

Front cover. Title. BEST PRACTICES GUIDE on Prevention of Sexual Assault & Sexual Harassment in the U.S. Merchant Marine.

Foreword.

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This document is not mandatory and is not intended to conflict with regulatory requirements from any authority. Individuals and organizations using these best practices should consult appropriate regulatory requirements for their jurisdiction.

SOCP requests readers to submit any noted errors, omissions, or recommendations for future improvement to this Guide and additional best practice examples to:
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Introduction from the SOCP President, Patricia Finsterbusch

This Best Practices Guide has been created to address instances of Sexual Assault, Sexual Harassment and other prohibited behaviors in the U.S. Merchant Marine. Specific issues addressed, in addition to Sexual Assault and Sexual Harassment, include retaliation, bystander intervention, bullying, hazing, coercion, stalking and other prohibited behaviors.

The U.S. Merchant Marine is committed to a culture where there is zero tolerance for such behaviors. While every individual is accountable for his or her behavior, it is every company's responsibility to promote an abuse-free culture among its employees. Accordingly, this Guide is designed to identify and share those best practices used by maritime companies of all sizes to implement Sexual Assault and Sexual Harassment prevention-and-response policies in the workplace. To accomplish this, the best practices guide provides examples of best practices currently in place from various maritime companies and organizations.

The goal is a workplace culture that fosters collaboration, mutual respect, responsibility and accountability for the success of our industry. These principles apply whether the workplace is a vessel, marine terminal, office or any other environment. Respect for the chain of command is important along with the empowerment of each employee to speak out to prevent harm to anyone.

We in the industry view Sexual Assault and Sexual Harassment as an abuse of power. It makes no difference whether such power is derived from a person's rank, physical stature or any other source. In all cases, such conduct is completely unacceptable, potentially unlawful and directly contrary to the culture the U.S. Merchant Marine strives to maintain.

SOCP suggests the widest distribution of this Guide to the industry. We strongly recommend that SOCP members and the maritime industry continue the dialogue and spread the word about the importance of these issues. These ongoing efforts will allow us to continually improve and revise these best practices in our ongoing efforts to ensure a culture free of Sexual Assault, Sexual Harassment and other prohibited behaviors.

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Employee section, page 1, for the employee.

Page 2, Employee Guide Introduction.

This Employee Guide of the Best Practices Guide is designed to provide U.S. merchant mariners and shore-based personnel with guidance on their responsibility to be respectful and actively participate in a work environment free of Sexual Assault, Sexual Harassment and other prohibited behaviors.

Two separate sections are provided for reference and guidance for the Employee and the Company. Existing best practices, policies and procedures are emphasized within each section, with examples in the Annexes.

You are encouraged to read this section in its entirety and to utilize the Company Section of the Best Practices Guide for reference on best practices at the company level. The Annexes contain examples of best practice policies and procedures currently in use throughout the U.S. Merchant Marine industry.

This Best Practices Guide on Prevention of Sexual Assault and Sexual Harassment provides best practices to the U.S. Merchant Marine in regards to prevention and response. This includes professional merchant mariners on vessels of all types covering all U.S. Merchant Marine segments including oceangoing, coastwise, Great Lakes, inland, harbor, towing, offshore industry, cruise, ferries, dredging, research vessels and government-owned vessels.

In addition, these industry best practices apply to maritime operating companies, ship owners and operators; shore-based personnel managing or interacting with merchant mariners, contractors and others who work in the industry.

Other segments of the U.S. maritime industry such as vessel marine agents, pilots, marine terminal personnel, longshoremen, personnel working in U.S. ports, shipbuilding and ship repair industry personnel, and contractors, subcontractors, vendors interacting with merchant mariners should all be made aware of these best practices.

Nurturing a zero-tolerance culture with respect to Sexual Assault and Sexual Harassment starts with your company's leadership. But it is impossible to implement and maintain this culture without you being engaged and feeling empowered to speak up and address the issue freely:

"IF YOU SEE SOMETHING, SAY SOMETHING!"

Working environments free of Sexual Assault and Sexual Harassment are created by cultures that focus on reinforcing positive behaviors as their primary goal. You should have a personal role in your company's culture and take responsibility for maintaining your professionalism, being respectful and honoring your work responsibilities. To set the tone, it is necessary to establish and nurture a culture of zero tolerance for all prohibited behaviors including, but not limited to, bullying, hazing, coercion, stalking and non-sexual violence.

Page 3, Best Practice #1: Reporting of Sexual Assault & Sexual Harassment.

People often do not report an incident or repeated incidents of Sexual Harassment or other prohibited behavior because they do not know how to report it or are unsure of what will happen next.

Make sure you know your company's reporting procedures. Companies will often have multiple ways for you to report an incident to ensure your protection.

Understand that your company will make every effort to maintain confidentiality.

Know that there is zero tolerance for retaliation (on or off the job) against anyone reporting an incident.

Report any prohibited behaviors to the appropriate person as soon as it happens.

Familiarize yourself with the information your company requires in a report; such as who, what, when and where.

Know your reporting options: Vessel Supervisor, Vessel Master, Designated Person Ashore (DPA) and/or Onboard Union Representative, Port Captain or Port Engineer, Marine Personnel Department, Human Resources Department, and/or Labor Relations Department.

Sticky note #1. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature regardless of a person's gender that affects an individual's workplace.

Sticky note #2. Sexual Assault is any type of sexual contact that occurs without consent, whether through the use of force, physical threat or abuse of authority for personal gains of a sexual nature. The victim of Sexual Assault may be male or female, and the perpetrator may be of the same or opposite sex.

Page 4.

If you are being harassed or witness someone else being harassed, you are encouraged to confront the harasser and ask him or her to stop right away, if you feel safe in doing so. If you feel there may be a confrontation, you may request a support person be present to help prevent the situation from escalating.

You should report all prohibited behavior, even if it stops. This will help to identify previous incidents and prevent future occurrences.

Even minor offenses must be addressed right away to prevent them from happening again or becoming more serious in the future. Bullying, hazing, coercion, stalking and other forms of non-sexual violence are all prohibited. It is your responsibility to help promote a work environment where these behaviors are not tolerated.

You should report all prohibited behavior, even if it stops, in order to identify previous patterns of prohibited behavior and to prevent future occurrences to you or someone else.

Sticky note #1. Examples of Sexual Harassment: Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments; Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures.

Sticky note #2. Examples of Sexual Harassment: Physical conduct such as unwanted touching, blocking normal movement or interfering with work because of refusal of sexual advances or sexual orientation;

Threats and demands to submit to sexual requests as a condition of continued employment or to avoid discipline.

Page 5, Best Practice #2: Basic Do's and Don'ts.

Notebook #1.

DO – Report all prohibited behaviors – If You See Something, Say Something!

DO – Treat others with the same respect you expect to receive.

DO – Treat others equally regardless of gender, sexual orientation or identification.

DO – Participate in training and keep yourself informed of current policies and procedures.

DO – Ensure you and your colleagues are aware of your reporting options.

DO – Be aware of your surroundings and maintain control of yourself at all times.

DO – Understand that “No means No”.

Notebook #2.

DON'T – Ignore prohibited behaviors - If You See Something, Say Something!

DON'T – Use slang or slurs to refer to a person by their gender, sexual orientation or identification.

DON'T – Participate in behaviors or actions towards others that could be perceived as harassing.

DON'T – Violate, “bend”, or circumvent company policies and procedures.

DON'T – Retaliate. There is ZERO TOLERANCE for retaliating against anyone reporting an incident.

Sticky note. It is everyone's right, responsibility and obligation to speak up! If you see something, say something!

Page 6, Best Practice #3: Safety on Shore Leave.

Going ashore can pose dangers for mariners, especially when in unfamiliar places or foreign countries. These dangers are frequently overlooked in the excitement of travel and the desire to get away from the ship for a few hours.

1. Do not go ashore alone. Partner with a shipmate; there is strength in numbers!
2. Be aware of your surroundings.

3. Always watch for suspicious behavior.
4. Walk quickly and confidently (have a plan of where you are going and don't appear confused and lost).
5. Keep valuables concealed; do not openly show large amounts of money.
6. Stay in well-lit, populated areas.
7. Take the phone numbers of the ship and ship's agent with you ashore.
8. If in a foreign country, take with you the phone number and address of the local U.S. Embassy.
9. Know how to call for help in an emergency.
10. Follow your company's drug & alcohol policy.
11. Don't stand out, dress casually and try to blend in with the locals.

The industry expects all personnel to protect each other and look out for each other. When you see a colleague in distress, step up and be a responsible mariner, a true shipmate. You are expected to protect each other on and off duty. An active bystander is an effective way of preventing Sexual Assault or Sexual Harassment and other prohibited behaviors.

Sticky note. Consent means words or overt acts by a competent person indicating freely given agreement to sexual conduct. An expression of refusal through words or conduct means there is no consent. The use of alcohol or drugs may affect a person's ability to give consent. Consent can be withdrawn at any point and time.

Page 7, Best Practice #4: Response to Sexual Assault & Sexual Harassment.

As a U.S. merchant mariner or shore-based employee, you must take an active role and speak up and report incidents of Sexual Harassment or Sexual Assault and other prohibited behaviors. You should feel empowered to say something if you see something regardless of your rank, position, or station and regardless of the rank, position or station of those involved in the prohibited behavior.

You should also feel empowered to intervene and address the safety of those involved in the incident by separating those engaged in a confrontation, walking a shipmate back to the vessel, and contacting the Master, supervisor/manager, law enforcement or medical support.

If you are being harassed or witness someone else being harassed, you are encouraged to confront the harasser and ask him or her to stop right away, if you feel safe in doing so. If you feel there may be a confrontation, you may request a support person be present to help prevent the situation from escalating.

Sticky note. Sexual Nature refers to any form of conduct, contact or communication that can be perceived to relate to sex. Conduct that may amount to Sexual Conduct of a sexual nature may include direct or indirect requests for sex, touching, jokes or inquiries about an individual's sex life.

Mariners and 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.

Page 8. Response for Employees.

The “Bystander Effect”.

All U.S. merchant marine industry personnel must take an active role in speaking up and reporting Sexual Assault and Sexual Harassment and other prohibited behaviors. You should feel empowered to say something if you see something regardless of your rank, position, or station, and regardless of the rank, position, or station of those involved in the prohibited behavior.

If you see something, say something!

Sexual Harassment can involve more than the offender and the victim. It can also involve bystanders; those who witness Sexual Harassment taking place or hear about it. Bystanders fall into two categories, instigators and active bystanders. Instigators will encourage, join in or passively accept the prohibited behavior by doing nothing. Active bystanders directly intervene by reporting the behavior, defending the victim, redirecting the situation and getting help.

The so-called “bystander effect” occurs when the presence of others discourages an individual from intervening in a situation.

As a U.S. merchant mariner or shore-based employee, you should be an active bystander who directly intervenes by reporting the behavior, defending the victim, redirecting the situation and assisting the victim by getting help. If you take an active role in speaking up and saying something, you will be an active bystander and help nurture a zero-tolerance culture.

Do not let the “bystander effect” prevent you from getting involved.

Obligation to Protect One Another. U.S. merchant mariners and shore-based personnel have a responsibility to protect one another. Recognizing the behaviors of potential offenders, being aware of high-risk situations and being an active bystander are all ways to protect one another. Your shipmates and shoreside staff will have your back.

High-risk situations can include but are not limited to:

1. When drugs and alcohol are involved.
2. Unaccompanied shore leave.
3. Clubs, bars and restaurants.
4. Unfamiliar locations.
5. Public transportation in a foreign country.
6. Isolated locations: alleys, parking garages, in a room with a closed/locked door, cargo holds.
7. Association with unsavory characters.

Behaviors of potential offenders can include but are not limited to:

1. Bragging about the intention to commit a prohibited behavior.
2. Pressuring an individual to consume excessive amounts of alcohol or take drugs.
3. Repetitive requests for a date. Verbal threats based on rejection.
4. Stalking or physically isolating an individual.
5. Inappropriate texts or emails, cyber bullying and sexting.
6. Bragging or bosting about sexual activity, whether true or false.
7. Sexually intimidating tactics such as unwanted physical arousal or "mind-games."
8. Spreading of inappropriate rumors.
9. Sexually aggressive behavior, hostile behavior, physical aggression and violence.
10. Abuse of power, intimidation, coercion, bullying.
11. Threats of bodily harm, and
12. Retaliatory actions on or off the job.

Page 9. Response for Supervisors and Managers.

While everyone has a responsibility to report and respond, the level of responsibility can differ between you and your management. A vessel Master, officer, manager or supervisor who receives a report of or witnesses an incident of Sexual Assault or Sexual Harassment should respond as follows:

1. 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.
2. Action should be taken immediately at the lowest level within the chain of command to stop and correct the prohibited behavior.
3. 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.
4. Ensure adherence to all company policies and procedures.
5. Ensure that all third-party personnel, vendors and contractors are held to the same level of accountability as company employees.
6. Report those who are ignoring incidents, if brought to your attention.

7. Forward all reports of any incident of Sexual Assault or Sexual Harassment up the chain of command for further action and/or investigation.

This document contains hyperlinks to online resources. In the interactive PDF and e-book versions these links are “clickable”. In hard copy, QR Codes are provided to direct you to the same resources via your smart phone. You can download a variety of free QR Code scanners through the Apple Store or the Google Play Store. All URLs are listed on page 78.

<https://play.google.com/store/search?q=QR%20code&c=apps&hl=en>

www.apple.com/ios/app-store

Page 10, Alcohol & Drugs.

Every company will have different policies on the consumption of alcohol, and it is your responsibility to know what those policies are. The underlying theme is always making good decisions. Some companies may allow “social” drinking while on shore leave or with shipmates. Others may have a zero-tolerance policy, but it should always be made clear that consuming to the point of intoxication and not being able to make good decisions is unacceptable.

The use of any recreational drug is illegal, and the use or abuse of prescription medications can also alter your ability to make good decisions. Even the prescribed use of a medication can have side effects and your judgment impaired.

The use of alcohol and other drugs can have unintended consequences. It can lower inhibitions and create an atmosphere of confusion over whether consent is freely and clearly given.

