



## **REPORT TO CONGRESS**

# **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ANNUAL SEXUAL ASSAULT REPORT**

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*Developed pursuant to: Senate Report (Public Law 114-328) accompanying the National  
Defense Authorization Act, 2017 (Public Law 114-328)*

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THE SENATE REPORT (PUBLIC LAW 114-328) ACCOMPANYING THE NATIONAL  
DEFENSE AUTHORIZATION ACT, 2017 (PUBLIC LAW 114-328) INCLUDED THE  
FOLLOWING LANGUAGE

*"...submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration."*

THIS REPORT RESPONDS TO A REQUEST BY THE SENATE COMMITTEE ON  
COMMERCE, SCIENCE, AND TRANSPORTATION AND THE HOUSE OF  
REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES.

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## **I. Executive Summary**

The Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) are committed to providing a workplace free from sexual assault and sexual harassment. In February 2018, NOAA published the *Sexual Assault and Sexual Harassment Prevention and Response Policy* (NOAA SASH Policy), NOAA Administrative Order 202-1106, which was developed in accordance with the requirements of the National Defense Authorization Act for Fiscal Year 2017 (Act) (Public Law 114-328), Subtitle C – Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration, 33 U.S.C. § 894. Section 3546 of the Act directs the Secretary of Commerce to submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources an annual report on sexual assaults involving employees of NOAA, members of NOAA's commissioned officer corps (NOAA Corps), and individuals who work with or conduct business on behalf of NOAA. This report provides a description of the positive steps NOAA has taken to address this serious issue, followed by data on sexual assault and sexual harassment reported in 2018.

## **II. Background**

The Act required NOAA to develop a comprehensive policy on the prevention and response to sexual assaults and sexual harassment involving employees of NOAA, members of the NOAA Corps, and individuals who work with or conduct business on behalf of NOAA. NOAA enacted the NOAA SASH Policy, which prohibits sexual assault and sexual harassment by or of any employee, supervisor, manager, contractor, vendor, affiliate, or other individual with whom NOAA employees come into contact by the virtue of their work for NOAA.

NOAA is a geographically dispersed agency that has approximately 12,000 global employees. NOAA has several Staff Offices and six Line Offices: National Environmental Satellite, Data, and Information Service; National Marine Fisheries Service (NMFS); National Ocean Service (NOS); National Weather Service (NWS); Office of Oceanic & Atmospheric Research (OAR); and Office of Marine and Aviation Operations (OMAO). NOAA seeks to reduce, with the goal to eliminate, sexual assault and sexual harassment in the workplace.

## **III. Establishing a Prevention and Response Program**

NOAA partnered with the Nation's largest anti-sexual violence organization, Rape, Abuse & Incest National Network and, in December 2016, established a Sexual Assault and Sexual Harassment Helpline (SASH Helpline), which continues to provide crisis intervention, referrals, and emotional support to victims. These services are available to NOAA employees, including the NOAA Corps, as well as individuals who work with or conduct business on behalf of NOAA. In 2018, the SASH Helpline received 3,377 contacts, including website views, 114 phone calls, 62 text conversations, 54 application downloads, and 40 online chats. NOAA's Employee Assistance Program continues to offer professional counseling and referrals to assist NOAA employees who are victims of sexual assault and/or harassment and their family members. Additionally, NOAA employees have access to the WorkLife4You Program, which provides resources, referrals, and support.

These programs are available 24 hours a day, 7 days a week by phone and website.

