

THE INVESTIGATIVE PROCESS

Industry Best Practice is that 100% of all reported incidents shall be investigated.

- ◆ All complaints are reported per policy; in cases of sexual assault this is the appropriate legal authority.
- ◆ Individual safety, medical support, or advocacy services should take priority.
- ◆ If possible separate the individuals, prevent further escalation, and ensure a safe work environment.
- ◆ The investigation will include interviewing the accuser, the accused, and witness.
- ◆ Maintain confidentiality and advise all parties of the company's retaliation policy.
- ◆ Witnesses may be required to provide a written statement, as appropriate.
- ◆ Labor Relations/Human Resources will review involved parties' work history, statements and facts.
- ◆ A third party or legal counsel may be involved.
- ◆ The report of findings will be forwarded to the appropriate Senior Management.
- ◆ Senior Management and Labor Relations/ Human Resources will decide if disciplinary action is required.
- ◆ The involved parties are notified of the progress of the investigation.
- ◆ Once a final decision is made, the parties involved are notified of the results, as appropriate.

All prohibited behavior shall be reported, even if it stops. This helps identify previous patterns of prohibited behavior and prevent future occurrences to someone else.

VICTIM ADVOCACY

- ◆ Companies should implement some form of victim advocacy training for a designated person or department.
- ◆ This may be formal, certified training or informal for familiarization purposes.
- ◆ It is good practice to provide training so that, should there be a Sexual Assault incident, there will be some level of professional training and familiarization in dealing with the victim and parties involved until more formal support becomes available.
- ◆ Many local community colleges provide relatively inexpensive familiarization courses related to Sexual Assault prevention and victim advocacy/support in addition to a variety of courses available online at no cost.
- ◆ This training is intended to enhance required training at an official Sexual Assault or human services agency.
- ◆ Completion does not certify trainees as advocates or counselors. The curriculum focuses on intervening in a crisis as a first responder rather than on a long-term basis or on providing group counseling.

Examples of current online training options:

- ◆ Office of Victims of Crime
<https://www.ovc.gov/>
- ◆ National Sexual Violence Resource Center
<https://www.nsvrc.org/elearning/2355>
- ◆ U.S. DOJ - Office of Violence Against Women
<https://www.justice.gov/ovw>
- ◆ End of Violence Against Women International
<http://www.evawintl.org>

Many states have 30 to 40 hour courses that result in certification, two robust examples are: Utah and Washington.
<http://www.wcsap.org/about-advocate-core-training>



Quick Reference Guide for Shoreside Personnel *“Prevention and Reporting of Sexual Assault & Sexual Harassment”*



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RESPONSE TO SEXUAL ASSAULT AND SEXUAL HARASSMENT

All shoreside personnel must take an active role and speak up and report incidents of Sexual Assault and Sexual Harassment and other prohibited behaviors.

- ◆ You should feel empowered to say something if you see something.
- ◆ You should also feel empowered to intervene and address the safety of those involved in the incident.
- ◆ If you witness someone being harassed, you are encouraged to confront the harasser and ask him or her to stop right away, if you feel safe to do so. If you feel there may be a confrontation, you may request a support person be present to help prevent the situation from escalating.
- ◆ Shore-based personnel should be aware that their company is responsible for investigating 100% of all reported incidents and taking appropriate actions against the prohibited behavior.
- ◆ To nurture a zero-tolerance culture, you must feel that it is safe to speak up and actively participate in fostering an environment of fairness, dignity and respect. Without these convictions, the safety of your work environment can be negatively impacted.
- ◆ You should also understand that retaliation for reporting an incident, whether the retaliation takes place on or off the job, is illegal and a terminable offense. There is zero tolerance for retaliation, and you should have no fear of speaking up when the situation demands it.

RESPONSE FOR TRAINED PERSONS ASHORE

Recognizing the behaviors of potential offenders, being aware of high-risk situations and being an active bystander are all ways to protect your shipmates.

“If you see something, say something!”

A Designated Person Ashore or other trained personnel, who receive a report of or witnesses an incident of Sexual Assault or Sexual Harassment should respond as follows:

- ◆ Maintain professionalism at all times. Address issues and problems regardless of how small they may appear. A proactive approach could prevent incidents from happening again.
- ◆ Action should be taken immediately at the lowest level within the chain of command to stop and correct the prohibited behavior.
- ◆ Ensure individual safety by separating those engaged in confrontation, walking a shipmate back to the vessel, contacting the vessel Master, officer, manager or supervisor, law enforcement or medical support.
- ◆ Ensure adherence to all company policies and procedures.
- ◆ Ensure that all third-party personnel, vendors and contractors are held to the same level of accountability as company employees.
- ◆ Report those who are ignoring incidents, if brought to your attention.
- ◆ Forward all reports of any incident of Sexual Assault or Sexual Harassment up the chain of command for further action and/or investigation.

ACTIONS TO TAKE WHEN RECEIVING A REPORT

- ◆ Ensure scene safety of the victim
- ◆ Gather and document basic information from the victim on the incident such as:
 - a. Name and contact information of victim
 - b. Name of Vessel or facility
 - c. Date/time of incident
 - d. Type of incident
 - e. Is the Master aware of the incident?
 - f. Who is the accused and where are they?
- ◆ Contact and provide this information to the appropriate shoreside management. The Labor Relations or Human Resources Department should have trained personnel to handle the incident and investigation moving forward.



Any pattern of behavior resulting in termination associated with assault or harassment should be reported to the U.S. Coast Guard, Office in Charge of the Investigations Branch of the Sector/District in which the incident occurred. Extreme acts can result in suspension or revocation of the mariner's MMC in accordance with 46 CFR Part 5, Subpart B § 5.27.