The impact of alcohol and other drugs varies from person to person. Determining whether an individual is incapacitated and unable to give effective consent may be difficult to determine. You are strongly encouraged to use your best judgment when consuming alcohol as well as in deciding to engage in sexual activities. When in doubt, assume that the other person is incapacitated and therefore unable to consent.

The use of alcohol or drugs never makes a victim at fault for Sexual Assault or Sexual Harassment committed against them. The perpetrator’s use of alcohol or drugs does not constitute a valid excuse for any action leading to an incident of Sexual Assault or Sexual Harassment.

Source: U.S. Department of Transportation, Office of the Secretary, “What Employers Need to Know About DOT Drug and Alcohol Testing (Guidance and Best Practices).”

Page 11, Company Investigation Process.

The best practice for the company investigation process is that companies within the U.S. maritime industry will investigate 100% of Sexual Assault or Sexual Harassment complaints. While specific timelines and processes will vary from company to company,

the process outlined below is a general overview of what to expect to happen following your reporting of an incident(s).

1) Complaint is reported to the appropriate person as designated by company/vessel policy. In cases of assault, the appropriate legal authority should be contacted immediately.

2) Individual safety, medical support, or advocacy services will be addressed immediately, as appropriate.

3) All attempts to separate the individuals involved will be made to prevent any further escalation of the incident and/or to ensure a safe work environment.

4) An investigation will be promptly initiated and include, but not be limited to, interviewing the accuser, the accused, and any known witness.

a) All attempts to maintain confidentiality will be made, when possible and all involved parties will be advised of the Company's retaliation policy.

b) Witnesses may be required to provide a written statement, as appropriate.

c) Those being interviewed should be prepared to provide details of the incident(s), such as:

i. Who was involved in the incident(s)?

ii. Who else may have or did witness the incident(s)?

iii. Where did the incident(s) occur?

iv. When did the incident(s) occur (time and date)?

v. What exactly occurred during the incident(s)?

vi. Were there previous related incident(s)?

vii. Did you report the incident and if so to who and when?

viii. What happened after the incident(s)?

5) Labor Relations/Human Resources will collectively review the accused and accuser's work history, statements and facts to determine how to proceed.

6) At this point a third party or legal counsel may be involved.

7) After the investigation is completed, the Report of Findings will be forwarded to the appropriate Company Senior Management representative.

8) The Company Senior Management representative and Labor Relations/Human resources will then collectively decide on a corrective action and/or disciplinary action required.

9) The accuser is notified of the progress of the investigation.

10) Once a final decision of corrective action and/or discipline is made, the concerned parties involved in the investigation are notified of the results, as appropriate.

Note: Prior to commencing an interview, the accused party will be advised of the allegations made against them. Where union representation exists, both the accused and the accuser may request union representation before the interview can start.

Page 12, Victim Advocacy.

National Sexual Assault Hotline. Free. Confidential. 24/7. 1-800-656-HOPE

Rape, Abuse, & Incest National Network, also known as RAINN is the nation's largest anti-sexual violence organization and leading authority on sexual violence. They are a dynamic organization comprised of experts in victim services, public education, public policy, and technology. Their team works together to provide best-in-class services for victims, inform and educate the nation about sexual violence, and improve the public policy and criminal justice response to sexual violence.

The victim services experts at RAINN take a victim-centered, trauma-informed approach to developing programs and services that support victims of sexual violence and their loved ones. As the country's leading provider of sexual assault services, they have developed programs to help victims in all stages of recovery.

RAINN created and operates the National Sexual Assault Hotline, accessible 24/7 by phone (800-656-HOPE) and online (online.rainn.org). They work closely with more than 1,000 local sexual assault service providers to offer confidential support services to victims regardless of where they are in their recovery.

For more information, visit www.rainn.org

SeafarerHelp.org is the free, confidential, multilingual helpline for seafarers and their families available 24 hours a day, 365 days per year. SeafarerHelp.org is provided by the International Seafarers' Welfare and Assistance Network (ISWAN), an organization that works to promote the welfare of seafarers and their families.

They help seafarers of any nationality, religion, gender or sexuality whatever their problem, where ever they are in the world. Talking to them is easy because they speak a wide range of languages and can be contacted via Email, Live Chat, Phone, Facebook, SMS Text number or Skype.

They treat every contact confidentially and will do their best to help you. You can talk to them about anything whether it is a problem on board, concerns about your family, a health issue, or a request for general information. If you are feeling concerned about something and need some support, or if you just want to talk, they are there for you. They may need to ask for some personal information in order to help you (i.e. name,

nationality, ship IMO number) but this will not be shared with anyone else unless you give them permission.

International Seafarers' Welfare and Assistance Network (ISWAN) 3rd Floor, Suffolk House, George Street, Croydon CR0 1PE, United Kingdom

For more information, visit www.seafarershelp.org

Page 14, "Did You Know?"

All of the following situations and comments could be perceived as Sexual Harassment.

"When we get to the bar, I'm going to buy him a lot of drinks and take him home with me."

"I keep telling her, that if she doesn't give me what I want I'm going to dump her and tell her friends she was easy."

"I didn't mean to hurt her...she wanted it...she is easy anyway...I didn't think I was doing anything wrong..."

"The only reason he was promoted, is because he is having sex with his 'boss'."

"I've been sending pictures to her cell phone of me working out but she hasn't replied. I bet if I posted online that she isn't into guys she would reply."

"I've assigned him the night watch with no supervision, so that I can get some 'alone time'."

"I got with so many girls over vacation, that I don't remember their names! I will tell you all about them in the galley at lunch."

"She has turned me down so many times, I am just going to take what I want."

"Every time he comes to wake me for watch, I am going to answer the door naked, that will make him notice me."

Company Section, page 15, for the Company.

Page 16, Company Guide Introduction.

WHAT IS A BEST PRACTICE?

A best practice is a method or technique that has been generally accepted as superior to other alternatives because it produces better results. A best practice is often a standard way of complying with legal or ethical requirements. Best practices are used to maintain quality as an alternative to mandatory legislated standards and can be based on self-assessment or benchmarking.

This Best Practices Guide on Sexual Assault and Sexual Harassment is a blueprint for the U.S. Merchant Marine on prevention and response. The six best practices outlined

here should be part of every company's policy on sexual abuse in the workplace, whether onshore or at sea.

The intended audience includes merchant mariners on vessels of all types, maritime operating companies, ship owners; and operators as well as; students, faculty and administrators at maritime academies, union-affiliated schools and other U.S. merchant mariner training institutions. It also includes shore-based personnel managing or interacting with merchant mariners, supernumerary individuals assigned to a vessel and others who work in the industry.

Other segments of the industry such as vessel agents, pilots, marine terminal personnel, longshoremen, personnel working in U.S. ports, shipbuilding and ship repair industry personnel, and contractors, subcontractors and vendors interacting with merchant mariners should also be made aware of these best practices.

All prohibited behavior should be reported, even if it stops. This helps identify previous patterns of prohibited behavior and prevent future occurrences to someone else. "If you see something, say something."

Page 17, What is the purpose of this guide?

To provide best practices in preventing and responding to Sexual Assault and Sexual Harassment in the U.S. Merchant Marine and reinforcing a zero-tolerance culture of fairness, inclusiveness, dignity and respect.

To emphasize and promote a culture of zero tolerance for Sexual Assault, Sexual Harassment and other prohibited behaviors including retaliation for reporting an incident.

To assist the U.S. Merchant Marine in the creation and enforcement of policies and the identification of the various roles individuals and companies can play in preventing and responding to Sexual Assault, Sexual Harassment and other prohibited behaviors.

To encourage every member of the U.S. Merchant Marine to feel empowered to speak up and say something if they see something, to stop the behavior immediately if feasible. All prohibited behavior should be reported, even if it stops.

To provide practical solutions and the tools necessary to eliminate Sexual Assault and Sexual Harassment and retaliation in the workplace.

To facilitate and enhance company and industry partnerships in achieving these goals.

To assist every company in establishing and implementing Sexual Assault and Sexual Harassment prevention and response policies.

Companies should have policies and procedures in place and their employees should be fully aware of and train to these policies and procedures. When developing training programs, policies and procedures, companies should emphasize empowering everyone to speak up, that is: "If someone sees something, say something."

Page 18, Best Practice #1: Defining Sexual Assault & Sexual Harassment.

The definitions of and responses to Sexual Assault and Sexual Harassment are very different, while both are unlawful and detrimental to a company and its employees, Sexual Assault is a crime.

On the rare occasions that Sexual Harassment escalates into and becomes an overt act of Sexual Assault, a crime has been committed and law enforcement will be involved. At this point the company's policies and procedures have failed. Therefore, the prevention of and response to Sexual Harassment is critical. Prevention and response help eliminate prohibited behaviors that could lead to Sexual Assault.

Although both Sexual Assault and Sexual Harassment are occasionally referenced by the acronym SASH, there are significant differences in their definitions and the responses. The nuances of Sexual Harassment can make it challenging to determine if it occurred; there are no such nuances about Sexual Assault. Sexual Assault is a crime. Training and policies should make the differences between the two very clear and unambiguous, even if SASH is used for shorthand. Using the acronym SASH in the discussion of responses may diminish the seriousness and differentiation of the two issues.

THE BEST PRACTICE IS:

The first step in establishing a policy on the prevention of Sexual Assault and Sexual Harassment is to identify standardized legal definitions that are straight-forward and contain examples. The following are generally accepted as the most accurate and encompassing definitions.

DEFINITION OF SEXUAL HARASSMENT:

Sexual Harassment is illegal and is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature regardless of a person's gender that affects an individual's workplace. It can create an intimidating, hostile, or offensive work environment, or unreasonably interfere with an individual's work performance.

Sticky note. Consent means words or overt acts by a competent person indicating freely given agreement to sexual conduct. A current or previous dating relationship shall not constitute consent, nor does the manner of dress ever constitute consent. The use of alcohol or drugs may affect a person's ability to give consent. Consent can be withdrawn at any point and time.

Page 19.

Sexual Harassment involves behaviors that are unwelcome. It is important to remember that behavior may be perceived as harassing even when that was not the perpetrator's intention. All employees are encouraged to exercise good judgment and common sense in their workplace interactions. In addition, anyone who is subjected to

or witnesses unwelcome conduct should tell the perpetrator to stop, if it is safe to do so.

There are two distinct types of Sexual Harassment; a Hostile Work Environment and Quid Quo Pro.

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

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory, sexually oriented posters, photography, cartoons, drawings or gestures.
3. Physical conduct such as the blocking of normal movement or interfering with a person's work due to the refusal of sexual advances or a person's sexual orientation.
4. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid discipline.
5. Rewards and offers of employment benefits in return for sexual favors.

Sticky note. Retaliation against an individual for reporting, or threatening to report, or participating in an investigation into an instance of Sexual Harassment is illegal and a terminable offense.

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Hostile Work Environment.

A hostile work environment is the most common type of Sexual Harassment and occurs when conduct of a sexual nature is so severe that it creates an intimidating, offensive or abusive workplace or unreasonably interferes with an individual's performance. Isolated incidents of simple teasing or offhand comments may not by themselves amount to sexual harassment. However, frequent or severe incidents can adversely impact performance and become a hostile work environment.

Examples of behaviors that may contribute to an unlawful and hostile work environment include: discussing sexual activities, telling off-color jokes of a sexual nature, unnecessary touching, commenting on physical attributes, displaying sexually suggestive pictures, using demeaning terms or "name-calling", using rude gestures, using crude language, sabotaging the victim's work, engaging in hostile physical conduct or exposing oneself.

Quid Pro Quo.

The other type of Sexual Harassment is "quid pro quo" or "this for that." In a quid pro quo situation, someone in authority may promise to grant an employment benefit or reward in exchange for sexual favors or threaten to withhold a benefit or reward because of someone's rejection of a request for sexual favors.

For Example: Quid Pro Quo (this for that) occurs when a vessel officer requires a sexual

favor in exchange for a more desirable watch schedule, longer shore leave, or an additional day off for the mariner. Quid Pro Quo also occurs when an officer punishes a mariner who rejects sexual advances.

Sticky note.

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.

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Sexual Assault is any type of sexual contact that occurs without the consent of the victim whether through the use of force, physical threat, or abuse of authority for personal gains of a sexual nature. The victim of Sexual Assault may be male or female, and the perpetrator of the Sexual Assault may be of the same or opposite sex.

Sexual Assault is a form of sexual violence and is a crime that must be reported to law enforcement and the U.S. Coast Guard. The maritime industry takes allegations of Sexual Assault seriously and will take steps necessary to report, resolve, and prevent Sexual Assaults.

Retaliation against an individual for reporting, threatening to report or participating in an investigation into an incident of Sexual Assault is illegal and a terminable offense.

Examples of punishment can include: demotion, cut in pay or hours, a move to an undesirable shift, discipline, or termination.

Sexual Assault includes, but is not limited to the following:

Unwanted kissing, groping, fondling or other more aggressive physical acts such as rape, nonconsensual sodomy (oral or anal sex) or attempts to commit these acts.

Sexual contact with someone whom you reasonably should have known was impaired due to the use of alcohol or drugs (including prescription medications).

Sexual contact with someone who is "passed out," sleeping or otherwise incapacitated.

Sexual contact with someone who is unable to say "no" and/or changes their mind due to intimidation.

Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs, even if contact is consensual.

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WHY IS THIS A BEST PRACTICE?

This is a best practice because it clearly identifies specific prohibited behaviors and

provides understanding of what these behaviors are and what they look like. This best practice allows prevention policies to be developed and procedures established to address these behaviors and their consequences. Without a clear definition, ambiguity can exist, and inconsistencies within policies and procedures can hinder a company's ability to prevent and respond to incidents.

HOW DOES THIS BEST PRACTICE ADDRESS SEXUAL ASSAULT AND SEXUAL HARASSMENT?