**i. NOAA Hired a Workplace Violence Prevention and Response Program Manager**

In August 2018, NOAA hired a workplace violence prevention and response program manager to develop an agency-wide program to prevent and respond to sexual assault and sexual harassment. During her first 90 days, the program manager conducted an initial assessment of the NOAA workforce by interviewing line office management officials, reviewing closed and active cases in which sexual assault and sexual harassment had been alleged, as well as assessing the risk factors for harassment at NOAA, with particular focus on OMAO. The program manager reviewed the U.S. Equal Employment Opportunity Commission's (EEOC) *Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace* (June 2016) for best practices focusing on prevention. During the initial assessment, it was determined that NOAA has a number of environmental risk factors that suggest that there may be fertile ground for harassment and/or assault to occur. The risk factors include having a homogenous workforce; having workplaces with significant power disparities between different groups of workers; and having isolated, remote, and decentralized workplaces. The objective of identifying and describing these risk factors is to provide a road map for NOAA to take proactive measures to prevent sexual assault and sexual harassment in NOAA workplaces.

**ii. NOAA Drafted a Strategic Plan for Prevention and Response**

After conducting the initial assessment, the program manager recommended actions and drafted a strategic plan for workplace violence prevention and response. The program manager's recommendations were consolidated in a strategic plan, which established three goals for the program:

1. Develop a comprehensive, survivor-centered, streamlined NOAA approach to workplace violence with an emphasis on sexual assault and sexual harassment;
2. Create and implement a holistic prevention platform to address workplace violence in all of its forms, including sexual assault and sexual harassment, by promoting civility and bystander intervention training; and
3. Engage leadership at all levels and equip them to serve as champions of response and prevention to workplace violence, sexual assault, and sexual harassment with a focus on making NOAA's program "best in class" across Federal agencies.

Additionally, NOAA partnered with the U.S. Coast Guard to train one victim advocate and one OMAO victim advocate liaison, who is located at Marine Operations Center – Pacific in Newport, Oregon. NOAA is working with the National Organization of Victim Assistance to develop a credentialing and certification program. In 2019, NOAA plans to

increase the number of victim advocates to seven, across NOAA regions, with a focus on highest risk areas of the administration.

### **iii. NOAA Trained the Workforce and Planned for Bystander Intervention Training**

During 2018, NOAA trained more than half of its workforce (6,594 of 13,188 employees) on sexual assault and sexual harassment. In 2019, NOAA will initiate bystander intervention training, which is highly recommended as a best practice by EEOC and has been used successfully as a violence prevention strategy by educational institutions and workplaces to prevent sexual assault and sexual harassment. NOAA's bystander intervention training will: 1) create awareness by enabling bystanders to recognize potentially problematic behaviors; 2) motivate bystanders to step in and act when they observe such behaviors; 3) conduct skills-building exercises to provide bystanders with the skills and confidence to intervene as appropriate; and 4) provide bystanders with resources they can use to intervene.

## **IV. Data on Sexual Assault**

The Act requires this report to include the number of alleged sexual assaults involving NOAA employees, including NOAA Corps members, and individuals who work with or conduct business on behalf of NOAA. It also requires a synopsis of each case, including the disciplinary action taken. During 2018, NOAA received or became aware of 22 sexual assault allegations spanning a 3-year period involving NOAA employees, members of the NOAA Corps, and individuals who work with or conduct business on behalf of NOAA.

### **i. NOAA Employees & NOAA Corps**

NOAA Corps is one of seven Federal uniformed services of the United States, within NOAA's OMAO. NOAA Corps officers serve on the sea, on land, and in the air to support NOAA's environmental science and stewardship mission. OMAO administers NOAA's fleet of 16 research and survey ships. Ranging from large oceanographic research vessels to smaller ships responsible for charting the shallow bays and inlets, the fleet supports a wide range of maritime activities, including fisheries research, nautical charting, and climate and ocean studies. OMAO's NOAA Corps and wage mariner civilians run the ships. The wage marine personnel include licensed masters, mates, and engineers, as well as unlicensed members of the engine, steward, and deck departments. In addition to the NOAA Corps and wage mariners, NOAA scientists conduct research on the ships. Ships located in the Atlantic are managed by the Marine Operations Center – Atlantic in Norfolk, Virginia. Ships located in the Pacific are managed by the Marine Operations Center – Pacific in Newport, Oregon. Ships located in Hawaii are managed by the Marine Operations Center – Pacific Islands.

