lead to more overt forms of harassment.

Reporting

Despite the fact that Academy administration is responsive to reports of harassment brought to its attention, there is a clear sense among the community members I spoke with that incidents of sexual harassment often go unreported. All institutions struggle to educate and inform their communities, and to direct members to report incidents of harassment they experience, observe, or otherwise learn about. As for Maine Maritime, administration has taken many steps to foster reporting by students through training, memoranda, and other communications. Some students shared that they may contact the administration or certain faculty they trust or find approachable, while a number of student-athletes explained that they would more readily speak with their coach as a dependable and helpful source of support. Additionally, the employee groups were generally aware of their obligations to bring concerns about harassment of students forward to administration, a point that is also emphasized in training sessions with faculty, staff, and coaches.¹⁴

Still, certain factors were identified as obstacles to persons coming forward with concerns about sexual misconduct. Students shared that previously, there was a general misunderstanding that an alleged sexual assault victim who had consumed alcohol prior to an incident, and in violation of MMA’s alcohol policies, would not come forward in order to avoid disciplinary consequences for an alcohol offense. That misunderstanding appeared to grow out of a social media post. Nonetheless, students also confirmed that the Academy administration has taken several recent steps (in trainings, written correspondence, etc.) to correct the confusion and explain the Academy’s “Amnesty policy,” which provides that students are not held responsible for violations of the alcohol policy disclosed in connection with a complaint of alleged sexual misconduct. Others conveyed that the Academy’s trainings and messaging “should go further” in encouraging students to report incidents when alcohol is involved.

As is often the case in postsecondary institutions (and elsewhere), fear of “retaliation” was cited as a common obstacle to reporting incidents of harassment to MMA administration. For instance, students within the Regiment shared the general perception that students would

¹⁴ Reporting obligations are also addressed in an annual notice of the Academy’s harassment policies issued by the Human Resources Director to all employees. The annual notice requires supervisors to report instances of workplace harassment, while non-supervisory employees are “encouraged” to contact the Human Resources Director should they be targeted or witness harassment among faculty or staff.

“jeopardize” their maritime license if they were to report misconduct committed by a Regimental (student) leader. However, I did not learn of any actual case or example that led to that perception. Others asserted that victims are dissuaded from reporting and “ruining someone’s [academic or professional] career.” Concern over the supposed stigma in calling out a perpetrator and “jeopardizing” their future is another common obstacle to reporting sexual misconduct. The extent to which persons are actually discouraged from coming forward to the Academy is unclear. Vice President True shared, and the case records confirm, the lengths to which she (and Dean Davis) go to explain the prohibition of and potential consequences for an accused individual to retaliate against a victim. She also seeks to do more to ensure “the message gets through” as to the importance of reporting incidents of harassment. Whether the Academy can dispel the perceptions that appear to impede reporting remains a tall but important pursuit.¹⁵

LGBTQ+ Issues

I sought information as to the prevalence of sex-based conduct targeting members of the Academy’s LGBTQ+ community; the information was mixed. Some persons referred to MMA as being generally “behind the times” in terms of fostering an inclusive environment for LGBTQ+ individuals and addressing discrimination targeting an individual’s sexual orientation or gender identity.¹⁶ I did not learn of any reported instances of such discrimination on campus that went unaddressed; in fact, several individuals pointed to the administration’s effective response when a non-binary student was targeted by late-night disruptions in the dormitory by other students. Students also spoke of instances in which social media posts, memes, or drawings that were disparaging of gay or other LGBTQ+ individuals were circulated among students or others on campus. Some questioned whether the Academy can address those communications as a policy or Honor Code violation, and there was the general consensus that further education regarding inclusiveness and protections for LGBTQ+ persons on campus is needed. As one person noted, fostering support for LGBTQ+ individuals remains a “big challenge” for the Academy.

Training

MMA has put a great deal of effort into training students, faculty, and staff on Title IX and issues of sexual harassment. Even so, the need for enhanced, more effective training and education programs around sexual misconduct, prevention, reporting, and related topics was a prevalent theme throughout this review. As to students, Vice President True and Dean Davis hold annual training during new student orientation, as part of its broad “Respect the Anchor” on-line session which includes training on Title IX and sexual harassment, the Honor Code, drug and alcohol use, and other topics. Additionally, first-year students receive periodic information

¹⁵ The Academy recently established an anonymous web-based reporting system, which can increase reporting, allow administration to review trends as to the nature or location of alleged misconduct, and help to devise responsive strategies without identifying an actual victim. However, only one anonymous report had been made as of the time of this audit.

¹⁶ Protections against discrimination on the basis of sexual orientation and gender identity are well-established under State law (the Maine Human rights Act) and more recently, Title VII of the federal Civil Rights Act (applicable to employees). MMA policies clearly prohibit discrimination based on sexual orientation, gender identity, and gender expression.

through their first-year professional development class addressing topics such as sexual assault prevention strategies and bystander intervention. Several female students, however, spoke of their discomfort in being the only female, or one of few women, in those classes and feeling “the spotlight” was on them.

Other trainings are held for discrete groups. For instance, Dr. True and Dean Davis conduct an annual session on sexual misconduct and prevention for students participating in co-op (external career exploration) programs or cadet shipping (sea-time training on merchant vessels), as well for Resident Assistants working in the dormitory and student Training Officers who guide first year students in the Regiment. Information is tailored to each audience; for instance, those in cadet shipping receive guidance on specific strategies for reducing risk of harassment on vessels operated by private companies and navigating the operator’s policies, which can pose very unique challenges.¹⁷

There was a consensus among the audit participants, however, that much of the general student population does not receive sufficient training or programming in understanding sexual misconduct, prevention strategies, and the seriousness in which it is treated by administration. Second, third and fourth-year students shared that the training during new student orientation is necessary, but of limited effect in that students have yet to experience Academy life, and have little context for how harassment might arise or the challenges that follow. Moreover, course information that is taken on-line was not considered helpful in that students can skip through it quickly, which many of those I interviewed did.