Defining Sexual Assault and Sexual Harassment helps prevent such incidents from occurring by providing knowledge and awareness of their existence and what they look like. It may be difficult for some people to understand prohibited behaviors if those behaviors are not clearly defined. Self-justification of prohibited behavior can occur if people are allowed to "think they weren't doing anything wrong." It must be understood that, without clear and accepted definitions, enforceable policies and applicable procedures cannot be effectively developed and implemented. Effectiveness and clarity of definitions will help maintain a culture where Sexual Assault and Sexual Harassment do not exist.

HOW IS THIS BEST PRACTICE IMPLEMENTED?

Once the definition of Sexual Assault and Sexual Harassment are outlined and accepted by a company's leadership, they are then utilized as the foundation for the development of policies and associated procedures.

Sticky note. Self-justification of prohibited behavior can occur if people are allowed to "think they weren't doing anything wrong."

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WHAT ARE THE CHALLENGES WITH IMPLEMENTING THIS BEST PRACTICE?

The key challenge with the best practice of defining Sexual Assault and Sexual Harassment is ensuring there is no ambiguity in the definition. This can be avoided by utilizing the legally accepted forms of the definitions as previously defined. Companies may choose to adapt the legal definition to be more in line with their personnel and area of operation.

Another challenge is ensuring there is an effective and clear separation between Sexual Assault and Sexual Harassment, in the definitions and more specifically in the response. "Although both sexual assault and harassment are linked in the acronym SASH there are differences, most notably in their definitions and the response to an incident of each. The nuances of sexual harassment can make it challenging to determine that sexual harassment has occurred; there are no such nuances with regard to sexual assault. Sexual assault is a crime. For training and overall zero tolerance policies, SASH can be a useful shorthand but the differences between the two prohibited behaviors must be clear and unambiguous. Using the acronym SASH in the

discussion of responses, distracts from the overall seriousness of the two issues." - Captain Donna Looney, USN (Retired)

Page 24, Best Practice #2: Nurturing a Culture Free of Sexual Assault & Sexual Harassment.

THE BEST PRACTICE IS

The best practice of nurturing a zero-tolerance culture in the U.S. Merchant Marine starts from the top down with the direction, guidance and actions of everyone in a leadership position. It means changing the conversation surrounding this issue from one based on complying with regulation to one based on doing what is right. The goal is a culture that has as its primary goal, the reinforcement of positive behaviors.

All maritime industry leadership must take an active role in empowering their employees to speak up and report incidents. All U.S. merchant mariners and shore-based personnel should be empowered to say something if they see something regardless of their rank, position or station and regardless of the rank, position or station of those involved in the prohibited behavior.

WHY IS THIS THE BEST PRACTICE?

Nurturing a culture of zero tolerance is the best practice because it eliminates the negative effects that result from incidents of Sexual Assault and Sexual Harassment . These negative effects have an impact on all of us: the Victim, the Offender, Supervisors, Managers, and Senior Officers, Witnesses and Bystanders, the Company and the Industry.

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HOW DOES THIS BEST PRACTICE ADDRESS SEXUAL ASSAULT AND SEXUAL HARASSMENT?

Nurturing a culture that encourages employee empowerment as well as company and vessel leadership participation, changes the perception that prohibited behaviors have no consequence by creating ownership of one's behaviors. Additionally, this culture instills a sense of meaning and value, promotes support of a person's well-being and establishes mutual respect for all regardless of rank, position or title.

By eliminating these incidents, we can establish a safer working environment, increase morale, improve employee engagement, and open more lines of communication, allowing for greater collaboration and teamwork.

HOW IS THIS BEST PRACTICE IMPLEMENTED?

Implementing a zero-tolerance culture is achieved through (a) establishing appropriate policies and procedures, (b) providing proper training, (c) instituting multiple reporting options, (d) investigating complaints in a timely manner, and (e) taking appropriate action when an incident occurs.

Consistently communicating a company's values, both inside and outside the organization, helps employees understand what is expected of them and reinforces the corporate culture. It is not enough for leadership to just be involved. Leadership should exemplify and reward positive behaviors.

WHAT ARE THE CHALLENGES WITH IMPLEMENTING THIS BEST PRACTICE?

FEAR — The most prominent challenge with implementing this type of culture is the fear of retaliation for reporting an incident.

To combat the fear of retaliation, a company or vessel Master must make it very clear that there is zero tolerance for any form of retaliation on or off the job, and maintain complete transparency in reinforcing this policy.

RESISTANCE — Cultures by nature are a permanent aspect of one's life and a company's working environment, thus they can be resistant and difficult to change.

Change must start from the top down, with company and vessel leadership participating and taking an active role in the efforts that facilitates the necessary change.

DENIAL — Companies, and industries can sometimes deny that a problem exists. Getting past this hurdle can be very difficult in that it requires admitting that there is something wrong and that a company failed to address an issue or that policies are ineffective.

Onboard a vessel, and similarly in an office, there are separate departments (deck and engine), there are licensed officers and unlicensed crew, there may be separate unions; these aspects create boundaries or barriers that a problem can hide behind. This type of compartmentalization makes it easier for someone to "pass the buck" and not act, by assuming the problem does not exist in their area of responsibility.

To change this, employees and leadership must take the stance of ownership, a company should own the problem of Sexual Assault and Sexual Harassment together, and address it collectively at the cultural level.

MOTIVATION — The desire and drive to change must be present to implement that change. Proactive cultural change is very difficult, usually major changes in an industry or a company take place after a significant incident has occurred.

A high performing company or crew will ensure that its employees or mariners have a safe and respectful working environment to maximize performance and morale while preventing financial and legal fall outs from an incident.

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NEGATIVE EFFECTS OF SEXUAL ASSAULT & SEXUAL HARASSMENT.

Sexual Harassment can lead to unwanted and detrimental physical and emotional effects. It can create feelings of unease, humiliation, embarrassment or discomfort for

the victim resulting in stress, lack of motivation, reduced work performance, absence from duties, and resignations.

People join the U.S. Merchant Marine to earn a good living and build a meaningful career. Sexual Harassment can quickly spoil an individual's working life and make it intolerable. Apart from the severe distress caused to the victim, the entire crew can experience deteriorating performance and morale.

Persons experiencing Sexual Harassment tend to withdraw and ultimately reduce their sense of commitment and engagement in their daily work, which can negatively impact vessel safety.

The stigma and reputation of engaging in Sexual Harassment stains an individual both personally and professionally and has carryover repercussions on supervisors, the company and the industry. Sexual Assault, is a crime and comes with the possibility of prison time and potential mandatory Sexual Offender Registration. Both have longstanding effects on an offender's social standing, employability, eligibility for mariner credentials, family structure and overall standard of living.

The effects of Sexual Harassment on the chain of command and functionality of a vessel's crew illustrate the impact it can have. The safe and efficient operation of a vessel depends on the ability of professional mariners to work seamlessly as a team, which requires mutual respect and trust. The chain of command sets the tone for a team to function as a cohesive unit. Sexual Harassment can destroy the trust and respect within the team and especially when such behavior is condoned by the leadership.

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Sexual Harassment can involve more than the offender and the victim. It can include bystanders who witness Sexual Harassment taking place or hear about it. The so-called "bystander effect" occurs when the presence of others discourages an individual from intervening in a situation.

Social psychologists attribute the bystander effect to the perceived diffusion of responsibility (onlookers are more likely to intervene if there are few or no other witnesses) and social influence (individuals in a group monitor the behavior of those around them to determine how to act).

Instigators encourage, join in or passively accept the abusive behavior by doing nothing. Active bystanders directly intervene by reporting the behavior, defending the victim, redirecting the situation and getting help.

Apart from the ethical considerations, the bottom line is that Sexual Harassment is bad for business. Corporate responsibility demands that anything endangering the smooth and efficient running of a company or department be corrected. Reduced work performance, absenteeism, resignations, legal proceedings and negative publicity are all potential consequences of doing nothing. These can have a significant impact on

costs and potential future business if the company is found legally guilty of condoning or not taking action against Sexual Assault, Sexual Harassment and other prohibited behaviors.

Sticky note #1. Mariners, shore-based personnel, and bystanders play a powerful role in the response to situations, as they will likely either contribute to the solution or the problem.

Sticky note #2. Companies may establish a hotline for victims to get the support they need. If this is not feasible, the victim should be referred to the: National Sexual Assault Hotline @ 1-800-656-4673 or the DoD Safe Helpline @ 1-877-995-5247.

Page 28, Best Practice #3: Development of Prevention Policies.

THE BEST PRACTICE IS:

All companies should have detailed policies on the prevention of Sexual Assault and Sexual Harassment and other prohibited behaviors. These policies should define prohibited conduct and provide examples. A company's vision statement should be a part of the policy. A clearly developed, concise policy should not be only a statement of what a company "should" or "shall" do; but also, be a positive message and directive that explains why a company must adopt a specific culture.

Effective prevention policies allow the reader to understand what is prohibited, learn how to report prohibited conduct, and recognize the company's commitment to the issue. Policies should also be written to assure employees that their participation in the enforcement or prevention process is valued and will be protected.

To achieve these goals, company policies should contain:

1. A concise, legally accurate definition of Sexual Assault and Sexual Harassment .
2. Examples of conduct that illustrate these definitions.
3. A clear, unambiguous statement that the conduct is prohibited and unlawful.
4. Clear and objective criteria to determine if or when a violation has occurred. The criteria cannot be subjective and left open to interpretation, such as stating that "obnoxious" behavior is prohibited, which raises the question of "what constitutes obnoxious" and "obnoxious to whom?"
5. Instructions on how to report a violation and to whom it should be reported.
6. A statement that retaliation based upon an individual's participation in a complaint is illegal and a terminable offense.
7. A confidentiality provision that identifies under what circumstances a report regarding Sexual Assault or Sexual Harassment may remain confidential, or when disclosure may be required. This provision should make it clear that "All efforts will be made to maintain confidentiality."
8. A description of the consequences of prohibited conduct. This can be a short statement indicating that individuals violating the policy will be subject to disciplinary action up to and including termination.

9. A statement of zero toleration for Sexual Assault and Sexual Harassment and other prohibited behaviors.

WHY IS THIS THE BEST PRACTICE?

Having effective prevention policies reinforces a safe and respectful working environment and helps nurture a zero-tolerance culture. By focusing on an issue that is often misunderstood, many actions that are accepted in part by society or culture can in fact be considered harassment or assault and can expose an employee or company to liability.

HOW DOES THIS BEST PRACTICE ADDRESS SEXUAL ASSAULT AND SEXUAL HARASSMENT?

Developing effective prevention policies provides clear guidance on what is and is not acceptable behavior. Such policies express a company's commitment to address these behaviors, by not only communicating prohibited behaviors to all employees throughout a company, but also by reinforcing positive behaviors.

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HOW IS THIS BEST PRACTICE IMPLEMENTED?

A company should foster awareness of its prevention policies by announcing them via multiple channels from the top down and distributing them to the largest audience possible. When a company announces their policies, a CEO statement confirming that Sexual Assault, Sexual Harassment and other prohibited behaviors will not be tolerated and that disciplinary action will result, should be included when the policies are announced.

Widespread distribution to everyone within a company and written acknowledgment of understanding by employees helps ensure effective implementation. Distribution can be done electronically, by mail or in person, as can the collection of acknowledgments. Requiring and retaining acknowledgments adds weight to the importance of the issue and further validates the policies. For the shipboard environment, it should be communicated by the Master during a mariner's sign-on and vessel familiarization.

Companies can reinforce the message by posting policies on their websites, on social media, in common areas on vessels, as part of the vessel familiarization process, in annual reports and other recruiting materials. Companies should identify ways to periodically remind employees of the policies and reporting procedures.

WHAT ARE THE CHALLENGES WITH IMPLEMENTING THIS BEST PRACTICE?

Creating prevention policies can be a challenge because not all departments or parties within a company will agree on the definitions used in the development of the policies. To avoid this, the definition should be legally accepted and approved.

Establishing policies with appropriate language to accurately describe prohibited

behaviors can also be difficult and even uncomfortable for some as the topic is not an easy subject to verbalize openly.

Another challenge is that companies can find themselves trapped by attempting to “cover all the bases” or provide all-encompassing examples. Over time people, society and the world we live in change, and companies should periodically and regularly revisit their policies and consider updates, when applicable.

The distribution of policies can be a challenge depending on the size of a company and its internal communications capability. The process of receiving and tracking acknowledgments can also be difficult for the same reason. This is unique to the maritime industry due to the nature and movement of vessel operations as well as crew changes, rotary or relief crews, turnover and lack of internet connectivity.

Additionally, companies should communicate their policies to contractors, temporary employees, customers, vendors and all individuals who have dealings with the organization and its employees. It is difficult to do this sometimes when these third parties or rotary/relief mariners are involved for such brief periods of time.

Page 30, Best Practice #4: Training of Sexual Assault & Sexual Harassment.

THE BEST PRACTICE IS

Companies should provide training to all employees on the prevention of and response to Sexual Assault, Sexual Harassment and other prohibited behaviors. The training should include, at a minimum, the following general topics:

1. Define and provide examples of Sexual Assault and Sexual Harassment.
2. Discuss what does and does not constitute consent.
3. Explain the importance of reporting violations and provide the company's complaint reporting policies and procedures.
4. Make a clear, unambiguous statement that any retaliation based upon allegations of complaints is unlawful and a terminable offense.
5. Describe the impact of prohibited behavior and retaliation on the victim, aggressor, witnesses, company and vessel crew.
6. Emphasize the importance of response and prevention.
7. Explain the responsibility of supervisors and employees as witnesses or “bystanders” to an incident.
8. Emphasize that the company has a responsibility to investigate all complaints and enforce its prevention policies.

WHY IS THIS THE BEST PRACTICE?

Effective training is a best practice as it provides employees with knowledge and awareness of the subject matter and equips them with the tools necessary to respond properly and promptly according to a company's established procedures. Additionally, training allows for trackable records for liability purposes should an incident occur. One

of the first questions asked in an investigation is “Was the employee trained?”

HOW DOES THIS BEST PRACTICE ADDRESS SEXUAL ASSAULT AND SEXUAL HARASSMENT?