During this reporting period, NOAA learned of sexual assaults of NOAA employees that occurred in 2017 and were unknown when the 2017 annual report was issued. NOAA supplements the 2017 report by summarizing those cases here. During an investigation

on one OMAO ship, NOAA learned of five sexual assaults by OMAO employees, including three assaults by one employee, which occurred over a 2-year period from 2015 to 2017.

- A male NOAA crew member reached down a female NOAA Corps officer's shirt, grabbed her bra strap, and snapped it. OMAO terminated the male crew member's employment.
- A male NOAA crew member grabbed a female visiting scientist's breast. During the investigation, NOAA learned that the same male crew member had groped two female NOAA crew members. Before the male crew member could be terminated, he retired from NOAA employment.
- A higher-ranked male NOAA Corps officer pressed his body against a female NOAA Corps officer's body repeatedly and groped her as she tried to pass him on the ship. OMAO terminated the male NOAA Corps officer's employment.

Because these assaults occurred on the same ship, OMAO removed the NOAA Corps commanding and executive officers from the ship's command and issued them letters of discipline.

In 2018, there were three assault cases involving NOAA employees:

- A male NOS lab manager poked a male facility maintenance technician's buttocks with a handheld radio antenna. Disciplinary action is being considered.
- A male NOS facility technician witnessed another unidentified male coworker insert a finger into an unidentified male coworker's buttocks.
- An NWS female employee groped an NWS male employee's genitals through clothing during an off-duty social activity. Disciplinary action is being considered.

## **ii. NMFS National Observer Program**

At-sea monitors and observers play a critical role in supporting NOAA. For more than four decades, fishery observers and at-sea monitors have collected data from U.S. commercial fishing and processing vessels, as well as from shore-side processing plants. Observers are professionally trained biological scientists who gather first-hand data on what's caught and thrown back, which supports science, conservation, and management activities. Observers are employees of contractors and they are not NOAA employees. In 2019, NOAA will be reviewing and revising the training required for new observer candidates to ensure it adequately addresses sexual assault and sexual harassment prevention.

NMFS National Observer Program, observer providers, and observers report allegations of sexual assault to NOAA's Office of Law Enforcement (OLE). OLE has included observer sexual assault and sexual harassment on its list of Highest Priority Violations. OLE officers and agents investigate complaints, identify violations, and determine the appropriate level of response.

NOAA OLE received 12 reports of assaults involving observers:

- A male observer attempted to engage in non-consensual forced sexual activity with a female observer. This case is under investigation.
- A male commercial fishing vessel crew member forcibly engaged in non-consensual sexual activity with a female observer. Local law enforcement criminally charged the crew member.
- A male commercial fishing vessel crew member forcibly engaged in non-consensual sexual activity with a female observer. This case is under investigation.
- A male commercial fishing vessel crew member touched a female observer's buttocks. This case is under investigation.
- A male commercial fishing vessel crew member groped a female observer's buttocks. This case is under investigation.
- A male commercial fishing vessel crew member forcibly engaged in non-consensual sexual activity with a female observer. This case is under investigation.
- A male commercial fishing vessel crew member forcibly engaged in non-consensual sexual activity with a female observer. This case is under investigation.
- A male commercial fishing vessel crew member groped a female observer's buttocks, forcibly hugged her, and attempted to kiss her. This case is under investigation.
- A male commercial fishing vessel crew member touched a female observer's buttocks and attempted to forcibly kiss her at an off-duty social activity. This case is under investigation.
- A local individual attempted to sexually assault a female observer while on shore leave. The incident is under investigation by local law enforcement.
- In 2017, a male commercial fishing vessel crew member attempted to forcibly kiss a female observer. The captain of the commercial fishing vessel terminated the crew member's employment.
- In 2017, a male commercial fishing vessel crew member touched a male observer's buttocks. This case was adjudicated and closed with a penalty of \$80,000 imposed on the perpetrator.