Programming for faculty and staff is also varied. First, the Academy requires all employees to attend annual training on prevention of workplace discrimination, including sexual harassment. Over the last few years, the Academy has held additional trainings on Title IX, reporting obligations, intervention strategies, and related topics for “new faculty” and coaches. Lastly, all faculty received training (in the fall of 2020) on the new Title IX regulations; that session also addressed the important topic of modeling appropriate behavior for students (“tone-setting” as described in the materials) and expectations for faculty to immediately respond to sexist, homophobic, racist or other biased jokes or remarks, and to report all incidents of misconduct to administration. That program is a step in the right direction, although some expressed concern over the difficulty in getting many faculty to engage in these training sessions and that participation tends to be limited to the same few individuals.

Conclusion and Recommendations - Culture, Prevention, and Strategies

Maine Maritime, its leadership, administration, Title IX Committee and others have taken several steps in recent years to create greater awareness around Title IX, sexual misconduct, and prevention strategies. The Academy has fulfilled the training directives in the Title IX rules, formulated programs for students, faculty, and staff across the Academy and continues to explore ways to encourage reporting of incidents of harassment. While some of those efforts and programs should continue, the Academy should also consider taking the following steps:

¹⁷ Similar information is tailored to those in co-op programs, while Resident Assistants and the training staff are informed on prohibited behaviors, but also on their obligation to report incidents of harassment.

1. Re-shaping Academy training programs around sexual misconduct, prevention, and awareness for students. Existing programs should be modified or supplemented with in-depth sessions on consent to sexual contact, effects of alcohol and drugs, respecting boundaries, practical intervention strategies, and other topics. A more effective approach may be to hold peer-delivered training programs as peer programs tend to be far more useful and better resonate with students.¹⁸ The Academy's Title IX Committee should be a key partner in this effort and in identifying potential training programs, including those that have proven effective in other service academies or institutions. The Academy also needs to find ways to build in ongoing programming for students throughout their time at MMA (beyond first-year orientation) and should provide options for female students to participate through separate or additional sessions.
2. Expanding the scope of current educational programs beyond sexual assault and harassment to address, in clear and effective ways, other forms of gender-based discrimination, including implicit, subtle, or unintentional biases (or microaggressions). Such programming should be directed at faculty and staff first, as a means of fostering respectfulness for women that should be part of all aspects of day-to-day life within the Academy. Modeling appropriate behaviors for students, calling out students or staff who disrespect women (or LGBTQ+ members, minority groups, etc.), and promoting a respectful, supportive learning environment – and thus decreasing the potential for more overt harassment – starts with the MMA workforce. Similar or additional sessions should be held for administrators, department heads, staff supervisors, and student leaders (Regimental training officers, athletic team captains, Resident Advisors, and others). Male student leaders in particular should be part of further initiatives in establishing expectations for all students.

Relatedly, faculty, staff, and student leaders all should be tasked with emphasizing the importance of reporting instances of misconduct and combating the disincentives for doing so. For instance, students need to be disavowed of the view that sexual harassment should be tolerated because “that is how it is at sea” or any other industry; greater emphasis on the prohibition and consequences for retaliation should be part of that same conversation.

3. Developing a climate survey or other means for gathering feedback periodically. Any instrument should be tailored to the Academy's unique structures, student life, career, and experiential learning. “Listening sessions” or other information-gathering initiatives led by the Title IX Committee's should continue. In sum, information as to the prevalence of sexual misconduct, bias incidents, changes in reporting levels, and the effectiveness of updated programs will be critical to informing programming changes and other initiatives.

¹⁸ Academy administration reports that it is seeking to develop a local chapter through the national non-profit initiative, “It's On us,” which assists campuses to develop student led programming on sexual assault prevention. Generating broad participation in that or other programming will be critical to the Academy's prevention efforts.

V. Moving Forward

The information set forth in this report reflects the state of the Title IX system at Maine Maritime Academy. Appropriate policies and procedures are in place, and available data demonstrates that Academy administration responds promptly and appropriately whenever a victim or complainant comes forward, or it is otherwise notified of an alleged incident of sexual misconduct. Vice President True, as Title IX Coordinator, as well as others, expend a great deal of energy in that regard and in prioritizing the safety and full participation of MMA students. Those efforts have not gone unrecognized, even though participants in the audit, including Dr. True herself, assert that more is needed to establish as effective a system as possible.

Similarly, there is a relative agreement among the audit participants as to the areas that warrant the most attention and/or resources. Increased reporting of sex-based conduct and ongoing training for students and employees on prevention strategies are two such examples. Tackling the noted cultural issues poses an even greater challenge, given the demographics of the Academy's student body and the implicit gender biases inherent across society, particularly in male-dominated environments. Fortunately, the concerned members of the community who spoke to me, and Academy leadership, expressed similar goals: that is, to ensure that students and employees are not only safe and free of harassment, but also feel respected and valued throughout their time at the Academy. Many stated that the decision to pursue this audit and seek to improve upon current practices – through the resulting recommendations or other measures – is an important step in that regard. I am confident the community will see further improvements as cooperation among the Academy leadership, its workforce, students and member of the Title IX Committee continues.

I applaud Maine Maritime and its community for embarking on this audit, assessing its practices and overall environment and, most importantly, for its commitment to the well-being of its students and employees. I also greatly appreciate the wonderful cooperation I received from so many people throughout the review, and welcome any questions or tasks if I can be of further assistance.