By providing training on prevention and reporting to all employees, a company demonstrates its commitment, from the top down, to a zero-tolerance culture. Additionally, regular training allows all employees to understand what an incident is, how prohibited behaviors should be reported, and what actions the company will take to enforce its policies and procedures.

Given general social conventions, people should know what is right and what is wrong. However, without training, employees cannot be expected to know what behaviors are prohibited and may not be held legally accountable for their actions as they relate to the company’s policies and procedures. Without training, it cannot reasonably be expected that everyone within a company will have the same level of understanding, awareness, and commitment in regard to nurturing a safe and respectful working environment.

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HOW IS THIS THE BEST PRACTICE?

When companies develop training programs, it is important to realize that the average reading level and comprehension skills should be at the 5th to 8th grade level. This is not to say that content should be “dumbed-down.” On the contrary, it should be written for comprehension and retention.

A company should direct a portion of its prevention and response training to the specific demographics within the company. The maritime industry is a mixing bowl of people, whether the vessels are U.S. or foreign-flagged. There are mariners from many different countries, cultures, backgrounds, ethnicities and religions. It is imperative that a company take steps to develop training that can be delivered to and be well-received by all these individuals.

If the specific elements above are not included in the company’s base training, the company should supplement its prevention and response training by communicating those elements directly to employees. This can be done by using an acknowledgment form for all their policies and procedures and by requiring a conversation with a department head or vessel captain. Company and vessel leadership should be individually and specially trained on their responsibilities for reporting incidents, responding to and investigating complaints, enforcing the company’s policies and addressing related safety concerns.

Prevention and response training can be delivered by multiple methods including interactive computer-based training, video training, face-to-face training, instructor-led training, role playing, team-building exercises, discussions during safety meetings or drills onboard the vessel. Providing multiple delivery methods helps reinforce the

learning objectives and outcomes.

Specifics to keep in mind when developing content for training include:

1. Self-paced training and computer based training can be useful and effective when there is no internet connection or when work/rest schedules require training to be completed during non-working hours.
2. Training that is interactive with an instructor or group is beneficial as it allows employees to ask questions and demonstrate knowledge and comprehension.
3. Knowledge checks throughout interactive training as well as quizzes and reviews keep employees engaged, reinforce the information being presented, and facilitate retention.

Companies should require employees to complete training at least annually. In addition, the company should ensure employees review these policies and procedures, specifically during new hire orientation. This should include an acknowledgment that the information was received by the employee. Companies should make efforts to vary and update their training content and delivery methods at least every other year to ensure renewed engagement for current employees and facilitate the real-world applicability of the instruction.

Picture text. One of the first questions asked in an investigation is: "Was the employee trained?"

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Supplemental tools to reinforce training throughout the year can include but are not limited to:

1. Including the topic and policies on preventing Sexual Assault and Sexual Harassment in regularly scheduled meetings or in safety meetings.
2. Periodic emails, messages or letters reinforcing and reminding employees of the zero-tolerance culture.
3. Posters, handouts, wallet cards or other visual aids that state the prohibited behaviors, as well as providing the options and methods for reporting incidents.
4. Providing policies and procedures during an employee's new hire process.

SOCP is developing additional Sexual Assault and Sexual Harassment training kit items including aids, tools and samples for the above. Upon completion, these will be available free of charge and can be downloaded from the SOCP and MARAD websites.

Companies should consider the use of surveys to help identify what and where their issues are and periodically measure how their prevention and response programs are working.

If feasible and cost-effective, a company should consider leadership training to ensure that management styles are in line with prevention and response training. Leadership training helps address styles that can be problematic or contribute to complaints such

as bullying, yelling and excessive cursing. Leadership training should include shore-based and vessel leadership, either separately or collectively.

SOCP has developed a standardized interactive computer based training (CBT) for employers to train their seafarers and shore based personnel across all areas of the U.S. Merchant Marine. This SOCP Prevention of Sexual Assault and Sexual Harassment CBT is available for download, free of charge, on the SOCP and MARAD website. SOCP strongly recommends that this CBT be utilized widely across our industry as the standardized method of delivering training for Sexual Harassment and/or Sexual Assault response and prevention.

For more information, visit <http://www.socp.us/article.html?aid=120>

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WHAT ARE THE CHALLENGES WITH IMPLEMENTING THIS BEST PRACTICE?

The major challenge with training is the cost of developing a program if one is not already in place. Other challenges include tracking completed training and the retention of training records.

These are major challenges for the U.S. Merchant Marine because Masters and crew are inundated with training. Training is required for vessel contracts, U.S. Coast Guard credentials, additional on-the-job duties, in port inspections and audits, and other procedures and operational concerns. All of which tend to have strict timelines, fines and penalties for noncompliance.

The development and availability of appropriate training can be taxing on personnel resources and costly depending on a company's specific structure and size. There are hurdles in the development of training that may require the full attention of one or more individuals in a company, but those individuals may have multiple duties outside of training that prohibit them from fully engaging.

The company should retain all records of training and policy acknowledgment for a period equal to the life of the program. Tracking of training completion can be done electronically within a database or Learning Management System or manually with written acknowledgment and test records in personnel files. It is imperative for liability purposes that all records be retained for a specified time relative to a company's operations.

New employees who show proof of completing annual training should only need to complete a company or policy-specific familiarization. This allows mariners who frequently work for different companies throughout the year to avoid repetitive completion of the same training requirements.

Page 34, Best Practice #5: Establishing Reporting Options.

THE BEST PRACTICE IS:

It is vitally important that company and vessel leadership actively encourage employees and crew to bring incidents to their attention without delay. In establishing reporting procedures, a company should ensure that they are clear, concise and confidential. They should (a) include the person to whom the complaint should be reported, (b) provide more than one method of reporting the complaint, and (c) ensure that every effort will be made to maintain confidentiality.

WHY IS THIS THE BEST PRACTICE?

Clear, concise and confidential reporting procedures with multiple methods provide individuals with direction on how to obtain assistance within their company to resolve an incident. Likewise, they allow companies to respond quickly to complaints and to initiate investigations, take corrective or disciplinary action, and resolve ongoing and potential future incidents.

Title VII of the Civil Rights Act of 1964 requires companies to have a “complaint procedure.” Companies should maintain some form of recordkeeping to track Sexual Assault and Sexual Harassment allegations and claims as well as all other forms of prohibited behavior. It is recommended that reports and investigations be categorized (sexual harassment, harassment, discrimination, etc.). Appropriate classification of complaints and investigation results should help companies with historical tracking, past practices and recordkeeping.

A company and vessel Master should empower its employees and crew to speak up and report an incident if they are being harassed or witness someone else being harassed. They should be encouraged to confront the harasser and ask them to stop, if they feel safe in doing so. If they feel there may be confrontation, a support person may be present to help prevent the situation from escalating.

A company should require that even minor offenses of prohibited behavior be addressed right away to prevent reoccurring or more serious behaviors. Bullying, hazing, coercion, stalking and non-sexual violence are all forms of prohibited behaviors. A work environment where these prohibited behaviors are not allowed to exist will nurture a safe and respectful working environment.

Sticky note. All prohibited behaviors should be reported, even if it stops. This helps to identify previous patterns of prohibited behaviors and to prevent future occurrences from happening to someone else.

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HOW DOES THIS BEST PRACTICE ADDRESS SEXUAL ASSAULT AND SEXUAL HARASSMENT?

When there are multiple reporting procedures in place, it becomes much easier to maintain confidentiality and prevent retaliation. The individual can choose whichever reporting method he or she feels most comfortable with. It is the company's

responsibility to communicate to all employees that there is zero tolerance for retaliation against an individual for reporting or participating in an investigation. In addition, it should be stated clearly that retaliation is illegal and a terminable offense. These steps will reinforce a culture that regards the well-being and safety of employees as paramount.

HOW IS THIS BEST PRACTICE IMPLEMENTED?

Those individuals within a company who are responsible for receiving and evaluating reports should be trained on how to maintain confidentiality, provide support to the complainant and obtain information necessary to initiate an investigation. They should also understand which questions are appropriate or necessary to ask, and when to report to higher authorities.

The reporting options need to be communicated to all employees throughout the company in the same way the policies and procedures are communicated. This can be done electronically, by mail or in person. Additionally, companies can reinforce these reporting methods on their websites, via social media, in annual reports, postings onboard vessels and in recruiting materials or other company communications.

When identifying appropriate options, companies should consider one, all or a combination of the following; a dedicated phone line, dedicated email address, and/or dedicated mailing address, such as a post office box.

Companies should point out that, while anonymous reports are not discouraged, the open reporting of complaints is greatly preferred. Anonymous reports make it difficult to ask follow up questions of the individual making the report.

Any individual placed in any of the above-mentioned positions should be appropriately trained. Training in any of these capacities involves a special responsibility to be compassionate, empathetic and unbiased while maintaining the ability to ask the appropriate questions, provide correct direction or additional resources. Make all efforts to maintain confidentiality while ensuring adherence to company procedures.

A company should incorporate a method of tracking complaints that can be effectively maintained with its various reporting options.

When designating individuals to receive reports and complaints, companies should consider one, all or a combination of the following: Vessel Supervisor, Vessel Master, a Designated Person Ashore (DPA), Port Captain or Port Engineer, a trained individual within the company's office, Marine Personnel Department, Human Resources Department, or Labor Relations Department.

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WHAT ARE THE CHALLENGES WITH IMPLEMENTING THIS BEST PRACTICE?

While there are many unique challenges involved, the two key issues are fear and

retaliation. Therefore, it is paramount to create a safe environment for reporting incidents.

Many victims are afraid to report incidents for many reasons, including:

- Fear of retaliation from their supervisor or company.
- Concern that it will affect their job and their career.
- Reluctance to cause someone to be disciplined – “I don’t want to get anyone in trouble...”
- Fear of being “black-listed” in the industry.
- Concern that “the company will not do anything about it anyway.”
- Doubt about the Company’s appropriate/timely response.
- Perception that it is “not that big a deal and not worth the time”.
- Lack of understanding of the investigation process.

Retaliation typically occurs when an individual seeks to get back at someone for reporting an incident. It may include bullying, ridicule, labeling and harassment. Other forms of retaliation may include a questionable termination or demotion of an employee after reporting an incident.

It is sometimes difficult to connect retaliation to the original incident as some time may have passed or the retaliator may not have been involved directly in the original incident. Even if an investigation reveals no substantiation of the original complaint, retaliation is still prohibited. Additionally, the filing of a deliberate false report is prohibited, as is the retaliation for doing so. There is zero tolerance for retaliation.

Anonymous reporting can be a challenge because often there are many significant and important pieces of information that are not given at the time of the report. With an anonymous complaint, it is virtually impossible to ask follow-on questions, ascertain specific details of the incident, and initiate an investigation or corrective action.

Sticky note. Vessel Masters must make tough decisions to ensure the safety of their ship and crew. Additional actions such as modifying watch or work schedules to mitigate interaction, or even requesting immediate relief of a crewmember at the next port of call, may be necessary.

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When an incident occurs onboard a vessel at sea, the victim may feel they have no option but to endure the problem. A company should ensure that the vessel Master and appropriate senior officers have the proper training and are fully aware of the reporting process. Masters may find themselves in a situation where separating the individuals may not be practical or possible during a voyage.

Masters must make tough decisions to ensure the safety of their ship and crew. Additional actions such as modifying watch or work schedules to mitigate interaction may be necessary or even requesting immediate relief of a crewmember at the next port

of call.

Even when multiple reporting options and methods are available, addressing an incident can be very difficult due to the close quarters that mariners live and work in, the fact that they interact many hours of every day, and that they must all rely on each other for their mutual safety.

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

Page 38, Best Practice #6: Response to Sexual Assault & Sexual Harassment.

THE BEST PRACTICE IS

A company should have easy-to-follow policies and procedures in place that clearly outline the expected response to a complaint of Sexual Assault, Sexual Harassment and other prohibited behaviors. A company should investigate 100% of all reports and take timely and appropriate actions to address and resolve the complaint at the lowest level of the chain of command as possible.

Each incident should be considered specific and unique and addressed on a case-by-case basis. Disciplinary action for a violation can range from verbal or written warnings to immediate termination, depending on the circumstances.

If an accusation involves Sexual Assault, it is a criminal act and should be reported immediately to the vessel Master, company representative, appropriate local authorities and the U.S. Coast Guard. Reports of Sexual Assault onboard a U.S. flagged vessel may also be reported to and investigated by the Federal Bureau of Investigation, while reports of Sexual Assault on military vessels may be reported to and investigated by the Navy Criminal Investigative Service (NCIS).

WHY IS THIS THE BEST PRACTICE?

Investigating 100% of all reports and taking appropriate action in a timely manner is a best practice for the following reasons:

- to identify the specific facts surrounding the alleged incident,
- prevent further harmful conduct,
- identify necessary corrective and preventive actions,
- reinforce a zero-tolerance culture,
- demonstrate a company's commitment to the well-being of its employees,
- ensure a safe and productive work environment, and
- to minimize the potential liability to the company.

HOW DOES THIS BEST PRACTICE ADDRESS SEXUAL ASSAULT & SEXUAL HARASSMENT?

By taking timely and appropriate action to investigate 100% of all reports, a company can reinforce the fact that the well-being of its employees is priority number one. Additionally, timely and appropriate action can help debunk common myths that reporting is useless. It also reinforces the company's zero-tolerance policy and limits potential liability.

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

In some cases, and at the discretion of the company, the U.S. Coast Guard or other appropriate authority in the case, an employee may be required to complete training and provide proof of rehabilitation prior to seeking re-entry into the workforce. This proof could include:

- Employee Assistance Program evaluations
- Therapist's session documentation
- Completion of anger management classes
- Mandatory referrals until a positive re-evaluation is provided.
- Letter of rehabilitation

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Sticky note. It is recommended that companies develop a clear timeline for the response and investigation of a complaint of Sexual Assault, Sexual Harassment and other prohibited behaviors. See pg.11 of the Employee section for an example.

HOW IS THIS BEST PRACTICE IMPLEMENTED?