### **iii. Regional Fishery Management Councils**

The Magnuson-Stevens Act created eight regional fishery management councils. The Council Coordination Committee consists of the chairs, vice chairs, and executive directors from each regional fishery management council. The committee meets twice each year to discuss issues relevant to all councils. Each council holds meetings throughout the year to discuss conservation and management of the region's fisheries. NOAA is exploring ways to partner with the councils on sexual assault and sexual harassment prevention. NOAA will include the councils in the workplace assessment planned for 2019, and it will provide council members with bystander intervention training.

NOAA received two allegations of sexual assault involving members of fishery management councils:

- Two women anonymously reported that members of fisheries management councils groped and grabbed females' buttocks on multiple occasions at council events. This case is under investigation.

#### iv. Observations About NOAA's Sexual Assault Data

The sexual assault data indicate two identifiable risk zones for NOAA: 1) on NOAA ships; and 2) The Fishery Observer Program. Because 19 of the 21 victims of assault were women working in remote locations and isolated workspaces such as ships, women continue to be the most vulnerable risk group NOAA-wide. Ten sexual assaults occurred in the Alaska region involving female observers on ships. Of the 400 Alaska observers, approximately half are women. NOAA OLE Alaska Division maintains a strong partnership with the Observer Program and they frequently engage with industry to support outreach, education, and compliance assistance. NOAA has and will continue to partner with Standing Together Against Rape (STAR), an Alaska-based victim advocacy organization, providing prevention and victim support training to the Observer Program. NOAA's Western Regional Center supports NOAA's programs in Alaska. Given the incidents in the Alaska region, NOAA is considering locating the victim advocate in Alaska. Additionally, NOAA is exploring ways to partner with Observer Providers and commercial fishing vessel owners to prevent and respond to sexual assault and sexual harassment.

#### V. Data on Sexual Harassment

During 2018, NOAA received 52 allegations of sexual harassment involving NOAA employees, members of the NOAA Corps, and individuals who worked for or conducted business on behalf of NOAA. Of those 52 reports, 31 cases were substantiated after fact-finding investigations; 7 are unsubstantiated and 14 are pending resolution. The inquiries took between 3 weeks and 35 weeks to complete. The majority of sexual harassment allegations, specifically 42 of the 52 allegations, arose on NOAA ships and from observers on commercial fishing vessels in the Alaska region. The following table sets forth the number of allegations by office. Regarding the OMAO cases, 24 of the 31 sexual harassment allegations arose on one ship in late 2017. Those allegations were not reported in the 2017 annual report and have been included in this report.

NOAA had a total of 52 cases involving sexual harassment allegations:

Office	Total	Under Investigation	Substantiated	Unsubstantiated
OMAO	31	0	25	6
Observers Contractors	11	11	0	0
NWS	3	1	1	1
OAR	3	1	2	0

NMFS	2	1	1	0
NOS	1	0	1	0
Contractor	1	0	1	0
<b>Total</b>	<b>52</b>	<b>14</b>	<b>31</b>	<b>7</b>

## **VI. Growing the NOAA Prevention and Response Program**

Preventing and responding to sexual assault and sexual harassment remains a priority for NOAA. In 2019, NOAA will focus on ensuring leaders understand the importance of continuing to provide two of the most important commodities in a workplace, funding and time, to prevent and eliminate sexual assault and sexual harassment NOAA-wide. NOAA's highest priorities will be completing the NOAA-wide workplace assessment and implementing bystander intervention training. NOAA will bring awareness and resources to leaders and employees by hosting a SASH Summit featuring experts in prevention and response to sexual assault and sexual harassment. NOAA is creating a SASH Council consisting of representatives from line, staff, and program offices and stakeholders to implement the SASH strategic plan.