To address and investigate 100% of all reports, a company should have investigative personnel who are neutral and unbiased as well as properly trained to perform the following duties:

1. Gather all relevant evidence including emails and documents regarding the subject of the complaint.
2. Avoid asking leading questions and provide witnesses the opportunity to answer questions in their own words.
3. Explain to each witness their rights and responsibilities, including their obligation to participate fully in the investigation process.
4. Follow confidentiality procedures and inform each witness that retaliation is prohibited. It should be made clear that "Every effort will be made to maintain confidentiality".
5. Be on the lookout for safety concerns or issues that need to be elevated to senior leadership.

6. Be aware that companies can be held liable if they do not exercise reasonable care to address reported incidents.

The initiation of an investigation is the result of proper and timely reporting. While policies will vary, the Master of a vessel has ultimate responsibility to ensure a timely investigation if an incident is reported onboard. When conducting an investigation, a company should ensure the following:

1. Investigations should begin as soon as possible and include testimony from the victim, aggressor and witnesses.
2. Investigations should be fair and respectful to all parties and take into account the sensitive nature of the complaints.
3. Whenever possible, investigations should be conducted by an individual of the same gender as the victim, even in same-gender claims.
4. During an investigation, those being interviewed should be directed to not discuss the investigation with anyone. Personnel interviewed should be informed that retaliation for reporting an incident is illegal, not tolerated on or off the job, and a terminable offense.
5. Results of the investigation should be provided to the accused.
6. Pertinent results of the investigation may be provided to the accuser as determined on a case-by-case basis.

Following the establishment of an investigative process, a company should implement a progressive disciplinary process to enforce its policies. By doing so, the company can create and maintain a safe, fair and inclusive work environment. Enforcement of company policies should not be about disciplining aggressors or whether a legal case can be sustained, but about correcting negative behaviors.

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Progressive Discipline.

An effective progressive disciplinary process involves sequential steps but can result in immediate termination based on the severity of the offense. This process involves (1) a verbal warning that IS NOT placed on an employee's record, (2) a verbal warning that IS placed on an employee's record, (3) a written warning, (4) suspension pending investigation, and (5) termination.

Managers and vessel officers should be trained to know what a verbal warning is and when they should give it. They should be prepared on how to deliver, be aware of potential conflict and trained to mitigate those conflicts should they arise.

A verbal warning should state the issue, note previous warnings if any, reiterate the expected behavior and have the employee agree to take actions to correct the unwanted behavior. The individual giving the verbal warning should state that "This is a verbal warning" and explain what will happen if the unwanted behavior continues.

A written warning contains the same information as a verbal warning but should include pertinent details of the incident. Each company will have different styles and details required in a written warning. The key to this best practice is to ensure that all behaviors are addressed, that facts are correct, that the employee acknowledges the written warning and that the written warning is kept on file.

Records and reports of investigations of complaints should be retained for the duration that the company's policies are in place. This is especially important when determining an employee's eligibility for retention or rehire.

Sticky note. An example of a written warning can be found in Annex 7.

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WHAT ARE THE CHALLENGES WITH IMPLEMENTING THIS BEST PRACTICE?

One very difficult challenge with responding to and investigating reports is doing so when the incident takes place onboard a vessel. To effectively investigate the complaint, the individuals may need to be separated. Due to the nature of a working vessel, the accused individual may need to be removed from the vessel. This is not done as a premature determination of guilt but for the safety of all parties involved, including the uninvolved crew. This is also done to maintain a safe working environment while maintaining the integrity of the investigation. The challenge can be finding a qualified and trained relief in time to fit the vessel's operational schedule, especially if the individual being relieved is a senior officer or the Master.

Responding to anonymous reporting can be a challenge because often there are many significant and important pieces of information that are not given at the time of the report. With the complaint remaining anonymous, it is virtually impossible to ask follow-on questions, ascertain specific details of the incident, and to initiate an investigation or corrective action.

The process of investigating a report can be delayed by the operational schedule of a vessel and the availability of crew to respond to investigators. Interviews, statements, and answers to questions during the investigation can become "skewed" or influenced by time, memory, or the input of others before witnesses can be contacted.

When addressing and correcting unwanted behavior as part of the response to a complaint, there is the potential for interpersonal conflict, especially when a verbal or written warning is involved. It can be difficult to ensure that all employees in supervisory or managerial roles are properly trained to deal with this conflict. While difficult, it is paramount that this type of conflict resolution training be provided to supervisors or managers to ensure that a safe and fair working environment is maintained; this can also be part of a company's leadership training.

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Victim Advocacy Support.

National Sexual Assault Hotline. Free. Confidential. 24/7. 1-800-656-HOPE

The Rape, Abuse, and Incest National Network, also known as RAINN is the nation's largest anti-sexual violence organization and leading authority on sexual violence. They are a dynamic organization comprised of experts in victim services, public education, public policy, and technology. Their team works together to provide best-in-class services for victims, inform and educate the nation about sexual violence, and improve the public policy and criminal justice response to sexual violence. RAINN operates the DoD Safe Helpline for members of the Department of Defense community who have been affected by sexual assault.

The victim services experts at RAINN take a victim-centered, trauma-informed approach to developing programs and services that support victims of sexual violence and their loved ones. As the country's leading provider of sexual assault services, they have developed programs to help victims in all stages of recovery. RAINN works closely with more than 1,000 local sexual assault service providers to offer confidential support services to victims regardless of where they are in their recovery. Learn more about local service providers by visiting <https://centers.rainn.org/>

They offer innovative technology and services for partners in the field, including organizations, universities, and government agencies. RAINN also provides training services for companies and organizations, as well as staff and volunteers at more than 1,000 local sexual assault service provider partners.

RAINN's policy team works at the federal and state level to improve the criminal justice system, prevent sexual assault, and ensure justice for victims. They help create and advocate for laws and regulations that make communities safer and support victims.

They maintain the Laws in Your State database, the most up-to-date source of information for students, lawmakers, and others seeking to understand sexual violence laws across the nation. Learn more by visiting <https://apps.rainn.org/policy/>

RAINN's consulting and subject matter experts work with clients across the public, private, and nonprofit sectors to develop targeted, effective sexual violence education and response programs. RAINN's services prepare organizations to effectively provide education about sexual violence and to respond to incidents in a way that facilitates healing and promotes safe and healthy communities.

They offer a variety of specialized consulting services to meet each organization's unique needs, including hotline services, consulting, program assessments, and education and training. Learn more by visiting <https://www.rainn.org/consulting-services>

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Victim advocacy is important to help support and provide services to the victim during the difficult time after an incident has occurred. No matter how someone initially deals with a Sexual Assault, help is always available. If immediate medical or law

enforcement assistance is needed, contact the appropriate emergency response personnel. In the case of Sexual Assault, it is important to take immediate action.

Companies may establish an email account to be monitored by an assigned individual with appropriate password protections.

If possible, based on assets and personnel; companies may assign specified personnel who are trained in victim advocacy and response to provide such services. Companies may also contract with a third-party provider to provide victim advocacy services.

It is recommended that companies implement some form of victim advocacy training for a designated person or department. This may be formal, certified training or informal for familiarization purposes. Regardless, it is good practice to provide training so that, should there be a Sexual Assault incident, there will be some level of professional training or 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 is aimed at conveying knowledge on advocacy/counseling, the impact of Sexual Assault, procedures to follow in common situations, techniques to support recovery, and compassion fatigue and self-care. 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 on the internet at <https://www.ovc.gov/>
- NATIONAL SEXUAL VIOLENCE RESOURCE CENTER on the internet at <http://www.nsvrc.org/elearning/2355>
- U.S. DOJ - OFFICE OF VIOLENCE AGAINST WOMEN on the internet at <https://www.justice.gov/ovw>
- END VIOLENCE AGAINST WOMEN INTERNATIONAL on the internet at <http://www.evawintl.org/RegionalConferences.aspx>

Sticky note. Many states have 30 to 40 hour courses that result in certification, two robust examples are:

- UTAH located at <http://www.ucasa.org/programs>
- WASHINGTON located at <http://www.wcsap.org/about-advocate-core-training>

Page 44, Conclusion: Final Thoughts

This best practices guide has been created for the U.S. Merchant Marine to provide best practices to address Sexual Assault and Sexual Harassment issues affecting the

shipboard and shore leave culture and climate in the industry. During the development of this guide many industry leaders expressed a variety of different perspectives, opinions, and concerns surrounding Sexual Assault and Sexual Harassment.

The overlying tone was one of professional concern for the culture of the industry we all live and work in, and concern for this culture becoming stained by the existence of Sexual Assault and Sexual Harassment incidents. The industry must take a stand on zero tolerance for any issue associated with or involving Sexual Assault, Sexual Harassment and other prohibited behaviors to include retaliation, bullying, hazing, coercion, stalking, and discrimination.

This guide can serve as the way forward, to provide guidance to all in our industry, and as an example that the industry is standing up against all forms of assault and harassment. Our industry has long standing traditions, high standards, and a history that has and continues to impact the entire world culture and global economy. We should never have to be concerned that our history could be marred by occurrences of Sexual Assault and Sexual Harassment.

The specific content and examples provided throughout this guide are sewn together with one common thread; “when you see something say something.” We as an industry must act in preventing, reporting, and responding to these potential occurrences and incidents in a unanimous stand of solidarity. While this guide is a Best Practice Guidance and its contents are not set in stone; it should be of use to all within the U.S. Merchant Marine industry and its message be allowed to permeate to all corners of the world.

We recommend that SOCP members and the U.S. Merchant Marine continue this dialogue and share their best practices to prevent Sexual Assault, Sexual Harassment and other prohibited behaviors in the maritime industry. Please treat others with the same kindness and respect that you believe you deserve; and “If you see something, say something!”.

Fair winds and following seas, the SOCP Membership.

Page 45, Acknowledgments

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Cody Pearson, Sr. Specialist, Training & Labor Relations, Crowley Maritime Corporation and SOCP Member.

SOCP Membership. Thank you for your collaboration, input and understanding on this very MARAD Representatives sensitive, dynamic and highly visible subject.

You, The U.S. Merchant Mariner and shore-based employee; for taking ownership in making our industry safer.

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Annexes.

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Glossary.

There are many different sources of definitions, and not all the terms listed below have "legal definitions" or they may vary from state to state. However, when it comes to Sexual Harassment and sex discrimination, the law is universal. Sexual Harassment is a form of sex discrimination pursuant to Title VII of the Civil Rights Act of 1964 ("Title VII") and is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects your employment, unreasonably interferes with your work performance, or creates an intimidating, hostile, or offensive work environment.

Consent - Consent means words or overt acts by a competent person indicating freely given agreement to sexual conduct. An expression of refusal through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent.

Consent must be active and unforced! A current or previous dating relationship shall not constitute consent, nor does the manner of dress ever constitute consent. Consent can be withdrawn at any point and time.

Harassment - Harassment is unwelcome behavior that is based on race, color, religion, sex, sexual orientation, sexual identification, national origin, age or disability. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of your continued employment, or the conduct is severe enough to create a hostile work environment.

A hostile work environment is the most common type of sexual harassment. Very often the behavior is subtle. A hostile work environment occurs when conduct of a sexual nature is so extreme that it creates an intimidating, offensive or abusive work environment or unreasonably interferes with an individual's employment or work performance.

Isolated incidents of simple teasing or offhand comments may not, by themselves, amount to sexual harassment. However, frequent or severe incidents can adversely impact an individual's work performance and amount to a hostile work environment.

Examples of behaviors that may contribute to an unlawful hostile environment include:

- discussing sexual activities,
- telling off-color jokes of a sexual nature,
- unnecessary touching,
- commenting on physical attributes,
- displaying sexually suggestive pictures,
- using demeaning terms or "name-calling",
- using rude gestures,
- using crude language,
- sabotaging the victim's work,
- engaging in hostile physical conduct, and/or
- exposing oneself.

Prohibited Behaviors - These forms of prohibited behavior are considered escalating factors in relation to an incident of Sexual Harassment or Sexual Assault:

Bullying - 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. Behaviors used to assert such domination can include verbal harassment or threats and physical assault or coercion.

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Coercion or Coercive Behavior - Coercion is the practice of forcing another party to act in an involuntary manner by use of intimidation or threats or some other form of pressure or force. It involves various types of forceful actions that violate the free will of an individual in order to induce a desired response: for example, a bully demanding

lunch money from a student and beating up that student when he or she does not comply. These actions can include but are not limited to extortion, blackmail, torture, threats to induce favors or even Sexual Assault.

Cyberbullying - Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers and tablets as well as communication tools like social media sites, text messages, chat and websites. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites or fake profiles.

Hazing - Hazing is the practice of rituals, challenges and other activities involving harassment, abuse or humiliation as a way of initiating a person into a group including a new fraternity, sorority, team or club. Hazing is seen in many different types of social groups including gangs, sports teams, schools, military units and fraternities and sororities. The initiation rites can range from relatively benign pranks to protracted patterns of behavior that rise to the level of abuse or criminal misconduct.

Sexting - Sexting is sending, receiving or forwarding sexually explicit messages, photographs or images, primarily between mobile phones. It may also include the use of a computer or any digital device. Examples of sexting are:

- Exchange of images solely between two romantic partners.
- Exchanges between partners that are shared with others outside the relationship.
- Exchanges between people who are not yet in a relationship but where at least one person hopes to be.

Stalking - Stalking is unwanted or obsessive attention by an individual or group toward another person. Stalking behaviors are related to harassment and intimidation and may include following the victim in person or monitoring them. According to a 2002 report by the U.S. National Center for Victims of Crime, "virtually any unwanted contact between two people that directly or indirectly communicates a threat or places the victim in fear can be considered stalking."

Quid Pro Quo is another type of Sexual Harassment meaning "this for that." - In a quid pro quo situation, someone in authority may promise to grant an employment benefit or reward in exchange for sexual favors or threaten to withhold a benefit or reward because of someone's rejection of the request for sexual favors.

For example: Quid pro quo ("this for that") occurs when a vessel supervisor requires a sexual favor in exchange for a more desirable watch schedule, longer shore leave or an additional day off. Quid pro quo also occurs when an supervisor punishes a mariner who rejects sexual advances. Examples of punishment can include demotion, a cut in pay or hours, a move to an undesirable shift, discipline or termination.

Retaliation - Retaliation for reporting an incident of Sexual Harassment or Sexual Assault or for participating in an investigation is illegal and a terminable offense. Examples of retaliation include but are not limited to:

- The withholding of information pertaining to an individual's work duties.
- The spreading of rumors about an individual's competency or involvement in the reported incident.
- Telling lies about a person or persons involved in an investigation.
- Withholding advancement opportunities in response to the reporting of an incident.
- The assignment of "less than desirable" duties not normally within one's scope of work in response to the reporting or claiming of an incident.
- Taking the mindset of "getting even when the opportunity presents itself."

Sexual Contact - The intentional touching of your private or intimate body parts, or the clothing covering them, that can be reasonably construed as being for the purpose of sexual arousal or gratification.

Sexual Harassment - Sexual Harassment is illegal and is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature regardless of a person's gender that affects an individual's workplace. It can create an intimidating, hostile, or offensive work environment, or unreasonably interfere with an individuals' work performance.

Sexual Harassment and Sexual Assault involve behaviors that are unwelcome. It is important to remember that the behavior may be perceived as harassing even when that was not the perpetrator's intention. All employees are encouraged to exercise good judgment and common sense in their workplace interactions. Anyone who is subjected to or who witnesses unwelcome conduct, should tell the perpetrator to stop, if they feel safe in doing so.

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

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.
- Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures.
- Physical conduct such as, blocking normal movement or interfering with work because of refusal of sexual advances or sexual orientation.
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid discipline.
- Rewards and offers of employment benefits in return for sexual favors.

Sexual Nature - Any form of conduct, contact or communication that can be perceived to relate to sex is conduct of a sexual nature. Conduct that may amount to Sexual Harassment includes actions, words, innuendos or visual material that specifically refer

to, portray or involve sexual activity or language. Conduct of a sexual nature may include direct or indirect requests for sex, touching, jokes or inquiries about an individual's sex life.

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Sexual Assault - Sexual Assault is any type of sexual contact that occurs without the consent of the victim, whether through the use of force, physical threat or abuse of authority for personal gains of a sexual nature. The victim of Sexual Assault may be male or female, and the perpetrator may be of the same or opposite sex.

Sexual Assault is a form of sexual violence and is a crime that must be reported to law enforcement and the U.S. Coast Guard. The maritime industry takes allegations of Sexual Assault seriously and will take steps necessary to report, resolve and prevent them.

Sexual Assault includes but is not limited to the following:

- Unwanted kissing, groping, fondling or other more aggressive physical acts such as rape, nonconsensual sodomy (oral or anal sex) or attempts to commit these acts.
- Sexual contact with someone whom you reasonably should have known was impaired due to the use of alcohol or drugs (including prescription medications).
- Sexual contact with someone who is "passed out," sleeping or otherwise incapacitated.
- Sexual contact with someone who is unable to say "no" or change their mind due to intimidation.
- Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs, even if contact is consensual.

Unwelcome Behavior - The behavior must be "unwelcome" and may be perceived as harassing when that was not the intention, which is why it is important to first tell a person who is doing something offensive to stop.

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Annex examples.

Page 52, ANNEX 1: CEO Message to Employees (3 examples).

CEO Message to Employees - Example 1

Dear Employees,

This memorandum is being sent as a reminder that it is our responsibility to ensure that everyone at the Company is able to work in an environment that is safe and free of harassment, sexual harassment, sexual assault, and similar behaviors on our vessels, on our terminals and in our offices. Such behaviors violate Company's policies and will

not be tolerated. It is equally important for anyone who witnesses such behaviors to immediately report the inappropriate behavior through your normal chain of command and/or the Designated Person Ashore, management representative, supervisor, labor relations or human resources department. The key to any possible infraction is to address it as soon as possible, before it escalates to significant disciplinary action and possible termination.

As everyone should know, we have ZERO TOLERANCE for such behaviors here at the Company. The Company also will not tolerate retaliation, on or off the job, against any employee making a complaint or for participating in an investigation as a result of a complaint. If proven, retaliation is a terminable offense.

We own the culture that we cultivate every day with our action or inaction. Every employee is a leader who casts a shadow that influences the work environment. All employees are expected to be diligent in their duty to treat others with respect and professionalism at all times. When anyone witnesses others failing to meet this ethical standard, we need to take prompt and immediate action. This includes speaking up and telling the person(s) involved to stop and if/when necessary notifying the Company. It is all of our responsibilities to root out inappropriate behavior.

All personnel, regardless of rank, are expected to follow this policy. I have asked my management team to have an ongoing dialogue on this topic and to include additional training to protect the positive culture we strive for here at the Company. The Company is committed to provide a workplace free of all types of harassment.

I know I can count on everyone's support on this topic. Thank you in advance for your diligence regarding this most important matter.

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CEO Message to Employees - Example 2

The Company is committed to the principles of Equal Employment Opportunity (EEO), Diversity, and Inclusion for all persons regardless of race, color, national origin, sex, age, mental or physical disability, genetic information, and sexual orientation. It is our shared goal to create a safe and positive workplace where all employees feel comfortable that their work and individual contributions are valued and respected. These principles will enhance the employment relationship, the productivity in our workforce, and the quality of our work life.

Harassment of any employee, in any form, is unacceptable in our organization. It is the responsibility of each individual to understand EEO policies and report known or even suspected violations. Managers and supervisors are specifically reminded of their responsibility to act upon any such reports. Prevention of harassment is one of the Company's highest priorities because it undermines the integrity of the employment relationship, interferes with work productivity, and is illegal.

The Company has a zero tolerance policy against any unlawful discrimination or sexual harassment. Sexual harassment is employee misconduct and a form of sex discrimination, which violates EEO law. Sexual harassment is deliberate or repeated, unsolicited and unwelcome verbal comments, gestures, or physical contact of a sexual nature, which interferes with an individual's work performance or creates a hostile or offensive working environment. Another form of sexual harassment is the request for sexual favors when submission is a condition of employment or the basis for employment decisions.

Individuals who believe that they have been sexually harassed by supervisors, coworkers, contractors, or peers should immediately make it clear that such behavior is unwelcomed and report the conduct to the appropriate management official. I expect the Company management officials to take steps to prevent sexual harassment, take immediate and appropriate corrective actions when incidents occur, and ensure that similar incidents will not reoccur. The Company Policy ##, dated xx/xx/xxxx, establishes the procedures for dealing with allegations of harassment.

All employees are encouraged to bring concerns regarding discrimination and/or harassment to the attention of company management. Remember, if you believe you have been harassed and in order to preserve your right to file an EEO complaint, you must contact Human resources of the alleged discriminatory event.

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CEO Message to Employees - Example 3

The Company is committed to the principles of Equal Employment Opportunity (EEO), Diversity, and Inclusion for all persons regardless of race, color, national origin, sex, age, mental or physical disability, genetic information, and sexual orientation. It is our shared goal to create a safe and positive workplace where all employees feel comfortable that their work and individual contributions are valued and respected. These principles will enhance the employment relationship, the productivity in our workforce, and the quality of our work life.

Harassment of any employee, in any form, is unacceptable in our organization. It is the responsibility of each individual to understand EEO policies and report known or even suspected violations. Managers and supervisors are specifically reminded of their responsibility to act upon any such reports. Prevention of harassment is one of the Company's highest priorities because it undermines the integrity of the employment relationship, interferes with work productivity, and is illegal.

The Company has a zero tolerance policy against any unlawful discrimination or sexual harassment. Sexual harassment is employee misconduct and a form of sex discrimination, which violates EEO law. Sexual harassment is deliberate or repeated, unsolicited and unwelcome verbal comments, gestures, or physical contact of a sexual nature, which interferes with an individual's work performance or creates a hostile or

offensive working environment. Another form of sexual harassment is the request for sexual favors when submission is a condition of employment or the basis for employment decisions.

Individuals who believe that they have been sexually harassed by supervisors, coworkers, contractors, or peers should immediately make it clear that such behavior is unwelcomed and report the conduct to the appropriate management official. I expect Company management officials to take steps to prevent sexual harassment, take immediate and appropriate corrective actions when incidents occur, and ensure that similar incidents will not reoccur. The Company policies and procedures manual establishes the procedures for dealing with allegations of harassment.

All employees are encouraged to bring concerns regarding discrimination and/or harassment to the attention of Company management. Remember, if you believe you have been harassed and in order to preserve your right to file an EEO complaint, you must contact your immediate supervisor or the appropriate personnel as outlined in the policies and procedures manual.

Page 55, ANNEX 2: Company Policies (6 examples).

Company Policies - Example 1

All levels of management shall ensure adherence to this procedure and guideline. Human Resources is responsible for the investigation of harassment claims. Following the investigation, Human Resources will make a recommendation to the manager(s) of the employees involved regarding further action to be taken. Based on the final recommendation of the Human Resources Department, and the concurrence of the department manager(s) of the employee(s) involved, corrective actions to end the harassment will be taken by the department manager(s). All levels of management shall be responsible for employee education as to what constitutes harassment. With guidance from Human Resources, Company managers in the department responsible for any third party found to be harassing employees will be responsible for taking corrective actions to end the harassment.

The company's objective is to provide a workplace free of all types of harassment. Harassment includes verbal, physical and visual conduct which creates an intimidating or hostile working environment or which interferes with work performance. The Company will not tolerate harassment of employees by managers, supervisors or co-workers and will attempt to protect employees from harassment by non-employees in the work place. The Company will provide fair and prompt investigations, effective discipline of harassers, and employee education as to what constitutes harassment.

Any incident of harassment by Company personnel or any other person should be reported promptly to the employee's supervisor or to any other member of management and/or to the appropriate Human Resources representative. Managers who observe harassing behavior or conduct should take immediate action to stop the behavior or

actions and inform their Human Resources Manager immediately. “If you see something, say something”.

Each and every complaint of harassment that is reported to the Human Resources Department will be investigated. The Company will not tolerate retaliation against any employee for making a complaint to a Human Resources representative or to any other manager.

All complaints will be handled in a timely manner. While we cannot guarantee confidentiality, information concerning the complaint will be released only to those persons necessary to complete an effective, thorough and objective investigation of the harassment allegations. A supervisor who observes harassing conduct shall take immediate action to stop the behavior or actions and refer investigative responsibility to a Human Resources representative.

Disciplinary action for a violation of this procedure and guideline can range from verbal or written warnings, up to and including immediate termination, depending on the circumstances. With regard to acts or harassment by customers or vendors, corrective action will be taken after consultation with other appropriate management personnel.

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Company Policies - Example 2

The Company will take all reasonable steps to prevent discrimination and harassment from occurring. In addition to prohibiting other forms of unlawful discrimination, the Company maintains a strict policy prohibiting sexual harassment and harassment because of race, color, national origin, ancestry, religion, creed, physical or mental disability, medical condition, marital status, sexual orientation and age, or any other basis protected by federal, state or local law. All such harassment is unlawful and will not be tolerated. The Company is committed to taking all reasonable steps to prevent discrimination and harassment from occurring.

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The Company's complaint procedure provides for an immediate investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies to any victim of harassment. Employees, who believe they have been harassed on the job, or who are aware of the harassment of others, should provide a written or verbal complaint

to their own supervisor or the Master as soon as possible. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. The Master shall report any claim of harassment to the Company Personnel Administrator or in his or her absence, Company Vice President of Operations.

In all cases, should the employee feel that they cannot make this report to their supervisor or Master, he/she should contact the Designated Person Ashore (DPA) or in the absence of the DPA to the Personnel Administrator. All incidents of prohibited harassment that are reported will be investigated. The Company will immediately undertake or direct an effective investigation of the harassment allegations. The investigation will be completed and a determination regarding the harassment alleged will be made and communicated to the employee(s) who complained and the accused harasser(s).

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Company Policies - Example 2 Continued

If the Company determines that prohibited harassment has occurred, the Company will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the harasser will be communicated to the employee who complained.

The Company's policy prohibits retaliation against any employee by another employee or by the Company for using this complaint procedure or for filing, testifying assisting or participating in any manner in any investigation, proceeding or hearing conducted by a federal or state enforcement agency. Additionally, the Company will not knowingly permit any retaliation against any employee who complains of prohibited harassment or who participates in an investigation.

Any report of retaliation by the one accused of harassment, or by co-workers, supervisors or managers, will also be immediately, effectively and thoroughly investigated in accordance with the Company's investigation procedure outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

Any employee of the Company, whether co-workers, supervisor or manager, who is found to have engaged in prohibited harassment is subject to disciplinary action up to and including discharge from employment. An employee, who engages in prohibited harassment, including any manager who knew about the harassment and took no action to stop it, may be held personally liable for monetary damages. The Company will not pay damages assessed personally against an employee.

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Company Policies - Example 3

This policy applies to all Company employees, as well as any employees working for the company under contract either directly or indirectly through the service of an outside firm, interns, clients or family members, volunteers or vendors who interact with company employees.

The purpose of this policy is to communicate the Company's commitment to maintaining a work environment free from all forms of discrimination, including harassment, and to insist that all employees be treated and treat each other with dignity, respect and courtesy.

The Company is committed to providing a work environment free from all forms of harassment. All employees are expected to be sensitive to and respectful of coworkers and other on-the-job contacts. Each employee has the right to work in an environment free from all forms of harassment. The Company also expects each employee to provide equal treatment to each other and all clients, contractors, vendors, applicants and visitors.

Every reported incident or complaint of harassment will be thoroughly and promptly investigated. In the event that an employee has reason to believe that this policy has been violated she or he should report this to his/her manager, Human Resources or General Counsel. Where charges of harassment are substantiated, appropriate corrective action will be taken. Appropriate action might range from counseling to termination. Different circumstances will produce different responses and levels of investigation.

Any comments or conduct relating to a person's race, creed, color, religion, sex, national origin, citizenship, language, age, sexual orientation, political ideology, gender expression or identity, marital status, military status, otherwise qualified disabled or veteran status, the presence or perception of a sensory, physical or mental disability, genetic information, or against any other protected class member which fails to respect the dignity and feelings of the individual are unacceptable. This policy extends to comments or conduct of a sexual nature, where such behavior tends to threaten or offend an employee or other person in the workplace.

The provision of detailed information in this policy on one of the most commonly alleged forms of harassment – sexual harassment – should not be construed to suggest a lessened commitment to the prevention of other types of unlawful harassment. No type of unlawful harassment is acceptable at the Company.

Violation of this policy may constitute grounds for immediate disciplinary action, up to and including termination of employment with the Company.

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Company Policies - Example 4

All levels of management shall ensure adherence to this procedure and guideline. Human Resources is responsible for the investigation of harassment claims. Following the investigation, Human Resources will make a recommendation to the manager(s) of the employees involved regarding further action to be taken.

Based on the final recommendation of the Human Resources Department, and the concurrence of the department manager(s) of the employee(s) involved, corrective actions to end the harassment will be taken by the department manager(s). With guidance from Human Resources, Company managers in the department responsible for any third party found to be harassing employees will be responsible for taking corrective actions to end the harassment.

Company's objective is to provide a workplace free of unlawful sexual harassment. While harassment may occur based on the characteristics of a person for any of the reasons listed in the Human Resources Procedure and Guideline Manual, as well as for other reasons, a common and serious form is Sexual Harassment.

The Company has adopted a firm policy against sexual harassment. Every reasonable step will be taken to prevent unlawful sexual harassment from occurring. However, if an employee feels he/she has been unlawfully sexually harassed, he or she should report the incident immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

When possible, the employee should confront the harasser and ask him/her to stop. Provide a written or oral complaint to his/her own supervisor or to any other Company supervisor, or a Human Resources Representative as soon as possible after the incident. Include all details of the incident(s), names of individuals involved and the names of any witnesses. Managers who observe harassing conduct should take immediate action to stop the behavior or actions and inform their Human Resources Manager immediately. "If you see something, say something".

Human Resources will immediately undertake an effective, thorough and objective investigation of the harassment allegations. If the Company determines that unlawful sexual harassment has occurred, it will take effective disciplinary action in accordance with the circumstances. Any employee the Company determines to be responsible for unlawful sexual harassment will be subject to appropriate disciplinary action, up to and including termination. With regard to acts of unlawful sexual harassment by customers or vendors corrective action will be taken after consultation with other appropriate management personnel. The Company will not retaliate against any employee reporting a complaint and will not tolerate or permit retaliation by management, employees or co-workers.

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Company Policies - Example 5

The Company is committed to providing a work environment free of harassment and disrespectful or other unprofessional conduct. Company policy prohibits conduct that is disrespectful or unprofessional as well as harassment based on the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, physical or mental disability, military and veteran status, or any other basis protected by federal, state or local law or ordinance and regulation. All such conduct violates Company policy.

This policy applies to all persons involved in the operation of the Company and prohibits harassment and disrespectful or unprofessional conduct by any employee of the Company, including supervisors and managers, as well as vendors, customers, independent contractors and any other persons who conduct business with the Company. It also prohibits harassment and disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Prohibited harassment and disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual displays such as derogatory posters, photography, cartoons, drawings or gestures that are sexually oriented or disrespectful of any protected class;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected class;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Bullying or hazing of any kind;
- Intimidation and coercion against another employee;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any harassing or retaliatory conduct that is prohibited by state and/or federal law or by Company policy.

The Company is committed to ensuring all employees are familiar with and understand the Employment Harassment Policies and the expectation of compliance and consequences for failing to do so.

Each sea going employee will acknowledge their understanding of this policy on the Vessel Familiarization and Orientation form. As part of the familiarization, each new crew member will review the Harassment policy and procedure. The Master is accountable to ensure this familiarization and training is accomplished annually by all crew members.

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Company Policies - Example 5 Continued

The Company expects that all complaints of harassment are reported in order to provide a safe working environment for all. Individuals who believe they have been subjected to harassment, discrimination, or retaliation should report the incident to their supervisor, a company officer, the Fleet Manager of Human Resources, or the Designated Person Ashore who is available 24/7. If any supervisor receives a complaint in an informal manner or observes conduct which he or she believes may be sexual or protected status harassment or discrimination, the supervisor shall advise a company officer, Fleet Manager of Human Resources, or the Designated Person Ashore

The Company encourages individuals who believe they are being harassed or discriminated or retaliated against to firmly and promptly notify the offender that his or her behavior is unwelcome. The Company recognizes that such a confrontation is not always possible, appropriate, or advisable.

The report should include details of the incident or incidents, names of individuals involved, and names of any witnesses. Oral reports of harassment, discrimination or retaliation should be written down either by the complainant, the Fleet Manager of Human Resources, Designated Person Ashore, or any Company Vice President and be signed by the complainant.

The Company encourages a prompt reporting of complaints so that a prompt response and appropriate action may be taken. The late reporting of a complaint may adversely impact the ability to respond and to take appropriate action where this is warranted.

The Fleet Manager of Human Resources and Designated Person Ashore are accountable for handling complaints under this policy and conducting the investigation as required. After conclusion of the investigation they are to discuss and determine the appropriate action(s) if any.

The Company will make a prompt, thorough and objective investigation of any allegations of harassment, discrimination or retaliation. Any investigation will be conducted in as confidential a manner as possible so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the process to the extent practical and appropriate under the circumstances.

If the Company determines that prohibited conduct has occurred, remedial action will be taken appropriate to the circumstances. Any employee determined by the Company to be responsible for harassment, discrimination or retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to and including termination. The Company will notify the Union regarding the conduct that took place on board the vessel as well as necessary law enforcement agencies.

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Company Policies - Example 5 Continued

If an investigation results in a finding that the complainant falsely accused another of harassment, discrimination or retaliation knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination.

The Company will not in any way retaliate against an individual who makes a report of harassment, discrimination or retaliation and will not tolerate or permit retaliation by management, employees or co-workers. Retaliation is a serious violation of the Employment Harassment Policies and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment, discrimination or retaliation will be subject to disciplinary action up to and including termination.

Retaliation for participating in an investigation is not permitted, and will result in discipline, up to and including termination of employment.

Definitions

The Company defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or onboard a vessel in the course of employment.

Verbal bullying is the slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as a butt of jokes; abusive and offensive remarks.

Physical bullying is pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.

Gesture bullying is nonverbal threatening gestures; glances that can convey threatening messages. Exclusion is socially or physically excluding or disregarding a person in work-related activities.

Image test. Coercion – Forcing someone, by some method or other, to do something or abstain from doing something against their will.

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In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person,
- Shouting or raising voices at an individual in public or private,
- Using verbal or obscene gestures,
- Not allowing the person to speak or express themselves,
- Personal insults and use of offensive nicknames,

- Public humiliation in any form,
- Constant criticism on matters unrelated or minimally related to the person's job performance,
- Public reprimands,
- Repeatedly accusing someone of errors that cannot be documented,
- Deliberately interfering with mail and other communications,
- Spreading rumors and gossip regarding individuals,
- Encouraging others to disregard a supervisor's instructions,
- Manipulating the ability of someone to do his or her work,
- Inflicting menial tasks not in keeping with normal responsibilities,
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave,
- Deliberately excluding an individual or isolating him or her from work related activities; and
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property.

The Company defines sexual harassment as unwelcome or unwanted conduct of a sexual nature (verbal or physical) when submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employments and or the conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to unwanted sexual advances, demands for sexual favors in exchange for favorable treatment or continued employment, offensive sexual jokes, flirtations, advances or propositions, verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexual prowess or sexual deficiencies, leering, whistling, touching, pinching, assault, coerced sexual acts, suggestive insulting, obscene comments or gestures, and displays in the workplace of sexually suggestive objects or pictures. Flirtatious behavior is any behavior that can be construed to suggest a playful sexual attraction and can include touching and over affectionate behavior towards a crew member.

This behavior is unacceptable in the workplace itself as well as in other work-related settings such as business trip, business-related social events, and during shore leave.

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Company Policies - Example 6

The Company strives to maintain an environment free from discrimination and harassment, where employees treat each other with respect, dignity and courtesy.

This policy applies to all phases of employment, including but not limited to recruiting, testing, hiring, promoting, demoting, transferring, laying off, terminating, paying, granting benefits and training.

Prohibited Behavior.

The Company does not and will not tolerate any type of discrimination or harassment of our employees, applicants for employment, or our customers. Discriminatory conduct or conduct characterized as harassment as defined below is prohibited.

The term harassment includes, but is not limited to, slurs, jokes, and other verbal or physical conduct relating to a person's gender (including pregnancy), race, color, religion, national origin, age, disability, sexual orientation, ancestry, military status, genetic information, sickle-cell trait, marital status, or any other protected category under federal, state or local law, that unreasonably interferes with a person's work performance or creates an intimidating, hostile work environment.

Sexually harassing behavior in particular includes unwelcome conduct such as: sexual advances, requests for sexual favors, offensive touching, or other verbal or physical conduct of a sexual nature. Such conduct may constitute sexual harassment when it:

- is made an explicit or implicit condition of employment;
- is used as the basis for employment decisions;
- unreasonably interferes with an individual's work performance; or
- creates an intimidating, hostile or offensive working environment

The types of conduct covered by this policy include: demands or subtle pressure for sexual favors accompanied by a promise of favorable job treatment or a threat concerning employment.

- Specifically, it includes sexual behavior such as:
- repeated sexual flirtations, advances or propositions;
- continued and repeated verbal abuse of a sexual nature, sexually related comments and joking, graphic or degrading comments about an employee's appearance or displaying sexually suggestive objects or pictures including cartoons and vulgar e-mail messages; and
- any uninvited physical contact or touching, such as patting, pinching or repeated brushing against another's body.

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Company Policies - Example 6 Continued

Such conduct may constitute sexual harassment regardless of whether the conduct is between members of management, between management and staff employees, between staff employees, or directed at employees by non-employees conducting business with the Company, regardless of gender.

Harassment by Non-Employees.

The Company will also endeavor to protect employees, to the extent possible, from reported harassment by non-employees in the workplace, including customers, clients

and suppliers.

Complaint Procedure and Investigation.

Any employee who wishes to report a possible incident of sexual harassment or other unlawful harassment or discrimination should promptly report the matter to the HR Manager. The Company will conduct a prompt investigation as confidentially as possible under the circumstances.

Employees who raise concerns and make reports in good faith can do so without fear of reprisal; at the same time, employees have an obligation to cooperate with The Company in enforcing this policy and investigating and remedying complaints.

Anyone found to have engaged in such wrongful behavior will be subject to appropriate discipline, which may include termination.

Retaliation.

Any employee who files a complaint of harassment or other discrimination in good faith will not be adversely affected in terms and conditions of employment and will not be retaliated against or discharged because of the complaint.

In addition, we will not tolerate retaliation against any employee who, in good faith, cooperates in the investigation of a complaint. Anyone who engages in such retaliatory behavior will be subject to appropriate discipline, up to and including termination.

Page 66, ANNEX 3: Drug and Alcohol Policies (2 policies).

Drug and Alcohol Policies - Introduction

Every company will have different policies on the consumption of alcohol, however the underlying theme should always be making good decisions. Depending on individual company policies, it may be acceptable to drink “socially” with colleagues and coworkers, but it should always be made clear that consuming to the point of inebriation and not being able to make good decisions is wrong.

The use of any recreational drugs remains illegal in the maritime industry regardless of a company’s policy, but the use or abuse of prescription medications can also alter a person’s ability to make good decisions. Even the prescribed use of a medication can have side effects, and a person’s judgment can be impaired.

The use of alcohol and other drugs can have unintended consequences. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. Alcohol and/or drugs can impact an individual’s decision-making capacity, awareness of consequences, and ability to give effective consent.

Per the National Institute on Alcohol Abuse and Alcoholism (NIH) over 25% of American women have experienced sexual assault, including rape. They also estimate that over

half of those cases involved alcohol consumption by the perpetrator, victim, or both. (NIH Publications)

The impact of alcohol and other drugs varies from person to person. Determining whether an individual is incapacitated to be unable to give effective consent may be difficult to determine. Individuals are strongly encouraged to err on the side of caution when consuming alcohol, as well as deciding to engage in sexual activities (i.e. when in doubt, assume that another person is incapacitated and therefore unable to consent).

The use of alcohol or drugs never makes a victim at fault for sexual harassment or sexual assault committed against him or her. The perpetrator's use of alcohol or drugs does not constitute a valid excuse for any action leading to an incident of Sexual Harassment or Sexual Assault. In regards to a Company's drug and alcohol policy, it can be difficult to develop one or provide one as best practice. They tend to be very lengthy documents and often specific to each company.

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Drug and Alcohol Policies - Introduction Continued

Some references on developing such policies are included below, in addition the examples in this Annex:

- The U.S Department of Transportation's regulation, 49 CFR Part 40;
- The U.S Coast Guard's chemical testing regulation, 46 CFR Parts 4,5, and 16;
- The U.S. Coast Guard's alcohol testing regulation, 33 CFR Part 95;
- The Drug-Free Workplace Act of 1988

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Drug and Alcohol Policies - Example 1

Zero Tolerance; Drugs & Alcohol – The use, sale, possession, distribution, dispensation or presence in the body of alcohol or illegal drugs in any amount, while performing Company business or job-related duties, while in a Company facility or on or assigned to Company vessels or premises, or while operating Company equipment, is strictly prohibited. This includes while on shore leave.

The use, possession, or presence in the body of prescription medication or over the counter medication which may cause impairment while assigned to Company vessel or premises, or while operating Company equipment, is strictly prohibited. Any employee who may be required to use such medication is required to notify their vessel Captain or shoreside supervisor prior to entering Company property.

Aboard all Company vessels, the Zero Tolerance policy is in effect and will be enforced at all times. Guidance on the details of the Zero Tolerance Policy are provided in each ship's Vessel Safety Management System (VSMS) Manual and generally include the following provisions:

- No crewmember, Company employee, cadet, vendor, contractor, visitor or other persons in addition to the crew shall be on board any Company vessel, regardless of its status (i.e. repair periods, lay berths, anchorages, shipyards, drydocks, etc.), with alcohol present in his/her body/system.
- For crewmembers and cadets assigned to Company vessels, drugs and/or alcohol use will not be tolerated at any time (on watch, off watch, on board the vessel or while on leave ashore). This policy applies for the entire time that an employee is signed on as a crewmember or cadet.
- The Master shall immediately investigate any suspected use or possession of drugs or alcohol.

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Drug and Alcohol Policies - Example 2

The purpose of this drug and alcohol policy is to set forth and define the Company's policy regarding the abuse of illegal drugs, prescription medication, and alcohol as it relates to the application of:

- The U.S Department of Transportation's regulation, 49 CFR Part 40;
- The U.S Coast Guard's chemical testing regulation, 46 CFR Parts 4,5, and 16;
- The U.S. Coast Guard's alcohol testing regulation, 33 CFR Part 95;
- The Drug-Free Workplace Act of 1988

The Company is committed to:

- Complying with all federal chemical testing regulations;
- Ensuring public safety and safe marine environment by providing safe and productive working conditions for all its employees;
- Ensuring safe and efficient vessel operations;
- Protecting the marine environment.

While the Company does not dispute the professionalism of the vast majority of its officers, crew, and vendors, or their commitment to a drug and alcohol abuse-free marine environment, management has decided to engage in a vigorous zero tolerance drug and alcohol policy for all vessel personnel and vendors, pursuant to U.S. Department of Transportation and U.S. Coast Guard chemical testing protocols.

Page 70, ANNEX 4: Shore Leave Policy (1 example).

Shore Leave Policy - Example 1

Going ashore can pose dangers for mariners, especially when in unfamiliar or foreign places, that are frequently overlooked in the mariner's zeal to get away from the ship for a few hours. The following are tips to help crewmembers stay safe while on liberty:

1. Do not go ashore alone; partner with a shipmate - there is strength in numbers!
2. Be aware of your surroundings.

3. Always watch for suspicious behavior.
4. Walk quickly and confidently (have a plan of where you are going and don't appear confused and lost).
5. Try to keep valuables concealed - do not openly show large amounts of money.
6. Stay in well-lit, populated areas.
7. Take the phone numbers of the ship and ship's agent with you ashore.
8. If in a foreign country, take with you the phone number and address of the local US Embassy.
9. Know how to call for help in an emergency.

Drugs and alcohol are strictly prohibited. Whether on duty or not, circumstances aboard a vessel can call a mariner to duty at any time without notice. If this were to occur while a mariner is under the influence of drugs or alcohol, this would put the crew and vessel in harm's way. This cannot be tolerated and clearly violates the safe operating environment a company strives to create.

Page 71, ANNEX 5: Complaint and Investigation Procedures (3 examples).

Complaint and Investigation Procedures - Example 1

To define the procedures for referral of potential complaints and which ones are specifically to be handled by marine personnel in conjunction, as needed, with Labor Relations. The Marine Personnel department may often be the first line of shore based personnel to hear of complaints, violations of company policies and procedures, violations of collective bargaining agreements and performance issues that require further investigation.

This procedure applies to all business unit activities or operations and all vessels that the Marine Personnel Department has responsibility for vetting and clearing of licensed or unlicensed mariners covered by a collective bargaining agreement.

Under Investigation Procedures, the Marine Personnel department will be trained in understanding of company policies and procedures, collective bargaining agreements of assigned fleets, and harassment and discrimination training in order to recognize situations which may involve a need for referral, investigation or disciplinary action. The Marine Personnel department will be trained in responding to complaints related to their crewing responsibilities which shall include scheduling, crewing or manning, travel complaint, medical or fitness for duty related matters and Maritime Labor Convention or Seafarer Rights complaints.

Complaints related to Maritime Labor Convention shall be forwarded to the Director of Marine Personnel following the reporting protocol for mariner complaints and the escalation and assignment of responsibility.

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Complaint and Investigation Procedures - Example 2

In many instances, the problem may be caused by a lack of awareness. We therefore encourage employees to initially raise the problem respectfully with the offending person before bringing a formal complaint. If it would be inappropriate or uncomfortable to discuss the matter with that person or the person does not respond as desired, then employees may always bypass the person and discuss it directly with their manager, the HR Department or in-house legal counsel.

If informal resolution does not occur or the problem persists, then employees should report the matter to their manager, or a representative from the HR Department or in-house legal counsel. In addition, we encourage any employee who observes inappropriate harassment, even if not directly impacted, to immediately report what he or she has observed to the HR Department or in-house legal counsel. If the manager or HR representative is the cause of the problem or if he/she seems unwilling to resolve the issue, contact the Director of HR, VP of HR, or another Vice President of the company.

Employees may also contact the Company's Hotline at (800) xxx-xxxx. The Hotline is available 24 hours, 7 days a week. Employees should (but are not required to) use the Company reporting options before calling the Hotline. Employees making a complaint using one of the Company options who do not get a satisfactory response should use the Hotline.

Supervisors and managers who know or receive reports or complaints of offending behavior must take prompt action to address the complaint. Any supervisor or manager who witnesses inappropriate behavior or who receives a complaint of discrimination and fails to take appropriate action is also subject to discipline. Questions about how to handle a complaint should be directed to the Human Resources Department or General Counsel.

Prohibition of Retaliation.

The Company also strictly prohibits retaliation in response to an individual's decision to make an allegation of harassment or their participation in an investigation. No employee will be penalized for registering a good-faith complaint, participating in the investigation of a complaint, or opposing harassing or discriminatory behavior prohibited by this policy.

Retaliation includes both direct and indirect actions that negatively alter a person's working environment. Examples of conduct which may constitute retaliation include, but are not limited to, treating the employee who has made a complaint of harassment in a non-professional manner or otherwise taking action against that employee either directly or indirectly because of the report.

Complaint and Investigation Procedures - Example 2 Continued

Employee Responsibilities.

All employees are required to take harassment training within six months of hire and every two years thereafter.

If an employee believes he/she or someone else is being subjected to harassment, informal resolution is encouraged to try to resolve the matter before a formal complaint is filed. In many instances, the problem may be caused by a lack of awareness and will be solved if the employee respectfully raises it with the offending person. If the offensive conduct is repeated after such an effort at informal resolution the employee should immediately report the conduct to his/her manager or a Human Resources representative.

An employee has no obligation to attempt informal resolution. If an employee decides not to attempt an informal resolution to the matter, or cannot discuss the situation with the offending person because it is uncomfortable, the employee should report the issue to his/her manager or a representative from Human Resources immediately to ensure that necessary and appropriate steps are taken. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of the employee's job including clients, vendors, or others. If the manager or HR representative is the cause of the problem or if he/she seems unwilling to resolve the issue, contact the HR Director or VP of HR.

The Company strongly urges employees to use the harassment reporting policy without worrying about whether the conduct involved would be considered harassment in a legal sense. Employees who believe the conduct is harassment should report it. This policy is intended to assist the Company in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate.

All employees are expected to cooperate with candor and honesty in all business situations, including investigations. Employees found to have made deliberate false claims or a misrepresentation of facts during an investigation will be subject to corrective action up to and including termination of employment.

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Complaint and Investigation Procedures - Example 2 Continued

Manager Responsibilities.

1. All managers are required to take mandatory supervisor harassment prevention training within six months of hire or promotion and every two years thereafter.
2. Maintain a work environment free from harassment. This includes taking all complaints seriously and ensuring that there is no retaliation against employees for bringing forward concerns.
3. Cooperate with candor and honesty in all business situations, including

investigations. Managers found to have made deliberate false claims or misrepresentation or omission of facts during an investigation will be subject to corrective action up to and including termination of employment.

4. Contact Human Resources immediately upon receiving a complaint of or observing possible harassment.
5. Consult Human Resources prior to any corrective action taken with any employee relating to alleged harassment.
6. Provide feedback as appropriate to employees regarding the outcome of any investigation.

Human Resources Responsibilities.

1. All reported incidents will be reviewed under the following guidelines:
2. Complaints will be kept confidential to the fullest extent possible, and will be disclosed only to management or to others as necessary to investigate and respond to the complaint.
3. Anyone who is found to have violated this policy is subject to corrective action up to and including termination of employment. Corrective action will depend on the gravity of the offense.
4. No retaliation will result to anyone who, in good faith, makes a complaint, reports perceived harassment, or participates in an investigation.
5. Human Resources will:
 - conduct all harassment investigations, serve as a facilitator and consultant on factual, procedural or legal issues
 - provide feedback as appropriate to employees regarding the outcome of any investigation
 - assess any complaints about conduct that does not meet the definition of harassment, determine the need for an investigation, and ultimately decide what, if any, action should be taken
 - assist and counsel the manager involved to facilitate resolution to the situation, including when allegations do not rest on a protected class

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Investigation Outline - Example 1

1. Complaint is reported to the appropriate person as designated by company/vessel policy.
2. Individual safety, medical support, or advocacy services will be addressed immediately, as appropriate.
3. All attempts to separate the individuals involved will be made to prevent any further escalation of the incident and/or to ensure a safe work environment.
4. An investigation will be promptly initiated and include, but not be limited to, interviewing the accuser, the accused, and any known witness.
 - a) All attempts to maintain confidentiality will be made, when possible and all

involved parties will be advised of the Company's retaliation policy.

- b) Witnesses may be required to provide a written statement, as appropriate.
- c) Those being interviewed should be prepared to provide details of the incident(s), such as:
 - Who was involved in the incident(s)?
 - Who else may have or did witness the incident(s)?
 - Where did the incident(s) occur?
 - When did the incident(s) occur (time and date)?
 - What exactly occurred during the incident(s)?
 - Were their previous related incident(s)?
 - Did you report the incident and if so to who and when?
 - What happened after the incident(s)?
5. Labor Relations/Human Resources will collectively review the accused and accuser's work history, statements and facts to determine how to proceed.
 - At this point a third party or legal counsel may be involved.
6. After the investigation is completed, the Report of Findings will be forwarded to the appropriate Company Senior Management representative.
7. The Company Senior Management representative and Labor Relations/Human resources will then collectively decide on a corrective action and/or disciplinary action required.
8. The accuser is notified of the progress of the investigation.
9. Once a final decision of corrective action and/or discipline is made, the concerned parties involved in the investigation are notified of the results, as appropriate.

Note: Prior to commencing an interview, the accused party will be advised of the allegations made against them and he/she may request union representation be involved before the interview can start.

Page 76, ANNEX 6: Contractor Acknowledgement (1 example).

ANNEX 6 - Contractor Acknowledgment

Maritime Company USA Contractor Acknowledgment

I, (Print Name) do hereby acknowledge that I have received, read, and understood, the Company's Policies/Procedures and Guidelines listed below and will comply with the provisions contained therein. I have retained a copy for my records and am aware that the most updated versions are kept electronically. I also acknowledge that I have received a copy of the "Employee/Contractor" Handbook.

Signed, Joe Mariner.

Page 77, ANNEX 7: Example of Written Warning (1 example).

ANNEX 7 - Written Warning Example 1

December 16, 2014

Dear Officer McSmith,

This letter will serve as follow up to our meeting on December 15th and to document the Company's position relative to your inappropriate conduct while assigned to the M/V Smooth Sailing. Those present during the meeting were Mike S, Jan T, Bill P, Jennifer H, and Bob R. with you attending via conference call. The following will briefly describe our discussion.

We first discussed the seriousness and confidential nature of this matter and requested that you not discuss this matter with anyone outside of the room or the phone call.

Next, I told you I had completed my investigation regarding the SASH complaint in which you were identified as using offensive language and making inappropriate comments. I told you that while I could not confirm the specific allegations made in this complaint, my investigation revealed that you did use inappropriate language when referring to your shipmate in front of other crew members and engaged in discussions of a sexual nature that were also inappropriate. You were told that your comments were inappropriate and unacceptable and would not be tolerated in the future. I also told you that if these specific allegations would have been confirmed, you would have been terminated.

We also discussed the Company's concern that you failed to contact me until 14 days after you were given specific instructions from your shore-side supervisor to do so, in order to schedule a meeting regarding this matter. I told you that your actions, or lack thereof, were unacceptable and demonstrated that you did not understand the seriousness of this matter, we also discussed your need to improve your communication skills when providing direction to your subordinates.

Following a review of this matter, you were told that you would receive this letter as a final written warning. You will be required to successfully complete a sexual harassment training class as identified by the Company and that any reoccurrence of a similar nature will result in your immediate termination. You were also reminded that any form of retaliation regarding this matter, on or off the job, would result in your termination.

Page 78, URL Reference List.

Page 9 <https://centers.rainn.org/>

Page 9 <https://play.google.com/store/search?q=QR%20code&c=apps&hl=en>

Page 9 www.apple.com/ios/app-store

Page 10 https://www.transportation.gov/odapc/employer_handbook

Page 12 <https://www.rainn.org/articles/safety-planning>

Page 12 <https://www.rainn.org/articles/what-is-consent>

Page 12 <https://www.rainn.org/articles/alcohol-safety>

Page 12 <https://www.rainn.org/articles/your-role-preventing-sexual-assault>

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Page 12 <https://www.rainn.org/articles/steps-you-can-take-prevent-sexual-assault>

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Page 13 <http://www.seafarerhelp.org>

Page 13 <http://www.seafarerhelp.org/en/about>

Page 42 <https://apps.rainn.org/policy/>

Page 42 <https://www.rainn.org/consulting-services>

Page 43 <http://www.ucasa.org/programs>

Page 43 <https://www.ovc.gov/>

Page 43 <http://www.nsvrc.org/elearning/2355>

Page 43 <https://www.justice.gov/ovw>

Page 43 <http://www.evawintl.org/RegionalConferences.aspx>

Page 43 <http://www.wcsap.org/about-advocate-core-training>

Page 67 https://media.defense.gov/2017/Mar/28/2001723241/-1/-1/0/CIM_1000_10.PDF

Page 67
https://www.transportation.gov/sites/dot.gov/files/docs/ODAPC_Employer_Guidelines_20June_1_2015_A.pdf

Download the SOCP SASH Training here: <http://www.socp.us/article.html?aid=120>

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